

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Legislative - Agenda 2006 (State)

**DEPARTMENT:** County Manager's Office/County Attorney's Office **DIVISION:** \_\_\_\_\_

Susan Dietrich **Ext. 7254**

**AUTHORIZED BY:** Donald S. Fisher

**Contact:** Sally A. Sherman **Ext. 7224**

Agenda Date 02/28/06 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

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Reviewed by: 2/22/06  
Co Atty: S. Dietrich  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: DS  
CM: \_\_\_\_\_  
  
File No. LEG 01

## STATE – Top Legislative Priorities\*

1. Oppose - Shifting the costs of Government services and programs from the state to counties
2. Support - Annexation reform

S1020 GENERAL BILL by Bennett

Developments of Regional Impact; requires state land planning agency to initiate rulemaking by specific date to revise development-of-regional-impact review process; requires local government to issue development orders concurrently with comprehensive plan amendments; prohibits local government from issuing permits for development subsequent to buildout date; provides statutory exemptions for development of certain facilities, etc. Amends Ch. 380, 163.3180, 331.303. EFFECTIVE DATE: 07/01/2006.

12/05/05 SENATE Filed

01/11/06 SENATE Referred to Community Affairs; Environmental Preservation; Transportation; Transportation and Economic Development Appropriations

02/07/06 SENATE on Committee agenda-- Community Affairs, 02/14/06, 9:00 am, 401-S –Workshop **(Bill Previously Provided)**

S1194 GENERAL BILL by Constantine

Interlocal Serv. Boundary Agreement; creates "Interlocal Service Boundary Agreement Act"; provides legislative intent regarding annexation and coordination of services by local governments; provides for creation of said agreements by county & one or more municipalities or independent special districts; identifies issues agreement may or must address; specifies those persons who may challenge plan amendment required by agreement, etc. Creates 171.20-.212; amends FS. EFFECTIVE DATE: Upon becoming law. 12/12/05 SENATE Filed

01/11/06 SENATE Referred to Community Affairs; Governmental Oversight

and Productivity **(Bill Previously Provided)**

3. Support - Car Rental Surcharge Tax Support –adoption of a new per diem charge as a local option.

H207 GENERAL BILL by Quinones

Local Option Surcharge/Motor Vehicle; authorizes certain counties to impose by ordinance surcharge on rental or lease of motor vehicles; provides limitations; provides for collection, administration, & enforcement of surcharge by DOR; provides duties of department; requires referendum; provides for uses of surcharge proceeds; provides for application of certain rules of department. Creates 212.0607.

Effective DATE: 07/01/2006.

10/06/05 HOUSE Filed

10/13/05 HOUSE Withdrawn prior to introd **(Bill Previously Provided)**

**H301 GENERAL BILL by Quinones (Similar H 0207)**

Local Option Surcharge/Motor Vehicle; authorizes certain counties to impose by ordinance surcharge on rental or lease of motor vehicles; provides exception; provides limitations; provides for collection, administration, & enforcement of surcharge by DOR; provides duties of department; requires referendum; provides for uses of surcharge proceeds; provides for application of certain rules of department. Creates 212.0607. EFFECTIVE DATE: 07/01/2006.

10/31/05 HOUSE Filed

12/23/05 HOUSE Referred to Tourism (SIC); Finance & Tax (FC); Transportation & Economic Development Appropriations (FC); State Infrastructure Council (**Bill Previously Provided**)

4. Support - Deferred Compensation/Government Employees –deferred compensation plan or plans apply to employees of governmental entities other than state.

**H405 GENERAL BILL by Mealar (Identical S 1024)**

Deferred Compensation Programs; amends provision re Financial Services Dept., to conform; revises term "employee" & defines term "governmental entity"; authorizes governmental entities, by ordinance, contract agreement, or other documentation, to participate in deferred compensation plan of state & specifies responsibility of Chief Financial Officer with respect thereto. Amends 20.121, 112.215. EFFECTIVE DATE: Upon becoming law.

11/16/05 HOUSE Filed

12/23/05 HOUSE Referred to Governmental Operations (SAC); Local Government Council; Fiscal Council; State Administration Council

01/31/06 HOUSE Reported out of Governmental Operations Comm.

02/01/06 HOUSE Remaining referrals: Fiscal Council, State Administration Council, Local Government Council (**Bill Previously Provided**)

**S1024 GENERAL BILL by Constantine (Identical H 0405)**

Deferred Compensation Programs; revises term "employee" and defines term "governmental entity"; authorizes governmental entities, by ordinance, contract agreement, or other documentation, to participate in deferred compensation plan of state & specifies responsibility of Chief Financial Officer with respect thereto; amends specified provision regarding Financial Services Dept., to conform. Amends 20.121, 112.215. EFFECTIVE DATE: Upon becoming law.

12/05/05 SENATE Filed

01/11/06 SENATE Referred to Governmental Oversight and Productivity; General Government Appropriations (**Bill Previously Provided**)

## 5. Support - Growth Management

### **S126 GENERAL BILL by Bennett**

Growth Management; expresses legislative intent to revise laws regarding growth management. EFFECTIVE DATE: Upon becoming law.

09/08/05 SENATE Filed

10/26/05 SENATE Referred to Community Affairs; Environmental Preservation; Transportation and Economic Development Appropriations; Ways and Means; Rules and Calendar (**Bill Previously Provided**)

### **S130 GENERAL BILL by Bennett**

Growth Management; expresses legislative intent to revise laws regarding growth management. EFFECTIVE DATE: Upon becoming law.

09/08/05 SENATE Filed

10/26/05 SENATE Referred to Community Affairs; Environmental Preservation; Transportation and Economic Development Appropriations; Ways and Means; Rules and Calendar (**Bill Previously Provided**)

6. **Support - Seminole Community College** - Increased funding and capital needs.

7. **Support - University of Central Florida Medical School** - Board of Governors heard presentations in November. Seminole support was highlighted. A final vote was postponed until March 2006. Nothing has been presented for legislation.

## 8. Support - Sexual Predator Legislation

### **H91 GENERAL BILL by Goldstein (Compare H 0083)**

Residence of Sexual Offenders; prohibits sexual predators from establishing or maintaining residence within 2,500 feet of specified locations; provides for county or municipal ordinances that restrict residence of sexual offenders; revises provisions regarding residence of specified sex offenders; revises requirements for location of public school bus stops in relation to permanent residence of specified sexual offenders, etc. Amends 775.21, 794.065, 947.1405, 948.30. EFFECTIVE DATE:10/01/2006.

08/24/05 HOUSE Filed

09/22/05 HOUSE Referred to Criminal Justice (JC); Justice Appropriation (FC); Justice Council

11/21/05 HOUSE On Committee agenda-- Criminal Justice (JC),

12/07/05, 9:15 am, 404-H

12/07/05 HOUSE Favorable with CS amendment by Criminal Justice (JC); YEAS 6 NAYS 0 --Preliminary)

12/15/05 HOUSE Pending review of CS under Rule 6.3(b); Now in Justice Appropriations (FC)

12/27/05 HOUSE Original reference(s)- removed: Justice Appropriations

(FC); Also referred to Criminal Justice Appropriations (FC); Now in Criminal Justice Appropriations (FC))  
01/13/06 HOUSE Referred to Criminal Justice Appropriations agenda  
01/27/06, 9:00 am, 214-C --Meeting cancelled (**Bill Previously Provided**)

**H165 GENERAL BILL by Legg**

Sheltering of Sex Offender/Predator; prohibits sheltering of sexual offenders & designated sexual predators in public hurricane evacuation shelters; requires each county to provide for sufficient separate & exclusive shelter space for such sexual offenders & predators; prohibits sexual predators from seeking shelter in public hurricane evacuation shelters used by general public; provides finding of important state interest, etc. Creates 252.386, amends 775.21; 943.0435. EFFECTIVE DATE: 01/01/2007.

09/20/05 HOUSE Filed

10/03/05 HOUSE Referred to Domestic Security (SAC); Criminal Justice Local Government Council; Justice Appropriations (FC); State Administration Council

12/27/05 HOUSE Original reference(s) removed: Justice Appropriations (FC); Also referred to Criminal Justice Appropriations (FC) (**Bill Previously Provided**)

9. **Driver Education** – No proposed legislation to date. Drivers Ed Committee meeting was held on February 21, 2006.

**\*Opposition/support is subject to bill language.**

## Community Budget Funding Request

A. Lockhart-Smith Canal Regional Stormwater Facility Requested Sponsorship Senator Webster and Representative Hays	\$6,675,680
B. Regional Alternative Water Supply Testing Program Requested Sponsorship Senator Constantine and Representative Mealor	\$2,400,000
C. Cross Florida Greenways Trail - Seminole County/ Winter Springs Connection Requested Sponsorship Senator Posey and Representative Simmons	\$2,500,000
D. SR 46- Regional Evacuation Route (SR 415 to US 1) Requested Sponsorship Senator Baker and Representative Adams	<u>\$8,000,000</u>
TOTAL	\$19,575,680
E. Middle St. John's River Basin Initiative- Support the District in pursuing state funding)	\$4,000,000
F. Lake County Community Budget Request Funding for design, construction and connection of utility lines to convey portable water off SR 46 (Support Lake County in pursuing state funding) Requested Sponsorship Senator Baker and Representative Hays	\$8,000,000

## **State – Issues for Monitoring**

1. Funding increase or no reduction in the following programs:

- State aid to Library Programs
- Florida Recreation Development Assistance Program (FRDAP)
- Florida Institute of Food and Agricultural Sciences
- Medicaid
- Environmental Health Fees
- Preservation 2000 (P2000) & Florida Forever.

2. Department of Juvenile Justice Issues

**S456 GENERAL BILL/CS by Criminal Justice; Wise (Compare H 0335)**

Juvenile Justice; requires specified home detention to be with electronic monitoring, subject to appropriation; deletes requirement for report on serious or habitual juvenile offenders & on intensive residential treatment; provides that youth's willful failure to return to residential commitment facility within time authorized for temporary release constitutes escape subject to penalties, etc. Amends Ch. 985. EFFECTIVE DATE: 07/01/2006.

10/21/05 SENATE Filed

11/10/05 SENATE Referred to Criminal Justice; Judiciary

01/13/06 SENATE On Committee agenda-- Criminal Justice, 01/25/06, 2:00 pm, 37-S

01/25/06 SENATE CS by Criminal Justice; YEAS 8 NAYS 0

01/26/06 SENATE Now in Judiciary

02/07/06 SENATE On Committee agenda-- Judiciary, 02/15/06, 2:00 pm, 401-S

02/15/06 SENATE Favorable by- Judiciary; YEAS 7 NAYS 0

02/16/06 SENATE Placed on Calendar, on second reading

**(Attachment A, Page 11)**

3. Florida Hometown Democracy efforts -

4. Trauma Center

**S1532 GENERAL BILL by Lynn (Identical H 0715)**

Trauma Services; provides definitions; repeals provision to terminate Trauma Services Trust Fund; revises provisions re distribution of funds to trauma centers & use thereof; requires annual audit of trauma registry data. Amends 395.4001, .4036, .404; repeals 395.4035. EFFECTIVE DATE: 07/01/2006.

01/25/06 SENATE Filed

02/13/06 SENATE Referred to Health Care; Health and Human Services Appropriations **(Attachment B, Page 28)**

5. Efforts to Privatize the Florida State Retirement System
6. Games of Chance
7. Article V
8. Wireless Communications-
9. Library Internet Filtering
10. Charter County Form of Government - February 21, 2005 – Florida Association of County selected contract lobbyist – Johnson & Blanton
11. Homestead Exemption

**S1840 JOINT RESOLUTION by Haridopolos**

Homestead Exemption/Seniors; constitutional amendment to increase maximum additional homestead exemption for low income seniors from \$25,000 to \$50,000 effective January 1, 2007. Amends s.6, Art. VII; creates s. 26, Art XII.

02/08/06 SENATE Filed (**Attachment C, Page 36**)

12. Eminent Domain

**S2168 GENERAL BILL by Judiciary**

Eminent Domain; preempts power of eminent domain to state except as otherwise provided by law; limits power of counties to use eminent domain; requires consent to acquire property from certain governmental entities; prescribes manner by which county may exercise its power of eminent domain; limits power of municipalities to use eminent domain; prescribes manner for municipality to exercise power of eminent domain, etc. Amends Chs. 127, 163, 166. EFFECTIVE DATE: Upon becoming law.

02/17/06 SENATE SPB 7102 submitted as a committee bill (SB 2168) by Judiciary; Filed (**Attachment D, Page 41**)

13. 3-1-1 Statewide Grant Program SB 1602 – 2/14/06 BCC authorized Chairman to execute a letter of support.

**S1062 GENERAL BILL by Diaz de la Portilla (Similar H 0661)**

Coordinated 311 Nonemergency System; defines term "coordinated 311 nonemergency & other governmental services telephone system"; authorizes DCA to accept & administer funds to provide grants for coordinated 311 nonemergency & other governmental services systems; authorizes counties & municipalities to apply for grants; requires county or municipality to provide matching funds; requires department to award grants in order of priority, etc. Creates 365.180. APPROPRIATION: \$10,000,000. EFFECTIVE

DATE: 07/01/2006.

12/06/05 SENATE Filed

01/11/06 SENATE Referred to Community Affairs; Transportation and Economic Development Appropriations; Ways and Means

02/07/06 SENATE On Committee agenda-- Community Affairs, 02/14/06, 9:00

02/14/06 SENATE Favorable with 1 amendment(s) by Community Affairs; YEAS 8 NAYS 0

02/15/06 SENATE Now in Transportation and Economic Development Appropriations **(Attachment E, Page 70)**

**14. Legislative Request for Concurrency Issues near the Orlando Sanford International Airport** – 2/14/06 BCC approved supporting the request for legislative clarification to FDOT to proceed with the following growth management initiatives to ensure transportation concurrency necessary for continued development of property in the vicinity of Orlando Sanford International Airport.

- ◆ Inclusion of 4 - laning of SR 46 from, Mellonville Avenue to SR 415, in FDOT 5 -Year Work Program
- ◆ Recognition of transportation mitigation initiatives underway by Seminole County for State roads:
  - Extension and four-laning of Lake Mary Blvd from SR 15/600 (US 17-92) to intersection of SR 46/SR 415
  - 4-laning of Ronald Reagan Blvd to SR 15/600 (US 17-92)
  - Construction of SR 417 from Lake Mary Blvd to Interstate 4
  - 4-laning of Airport Blvd from SR 15/600 (US 17-92) to SR 46
  - 4-laning SR 46A

## **Items of Interest**

- Seminole County Legislative Delegation Meeting -  
Held November 15, 2005, BCC Chambers, 3:00 pm
- Special Session – December 5<sup>th</sup> -9<sup>th</sup>, 2005
- Seminole County Legislative Day in Tallahassee — Working to secure meeting dates with legislators.
- Regular Session – Begins March 7, 2006 - Ends May 5, 2006
- State lobbyist – Brantley and Associates

**Senate Bill sb0456c1**

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Florida Senate - 2006

CS for SB 456

By the Committee on Criminal Justice; and Senator Wise

591-1312-06

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 985.215, F.S.; requiring specified home  
4           detention to be with electronic monitoring,  
5           subject to an appropriation; amending s.  
6           985.231, F.S.; requiring specified home  
7           detention to be with electronic monitoring,  
8           subject to an appropriation; amending s.  
9           985.31, F.S.; deleting a requirement for a  
10          report on serious or habitual juvenile  
11          offenders; amending s. 985.311, F.S.; deleting  
12          a requirement for a report on intensive  
13          residential treatment; amending s. 985.3141,  
14          F.S.; providing that a youth's willful failure  
15          to return to a residential commitment facility  
16          within the time authorized for temporary  
17          release constitutes escape subject to  
18          penalties; amending s. 985.317, F.S.; deleting  
19          a requirement for a report on literacy programs  
20          for juvenile offenders; providing an effective  
21          date.  
22

23 Be It Enacted by the Legislature of the State of Florida:

24

25 Section 1. Paragraph (h) of subsection (2) of section  
26 985.215, Florida Statutes, is amended to read:

27 985.215 Detention.--

28 (2) Subject to the provisions of subsection (1), a  
29 child taken into custody and placed into nonsecure or home  
30 detention care or detained in secure detention care prior to a  
31 detention hearing may continue to be detained by the court if:

1

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1 (h) The child is alleged to have violated the  
2 conditions of the child's probation or conditional release  
3 supervision. However, a child detained under this paragraph  
4 shall may be held only in a consequence unit as provided in s.  
5 985.231(1)(a)1.c., except that, if a consequence unit is not  
6 available, the child shall be placed on home detention.  
7 Subject to legislative appropriation, home detention under  
8 this paragraph shall be with electronic monitoring.

9

10 A child who meets any of these criteria and who is ordered to  
11 be detained pursuant to this subsection shall be given a  
12 hearing within 24 hours after being taken into custody. The  
13 purpose of the detention hearing is to determine the existence  
14 of probable cause that the child has committed the delinquent  
15 act or violation of law with which he or she is charged and

16 the need for continued detention, except where the child is  
17 alleged to have absconded from a nonresidential commitment  
18 program in which case the court, at the detention hearing,  
19 shall order that the child be released from detention and  
20 returned to his or her nonresidential commitment program.  
21 Unless a child is detained under paragraph (d) or paragraph  
22 (e), the court shall use the results of the risk assessment  
23 performed by the juvenile probation officer and, based on the  
24 criteria in this subsection, shall determine the need for  
25 continued detention. A child placed into secure, nonsecure, or  
26 home detention care may continue to be so detained by the  
27 court pursuant to this subsection. If the court orders a  
28 placement more restrictive than indicated by the results of  
29 the risk assessment instrument, the court shall state, in  
30 writing, clear and convincing reasons for such placement.  
31 Except as provided in s. 790.22(8) or in subparagraph

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1 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph  
2 (10)(d), when a child is placed into secure or nonsecure  
3 detention care, or into a respite home or other placement  
4 pursuant to a court order following a hearing, the court order  
5 must include specific instructions that direct the release of  
6 the child from such placement no later than 5 p.m. on the last  
7 day of the detention period specified in paragraph (5)(b) or

8 paragraph (5)(c), or subparagraph (10)(a)1., whichever is  
9 applicable, unless the requirements of such applicable  
10 provision have been met or an order of continuance has been  
11 granted pursuant to paragraph (5)(f).

12 Section 2. Paragraph (a) of subsection (1) of section  
13 985.231, Florida Statutes, is amended to read:

14 985.231 Powers of disposition in delinquency cases.--

15 (1)(a) The court that has jurisdiction of an  
16 adjudicated delinquent child may, by an order stating the  
17 facts upon which a determination of a sanction and  
18 rehabilitative program was made at the disposition hearing:

19 1. Place the child in a probation program or a  
20 postcommitment probation program under the supervision of an  
21 authorized agent of the department or of any other person or  
22 agency specifically authorized and appointed by the court,  
23 whether in the child's own home, in the home of a relative of  
24 the child, or in some other suitable place under such  
25 reasonable conditions as the court may direct. A probation  
26 program for an adjudicated delinquent child must include a  
27 penalty component such as restitution in money or in kind,  
28 community service, a curfew, revocation or suspension of the  
29 driver's license of the child, or other nonresidential  
30 punishment appropriate to the offense and must also include a  
31 rehabilitative program component such as a requirement of

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1 participation in substance abuse treatment or in school or  
2 other educational program. If the child is attending or is  
3 eligible to attend public school and the court finds that the  
4 victim or a sibling of the victim in the case is attending or  
5 may attend the same school as the child, the court placement  
6 order shall include a finding pursuant to the proceedings  
7 described in s. 985.23(1)(d). Upon the recommendation of the  
8 department at the time of disposition, or subsequent to  
9 disposition pursuant to the filing of a petition alleging a  
10 violation of the child's conditions of postcommitment  
11 probation, the court may order the child to submit to random  
12 testing for the purpose of detecting and monitoring the use of  
13 alcohol or controlled substances.

14         a. A classification scale for levels of supervision  
15 shall be provided by the department, taking into account the  
16 child's needs and risks relative to probation supervision  
17 requirements to reasonably ensure the public safety. Probation  
18 programs for children shall be supervised by the department or  
19 by any other person or agency specifically authorized by the  
20 court. These programs must include, but are not limited to,  
21 structured or restricted activities as described in this  
22 subparagraph, and shall be designed to encourage the child  
23 toward acceptable and functional social behavior. If  
24 supervision or a program of community service is ordered by  
25 the court, the duration of such supervision or program must be  
26 consistent with any treatment and rehabilitation needs  
27 identified for the child and may not exceed the term for which  
28 sentence could be imposed if the child were committed for the  
29 offense, except that the duration of such supervision or  
30 program for an offense that is a misdemeanor of the second  
31 degree, or is equivalent to a misdemeanor of the second

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CS for SB 456

1 degree, may be for a period not to exceed 6 months. When  
2 restitution is ordered by the court, the amount of restitution  
3 may not exceed an amount the child and the parent or guardian  
4 could reasonably be expected to pay or make. A child who  
5 participates in any work program under this part is considered  
6 an employee of the state for purposes of liability, unless  
7 otherwise provided by law.

8           b. The court may conduct judicial review hearings for  
9 a child placed on probation for the purpose of fostering  
10 accountability to the judge and compliance with other  
11 requirements, such as restitution and community service. The  
12 court may allow early termination of probation for a child who  
13 has substantially complied with the terms and conditions of  
14 probation.

15           c. If the conditions of the probation program or the  
16 postcommitment probation program are violated, the department  
17 or the state attorney may bring the child before the court on  
18 a petition alleging a violation of the program. Any child who  
19 violates the conditions of probation or postcommitment  
20 probation must be brought before the court if sanctions are  
21 sought. A child taken into custody under s. 985.207 for  
22 violating the conditions of probation or postcommitment  
23 probation shall be held in a consequence unit if such a unit

24 is available. The child shall be afforded a hearing within 24  
25 hours after being taken into custody to determine the  
26 existence of probable cause that the child violated the  
27 conditions of probation or postcommitment probation. A  
28 consequence unit is a secure facility specifically designated  
29 by the department for children who are taken into custody  
30 under s. 985.207 for violating probation or postcommitment  
31 probation, or who have been found by the court to have

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1 violated the conditions of probation or postcommitment  
2 probation. If the violation involves a new charge of  
3 delinquency, the child may be detained under s. 985.215 in a  
4 facility other than a consequence unit. If the child is not  
5 eligible for detention for the new charge of delinquency, the  
6 child may be held in the consequence unit pending a hearing  
7 and is subject to the time limitations specified in s.  
8 985.215. If the child denies violating the conditions of  
9 probation or postcommitment probation, the court shall appoint  
10 counsel to represent the child at the child's request. Upon  
11 the child's admission, or if the court finds after a hearing  
12 that the child has violated the conditions of probation or  
13 postcommitment probation, the court shall enter an order  
14 revoking, modifying, or continuing probation or postcommitment  
15 probation. In each such case, the court shall enter a new  
16 disposition order and, in addition to the sanctions set forth

17 in this paragraph, may impose any sanction the court could  
18 have imposed at the original disposition hearing. If the child  
19 is found to have violated the conditions of probation or  
20 postcommitment probation, the court may:

21 (I) Place the child in a consequence unit in that  
22 judicial circuit, ~~if available,~~ for up to 5 days for a first  
23 violation, and up to 15 days for a second or subsequent  
24 violation, or, if a consequence unit is not available, the  
25 court may place the child on home detention, which shall,  
26 subject to legislative appropriation, include electronic  
27 monitoring.

28 ~~(II) Place the child on home detention with electronic~~  
29 ~~monitoring. However, this sanction may be used only if a~~  
30 ~~residential consequence unit is not available.~~

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1 ~~(II)-(III)~~ Modify or continue the child's probation  
2 program or postcommitment probation program.

3 ~~(III)-(IV)~~ Revoke probation or postcommitment probation  
4 and commit the child to the department.

5 d. Notwithstanding s. 743.07 and paragraph (d), and  
6 except as provided in s. 985.31, the term of any order placing  
7 a child in a probation program must be until the child's 19th  
8 birthday unless he or she is released by the court, on the

9 motion of an interested party or on its own motion.

10           2. Commit the child to a licensed child-caring agency  
11 willing to receive the child, but the court may not commit the  
12 child to a jail or to a facility used primarily as a detention  
13 center or facility or shelter.

14           3. Commit the child to the department at a  
15 restrictiveness level defined in s. 985.03. Such commitment  
16 must be for the purpose of exercising active control over the  
17 child, including, but not limited to, custody, care, training,  
18 urine monitoring, and treatment of the child and release of  
19 the child from residential commitment into the community in a  
20 postcommitment nonresidential conditional release program. If  
21 the child is eligible to attend public school following  
22 commitment and the court finds that the victim or a sibling of  
23 the victim in the case is or may be attending the same school  
24 as the child, the commitment order shall include a finding  
25 pursuant to the proceedings described in s. 985.23(1)(d). If  
26 the child is not successful in the conditional release  
27 program, the department may use the transfer procedure under  
28 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and  
29 except as provided in s. 985.31, the term of the commitment  
30 must be until the child is discharged by the department or  
31 until he or she reaches the age of 21.

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1           4. Revoke or suspend the driver's license of the

2 child.

3           5. Require the child and, if the court finds it  
4 appropriate, the child's parent or guardian together with the  
5 child, to render community service in a public service  
6 program.

7           6. As part of the probation program to be implemented  
8 by the department, or, in the case of a committed child, as  
9 part of the community-based sanctions ordered by the court at  
10 the disposition hearing or before the child's release from  
11 commitment, order the child to make restitution in money,  
12 through a promissory note cosigned by the child's parent or  
13 guardian, or in kind for any damage or loss caused by the  
14 child's offense in a reasonable amount or manner to be  
15 determined by the court. The clerk of the circuit court shall  
16 be the receiving and dispensing agent. In such case, the court  
17 shall order the child or the child's parent or guardian to pay  
18 to the office of the clerk of the circuit court an amount not  
19 to exceed the actual cost incurred by the clerk as a result of  
20 receiving and dispensing restitution payments. The clerk shall  
21 notify the court if restitution is not made, and the court  
22 shall take any further action that is necessary against the  
23 child or the child's parent or guardian. A finding by the  
24 court, after a hearing, that the parent or guardian has made  
25 diligent and good faith efforts to prevent the child from  
26 engaging in delinquent acts absolves the parent or guardian of  
27 liability for restitution under this subparagraph.

28           7. Order the child and, if the court finds it  
29 appropriate, the child's parent or guardian together with the  
30 child, to participate in a community work project, either as  
31

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591-1312-06

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1 an alternative to monetary restitution or as part of the  
2 rehabilitative or probation program.

3           8. Commit the child to the department for placement in  
4 a program or facility for serious or habitual juvenile  
5 offenders in accordance with s. 985.31. Any commitment of a  
6 child to a program or facility for serious or habitual  
7 juvenile offenders must be for an indeterminate period of  
8 time, but the time may not exceed the maximum term of  
9 imprisonment that an adult may serve for the same offense. The  
10 court may retain jurisdiction over such child until the child  
11 reaches the age of 21, specifically for the purpose of the  
12 child completing the program.

13           9. In addition to the sanctions imposed on the child,  
14 order the parent or guardian of the child to perform community  
15 service if the court finds that the parent or guardian did not  
16 make a diligent and good faith effort to prevent the child  
17 from engaging in delinquent acts. The court may also order the  
18 parent or guardian to make restitution in money or in kind for  
19 any damage or loss caused by the child's offense. The court  
20 shall determine a reasonable amount or manner of restitution,  
21 and payment shall be made to the clerk of the circuit court as  
22 provided in subparagraph 6.

23           10. Subject to specific appropriation, commit the  
24 juvenile sexual offender to the department for placement in a

25 program or facility for juvenile sexual offenders in  
26 accordance with s. 985.308. Any commitment of a juvenile  
27 sexual offender to a program or facility for juvenile sexual  
28 offenders must be for an indeterminate period of time, but the  
29 time may not exceed the maximum term of imprisonment that an  
30 adult may serve for the same offense. The court may retain  
31 jurisdiction over a juvenile sexual offender until the

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Florida Senate - 2006  
591-1312-06

CS for SB 456

1 juvenile sexual offender reaches the age of 21, specifically  
2 for the purpose of completing the program.

3 Section 3. Paragraph (a) of subsection (1) of section  
4 985.31, Florida Statutes, is amended to read:

5 985.31 Serious or habitual juvenile offender.--

6 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
7 the provisions of this chapter and the establishment of  
8 appropriate program guidelines and standards, contractual  
9 instruments, which shall include safeguards of all  
10 constitutional rights, shall be developed as follows:

11 (a) The department shall provide for:

12 1. The oversight of implementation of assessment and  
13 treatment approaches.

14 2. The identification and prequalification of  
15 appropriate individuals or not-for-profit organizations,  
16 including minority individuals or organizations when possible,  
17 to provide assessment and treatment services to serious or

18 habitual delinquent children.

19           3. The monitoring and evaluation of assessment and  
20 treatment services for compliance with the provisions of this  
21 chapter and all applicable rules and guidelines pursuant  
22 thereto.

23           ~~4. The development of an annual report on the~~  
24 ~~performance of assessment and treatment to be presented to the~~  
25 ~~Governor, the Attorney General, the President of the Senate,~~  
26 ~~the Speaker of the House of Representatives, and the Auditor~~  
27 ~~General no later than January 1 of each year.~~

28           Section 4. Paragraph (a) of subsection (1) of section  
29 985.311, Florida Statutes, is amended to read:

30           985.311 Intensive residential treatment program for  
31 offenders less than 13 years of age.--

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Florida Senate - 2006  
591-1312-06

CS for SB 456

1           (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
2 the provisions of this chapter and the establishment of  
3 appropriate program guidelines and standards, contractual  
4 instruments, which shall include safeguards of all  
5 constitutional rights, shall be developed for intensive  
6 residential treatment programs for offenders less than 13  
7 years of age as follows:

8           (a) The department shall provide for:

9           1. The oversight of implementation of assessment and

10 treatment approaches.

11           2. The identification and prequalification of  
12 appropriate individuals or not-for-profit organizations,  
13 including minority individuals or organizations when possible,  
14 to provide assessment and treatment services to intensive  
15 offenders less than 13 years of age.

16           3. The monitoring and evaluation of assessment and  
17 treatment services for compliance with the provisions of this  
18 chapter and all applicable rules and guidelines pursuant  
19 thereto.

20           ~~4. The development of an annual report on the~~  
21 ~~performance of assessment and treatment to be presented to the~~  
22 ~~Governor, the Attorney General, the President of the Senate,~~  
23 ~~the Speaker of the House of Representatives, the Auditor~~  
24 ~~General, and the Office of Program Policy Analysis and~~  
25 ~~Government Accountability no later than January 1 of each~~  
26 ~~year.~~

27           Section 5. Section 985.3141, Florida Statutes, is  
28 amended to read:

29           985.3141 Escapes from secure detention or residential  
30 commitment facility.--An escape from:

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1           (1) Any secure detention facility maintained for the  
2 temporary detention of children, pending adjudication,

3 disposition, or placement;

4 (2) Any residential commitment facility described in  
5 s. 985.03(46), maintained for the custody, treatment,  
6 punishment, or rehabilitation of children found to have  
7 committed delinquent acts or violations of law; or

8 (3) Lawful transportation to or from any such secure  
9 detention facility or residential commitment facility,

10

11 constitutes escape within the intent and meaning of s. 944.40  
12 and is a felony of the third degree, punishable as provided in  
13 s. 775.082, s. 775.083, or s. 775.084. For purposes of this  
14 section, escape from a residential commitment facility as  
15 provided for in subsection (2) includes a youth's willful  
16 failure to return to a residential commitment facility within  
17 the time authorized for a temporary release.

18 Section 6. Subsection (5) of section 985.317, Florida  
19 Statutes, is amended to read:

20 985.317 Literacy programs for juvenile offenders.--

21 ~~(5) EVALUATION AND REPORT. The department, in~~  
22 ~~consultation with the Department of Education, shall develop~~  
23 ~~and implement an evaluation of the literacy program in order~~  
24 ~~to determine the impact of the programs on recidivism. The~~  
25 ~~department shall submit an annual report on the implementation~~  
26 ~~and progress of the programs to the President of the Senate~~  
27 ~~and the Speaker of the House of Representatives by January 1~~  
28 ~~of each year.~~

29 Section 7. This act shall take effect July 1, 2006.

30

31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   Senate Bill 456

4 Clarifies that electronic monitoring would become  
5 discretionary subject to appropriation.

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**Senate Bill sb1532**

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2006

SB 1532

By Senator Lynn

7-1189-06

See HB 715

1                                   A bill to be entitled  
2                   An act relating to trauma services; amending s.  
3                   395.4001, F.S.; providing definitions;  
4                   repealing s. 395.4035, F.S., to terminate the  
5                   Trauma Services Trust Fund; amending s.  
6                   395.4036, F.S.; revising provisions relating to  
7                   distribution of funds to trauma centers and use  
8                   thereof; amending s. 395.404, F.S.; requiring  
9                   an annual audit of trauma registry data;  
10                  providing an effective date.

11

12 Be It Enacted by the Legislature of the State of Florida:

13

14                  Section 1. Section 395.4001, Florida Statutes, is  
15 amended to read:

16                  395.4001 Definitions.--As used in this part, the term:

17                  (1) "Agency" means the Agency for Health Care  
18 Administration.

19                  (2) "Charity care" or "uncompensated trauma care"  
20 means that portion of hospital charges reported to the agency  
21 for which there is no compensation, other than restricted or

22 unrestricted revenues provided to a hospital by local  
23 governments or tax districts regardless of method of payment,  
24 for care provided to a patient whose family income for the 12  
25 months preceding the determination is less than or equal to  
26 200 percent of the federal poverty level, unless the amount of  
27 hospital charges due from the patient exceeds 25 percent of  
28 the annual family income. However, in no case shall the  
29 hospital charges for a patient whose family income exceeds  
30 four times the federal poverty level for a family of four be  
31 considered charity.

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Florida Senate - 2006  
7-1189-06

SB 1532  
See HB 715

1 (3) "Department" means the Department of Health.

2 (4) "Interfacility trauma transfer" means the transfer  
3 of a trauma victim between two facilities licensed under this  
4 chapter, pursuant to this part.

5 (5) "International Classification Injury Severity  
6 Score" means the statistical method for computing the severity  
7 of injury sustained by trauma patients. The International  
8 Classification Injury Severity Score shall be the methodology  
9 used by the department and trauma centers to report the  
10 severity of an injury.

11 (6)-(5) "Level I trauma center" means a trauma center  
12 that:

13 (a) Has formal research and education programs for the  
14 enhancement of trauma care; is verified by the department to

15 be in substantial compliance with Level I trauma center and  
16 pediatric trauma center standards; and has been approved by  
17 the department to operate as a Level I trauma center.

18 (b) Serves as a resource facility to Level II trauma  
19 centers, pediatric trauma centers, and general hospitals  
20 through shared outreach, education, and quality improvement  
21 activities.

22 (c) Participates in an inclusive system of trauma  
23 care, including providing leadership, system evaluation, and  
24 quality improvement activities.

25 (7)~~(6)~~ "Level II trauma center" means a trauma center  
26 that:

27 (a) Is verified by the department to be in substantial  
28 compliance with Level II trauma center standards and has been  
29 approved by the department to operate as a Level II trauma  
30 center.

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Florida Senate - 2006  
7-1189-06

SB 1532  
See HB 715

1 (b) Serves as a resource facility to general hospitals  
2 through shared outreach, education, and quality improvement  
3 activities.

4 (c) Participates in an inclusive system of trauma  
5 care.

6 (8)~~(7)~~ "Pediatric trauma center" means a hospital that

7 is verified by the department to be in substantial compliance  
8 with pediatric trauma center standards as established by rule  
9 of the department and has been approved by the department to  
10 operate as a pediatric trauma center.

11 (9)~~(8)~~ "Provisional trauma center" means a hospital  
12 that has been verified by the department to be in substantial  
13 compliance with the requirements in s. 395.4025 and has been  
14 approved by the department to operate as a provisional Level I  
15 trauma center, Level II trauma center, or pediatric trauma  
16 center.

17 (10)~~(9)~~ "Trauma agency" means a department-approved  
18 agency established and operated by one or more counties, or a  
19 department-approved entity with which one or more counties  
20 contract, for the purpose of administering an inclusive  
21 regional trauma system.

22 (11)~~(10)~~ "Trauma alert victim" means a person who has  
23 incurred a single or multisystem injury due to blunt or  
24 penetrating means or burns, who requires immediate medical  
25 intervention or treatment, and who meets one or more of the  
26 adult or pediatric scorecard criteria established by the  
27 department by rule.

28 (12) "Trauma caseload volume" means the number of  
29 trauma patients reported by individual trauma centers to the  
30 Trauma Registry and validated by the department.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1           ~~(13)~~(11) "Trauma center" means a hospital that has  
2 been verified by the department to be in substantial  
3 compliance with the requirements in s. 395.4025 and has been  
4 approved by the department to operate as a Level I trauma  
5 center, Level II trauma center, or pediatric trauma center.

6           (14) "Trauma patient" means a person who has incurred  
7 a physical injury or wound caused by trauma and has accessed a  
8 trauma center.

9           ~~(15)~~(12) "Trauma scorecard" means a statewide  
10 methodology adopted by the department by rule under which a  
11 person who has incurred a traumatic injury is graded as to the  
12 severity of his or her injuries or illness and which  
13 methodology is used as the basis for making destination  
14 decisions.

15           ~~(16)~~(13) "Trauma transport protocol" means a document  
16 which describes the policies, processes, and procedures  
17 governing the dispatch of vehicles, the triage, prehospital  
18 transport, and interfacility trauma transfer of trauma  
19 victims.

20           ~~(17)~~(14) "Trauma victim" means any person who has  
21 incurred a single or multisystem injury due to blunt or  
22 penetrating means or burns and who requires immediate medical  
23 intervention or treatment.

24           Section 2. Section 395.4035, Florida Statutes, is  
25 repealed.

26           Section 3. Subsection (1) of section 395.4036, Florida  
27 Statutes, is amended to read:

28           395.4036 Trauma payments.--

29           (1) Recognizing the Legislature's stated intent to  
30 provide financial support to the current verified trauma

31 centers and to provide incentives for the establishment of

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Florida Senate - 2006  
7-1189-06

SB 1532  
See HB 715

1 additional trauma centers as part of a system of  
2 state-sponsored trauma centers, the department shall utilize  
3 funds collected under s. 318.18 (15) ~~(14)~~ and deposited into the  
4 Administrative Trust Fund of the department to ensure the  
5 availability and accessibility of trauma services throughout  
6 the state as provided in this subsection.

7 (a) Twenty percent of the total funds collected under  
8 this subsection during the state fiscal year shall be  
9 distributed to verified trauma centers ~~located in a region~~  
10 that have ~~has~~ a local funding contribution as of December 31.  
11 Distribution of funds under this paragraph shall be based on  
12 the department's audited Trauma Registry trauma caseload  
13 volume for the previous calendar year.

14 (b) Forty percent of the total funds collected under  
15 this subsection shall be distributed to verified trauma  
16 centers based on trauma caseload volume of the previous  
17 calendar year. The determination of caseload volume for  
18 distribution of funds under this paragraph shall be based on  
19 the department's audited Trauma Registry data.

20 (c) Forty percent of the total funds collected under  
21 this subsection shall be distributed to verified trauma  
22 centers based on severity of trauma patients. The

23 determination of severity for distribution of funds under this  
24 paragraph shall be based on the department's audited Trauma  
25 Registry International Classification Injury Severity Scores  
26 and other statistically valid and scientifically accepted  
27 methods of stratifying a trauma patient's severity of injury,  
28 risk of mortality, and resource consumption as adopted by the  
29 department by rule, weighted based on the costs associated  
30 with and incurred by the trauma center in treating trauma  
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Florida Senate - 2006  
7-1189-06

SB 1532  
See HB 715

1 patients. The weighting of scores shall be established by the  
2 department by rule scores of 1-14 and 15 plus.  
3  
4 Funds deposited in the department's Administrative Trust Fund  
5 for verified trauma centers may be used to maximize the  
6 receipt of federal funds that may be available for such trauma  
7 centers. Notwithstanding this section and s. 318.14,  
8 distributions to trauma centers may be adjusted in a manner to  
9 ensure that total payments to trauma centers represent the  
10 same proportional allocation as set forth in this section and  
11 s. 318.14. For purposes of this section and s. 318.14, total  
12 funds distributed to trauma centers may include revenue from  
13 the Administrative Trust Fund and federal funds for which  
14 revenue from the Administrative Trust Fund is used to meet  
15 state or local matching requirements. Trauma centers may

16 ~~request that their distributions from the Administrative Trust~~  
17 ~~Fund be used as intergovernmental transfer funds in the~~  
18 ~~Medicaid program.~~

19 Section 4. Paragraph (c) is added to subsection (1) of  
20 section 395.404, Florida Statutes, to read:

21 395.404 Review of trauma registry data; report to  
22 central registry; confidentiality and limited release.--

23 (1)

24 (c) An independent entity shall annually audit trauma  
25 registry data and submit the audit report to the department.

26 Section 5. This act shall take effect July 1, 2006.

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**Senate Bill sb1840**

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2006

SJR 1840

By Senator Haridopolos

26-1325A-06

See CS/HJR 353

1 Senate Joint Resolution

2 A joint resolution proposing an amendment to  
3 Section 6 of Article VII and the creation of  
4 Section 26 of Article XII of the State  
5 Constitution to increase the maximum additional  
6 homestead exemption for low income seniors from  
7 \$25,000 to \$50,000.

8

9 Be It Resolved by the Legislature of the State of Florida:

10

11 That the following amendment to Section 6 of Article  
12 VII and the creation of Section 26 of Article XII of the State  
13 Constitution are agreed to and shall be submitted to the  
14 electors of this state for approval or rejection at the next  
15 general election or at an earlier special election  
16 specifically authorized by law for that purpose:

17

ARTICLE VII

18

FINANCE AND TAXATION

19

SECTION 6. Homestead exemptions.--

20

(a) Every person who has the legal or equitable title

21 to real estate and maintains thereon the permanent residence  
22 of the owner, or another legally or naturally dependent upon  
23 the owner, shall be exempt from taxation thereon, except  
24 assessments for special benefits, up to the assessed valuation  
25 of five thousand dollars, upon establishment of right thereto  
26 in the manner prescribed by law. The real estate may be held  
27 by legal or equitable title, by the entireties, jointly, in  
28 common, as a condominium, or indirectly by stock ownership or  
29 membership representing the owner's or member's proprietary  
30 interest in a corporation owning a fee or a leasehold  
31 initially in excess of ninety-eight years.

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Florida Senate - 2006  
26-1325A-06

SJR 1840  
See CS/HJR 353

1 (b) Not more than one exemption shall be allowed any  
2 individual or family unit or with respect to any residential  
3 unit. No exemption shall exceed the value of the real estate  
4 assessable to the owner or, in case of ownership through stock  
5 or membership in a corporation, the value of the proportion  
6 which the interest in the corporation bears to the assessed  
7 value of the property.

8 (c) By general law and subject to conditions specified  
9 therein, the exemption shall be increased to a total of  
10 twenty-five thousand dollars of the assessed value of the real  
11 estate for each school district levy. By general law and  
12 subject to conditions specified therein, the exemption for all  
13 other levies may be increased up to an amount not exceeding

14 ten thousand dollars of the assessed value of the real estate  
15 if the owner has attained age sixty-five or is totally and  
16 permanently disabled and if the owner is not entitled to the  
17 exemption provided in subsection (d).

18 (d) By general law and subject to conditions specified  
19 therein, the exemption shall be increased to a total of the  
20 following amounts of assessed value of real estate for each  
21 levy other than those of school districts: fifteen thousand  
22 dollars with respect to 1980 assessments; twenty thousand  
23 dollars with respect to 1981 assessments; twenty-five thousand  
24 dollars with respect to assessments for 1982 and each year  
25 thereafter. However, such increase shall not apply with  
26 respect to any assessment roll until such roll is first  
27 determined to be in compliance with the provisions of section  
28 4 by a state agency designated by general law. This subsection  
29 shall stand repealed on the effective date of any amendment to  
30 section 4 which provides for the assessment of homestead  
31 property at a specified percentage of its just value.

2

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**Florida Senate - 2006**  
26-1325A-06

**SJR 1840**  
See CS/HJR 353

1 (e) By general law and subject to conditions specified  
2 therein, the Legislature may provide to renters, who are  
3 permanent residents, ad valorem tax relief on all ad valorem  
4 tax levies. Such ad valorem tax relief shall be in the form  
5 and amount established by general law.

6 (f) The legislature may, by general law, allow  
7 counties or municipalities, for the purpose of their  
8 respective tax levies and subject to the provisions of general  
9 law, to grant an additional homestead tax exemption not  
10 exceeding fifty ~~twenty-five~~ thousand dollars to any person who  
11 has the legal or equitable title to real estate and maintains  
12 thereon the permanent residence of the owner and who has  
13 attained age sixty-five and whose household income, as defined  
14 by general law, does not exceed twenty thousand dollars. The  
15 general law must allow counties and municipalities to grant  
16 this additional exemption, within the limits prescribed in  
17 this subsection, by ordinance adopted in the manner prescribed  
18 by general law, and must provide for the periodic adjustment  
19 of the income limitation prescribed in this subsection for  
20 changes in the cost of living.

21 ARTICLE XII

22 SCHEDULE

23 SECTION 26. Additional homestead exemption.--The  
24 amendment to Section 6 of Article VII increasing the maximum  
25 additional homestead exemption for low income seniors shall  
26 take effect January 1, 2007.

27 BE IT FURTHER RESOLVED that the following statement be  
28 placed on the ballot:

29 CONSTITUTIONAL AMENDMENT

30 INCREASED HOMESTEAD EXEMPTION.--Proposing an amendment  
31 to Section 6 of Article VII and the creation of Section 26 of

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 Article XII of the State Constitution to increase the maximum  
2 additional homestead exemption for low income seniors from  
3 \$25,000 to \$50,000 effective January 1, 2007.

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**Senate Bill sb2168**

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2006

SB 2168

By the Committee on Judiciary

590-1693B-06

1                                   A bill to be entitled  
2           An act relating to eminent domain; amending s.  
3           127.01, F.S.; preempting the power of eminent  
4           domain to the state except as otherwise  
5           provided by law; limiting the power of counties  
6           to use eminent domain; requiring consent to  
7           acquire property from certain governmental  
8           entities; providing that property acquired by  
9           eminent domain may not be transferred to  
10          private ownership except in certain  
11          circumstances; enumerating authorized uses of  
12          eminent domain; prescribing the manner by which  
13          a county may exercise its power of eminent  
14          domain; amending s. 127.02, F.S.; requiring  
15          that a board of county commissioners adopt a  
16          resolution in order to acquire a property  
17          through the use of eminent domain; amending s.  
18          163.335, F.S.; removing eminent domain from the  
19          scope of findings and declarations of necessity  
20          under the Community Redevelopment Act; amending  
21          s. 163.345, F.S.; excluding property acquired  
22          by eminent domain from certain efforts to

23 encourage the participation of private  
24 enterprise in community redevelopment; amending  
25 s. 163.370, F.S.; limiting the power of  
26 municipalities and counties to transfer to  
27 private ownership property acquired by eminent  
28 domain; eliminating the authority of  
29 municipalities and counties to enter certain  
30 buildings or property in community  
31 redevelopment areas; limiting the authority of

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Florida Senate - 2006  
590-1693B-06

SB 2168

1 a county or municipality to use the power of  
2 eminent domain within a community redevelopment  
3 area; amending s. 163.375, F.S.; limiting the  
4 authority of a county, municipality, or  
5 community redevelopment agency to exercise the  
6 power of eminent domain in connection with  
7 community redevelopment; eliminating provisions  
8 regarding the admissibility of evidence in  
9 certain eminent domain proceedings; amending s.  
10 163.380, F.S.; restricting the disposal of  
11 property acquired by eminent domain within a  
12 community redevelopment area; eliminating the  
13 authority to use eminent domain to acquire  
14 certain areas adjacent to disposed property;

15 amending s. 166.401, F.S.; preempting the power  
16 of eminent domain to the state except as  
17 otherwise provided by law; limiting the power  
18 of municipalities to use eminent domain;  
19 providing that property acquired by eminent  
20 domain may not be transferred to private  
21 ownership except in certain circumstances;  
22 prescribing the manner for a municipality to  
23 exercise the power of eminent domain; requiring  
24 that the governing body of a municipality adopt  
25 a resolution in order to acquire a property  
26 through the use of eminent domain; amending s.  
27 166.411, F.S.; eliminating the authority of  
28 municipalities to use eminent domain for the  
29 abatement of nuisances; limiting the  
30 authorization to use eminent domain for certain  
31 municipal purposes; providing for application

2

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Florida Senate - 2006  
590-1693B-06

SB 2168

1 of the act to pending eminent domain  
2 proceedings and appeals; providing an effective  
3 date.

4

5 Be It Enacted by the Legislature of the State of Florida:

6

7 Section 1. Section 127.01, Florida Statutes, is

8 amended to read:

9 127.01 Counties limited delegated power of eminent  
10 domain; recreational purposes, ~~issue of necessity of taking.~~--

11 (1)(a) The power of eminent domain is preempted to the  
12 state except as otherwise provided by law. Each county of the  
13 state is delegated limited authority to exercise the right and  
14 power of eminent domain; that is, the right to appropriate  
15 property, for the uses or purposes authorized under this  
16 section except state or federal, for any county purpose.  
17 However, no real property belonging to the United States, the  
18 state, or any political subdivision of the state may be  
19 acquired without its consent. The absolute fee simple title to  
20 all property so taken and acquired shall vest in such county  
21 unless the county seeks to condemn a particular right or  
22 estate in such property. Property acquired by the power of  
23 eminent domain may not be transferred to private ownership  
24 except as necessary to accomplish a purpose authorized in  
25 subsection (2).

26 ~~(b) Each county is further authorized to exercise the~~  
27 ~~eminent domain power granted to the Department of~~  
28 ~~Transportation by s. 337.27(1), the transportation corridor~~  
29 ~~protection provisions of s. 337.273, and the right of entry~~  
30 ~~onto property pursuant to s. 337.274.~~

31

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1           (2) Counties are authorized to exercise the power of  
2 eminent domain for the following uses or purposes:  
3           (a) For the proper and efficient carrying into effect  
4 of any proposed scheme or plan of drainage, ditching, grading,  
5 filling, or other public improvement deemed necessary or  
6 expedient for the preservation of the public health, or for  
7 other good reason connected in anywise with the public welfare  
8 or the interests of the county and the people thereof;  
9           (b) Over railroads, traction and streetcar lines,  
10 telephone and telegraph lines, all public and private streets  
11 and highways, drainage districts, bridge districts, school  
12 districts, or any other public or private lands whatsoever  
13 necessary to enable the accomplishment of the purpose of  
14 county public works;  
15           (c) For streets, lanes, alleys, and ways;  
16           (d) For public parks, squares, and grounds;  
17           (e) For drainage, for raising or filling in land in  
18 order to promote sanitation and healthfulness, and for the  
19 taking of easements for the drainage of the land of one person  
20 over and through the land of another;  
21           (f) For reclaiming and filling when lands are low and  
22 wet or overflowed, entirely or partly, altogether or at times;  
23           (g) For the use of water pipes and for sewerage and  
24 drainage purposes;  
25           (h) For laying wires and conduits underground; and  
26           (i) For county buildings, waterworks, and ponds.  
27           (3) Each county is further authorized to exercise the  
28 eminent domain power granted by s. 337.27(1) to the Department  
29 of Transportation; by s.337.273, relating to the protection of  
30 transportation corridors; and by s. 337.274, relating to the

31 right of entry onto property.

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1           ~~(4)(2)~~ However, no county has the right to condemn any  
2 lands outside its own county boundaries for parks,  
3 playgrounds, recreational centers, or other recreational  
4 purposes. ~~In eminent domain proceedings, a county's burden of~~  
5 ~~showing reasonable necessity for parks, playgrounds,~~  
6 ~~recreational centers, or other types of recreational purposes~~  
7 ~~shall be the same as the burden in other types of eminent~~  
8 ~~domain proceedings.~~

9           (5) When a county exercises the power of eminent  
10 domain for an authorized use or purpose, it must do so in the  
11 manner provided for in chapters 73 and 74.

12           Section 2. Section 127.02, Florida Statutes, is  
13 amended to read:

14           127.02 County commissioners may authorize acquirement  
15 of property by eminent domain for an authorized use or  
16 purpose.--The board of county commissioners may not exercise  
17 its power of eminent domain unless the board adopts a  
18 resolution authorizing the acquisition, ~~by resolution,~~  
19 ~~authorize the acquirement by eminent domain of a property,~~  
20 real or personal, by eminent domain for any county use or  
21 purpose authorized by law designated in such resolution.

22           Section 3. Subsection (3) of section 163.335, Florida  
23 Statutes, is amended to read:

24           163.335 Findings and declarations of necessity.--

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

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1           Section 4. Subsection (1) of section 163.345, Florida  
2 Statutes, is amended to read:

3           163.345 Encouragement of private enterprise.--

4           (1) Any county or municipality, to the greatest extent  
5 it determines to be feasible in carrying out the provisions of  
6 this part, shall afford maximum opportunity, consistent with  
7 the sound needs of the county or municipality as a whole, to  
8 the rehabilitation or redevelopment of the community  
9 redevelopment area by private enterprise. Any county or  
10 municipality shall give consideration to this objective in  
11 exercising its powers under this part, including the  
12 formulation of a workable program; the approval of community  
13 redevelopment plans, communitywide plans or programs for  
14 community redevelopment, and general neighborhood  
15 redevelopment plans (consistent with the general plan of the

16 county or municipality); the development and implementation of  
17 community policing innovations; the exercise of its zoning  
18 powers; the enforcement of other laws, codes, and regulations  
19 relating to the use of land and the use and occupancy of  
20 buildings and improvements; the development of affordable  
21 housing; the disposition of any property not acquired by  
22 eminent domain; and the provision of necessary public  
23 improvements.

24 Section 5. Subsection (1) of section 163.370, Florida  
25 Statutes, is amended to read:

26 163.370 Powers; counties and municipalities; community  
27 redevelopment agencies.--

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

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

4 (b) To disseminate slum clearance and community  
5 redevelopment information;

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

9           1. Acquisition of a slum area or a blighted area or  
10 portion thereof.

11           2. Demolition and removal of buildings and  
12 improvements.

13           3. Installation, construction, or reconstruction of  
14 streets, utilities, parks, playgrounds, public areas of major  
15 hotels that are constructed in support of convention centers,  
16 including meeting rooms, banquet facilities, parking garages,  
17 lobbies, and passageways, and other improvements necessary for  
18 carrying out in the community redevelopment area the community  
19 redevelopment objectives of this part in accordance with the  
20 community redevelopment plan.

21           4. Disposition of any property acquired in the  
22 community redevelopment area at its fair value for uses in  
23 accordance with the community redevelopment plan; however, any  
24 property acquired by the power of eminent domain may not be  
25 transferred to private ownership except as necessary to  
26 accomplish a purpose authorized under s. 127.01(2) or s.  
27 166.411.

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

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1           6. Acquisition of real property in the community  
2 redevelopment area which, under the community redevelopment  
3 plan, is to be repaired or rehabilitated for dwelling use or  
4 related facilities, repair or rehabilitation of the structures  
5 for guidance purposes, and resale of the property; however,  
6 any property acquired by the power of eminent domain may not  
7 be transferred to private ownership except as necessary to  
8 accomplish a purpose authorized under s. 127.01(2) or s.  
9 166.411.

10           7. Acquisition of any other real property in the  
11 community redevelopment area when necessary to eliminate  
12 unhealthful, unsanitary, or unsafe conditions; lessen density;  
13 eliminate obsolete or other uses detrimental to the public  
14 welfare; or otherwise to remove or prevent the spread of  
15 blight or deterioration or to provide land for needed public  
16 facilities.

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

27           9. Acquisition of property in unincorporated enclaves  
28 surrounded by the boundaries of a community redevelopment area  
29 when it is determined necessary by the agency to accomplish  
30 the community redevelopment plan. Property already devoted to  
31 a public use may be acquired in like manner.

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1           10.9 Construction of foundations and platforms  
2 necessary for the provision of air rights sites of housing  
3 (and related facilities and uses) designed specifically for,  
4 and limited to, families and individuals of low or moderate  
5 income.

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

22           (e) Within the community redevelopment area:

23           ~~1. To enter into any building or property in any~~  
24 ~~community redevelopment area in order to make inspections,~~

25 ~~surveys, appraisals, soundings, or test borings and to obtain~~  
26 ~~an order for this purpose from a court of competent~~  
27 ~~jurisdiction in the event entry is denied or resisted.~~

28        ~~1.2-~~ To acquire by purchase;i~~-~~ lease;i~~-~~ option;i~~-~~ gift;i~~-~~  
29 grant;i~~-~~ bequest;i~~-~~ devise; or~~-~~ eminent domain, as authorized  
30 under chapter 127 or chapter 166, or otherwise any real  
31 property ~~(or personal property for its administrative~~

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1 purposes), together with any improvements thereon; except that  
2 a community redevelopment agency may not exercise any power of  
3 eminent domain unless the exercise has been specifically  
4 approved by the governing body of the county or municipality  
5 which established the agency.

6        ~~2.3-~~ To hold, improve, clear, or prepare for  
7 redevelopment any such property.

8        ~~3.4-~~ To mortgage, pledge, hypothecate, or otherwise  
9 encumber or dispose of any real property; however, any  
10 property acquired by the power of eminent domain may not be  
11 transferred to private ownership except as necessary to  
12 accomplish a purpose authorized under s. 127.01(2) or s.  
13 166.411.

14        ~~4.5-~~ To insure or provide for the insurance of any  
15 real or personal property or operations of the county or  
16 municipality against any risks or hazards, including the power

17 to pay premiums on any such insurance.

18 ~~5.6~~ To enter into any contracts necessary to  
19 effectuate the purposes of this part.

20 ~~6.7~~ To solicit requests for proposals for  
21 redevelopment of parcels of real property contemplated by a  
22 community redevelopment plan to be acquired for redevelopment  
23 purposes by a community redevelopment agency and, as a result  
24 of such requests for proposals, to advertise for the  
25 disposition of such real property to private persons pursuant  
26 to s. 163.380 prior to acquisition of such real property by  
27 the community redevelopment agency; however, any property  
28 acquired by the power of eminent domain may not be transferred  
29 to private ownership except as necessary to accomplish a  
30 purpose authorized under s. 127.01(2) or s. 166.411.

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

9 (g) To borrow money and to apply for and accept

10 advances, loans, grants, contributions, and any other form of  
11 financial assistance from the Federal Government or the state,  
12 county, or other public body or from any sources, public or  
13 private, for the purposes of this part and to give such  
14 security as may be required and to enter into and carry out  
15 contracts or agreements in connection therewith; and to  
16 include in any contract for financial assistance with the  
17 Federal Government for or with respect to community  
18 redevelopment and related activities such conditions imposed  
19 pursuant to federal laws as the county or municipality deems  
20 reasonable and appropriate which are not inconsistent with the  
21 purposes of this part.

22 (h) Within its area of operation, to make or have made  
23 all surveys and plans necessary to the carrying out of the  
24 purposes of this part; to contract with any person, public or  
25 private, in making and carrying out such plans; and to adopt  
26 or approve, modify, and amend such plans, which plans may  
27 include, but are not limited to:

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

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1 2. Plans for the enforcement of state and local laws,

2 codes, and regulations relating to the use of land and the use  
3 and occupancy of buildings and improvements and to the  
4 compulsory repair, rehabilitation, demolition, or removal of  
5 buildings and improvements.

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

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

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

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

24 (l) To appropriate such funds and make such  
25 expenditures as are necessary to carry out the purposes of  
26 this part; to zone or rezone any part of the county or  
27 municipality or make exceptions from building regulations; and  
28 to enter into agreements with a housing authority, which  
29 agreements may extend over any period, notwithstanding any  
30 provision or rule of law to the contrary, respecting action to

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1 be taken by such county or municipality pursuant to any of the  
2 powers granted by this part.

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

6 (n) Within its area of operation, to organize,  
7 coordinate, and direct the administration of the provisions of  
8 this part, as they may apply to such county or municipality,  
9 in order that the objective of remedying slum and blighted  
10 areas and preventing the causes thereof within such county or  
11 municipality may be most effectively promoted and achieved and  
12 to establish such new office or offices of the county or  
13 municipality or to reorganize existing offices in order to  
14 carry out such purpose most effectively.

15 (o) To exercise all or any part or combination of  
16 powers herein granted or to elect to have such powers  
17 exercised by a community redevelopment agency.

18 (p) To develop and implement community policing  
19 innovations.

20 Section 6. Section 163.375, Florida Statutes, is  
21 amended to read:

22 163.375 Eminent domain.--

23 (1) Any county or municipality, or any community  
24 redevelopment agency pursuant to specific approval of the  
25 governing body of the county or municipality which established

26 the agency, as provided by any county or municipal ordinance,  
27 may use the power of eminent domain to acquire any interest in  
28 real property as authorized under chapter 127 or chapter 166  
29 ~~has the right to acquire by condemnation any interest in real~~  
30 ~~property, including a fee simple title thereto, which it deems~~  
31 ~~necessary for, or in connection with, community redevelopment~~

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1 ~~and related activities under this part. Any county or~~  
2 ~~municipality, or any community redevelopment agency pursuant~~  
3 ~~to specific approval by the governing body of the county or~~  
4 ~~municipality which established the agency, as provided by any~~  
5 ~~county or municipal ordinance may exercise the power of~~  
6 ~~eminent domain in the manner provided in chapters 73 and 74~~  
7 ~~and acts amendatory thereof or supplementary thereto, or it~~  
8 ~~may exercise the power of eminent domain in the manner now or~~  
9 ~~which may be hereafter provided by any other statutory~~  
10 ~~provision for the exercise of the power of eminent domain.~~  
11 ~~Property in unincorporated enclaves surrounded by the~~  
12 ~~boundaries of a community redevelopment area may be acquired~~  
13 ~~when it is determined necessary by the agency to accomplish~~  
14 ~~the community redevelopment plan. Property already devoted to~~  
15 ~~a public use may be acquired in like manner. However, no real~~  
16 ~~property belonging to the United States, the state, or any~~  
17 ~~political subdivision of the state may be acquired without its~~

18 ~~consent.~~

19 ~~(2) In any proceeding to fix or assess compensation~~  
20 ~~for damages for the taking of property, or any interest~~  
21 ~~therein, through the exercise of the power of eminent domain~~  
22 ~~or condemnation, evidence or testimony bearing upon the~~  
23 ~~following matters shall be admissible and shall be considered~~  
24 ~~in fixing such compensation or damages in addition to evidence~~  
25 ~~or testimony otherwise admissible.~~

26 ~~(a) Any use, condition, occupancy, or operation of~~  
27 ~~such property, which is unlawful or violative of, or subject~~  
28 ~~to elimination, abatement, prohibition, or correction under,~~  
29 ~~any law, ordinance, or regulatory measure of the state,~~  
30 ~~county, municipality, or other political subdivision, or any~~  
31 ~~agency thereof, in which such property is located, as being~~

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1 ~~unsafe, substandard, unsanitary, or otherwise contrary to the~~  
2 ~~public health, safety, morals, or welfare.~~

3 ~~(b) The effect on the value of such property of any~~  
4 ~~such use, condition, occupancy, or operation or of the~~  
5 ~~elimination, abatement, prohibition, or correction of any such~~  
6 ~~use, condition, occupancy, or operation.~~

7 ~~(3) The foregoing testimony and evidence shall be~~  
8 ~~admissible notwithstanding that no action has been taken by~~  
9 ~~any public body or public officer toward the abatement,~~  
10 ~~prohibition, elimination, or correction of any such use,~~

11 ~~condition, occupancy, or operation. Testimony or evidence~~  
12 ~~that any public body or public officer charged with the duty~~  
13 ~~or authority so to do has rendered, made, or issued any~~  
14 ~~judgment, decree, determination, or order for the abatement,~~  
15 ~~prohibition, elimination, or correction of any such use,~~  
16 ~~condition, occupancy, or operation shall be admissible and~~  
17 ~~shall be prima facie evidence of the existence and character~~  
18 ~~of such use, condition, or operation.~~

19 Section 7. Section 163.380, Florida Statutes, is  
20 amended to read:

21 163.380 Disposal of property in community  
22 redevelopment area.--

23 (1) Any county, municipality, or community  
24 redevelopment agency may sell, lease, dispose of, or otherwise  
25 transfer real property or any interest therein acquired by it  
26 for community redevelopment in a community redevelopment area  
27 to any private person, or may retain such property for public  
28 use, and may enter into contracts with respect thereto for  
29 residential, recreational, commercial, industrial,  
30 educational, or other uses, in accordance with the community  
31 redevelopment plan, subject to such covenants, conditions, and

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1 restrictions, including covenants running with the land, as it  
2 deems necessary or desirable to assist in preventing the

3 development or spread of future slums or blighted areas or to  
4 otherwise carry out the purposes of this part. However, such  
5 sale, lease, other transfer, or retention, and any agreement  
6 relating thereto, may be made only after the approval of the  
7 community redevelopment plan by the governing body. The  
8 purchasers or lessees and their successors and assigns shall  
9 be obligated to devote such real property only to the uses  
10 specified in the community redevelopment plan and may be  
11 obligated to comply with such other requirements as the  
12 county, municipality, or community redevelopment agency may  
13 determine to be in the public interest, including the  
14 obligation to begin any improvements on such real property  
15 required by the community redevelopment plan within a  
16 reasonable time. Notwithstanding any provision to the contrary  
17 in this subsection, any property acquired by the power of  
18 eminent domain may not be transferred to private ownership  
19 except as necessary to accomplish a purpose authorized under  
20 s. 127.01(2) or s. 166.411.

21 (2) Such real property or interest shall be sold,  
22 leased, otherwise transferred, or retained at a value  
23 determined to be in the public interest for uses in accordance  
24 with the community redevelopment plan and in accordance with  
25 such reasonable disposal procedures as any county,  
26 municipality, or community redevelopment agency may prescribe;  
27 however, any property acquired by the power of eminent domain  
28 may not be transferred to private ownership except as  
29 necessary to accomplish a purpose authorized under s.  
30 127.01(2) or s. 166.411. In determining the value of real  
31 property as being in the public interest for uses in

1 accordance with the community redevelopment plan, the county,  
2 municipality, or community redevelopment agency shall take  
3 into account and give consideration to the long-term benefits  
4 to be achieved by the county, municipality, or community  
5 redevelopment agency resulting from incurring short-term  
6 losses or costs in the disposal of such real property; the  
7 uses provided in such plan; the restrictions upon, and the  
8 covenants, conditions, and obligations assumed by, the  
9 purchaser or lessee or by the county, municipality, or  
10 community redevelopment agency retaining the property; and the  
11 objectives of such plan for the prevention of the recurrence  
12 of slum or blighted areas. In the event the value of such  
13 real property being disposed of is for less than the fair  
14 value, such disposition shall require the approval of the  
15 governing body, which approval may only be given following a  
16 duly noticed public hearing. The county, municipality, or  
17 community redevelopment agency may provide in any instrument  
18 of conveyance to a private purchaser or lessee that such  
19 purchaser or lessee is without power to sell, lease, or  
20 otherwise transfer the real property without the prior written  
21 consent of the county, municipality, or community  
22 redevelopment agency until the purchaser or lessee has  
23 completed the construction of any or all improvements which he  
24 or she has obligated himself or herself to construct thereon.  
25 Real property acquired by the county, municipality, or  
26 community redevelopment agency which, in accordance with the

27 provisions of the community redevelopment plan, is to be  
28 transferred shall be transferred as rapidly as feasible in the  
29 public interest, consistent with the carrying out of the  
30 provisions of the community redevelopment plan. Any contract  
31 for such transfer and the community redevelopment plan, or

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1 such part or parts of such contract or plan as the county,  
2 municipality, or community redevelopment agency may determine,  
3 may be recorded in the land records of the clerk of the  
4 circuit court in such manner as to afford actual or  
5 constructive notice thereof.

6           (3)(a) Prior to disposition of any real property or  
7 interest therein in a community redevelopment area, any  
8 county, municipality, or community redevelopment agency shall  
9 give public notice of such disposition by publication in a  
10 newspaper having a general circulation in the community, at  
11 least 30 days prior to the execution of any contract to sell,  
12 lease, or otherwise transfer real property and, prior to the  
13 delivery of any instrument of conveyance with respect thereto  
14 under the provisions of this section, invite proposals from,  
15 and make all pertinent information available to, private  
16 redevelopers or any persons interested in undertaking to  
17 redevelop or rehabilitate a community redevelopment area or  
18 any part thereof. Such notice shall identify the area or

19 portion thereof and shall state that proposals must be made by  
20 those interested within 30 days after the date of publication  
21 of the notice and that such further information as is  
22 available may be obtained at such office as is designated in  
23 the notice. The county, municipality, or community  
24 redevelopment agency shall consider all such redevelopment or  
25 rehabilitation proposals and the financial and legal ability  
26 of the persons making such proposals to carry them out; and  
27 the county, municipality, or community redevelopment agency  
28 may negotiate with any persons for proposals for the purchase,  
29 lease, or other transfer of any real property acquired by it  
30 in the community redevelopment area. The county,  
31 municipality, or community redevelopment agency may accept

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1 such proposal as it deems to be in the public interest and in  
2 furtherance of the purposes of this part. Except in the case  
3 of a governing body acting as the agency, as provided in s.  
4 163.357, a notification of intention to accept such proposal  
5 must be filed with the governing body not less than 30 days  
6 prior to any such acceptance. Thereafter, the county,  
7 municipality, or community redevelopment agency may execute  
8 such contract in accordance with the provisions of subsection  
9 (1) and deliver deeds, leases, and other instruments and take  
10 all steps necessary to effectuate such contract.

11 (b) Any county, municipality, or community

12 redevelopment agency that, pursuant to the provisions of this  
13 section, has disposed of a real property project with a land  
14 area in excess of 20 acres may acquire an expanded area that  
15 is immediately adjacent to the original project and less than  
16 35 percent of the land area of the original project, by  
17 purchase ~~or eminent domain~~ as provided in this chapter, and  
18 negotiate a disposition of such expanded area directly with  
19 the person who acquired the original project without complying  
20 with the disposition procedures established in paragraph (a),  
21 provided the county, municipality, or community redevelopment  
22 agency adopts a resolution making the following findings:

23         1. It is in the public interest to expand such real  
24 property project to an immediately adjacent area.

25         2. The expanded area is less than 35 percent of the  
26 land area of the original project.

27         3. The expanded area is entirely within the boundary  
28 of the community redevelopment area.

29         (4) Any county, municipality, or community  
30 redevelopment agency may temporarily operate and maintain real  
31 property acquired by it in a community redevelopment area for

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1 or in connection with a community redevelopment plan pending  
2 the disposition of the property as authorized in this part,  
3 without regard to the provisions of subsection (1), for such

4 uses and purposes as may be deemed desirable, even though not  
5 in conformity with the community redevelopment plan.

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

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

18 Section 8. Section 166.401, Florida Statutes, is  
19 amended to read:

20 166.401 Municipalities limited delegated power ~~Right~~  
21 of eminent domain.--

22 (1) The power of eminent domain is preempted to the  
23 state except as otherwise provided by law. All municipalities  
24 in the state are delegated limited authority to ~~may~~ exercise  
25 the right and power of eminent domain; that is, the right to  
26 appropriate property within the state, ~~except state or federal~~  
27 ~~property,~~ for the uses or purposes authorized pursuant to this  
28 part. However, no real property belonging to the United  
29 States, the state, or any political subdivision of the state  
30 may be acquired without its consent. The absolute fee simple  
31 title to all property so taken and acquired shall vest in such

1 municipal corporation unless the municipality seeks to condemn  
2 a particular right or estate in such property. Property  
3 acquired by the power of eminent domain may not be transferred  
4 to private ownership except as necessary to accomplish a  
5 purpose authorized in this part.

6 (2) Each municipality is further authorized to  
7 exercise the eminent domain power granted by s. 337.27(1) to  
8 the Department of Transportation; by s. 337.273, relating to  
9 the protection of transportation corridors; and by s. 337.274,  
10 relating to the right of entry onto property to the Department  
11 of Transportation in s. 337.27(1) and the transportation  
12 corridor protection provisions of s. 337.273.

13 (3) When a municipality exercises the power of eminent  
14 domain for an authorized use or purpose, it must do so in the  
15 manner provided for in chapters 73 and 74.

16 (4) The local governing body of a municipality may not  
17 exercise its power of eminent domain unless the governing body  
18 adopts a resolution authorizing the acquisition of a property,  
19 real or personal, by eminent domain for any authorized  
20 municipal use or purpose.

21 Section 9. Section 166.411, Florida Statutes, is  
22 amended to read:

23 166.411 Eminent domain; uses or  
24 purposes.--Municipalities are authorized to exercise the power  
25 of eminent domain for the following uses or purposes:

26 (1) For the proper and efficient carrying into effect  
27 of any proposed scheme or plan of drainage, ditching, grading,

28 filling, or other public improvement deemed necessary or  
29 expedient for the preservation of the public health, or for  
30 other good reason connected in anywise with the public welfare  
31 or the interests of the municipality and the people thereof;

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Florida Senate - 2006  
590-1693B-06

SB 2168

- 1           (2) Over railroads, traction and streetcar lines,  
2 telephone and telegraph lines, all public and private streets  
3 and highways, drainage districts, bridge districts, school  
4 districts, or any other public or private lands whatsoever  
5 necessary to enable the accomplishment of purposes listed in  
6 s. 180.06;
- 7           (3) For streets, lanes, alleys, and ways;
- 8           (4) For public parks, squares, and grounds;
- 9           (5) For drainage, for raising or filling in land in  
10 order to promote sanitation and healthfulness, and for the  
11 taking of easements for the drainage of the land of one person  
12 over and through the land of another;
- 13           (6) For reclaiming and filling when lands are low and  
14 wet, or overflowed, entirely or partly, altogether or at  
15 times, ~~or entirely or partly~~;
- 16           ~~(7) For the abatement of any nuisance;~~
- 17           (7)(8) For the use of water pipes and for sewerage and  
18 drainage purposes;
- 19           (8)(9) For laying wires and conduits underground; and



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**Senate Bill sb1062**

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2006

SB 1062

By Senator Diaz de la Portilla

36-735-06

1                                   A bill to be entitled

2           An act relating to coordinated 311 nonemergency

3           and other governmental services telephone

4           systems; creating s. 365.180, F.S.; defining

5           the term "coordinated 311 nonemergency and

6           other governmental services telephone system";

7           authorizing the Department of Community Affairs

8           to accept and administer funds to provide

9           grants for coordinated 311 nonemergency and

10          other governmental services systems;

11          authorizing counties and municipalities to

12          apply for grants; requiring a county or

13          municipality to provide matching funds;

14          requiring the department to award grants in

15          order of priority; providing for certain

16          limitations on grant funds received;

17          authorizing the department to adopt rules;

18          providing an appropriation; providing an

19          effective date.

20

21 Be It Enacted by the Legislature of the State of Florida:

22

23 Section 1. Section 365.180, Florida Statutes, is  
24 created to read:

25 365.180 Grant program for a coordinated 311  
26 nonemergency and other governmental services telephone system;  
27 grants for operation; funding; approval; allocation.--

28 (1) The Legislature finds that a 311 telephone system  
29 for nonemergency and other governmental services may reduce  
30 the volume of nonemergency calls to 911 Public Safety  
31 Answering Points, particularly in times of a disaster. The

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Florida Senate - 2006  
36-735-06

SB 1062

1 Legislature further finds that 311 systems improve public  
2 access to government by providing seamless access to various  
3 governmental entities, enhancing coordination among state and  
4 various local jurisdictions, and improving service delivery.

5 (2) As used in this section, the term "coordinated 311  
6 nonemergency and other governmental services telephone system"  
7 means a 311 system that is multijurisdictional and designed to  
8 provide seamless access to nonemergency and other governmental  
9 services.

10 (3) The Department of Community Affairs may accept and  
11 administer funds that are appropriated to it to award grants  
12 to counties and municipalities to operate a coordinated 311  
13 nonemergency and other governmental services telephone system.

14 (4) A county or municipality may apply to the

15 department for a grant of state funds to implement and operate  
16 a coordinated 311 nonemergency and other governmental services  
17 telephone system.

18 (5) A grant awarded under this section must be matched  
19 by a contribution from the county or municipality in an amount  
20 equal to \$1 for each \$1 awarded under this section.

21 (6) The department shall review each grant application  
22 that is submitted under subsection (4) and shall annually  
23 submit to the secretary a list of all applications received.  
24 Included with the list of applicants shall be a list of the  
25 systems that staff of the department recommend for approval,  
26 arranged in order of priority. The department shall allocate  
27 grants only to applicants that are approved by the secretary  
28 and for which funds are appropriated by the Legislature.

29 (7) The annual amount of any one grant made under this  
30 section may not exceed the lesser of \$2.5 million or 50  
31 percent of the total annual cost of operating the coordinated

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Florida Senate - 2006  
36-735-06

SB 1062

1 311 nonemergency and other governmental services telephone  
2 system. The total amount of the grants awarded to a  
3 coordinated 311 nonemergency and other governmental services  
4 telephone system in a 5-year period may not exceed \$10  
5 million.

6 (8) Each 311 system receiving funds under this section

7 shall submit a report to the Governor, the President of the  
8 Senate, and the Speaker of the House of Representatives by  
9 December 15, 2007, detailing how the 311 system spent the  
10 funds appropriated to it under this section.

11 (9) The Department of Community Affairs may adopt  
12 rules for administering this section, including rules for the  
13 criteria to be applied in order to evaluate applications for  
14 grants.

15 Section 2. The sum of \$10 million is appropriated from  
16 the General Revenue Fund to the Department of Community  
17 Affairs for the 2006-2007 fiscal year for the purpose of  
18 funding grants for the coordinated 311 nonemergency and other  
19 governmental services telephone system.

20 Section 3. This act shall take effect July 1, 2006.

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SENATE SUMMARY

24 Authorizes the Department of Community Affairs to accept  
25 and administer funds to provide grants for coordinated  
26 311 nonemergency and other governmental services systems.  
27 Provides that counties and municipalities may apply for  
28 implementation and operation grants. Requires a county or  
29 municipality to provide matching funds. Requires the  
30 department to award grants in order of priority. Provides  
31 for certain limitations on grant funds received.  
Authorizes the department to adopt rules. Provides an  
appropriation.

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