

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Legislative - Agenda 2006

**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 03/28/06 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

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<b>Reviewed by:</b> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: _____ File No <u>CMLL01</u>
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## 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**)

02/27/06 SENATE On Committee agenda-- Community Affairs, 03/06/06, 2:15 pm, 401-S

03/06/06 SENATE CS by Community Affairs; YEAS 6 NAYS 1

03/07/06 SENATE Introduced, referred to Community Affairs; Environmental Preservation; Transportation; Transportation and Economic Development Appropriations; On Committee agenda— Community Affairs, 02/14/06, 9:00 am, 401-S – Workshop – Discussed; On Committee agenda-- Community Affairs, 03/06/06, 2:15 pm, 401-S; CS by Community Affairs; YEAS 6 NAYS 1

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**)

03/07/06 SENATE Introduced, referred to Community Affairs; Governmental Oversight and Productivity

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**)

03/07/06 HOUSE Introduced, referred to Tourism (SIC); Finance & Tax (FC); Transportation & Economic Development Appropriations (FC); State Infrastructure Council

**S 2632 Motor Vehicle Lease/Surcharge By Senator Webster**  
Last Action: 03/03/2006 Filed (**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 Meador (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  
03/06/06 HOUSE On Council agenda-- Local Government Council, 03/08/06, 1:00 pm, 404-H  
03/07/06 HOUSE Introduced, referred to Governmental Operations (SAC); Local Government Council; Fiscal Council; State Administration Council; On Committee agenda— Governmental Operations (SAC), 01/25/06, 1:30 pm, Morris Hall; Favorable with CS amendment by Governmental Operations (SAC); YEAS 6 NAYS 0; Pending review of CS under Rule 6.3(b); Now in Local Government Council; On Council agenda-- Local Government Council, 03/08/06, 1:00 pm, 404-H **(Bill Previously Provided)**

*Per inform received from Eric T – 3/6/06  
House Bill 405 relating to Deferred Compensation Programs was heard in the House Local Government Council 3/6/06.*

*The State Board of Administration raised a technical concern over an unintended consequences. We worked the issue out with them without any substantive change to the bill and an amendment was adopted to address their concern. The amendment simply clarified that the SBA has no fiduciary responsibility for local deferred compensation plans.*

*HB 405 was voted out of the House Governmental Operations Committee by a unanimous vote of 8-0.*

*The next stop for this bill is the House Fiscal Council chaired by Joe Negron. This is where the bill stalled last year. We met with Chairman Negron this year and he said he is opposed to the bill. While we do not want to attack him, this would be a good time for interested individuals to contact Representative Negron's Office requesting him to hear or withdraw HB 405 from the House Fiscal Council since the bill has no fiscal impact.*

**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

03/07/06 SENATE Introduced, referred to Governmental Oversight and Productivity; General Gov't 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

03/07/06 SENATE Introduced, 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

03/07/06 SENATE Introduced, referred to Community Affairs; Environmental Preservation; Transportation and Economic Development Approp; pays and Means; Rules & Calendar **(Bill Previously Provided)**

### **S1608 GENERAL BILL by Bennett (Compare H 0949)**

Land Use Decisions; provides that county charter, ordinance, regulation, or special act governing use of development of land, or providing exclusive method of municipal annexation, is not effective within or applicable to municipality within that county unless charter provision, ordinance, regulation, or special act is approved by majority of electors of county & municipality or is approved by majority of municipality's governing board, etc. Creates 163.3172. EFFECTIVE DATE: 07/01/2006.

01/25/06 SENATE Filed

02/13/06 SENATE Referred to Community Affairs; Judiciary

03/07/06 SENATE Introduced, referred to Community Affairs; Judiciary -SJ 00133 **(Attachment A, Page 21)**

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

03/07/06 HOUSE Introduced, referred to Criminal Justice (JC); Justice Appropriations (FC); Justice Council; On Committee agenda— Criminal Justice (JC), 12/07/05, 9:15 am, 404-H;

Favorable with CS amendment by Criminal Justice (JC);

YEAS 6 NAYS 0; Pending review of CS under Rule 6.3(b); Now in Justice Appropriations (FC); Original

reference(s)- removed: Justice Appropriations (FC); CS referred to Criminal Justice Appropriations (FC); On

Committee agenda-- Criminal Justice Appropriations (FC),

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

03/07/06 HOUSE Introduced, referred to Domestic Security (SAC);  
Criminal Justice (JC); Local Government Council; Justice  
Appropriations (FC); State Administration Council; Original  
reference(s) removed: Justice Appropriations (FC); Referred  
to- Domestic Security (SAC); Criminal Justice (JC); Local  
Government Council; Criminal Justice Appropriations (FC);  
State Administration Council **(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 Sponsorship Senator Baker and Representative Hays	\$2,000,000
B. Regional Alternative Water Supply Program Sponsorship Senator Constantine and Representative Mealor	\$800,000
C. Cross Florida Greenways Trail - Seminole County/ Winter Springs Connection Sponsorship Senator Posey and Representative Simmons	\$2,500,000
D. SR 46- Regional Evacuation Route (SR 415 to US 1) Sponsorship Senator Posey and Representative Adams	<u>\$8,000,000</u>
<b>TOTAL</b>	<b>\$13,300,000</b>
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) 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, 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

03/07/06 SENATE Introduced, referred to Criminal Justice; Judiciary; On Committee agenda-- Criminal Justice, 01/25/06, 2:00 pm, 37-S;

CS by Criminal Justice; YEAS 8 NAYS 0; CS read first time

on 03/07/06; Now in Judiciary; On Committee agenda--

Judiciary, 02/15/06, 2:00 pm, 401-S; Favorable by- Judiciary;

YEAS 7 NAYS 0; Placed on Calendar, on 2<sup>nd</sup> reading (**Bill Previously Provided**)

- ### 3. Florida Hometown Democracy
- The citizen initiative petition to amend the Florida Constitution to require a referendum on all comprehensive plan amendments and adoptions received enough signatures by February 1 for Supreme Court review of the petition. The Supreme Court has issued a schedule for the filing of briefs and for oral argument. The initial brief was filed on March 3, 2006; the answer brief is due on March 20, 2006; and the oral argument is scheduled for Monday, April 3, 2006. The Florida Association of Counties has joined with the Florida League of Cities and the Florida School Boards Association to file a joint brief against the petition arguing that it violates the single subject rule and that the ballot title and summary are fatally defective.

#### 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

03/07/06 SENATE Introduced, referred to Health Care; Health and Human Services Appropriations (**Bill Previously Provided**)

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 ( **Bill Previously Provided**)

02/23/06 SENATE Referred to Community Affairs; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; Rules and Calendar

03/07/06 SENATE Introduced, referred to Community Affairs; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; Rules and Calendar

## 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

02/17/06 SENATE SPB 7102 submitted as a committee bill (SB 2168) by Judiciary; Filed

03/03/06 SENATE Referred to Judiciary; Community Affairs

03/07/06 SENATE Introduced, referred to Judiciary; Community Affairs (**Bill Previously Provided**)

### **S2582 GENERAL BILL by Bennett (Compare H 1567)**

Community Redevelopment Act of 1969; provides for encouragement of private enterprise by community redevelopment agency; transfers certain responsibilities concerning formation of program to minimize slums or blight from county or municipality to said agency; authorizes creation of one or more redevelopment agencies by county or municipality; removes eminent domain from list of powers available to said agency, etc. Amends Ch. 163. EFFECTIVE DATE: 10/01/2006.

03/03/06 SENATE Filed(**Attachment B, Page 24**)

### **H1567 GENERAL BILL by Rubio (Compare S 2168, S 2582)**

Eminent Domain; restricts certain transfers of property taken by eminent domain to certain natural persons or private entities; requires disclosure of eminent domain authority in resolutions finding slum or blight conditions; provides that power of eminent domain does not vest in community redevelopment agency but rather with governing body of county or municipality; requires county compliance with eminent domain limitations, etc. Amends FS. EFFECTIVE DATE: 07/01/2006.

03/07/06 HOUSE Filed; Introduced -HJ 00117(**Attachment C, Page 94**)

### **H1569 JOINT RESOLUTION by Rubio**

Eminent Domain; constitutional amendment to prohibit transfer of ownership or control of private real property taken by eminent domain pursuant to petition filed on or after January 2, 2007, to any natural person or private entity, except that ownership or control of such property may be conveyed to specified natural persons or entities in specified circumstances, etc. Amends s. 6, Art. X.

03/07/06 HOUSE Filed; Introduced -HJ 00118 (**Attachment D, Page 107**)

**H1571 JOINT RESOLUTION by Rubio (Compare S 0598)**

Homestead Property/Just Value; constitutional amendment to provide additional circumstance for assessing homestead property at less than just value. Amends s. 4, Art. VII.

03/07/06 HOUSE Filed; Introduced -HJ 00118 (**Attachment E, Page 110**)

**13.3-1-1 Statewide Grant Program**

SB 1062 – 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

03/06/06 SENATE On Committee agenda-- Transportation and Economic Development Appropriations, 03/09/06, 1:00 pm, 309-C

03/07/06 SENATE Introduced, referred to Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; On

Committee agenda-- Community Affairs, 02/14/06, 9:00 am,

401-S; Favorable with 1 amendment(s) by Community Affairs;

YEAS 8 NAYS 0; Now in Transportation and Economic

Development Appropriations; On Committee agenda--

Transportation and Economic Development Appropriations,

03/09/06, 1:00 pm, 309-C (**Bill Previously Provided**)

**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  
date with legislators April 5, 2006
- Regular Session – Begins March 7, 2006 - Ends May 5, 2006
- State lobbyist – Brantley and Associates

## **Top Federal Legislative Priorities**

**1. Oppose any bills that preempt local government authority.**

**I.E.,**

**S.2113 Title:** A bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks.

**Sponsor:** Sen DeMint, Jim [SC] (introduced 12/15/2005)    Cosponsors (1)  
**( Bill Previously Provided)**

**Latest Major Action:** 12/15/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

## **Top Federal Funding Items**

### **A. Pedestrian Overpass (Howell Branch Road & State Road 426) - \$6 m**

Request - \$6.0 million under the Transportation and Community System Preservation Program account in Fiscal Year 2007 Transportation Appropriations Bill to construct a pedestrian overpass at the intersection of Howell Branch Road and State Road 426.

The project serves as a regional trail/pedestrian link between Seminole and Orange Counties. It was approved by the MetroPlan Orlando Board as part of the Long Range Plan 2025 in 2004.

Recently, the County has completed the south link of the Cross Seminole Trail, which terminates at the Orange County Line. Orange County will be tying into this section of the trail which will provide a connection to the downtown Orlando Area. The trail serves both recreational and commuter users. In Seminole County it intersects with State Road 426 and Howell Branch Road. Approximately 50,000 cars a day pass through this intersection. The pedestrian overpass will enhance the safety at this intersection. The total cost of the project is \$6.0 million for design, right-of-way and construction. Neither the County nor the State has funds at this time.

### **B. Cross Fl Greenways Trail – Seminole County/Winter Springs - \$2.5m**

Request - \$2.5 million under the Transportation and Community System Preservation Program account in the Fiscal Year 2007 Transportation appropriations Bill to develop the Cross Florida Greenways Trail in Seminole County/Winter Springs.

The Cross Florida Greenways Trail is part of a planned connection to Orange County and a regional trail system connection to the Seminole County trail system and eventually part of the Florida National Scenic Trail System. The section of the trail in which the County is seeking funds is in Winter Springs between Layer Elementary School and Old Sanford/Oviedo Road.

The project was approved by the MetroPlan Orlando Board as part of the Long Range Plan 2025 in 2004.

The trail serves work, recreational and school access purposes. It also is a “mission link” for a multi-county trail and; therefore, is significant in terms of need and importance. The total cost of the project is \$2.5 million. The County can contribute \$500,000 to this project.

### **C. State Road 46 – Regional Evacuation Route (SR 415 to US 1) - \$8m**

Request - \$8 million under the Transportation and Community System Preservation Program account in the Fiscal Year 2007 Transportation Appropriations Bill to develop State Road 46 from State Road 415 to US Highway 1.



The funds sought would cover the project development and environment (PD&E) phase of this project, which expands State Road 46 to 4-lanes from State Road 415 to US Highway 1 in Brevard County. Widening State Road 46 would significantly improve travel on a regional basis and provide an upgraded hurricane evacuation route.

The total cost of the project is \$120 million. The project in Seminole County was approved and adopted by the MetroPlan Orlando Board in 2004 as part of the Long Range Plan.

The County expects the funds to be provided by the Florida Department of Transportation which would be the agency to implement the project since it is a State roadway and serves traffic on a regional basis. As an evacuation route, it directly serves Orange, Seminole, Volusia and Brevard Counties. Indirectly, it would serve as a primary or secondary route for other coastal Counties along the east coast of Florida.

**D. Upsala Landfill Restoration - \$2m**

Request - \$2 million under the Environmental Programs and Management Account in the Fiscal Year 2007 Interior and Environment Appropriations Bill for the remediation and restoration of the closed Upsala Landfill site. The work would include the environmental study, engineering and construction needed to reclaim the former landfill and adjacent sludge disposal area. The approximate 24 acre former disposal site would be converted into a park that would serve the residents of Seminole County and region.

**E. Computer Aided Dispatch System- \$900,000**

Request - \$900,000 under the Law Enforcement Technology and Interoperability Grants program in the Fiscal Year 2007 Science, State, Justice and Commerce Appropriations Bill for a computer aided dispatch (CAD) system.

Due to the complex nature of the County's first response system and the increase in call activity, improvements to the County's technology are required to effectively and efficiently dispense the proper resources to a variety of scenarios. The current system in place has been outdated due to call volume capacity and requires numerous upgrades to integrate technology such as Automatic Vehicle Locator (AVL) systems, Mobile Data Terminals (MDT), enhanced Mobile Data Collection reporting systems with integration to local hospitals, and an enhanced Incident Command Operational System to handle large scale incidents as well as Hazardous Materials and Weapons of Mass Destruction response.

The system is a jointly used by the County and the Cities of Sanford, Lake Mary, Oviedo, Winter Springs, Longwood, Casselberry and Altamonte Springs. It provides communications for general EMS, Fire, Rescue response, many facets of Special Response and serves as ancillary support to other functions such as Animal Control services.

**F. Replacement of Large Print Library Books- \$100,000**

Request - \$100,000 under the Institute of Museum and Library Services account in the Fiscal Year 2007 Labor-HHS-Education Appropriations Bill to replace large print library books.

Large print books are used more and more by people who are not visually impaired. They are used by the senior citizens whose vision has declined; they are used by stationary bicycle and treadmill users; they are used by speed readers; they are used by students with reading difficulties; they are used by patients recovering from head injury or stroke. This use, on top of the intense traditional use of large print books by the visually impaired, has put a strain on the Large Print Collection of the Seminole County Public Library System.

The current Large Print Collection cannot fulfill the rising demand for this format. In order to make the Large Print Collection a more contemporary and viable collection, \$100,000 would be used to purchase approximately 2,800 large print volumes (average \$37.00 per large print volume as determined by library sources, 2004/2005 U. S. Statistical Abstracts and Bowker Annual Library and Book Trade Almanac.

**G. Regional Alternative Water Supply Program - \$200,000,000**

Request - \$2,000,000 under the State and Tribal Assistance Grant account in the Fiscal Year 2007 Interior & Environment Appropriations Bill to assist in the design of the Yankee Lake Regional Surface Water Facility for augmentation of the reclaimed water system to offset potable ground water demands.

The project will serve the Northwest/Northeast Service Areas of the County as well as provide resources to the Seminole, Lake Mary, and Sanford Tri-Party Re-claim System. St. Johns River Water Management District (SJRWMD) has determined, through studies conducted since the mid-1990's that the withdrawals from the Upper Floridian aquifer may result in adverse environmental impact. This project will help us meet the St. Johns River Water Management District regulatory controls along with possible grant funding from SJRWMD up to a maximum \$12,000,000 for construction

**H. Eastern Connector- \$500m**

Support Congressman Mica' request of \$500,000,000 for the that runs from SR 417 south of Sanford to I-95 in Volusia.

### **Top Federal Legislative Issues for Monitoring**

- A. **Support** – Funding for the FIRE Act and the County’s grant application
- B. **Support** – Funding for the State Homeland Security Grant Program
- C. **Support** – County’s grant application for the Pre-Disaster Mitigation Program
- D. **Support** – County’s grant application for the Hazard Mitigation Grant Program
- E. **Support** – Funding as “universal service contributions” under Section 254 of the Communications Act of 1934
- F. **Support** – Funding of the Community Service Block Grant (CSBG) program
- G. **Support** – County’s grant application for a Health Community Access Program (HCAP) Grant

## **Items of Interest**

- . Seminole County Legislative Day in Washington, DC  
May 16 and 17
- Federal Lobbyist – Alcalde & Fay --- Skip Bafalis/Jim Davenport

**Senate Bill sb1608**

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**Florida Senate - 2006**

**SB 1608**

**By** Senator Bennett

21-1081-06

1                                   A bill to be entitled  
2           An act relating to land use decisions; creating  
3           s. 163.3172, F.S.; providing that a county  
4           charter, ordinance, regulation, or special act  
5           governing the use or development of land, or  
6           providing an exclusive method of municipal  
7           annexation, is not effective within or  
8           applicable to a municipality within that county  
9           unless the charter provision, ordinance,  
10          regulation, or special act is approved by a  
11          majority of the electors of the county and the  
12          municipality or is approved by a majority of  
13          the municipality's governing board; exempting  
14          certain charter counties from application of  
15          the act; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Section 163.3172, Florida Statutes, is  
20 created to read:

21           163.3172 Municipal authority.--

22           (1) The Legislature finds that a municipality is the  
23 unit of local self-government which is closest to the people  
24 it serves and thereby is best situated to determine the unique

25 needs of the community. A municipality provides residents a  
26 true voice concerning the character and values of the local  
27 community. The Legislature recognizes that there have been  
28 numerous and increasing preemptions of municipal democratic  
29 powers by other forms of local government, and concludes that  
30 municipalities must retain the authority to perform the  
31

1

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**Florida Senate - 2006**  
21-1081-06

**SB 1608**

1 functions that are of most immediate concern to their  
2 residents.  
3 (2) Notwithstanding chapter 125, this chapter, or s.  
4 171.044(4), any county charter, county ordinance, county land  
5 development regulation, or countywide special act governing  
6 the use, development, or redevelopment of land, or providing  
7 an exclusive method of municipal annexation, which is in  
8 effect before July 1, 2006, or adopted on or after July 1,  
9 2006, is not effective within or applicable to any  
10 municipality within that county unless the charter provision,  
11 ordinance, land development regulation, or special act is  
12 approved by a majority vote of the electors within the county  
13 and a majority vote of the electors within the municipality  
14 voting in a municipal election, or is approved by a majority  
15 vote of the governing board of the municipality.  
16 (3) This section does not apply to a county as defined  
17 in s. 125.011.

18 Section 2. This act shall take effect July 1, 2006.

19

20 \*\*\*\*\*

21 SENATE SUMMARY

22 Vacates the application within a municipality of a  
23 provision of a county charter, ordinance, land  
24 development regulation, or special act concerning land  
25 use, or establishing an exclusive method of annexation,  
26 unless adopted by a majority of the municipality's  
27 governing board or the electors of the county and  
28 municipality. Exempts certain charter counties from  
29 application of the act.

30

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**Senate Bill sb2582**

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**Florida Senate - 2006**

**SB 2582**

**By** Senator Bennett

21-1280-06

1                                   A bill to be entitled  
2           An act relating to the Community Redevelopment  
3           Act of 1969; amending s. 163.340, F.S.;  
4           revising and adding new definitions; amending  
5           s. 163.345, F.S.; providing for encouragement  
6           of private enterprise by a community  
7           redevelopment agency; amending s. 163.346,  
8           F.S.; revising provisions governing notice to  
9           taxing authorities concerning the creation and  
10          operation of a redevelopment agency or issuance  
11          of bonds; amending s. 163.350, F.S.;  
12          transferring certain responsibilities  
13          concerning formation of a program to minimize  
14          slums or blight from a county or municipality  
15          to a redevelopment agency; amending s. 163.355,  
16          F.S.; requiring that a county or municipality  
17          make a finding of necessity prior to the  
18          exercise of certain powers by a redevelopment  
19          agency; amending s. 163.356, F.S.; authorizing  
20          the creation of one or more redevelopment  
21          agencies by a county or municipality; removing  
22          a provision requiring a resolution before a  
23          redevelopment agency created by a county may



24 exercise power in a municipality; providing for  
25 creation and designation of certain officers of  
26 a redevelopment agency by resolution; providing  
27 for appointments to the board of commissioners  
28 of a redevelopment agency; revising provisions  
29 governing reporting requirements for certain  
30 agencies authorized to transact business or  
31 exercise powers concerning community

1

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**SB 2582**

1 redevelopment; authorizing the governing body  
2 to fund the operations and undertakings of a  
3 redevelopment agency and removing the authority  
4 of such body to fund administrative expenses  
5 and overhead of such an agency; providing for  
6 creation of an advisory board for a  
7 redevelopment agency; clarifying independent  
8 legal status of a redevelopment agency;  
9 requiring a redevelopment agency to adopt  
10 bylaws; amending s. 163.357, F.S.; revising  
11 provisions authorizing a governing body to  
12 become and operate as a redevelopment agency;  
13 amending s. 163.358, F.S.; removing eminent  
14 domain from a list of powers available to a  
15 redevelopment agency; amending s. 163.360,  
16 F.S.; revising provisions concerning review,

17 notice, and adoption of a community  
18 redevelopment plan; amending s. 163.361, F.S.;  
19 revising provisions governing modification of a  
20 redevelopment plan; amending s. 163.362, F.S.;  
21 revising provisions specifying the required  
22 contents of a redevelopment plan; clarifying  
23 relocation requirements; removing the  
24 requirement for an element of residential use  
25 in the redevelopment area for certain plans;  
26 limiting and clarifying the costs that must be  
27 stated; removing a requirement to provide a  
28 time certain for completion of redevelopment  
29 funded by tax increment revenues; requiring  
30 provision of a time certain for annual payment  
31 of increment revenues by a taxing authority;

2

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1 amending s. 163.365, F.S.; revising  
2 requirements governing development, adoption,  
3 and contents of a neighborhood and  
4 communitywide plan; authorizing preparation of  
5 a redevelopment plan by a redevelopment agency;  
6 removing provisions concerning general planning  
7 and appropriation authority of a county or  
8 municipality; amending s. 163.367, F.S.;

9 authorizing an officer of a redevelopment  
10 agency to hold another county or municipal  
11 office under specified conditions; amending s.  
12 163.370, F.S.; granting certain powers to a  
13 redevelopment agency; revising provisions  
14 granting powers to counties and municipalities;  
15 authorizing a county, municipality, or  
16 redevelopment agency to exercise powers granted  
17 by certain other laws to a county,  
18 municipality, or redevelopment agency;  
19 authorizing a county, municipality, or  
20 redevelopment agency to disseminate certain  
21 promotional information; requiring such  
22 entities to conform to a specified law when  
23 disposing of property in a redevelopment area;  
24 removing a constraint on the acquisition of  
25 certain personal property by such entities;  
26 removing constraints on powers of such entities  
27 regarding certain surveys, plans, or  
28 administrative efforts; revising provisions  
29 limiting the use of increment revenues for  
30 certain capital improvement projects or  
31 government operating expenses; revising

3

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1 provisions governing the acquisition of real

2 property by a redevelopment agency prior to  
3 approval of a redevelopment plan; amending s.  
4 163.375, F.S.; removing provisions granting  
5 eminent domain authority to a county or  
6 municipality for certain purposes relating to  
7 community redevelopment; revising provisions by  
8 which a county or municipality may authorize a  
9 redevelopment agency to exercise the power of  
10 eminent domain for certain purposes relating to  
11 community redevelopment; amending s. 163.380,  
12 F.S.; revising requirements governing  
13 disposition or use of property acquired for  
14 community redevelopment; removing authorization  
15 for certain decisions by a county or  
16 municipality regarding the disposition or use  
17 of such property; authorizing a redevelopment  
18 agency to include provisions concerning blight  
19 in a contract governing the use of such  
20 property; removing a requirement for approval  
21 by a governing body after a public hearing  
22 prior to disposition of such property for less  
23 than fair value; removing requirements that a  
24 county or municipality, in addition to a  
25 redevelopment agency, expedite transfer of or  
26 provide public notice regarding the disposition  
27 of certain land; revising requirements for  
28 provision of public notice, solicitation,  
29 review, and acceptance of redevelopment  
30 proposals prior to disposition of certain land;  
31 amending s. 163.387, F.S.; revising provisions

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1 governing establishment of a redevelopment  
2 trust fund and use of tax increment revenues;  
3 authorizing establishment of a redevelopment  
4 trust fund; prohibiting use of increment  
5 revenues by a redevelopment agency unless the  
6 trust fund is established and funding is  
7 provided; revising criteria governing the  
8 amount of the annual contribution by a taxing  
9 authority to the redevelopment trust fund, the  
10 period that such annual contribution must  
11 continue, and the penalty should such  
12 contribution not be timely made; transferring  
13 from a local governing body to a redevelopment  
14 agency authority concerning an exemption of  
15 certain special districts from the requirement  
16 to make such annual contributions; revising  
17 provisions governing such exemptions; revising  
18 provisions governing the duration of the  
19 requirement for an annual contribution of tax  
20 increment revenues; removing provisions  
21 governing permissible expenditures and auditing  
22 of redevelopment trust fund moneys; amending s.  
23 163.395, F.S.; removing provisions exempting  
24 the property of a county or municipality from

25           levy or sale pursuant to execution or from a  
26           charge or lien pursuant to a judgment; removing  
27           provisions exempting property acquired or held  
28           by a county or municipality for certain  
29           community redevelopment purposes from taxation  
30           by the county or municipality; exempting  
31           property held by a community redevelopment

5

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1           agency from taxation by a special district;  
2           amending s. 163.400, F.S.; including  
3           redevelopment agencies in provisions governing  
4           cooperation by public bodies; including  
5           purposes relating to the activities of a  
6           redevelopment agency within the purposes for  
7           which a county or municipality may issue  
8           general obligation bonds; amending s. 163.410,  
9           F.S.; revising provisions governing delegation  
10          of powers to a municipality by certain charter  
11          counties; amending s. 163.415, F.S.; requiring  
12          municipal consent prior to the exercise of  
13          powers by a county within a municipality;  
14          providing an effective date.

15

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

17

18 Section 1. Subsections (2), (8), (11), (12), (17), and  
19 (22) of section 163.340, Florida Statutes, are amended, and  
20 subsections (24) and (25) are added to that section, to read:

21 163.340 Definitions.--The following terms, wherever  
22 used or referred to in this part, have the following meanings:

23 (2) "Public body" ~~or "taxing authority"~~ means a the  
24 ~~state or any~~ county, municipality, authority, special district  
25 as defined in s. 165.031(5), or other public body or  
26 governmental entity in of the state, except a school district.

27 (3) "Governing body" means the elected council,  
28 commission, or other legislative body charged with governing a  
29 ~~the~~ county or municipality which made the finding under s.  
30 163.355 and created or designated the agency.

31

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1 (8) "Blighted area" or "area in need of redevelopment"  
2 means an area in which there are a substantial number of  
3 deteriorated, or deteriorating structures, in which  
4 conditions, as indicated by government-maintained statistics  
5 or other studies, are leading to economic distress or endanger  
6 life or property, and in which two or more of the following  
7 factors are present:

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

10 transportation facilities;

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

15 (c) Faulty lot layout in relation to size, adequacy,  
16 accessibility, or usefulness;

17 (d) Unsanitary or unsafe conditions;

18 (e) Deterioration of site or other improvements;

19 (f) Inadequate and outdated building density patterns;

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

23 (h) Tax or special assessment delinquency exceeding  
24 the fair value of the land;

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

27 (j) Incidence of crime in the area higher than in the  
28 remainder of the county or municipality;

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

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1 (l) A greater number of violations of the Florida  
2 Building Code in the area than the number of violations



3 recorded in the remainder of the county or municipality;

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

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

9

10 ~~However, the term "blighted area" also means any area in which~~  
11 ~~at least one of the factors identified in paragraphs (a)~~  
12 ~~through (n) are present and all taxing authorities subject to~~  
13 ~~s. 163.387(2)(a) agree, either by interlocal agreement or~~  
14 ~~agreements with the agency or by resolution, that the area is~~  
15 ~~blighted. Such agreement or resolution shall only determine~~  
16 ~~that the area is blighted. For purposes of qualifying for the~~  
17 tax credits authorized in chapter 220, "blighted area" means  
18 an area as defined in this subsection.

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

22 (12) "Related activities" means:

23 (a) Planning work for the preparation of a general  
24 neighborhood redevelopment plan or for the preparation or  
25 completion of a communitywide plan or program pursuant to s.  
26 163.365.

27 (b) The functions related to the acquisition and  
28 disposal of real property pursuant to s. 163.370(3).

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

31 (d) The development of community policing innovations.

1           (e) The marketing and promotion of the community  
2 redevelopment area.

3           (17) "Area of operation" means, for a county, the area  
4 within the boundaries of the county, the area within the  
5 boundaries of the county which is designated as a community  
6 redevelopment area, and for a municipality, the area within  
7 the corporate limits of the municipality which is designated  
8 as a community redevelopment area.

9           (22) "Increment revenue" means the amount calculated  
10 pursuant to s. 163.387(1) which must, pursuant to s.  
11 163.387(2), be appropriated or paid to a redevelopment fund by  
12 each taxing authority.

13           (24) "Taxing authority" means a public body that  
14 levies an ad valorem tax on real property located in a  
15 community redevelopment area. The term excludes a public body  
16 exempted pursuant to s. 163.387(2) from the obligation to  
17 appropriate increment revenues to a redevelopment trust fund.

18           (25) "Comprehensive plan" or "general plan" means the  
19 comprehensive plan adopted by a governing body pursuant to  
20 part II of this chapter and any amendments to the plan.

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

23           163.345 Encouragement of private enterprise.--

24           (1) Any county, ~~or~~ municipality, or agency to the  
25 greatest extent it determines to be feasible in carrying out

26 ~~the provisions of~~ this part, shall afford maximum opportunity,  
27 consistent with the sound needs of the county or municipality  
28 as a whole, to the rehabilitation or redevelopment of the  
29 community redevelopment area by private enterprise. Any  
30 county, ~~or municipality,~~ or agency shall give consideration to  
31 this objective in exercising its powers under this part,

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1 including the formulation of a workable program; the approval  
2 of community redevelopment plans, communitywide plans or  
3 programs for community redevelopment, and general neighborhood  
4 redevelopment plans (consistent with the comprehensive ~~general~~  
5 ~~plan of the county or municipality~~); the development and  
6 implementation of community policing innovations; the exercise  
7 of ~~its~~ zoning powers; the enforcement of other laws, codes,  
8 and regulations relating to the use of land and the use and  
9 occupancy of buildings and improvements; the development of  
10 affordable housing; the disposition of any property acquired;  
11 and the provision of necessary public improvements.

12 Section 3. Section 163.346, Florida Statutes, is  
13 amended to read:

14 163.346 Notice to taxing authorities.--Before the  
15 governing body adopts any resolution or enacts any ordinance  
16 required under s. 163.355, s. 163.356, s. 163.357, or s.  
17 163.387; creates a community redevelopment agency; approves,  
18 adopts, or amends a community redevelopment plan; or

19 authorizes or approves the issuance of issues redevelopment  
20 revenue bonds under s. 163.385, the governing body must  
21 provide public notice of such proposed action in accordance  
22 with ~~pursuant to~~ s. 125.66(2) or s. 166.041(3)(a) and, at  
23 least 15 days before such proposed action, mail by registered  
24 or certified mail a notice to each taxing authority which  
25 levies ad valorem taxes on taxable real property contained  
26 within the geographic boundaries of the redevelopment area.

27 Section 4. Section 163.350, Florida Statutes, is  
28 amended to read:

29 163.350 Workable program.--Any agency ~~county or~~  
30 ~~municipality~~ for the purposes of this part may formulate for  
31 the agency ~~county or municipality~~ a workable program for

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1 utilizing appropriate private and public resources to  
2 eliminate and prevent the development or spread of slums or  
3 ~~and urban~~ blight, to encourage needed community  
4 rehabilitation, to provide for the redevelopment of slum or  
5 ~~and~~ blighted areas, to provide housing affordable to residents  
6 of low or moderate income, including the elderly, or to  
7 undertake such of the aforesaid activities or other feasible  
8 county or municipal activities as may be suitably employed to  
9 achieve the objectives of such workable program. Such workable  
10 program may include provision for the prevention of the spread

11 of blight into areas of the county or municipality which are  
12 free from blight through diligent enforcement of housing,  
13 zoning, and occupancy controls and standards; the  
14 rehabilitation or conservation of slum or ~~and~~ blighted areas  
15 or portions thereof by replanning, removing congestion,  
16 providing parks, playgrounds, and other public improvements,  
17 encouraging voluntary rehabilitation, and compelling the  
18 repair and rehabilitation of deteriorated or deteriorating  
19 structures; the development of affordable housing; the  
20 implementation of community policing innovations; and the  
21 clearance and redevelopment of slum or ~~and~~ blighted areas or  
22 portions thereof.

23 Section 5. Section 163.355, Florida Statutes, is  
24 amended to read:

25 163.355 Finding of necessity by county or  
26 municipality.--No county, ~~or~~ municipality, or agency shall  
27 exercise the powers ~~community redevelopment authority~~  
28 conferred by this part until after the governing body has  
29 adopted a resolution, supported by data and analysis, which  
30 makes a legislative finding that the conditions in the area  
31

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1 meet the criteria described in s. 163.340(7) or (8). The  
2 resolution must state that:

3 (1) One or more slum or blighted areas, or one or more

4 areas in which there is a shortage of housing affordable to  
5 residents of low or moderate income, including the elderly,  
6 exist in such county or municipality; and

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

14 Section 6. Section 163.356, Florida Statutes, is  
15 amended to read:

16 163.356 Creation of community redevelopment agency.--

17 (1) Upon a finding of necessity as set forth in s.  
18 163.355, and upon a further finding that there is a need for a  
19 community redevelopment agency to function in the county or  
20 municipality to carry out the community redevelopment purposes  
21 of this part, any county or municipality may create one or  
22 more entities, each constituting a public body corporate and  
23 politic to be known as a "community redevelopment agency." A  
24 charter county having a population less than or equal to 1.6  
25 million may create, by a vote of at least a majority plus one  
26 of the entire governing body of the charter county, more than  
27 one community redevelopment agency. Each such agency shall be  
28 constituted as a public instrumentality, and the exercise by a  
29 community redevelopment agency of the powers conferred by this  
30 part shall be deemed and held to be the performance of an  
31 essential public function. ~~Community redevelopment agencies of~~

1 ~~a county have the power to function within the corporate~~  
2 ~~limits of a municipality only as, if, and when the governing~~  
3 ~~body of the municipality has by resolution concurred in the~~  
4 ~~community redevelopment plan or plans proposed by the~~  
5 ~~governing body of the county.~~

6           (2) When the governing body adopts a resolution  
7 declaring the need for a community redevelopment agency, that  
8 body shall, by resolution ~~ordinance~~, appoint a board of  
9 commissioners of the community redevelopment agency, which  
10 shall consist of not fewer than five or more than nine  
11 commissioners. The terms of office of the commissioners shall  
12 be for 4 years, except that three of the members first  
13 appointed shall be designated to serve terms of 1, 2, and 3  
14 years, respectively, from the date of their appointments, and  
15 all other members shall be designated to serve for terms of 4  
16 years from the date of their appointments. A vacancy occurring  
17 during a term shall be filled for the unexpired term. The  
18 governing board shall, by resolution, appoint or reappoint  
19 individuals to serve as commissioners of the agency upon the  
20 expiration of any term of office of a member of the board of  
21 commissioners of the agency.

22           (3)(a) A commissioner shall receive no compensation  
23 for services, but is entitled to the necessary expenses,  
24 including travel expenses, incurred in the discharge of  
25 duties. Each commissioner shall hold office until his or her  
26 successor has been appointed and has qualified. A certificate

27 of the appointment or reappointment of any commissioner shall  
28 be filed with the clerk of the county or municipality, and  
29 such certificate is conclusive evidence of the due and proper  
30 appointment of such commissioner.

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

16 (c) The governing body of the county or municipality  
17 shall, by resolution, designate a chair and vice chair from  
18 among the commissioners. An agency may employ an executive  
19 director, technical experts, and such other agents and



20 employees, permanent and temporary, as it requires, and  
21 determine their qualifications, duties, and compensation. For  
22 such legal service as it requires, an agency may employ or  
23 retain its own counsel and legal staff. An agency authorized  
24 to transact business and exercise powers under this part shall  
25 file with each taxing authority ~~the governing body~~, on or  
26 before March 31 of each year, a report of its activities for  
27 the preceding fiscal year, which report shall include a  
28 complete financial statement setting forth its assets,  
29 liabilities, income, and operating expenses as of the end of  
30 such fiscal year. At the time of filing the report, the agency  
31 shall publish in a newspaper of general circulation in the

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1 community redevelopment area of the agency a notice to the  
2 effect that such report has been filed with each taxing  
3 authority ~~the county or municipality~~ and that the report is  
4 available for inspection during business hours in the office  
5 of the clerk of the taxing authority ~~city or county commission~~  
6 and in the office of the agency.

7 (d) ~~At~~ Any time after the creation of a community  
8 redevelopment agency, the governing body ~~of the county or~~  
9 ~~municipality~~ may appropriate to the agency such amounts as the  
10 governing body deems necessary for the operations and  
11 undertakings ~~administrative expenses and overhead~~ of the

12 agency, including the development and implementation of  
13 community policing innovations.

14 (e) The governing body or the agency may create an  
15 advisory board to the agency to assist the board of  
16 commissioners of the agency as may be provided by resolution  
17 of the governing body creating the advisory board or the  
18 bylaws adopted by the agency.

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

24 (5) A community redevelopment agency is a separate and  
25 distinct legal entity from the governing body and the taxing  
26 authority. Each community redevelopment agency shall adopt  
27 bylaws providing for the organization and operation of the  
28 agency.

29 Section 7. Subsection (1) of section 163.357, Florida  
30 Statutes, is amended to read:

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1 163.357 Governing body as the community redevelopment  
2 agency.--

3 (1)(a) As an alternative to the appointment of  
4 commissioners ~~not fewer than five or more than seven members~~

5 of the agency pursuant to s. 163.356, the governing body may,  
6 at the time of the adoption of a resolution under s. 163.355,  
7 or at any time thereafter by adoption of a resolution, declare  
8 the members of the governing body itself to be the board of  
9 commissioners of the an agency as an additional duty of  
10 office, in which case all the rights, powers, duties,  
11 privileges, and immunities vested by this part in an agency  
12 will be vested in the members of the governing body  
13 constituting the board of commissioners of the agency of the  
14 county or municipality, subject to all responsibilities and  
15 liabilities imposed or incurred.

16 (b) The members of the governing body serving as the  
17 board of commissioners of the agency ~~shall be the members of~~  
18 ~~the agency, but such members~~ constitute the head of a legal  
19 entity, separate, distinct, and independent from the governing  
20 body of the county or municipality. If the governing body  
21 declares itself to be the board of commissioners of the an  
22 agency which already exists, the newly constituted board of  
23 commissioners new agency is subject to all of the  
24 responsibilities and liabilities imposed or incurred by the  
25 prior board of commissioners existing agency.

26 (c) A governing body that ~~which~~ consists of five  
27 members may appoint two additional individuals ~~persons~~ to act  
28 as members of the board of commissioners of the community  
29 redevelopment agency. The terms of office of the additional  
30 members shall be for 4 years, except that the first person  
31 appointed shall initially serve a term of 2 years. Persons

1 appointed under this section are subject to the all provisions  
2 of s. 163.356 ~~this part~~ relating to appointed members of the  
3 board of commissioners of a community redevelopment agency.

4 (d) As provided in an interlocal agreement between the  
5 governing body and one or more taxing authorities, one or more  
6 members of the board of commissioners of an agency may be  
7 representatives of a taxing authority.

8 Section 8. Section 163.358, Florida Statutes, is  
9 amended to read:

10 163.358 Exercise of powers in carrying out community  
11 redevelopment and related activities.--The community  
12 redevelopment powers assigned to a community redevelopment  
13 agency created under s. 163.356 or s. 163.357 include all the  
14 powers necessary or convenient to carry out and effectuate the  
15 purposes and provisions of this part, except the following,  
16 which continue to vest in the governing body ~~of the county or~~  
17 ~~municipality~~:

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

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

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

27 (4) The power to approve the acquisition, demolition,

28 removal, or disposal of property as provided in s. 163.370(3)  
29 and the power to assume the responsibility to bear loss as  
30 provided in s. 163.370(3).

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

3 (6) The power to authorize the exercise of eminent  
4 domain pursuant to s. 163.375.

5 Section 9. Section 163.360, Florida Statutes, is  
6 amended to read:

7 163.360 Community redevelopment plans.--

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

17 (2) The community redevelopment plan shall:

18 (a) Conform to the comprehensive plan for the county  
19 or municipality ~~as prepared by the local planning agency under~~  
20 ~~the Local Government Comprehensive Planning and Land~~

21 ~~Development Regulation Act.~~

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

28 (c) Provide for the development of affordable housing  
29 in the area, or state the reasons for not addressing in the  
30 plan the development of affordable housing in the area. The  
31 ~~county, municipality, or~~ community redevelopment agency shall

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1 coordinate with each housing authority or other affordable  
2 housing entities functioning within the geographic boundaries  
3 of the redevelopment area, concerning the development of  
4 affordable housing in the area.

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

8 (4) The county, municipality, or community  
9 redevelopment agency may itself prepare or cause to be  
10 prepared a community redevelopment plan, or any person or  
11 agency, public or private, may submit such a plan to a  
12 community redevelopment agency. Prior to its consideration of

13 a community redevelopment plan, the community redevelopment  
14 agency shall submit such plan to the local planning agency of  
15 the county or municipality that created the agency for review,  
16 ~~and~~ recommendations, and comments as to its conformity with  
17 the comprehensive plan ~~for the development~~ of the county or  
18 municipality ~~as a whole~~. The local planning agency shall  
19 submit its written recommendations or comments with respect to  
20 the ~~conformity of the~~ proposed community redevelopment plan to  
21 the community redevelopment agency within 60 days after  
22 receipt of the proposed plan for review. Upon receipt of the  
23 recommendations or comments of the local planning agency, or,  
24 if no recommendations or comments are received within such 60  
25 days, ~~then~~ without such recommendations or comments, the  
26 community redevelopment agency may proceed with its  
27 consideration of the proposed community redevelopment plan.

28 (5) The community redevelopment agency shall submit  
29 any community redevelopment plan it recommends for approval,  
30 together with its written recommendations, to the governing  
31 body and to each taxing authority ~~that levies ad valorem taxes~~

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1 ~~on taxable real property contained within the geographic~~  
2 ~~boundaries of the redevelopment area~~. The governing body shall  
3 then proceed with the public hearing on the proposed community  
4 redevelopment plan as prescribed by subsection (6).

5 (6) The governing body shall hold a public hearing on

6 a proposed community redevelopment plan after public notice  
7 thereof by publication in a newspaper having a general  
8 circulation in the community redevelopment area ~~of operation~~  
9 ~~of the county or municipality~~. The notice shall be published  
10 at least 10 days before the public hearing and shall describe  
11 the time, date, place, and purpose of the hearing, identify  
12 generally the community redevelopment area covered by the  
13 plan, and outline the general scope of the proposed community  
14 redevelopment plan under consideration.

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

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

23 (b) The community redevelopment plan conforms to the  
24 comprehensive ~~general~~ plan of the county or municipality that  
25 created the agency ~~as a whole~~;

26 (c) The community redevelopment plan gives due  
27 consideration to the utilization of community policing  
28 innovations, and to the provision of adequate park and  
29 recreational areas and facilities that may be desirable for  
30 neighborhood improvement, with special consideration for the  
31 health, safety, and welfare of children residing in the



1 community redevelopment area ~~general vicinity of the site~~  
2 ~~covered by the plans;~~

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

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

13 (8) If the community redevelopment area includes  
14 ~~consists of an area of open~~ land to be acquired by the county,  
15 ~~or~~ the municipality, or the agency for redevelopment, such  
16 area may not be ~~so~~ acquired unless:

17 (a) If ~~In the event~~ the area is to be developed in  
18 whole or in part for residential uses, the governing body  
19 determines that:

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

24 2. A ~~That the~~ need for housing accommodations exists  
25 ~~has increased~~ in the area;

26 3. ~~That~~ The conditions of slum or blight in the area  
27 or the shortage of decent, safe, affordable, and sanitary  
28 housing cause or contribute to ~~an increase in and spread of~~

29 disease and crime ~~that~~ ~~or~~ constitute a menace to the public  
30 health, safety, morals, or welfare; or ~~and~~  
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1           4. ~~That~~ The acquisition ~~of the area~~ for residential  
2 uses is an integral part of and is essential to the program of  
3 the county or municipality.

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

7           1. Such nonresidential uses are necessary and  
8 appropriate to facilitate the proper growth and development of  
9 the community redevelopment area in accordance with sound  
10 planning standards and local ~~community~~ objectives.

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

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

16           b. Tax delinquency;

17           c. Improper subdivisions;

18           d. Outmoded street patterns;

19           e. Deterioration of site;

20           f. Economic disuse;

21           g. Unsuitable topography or faulty lot layouts;

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

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

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

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

8 (10) Notwithstanding any other provisions of this  
9 part, when the governing body certifies that an area is in  
10 need of redevelopment or rehabilitation as a result of an  
11 emergency under s. 252.34(3), with respect to which the  
12 Governor has certified the need for emergency assistance under  
13 federal law, that area may be certified as a "blighted area,"

14 or an "area in need of redevelopment," and the governing body  
15 may approve a community redevelopment plan and community  
16 redevelopment with respect to such area without regard to the  
17 provisions of this section requiring review by the local  
18 planning agency ~~a general plan for the county or municipality~~  
19 and a public hearing on the community redevelopment plan.

20 Section 10. Section 163.361, Florida Statutes, is  
21 amended to read:

22 163.361 Modification of community redevelopment  
23 plans.--

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

3 (2) The governing body shall hold a public hearing on  
4 a proposed modification of any community redevelopment plan  
5 after public notice thereof by publication in a newspaper  
6 having a general circulation in the community redevelopment

7 ~~area of operation of the agency.~~

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

16           (4) A modification to a community redevelopment plan  
17 that includes a change in the boundaries of the community  
18 redevelopment area to add land must be supported by a  
19 resolution satisfying the requirements ~~as provided~~ in s.  
20 163.355.

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

30           (6) The procedure specified in s. 163.360 governs each  
31 modification to an existing community redevelopment plan and

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1 the preparation, review, consideration, or approval of any  
2 such modification must conform to such procedure.

3 Section 11. Subsections (2), (3), (6), (7), (8), (9),  
4 and (10) of section 163.362, Florida Statutes, are amended to  
5 read:

6 163.362 Contents of community redevelopment  
7 plan.--Every community redevelopment plan shall:

8 (2) Show by diagram and in general terms:

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

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

13 (c) The approximate number of dwelling units.

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

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

26 (6) Provide for the retention of controls and the  
27 establishment of any restrictions or covenants running with  
28 land sold or leased by a for private person use for such  
29 periods of time and under such conditions as the governing

30 body deems necessary to effectuate the purposes of this part.

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1           (7) Provide assurances that there will be replacement  
2 housing within or outside the community redevelopment area for  
3 the relocation of individuals or businesses ~~persons~~  
4 temporarily or permanently displaced from ~~housing~~ facilities  
5 within the community redevelopment area.

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

12           (9) Contain a ~~detailed~~ statement of the ~~projected~~  
13 ~~costs of the redevelopment, including the amount to be~~  
14 expended on publicly funded capital projects in the community  
15 redevelopment area and a description of any anticipated  
16 indebtedness of the community redevelopment agency, the  
17 county, or the municipality proposed to be incurred for such  
18 redevelopment, which if such indebtedness is to be repaid from  
19 the funds deposited in a community redevelopment trust fund  
20 established under s. 163.387 ~~with increment revenues~~.

21           (10) Provide a time certain for the annual obligation  
22 of each taxing authority to pay ~~completing all redevelopment~~

23 ~~financed by~~ increment revenues into the community  
24 redevelopment trust fund. Such time certain must ~~shall~~ occur  
25 no later than 30 years after the fiscal year in which the plan  
26 is approved, adopted, or amended pursuant to s. 163.361(1).  
27 However, for any agency created after July 1, 2002, the time  
28 certain ~~for completing all redevelopment financed by increment~~  
29 ~~revenues~~ must occur no later than ~~within~~ 40 years after the  
30 fiscal year in which the plan is approved or adopted.  
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1 Section 12. Section 163.365, Florida Statutes, is  
2 amended to read:  
3 163.365 Neighborhood and communitywide plans.--  
4 (1) Any municipality, ~~or~~ county, community  
5 redevelopment agency, or ~~any~~ public body authorized to perform  
6 planning work may prepare a general neighborhood redevelopment  
7 plan for a community redevelopment area or areas, together  
8 with any adjoining areas having specially related problems,  
9 which may be of such scope that redevelopment activities may  
10 have to be carried out in stages. Such plans may include, but  
11 not be limited to, a preliminary plan which:  
12 (a) Outlines the community redevelopment activities  
13 proposed for the area involved;  
14 (b) Provides a framework for the preparation of



15 community redevelopment plans; and

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

20

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

25 (2) Any ~~county or municipality or any public body~~  
26 ~~authorized to perform planning work~~ may prepare or complete a  
27 ~~communitywide plan or program for~~ community redevelopment plan  
28 that must ~~which shall~~ conform to the requirements of s.  
29 163.362 and be adopted as provided in s. 163.360. ~~general plan~~  
30 ~~for the development of the county or municipality as a whole~~  
31 ~~and may include, but not be limited to, identification of slum~~

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1 ~~or blighted areas, measurement of blight, determination of~~  
2 ~~resources needed and available to renew such areas,~~  
3 ~~identification of potential project areas and types of action~~  
4 ~~contemplated, including the development of affordable housing~~  
5 ~~if needed and appropriate for the area, and scheduling of~~  
6 ~~community redevelopment activities.~~

7 ~~(3) Authority is hereby vested in every county and~~

8 ~~municipality to prepare, adopt, and revise from time to time a~~  
9 ~~general plan for the physical development of the county or~~  
10 ~~municipality as a whole (giving due regard to the environs and~~  
11 ~~metropolitan surroundings), to establish and maintain a~~  
12 ~~planning commission for such purpose and related county or~~  
13 ~~municipal planning activities, and to make available and to~~  
14 ~~appropriate necessary funds therefor.~~

15 Section 13. Subsection (3) of section 163.367, Florida  
16 Statutes, is amended to read:

17 163.367 Public officials, commissioners, and employees  
18 subject to code of ethics.--

19 (3) Except as specifically provided in this part, a ~~No~~  
20 commissioner or other officer of any community redevelopment  
21 agency ~~may not, board, or commission exercising powers~~  
22 ~~pursuant to this part shall~~ hold any other public office under  
23 the county or municipality other than his or her  
24 commissionership or office with respect to such community  
25 redevelopment agency, ~~board, or commission.~~

26 Section 14. Subsection (1), paragraphs (b) and (c) of  
27 subsection (2), and paragraph (a) of subsection (3) of section  
28 163.370, Florida Statutes, are amended to read:

29 163.370 Powers; counties and municipalities; community  
30 redevelopment agencies.--

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1           (1) In addition to the powers otherwise granted by the  
2 State Constitution, chapter 125, this chapter or chapter 166,  
3 any ~~Every~~ county, ~~and~~ municipality, and agency shall have all  
4 the powers necessary or convenient to carry out and effectuate  
5 the purposes and provisions of this part, including the  
6 following powers ~~in addition to others herein granted~~:

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

10           (b) To disseminate slum clearance and community  
11 redevelopment information, including information marketing and  
12 promoting the community redevelopment area and the activities  
13 and undertakings of the agency;

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

17           1. Acquisition of a slum area or a blighted area or  
18 portion thereof.

19           2. Demolition and removal of buildings and  
20 improvements.

21           3. Installation, construction, or reconstruction of  
22 streets, utilities, parks, playgrounds, public areas of major  
23 hotels that are constructed in support of convention centers,  
24 including meeting rooms, banquet facilities, parking garages,  
25 lobbies, and passageways, and other improvements necessary for  
26 carrying out in the community redevelopment area the community  
27 redevelopment objectives of this part in accordance with the  
28 community redevelopment plan.

29           4. Disposition, as provided in s. 163.380, of any  
30 property acquired in the community redevelopment area at its

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1 fair value for uses in accordance with the community  
2 redevelopment plan.

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

7           6. Acquisition of real property in the community  
8 redevelopment area which, under the community redevelopment  
9 plan, is to be repaired or rehabilitated for dwelling use or  
10 related facilities, repair or rehabilitation of the structures  
11 for guidance purposes, and resale of the property.

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

19           8. Acquisition, without regard to any requirement that  
20 the area be a slum or blighted area, of air rights in an area  
21 consisting principally of land in highways, railway or subway  
22 tracks, bridge or tunnel entrances, or other similar  
23 facilities which have a blighting influence on the surrounding

24 area and over which air rights sites are to be developed for  
25 the elimination of such blighting influences and for the  
26 provision of housing (and related facilities and uses)  
27 designed specifically for, and limited to, families and  
28 individuals of low or moderate income.

29 9. Construction of foundations and platforms necessary  
30 for the provision of air rights sites of housing (and related  
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1 facilities and uses) designed specifically for, and limited  
2 to, families and individuals of low or moderate income.  
3 (d) To provide, or to arrange or contract for, the  
4 furnishing or repair by any person or agency, public or  
5 private, of services, privileges, works, streets, roads,  
6 public utilities, or other facilities for or in connection  
7 with a community redevelopment; to install, construct, and  
8 reconstruct streets, utilities, parks, playgrounds, and other  
9 public improvements; and to agree to any conditions that it  
10 deems reasonable and appropriate which are attached to federal  
11 financial assistance and imposed pursuant to federal law  
12 relating to the determination of prevailing salaries or wages  
13 or compliance with labor standards, in the undertaking or  
14 carrying out of a community redevelopment and related  
15 activities, and to include in any contract let in connection

16 with such redevelopment and related activities provisions to  
17 fulfill such of the conditions as it deems reasonable and  
18 appropriate.

19 (e) Within the community redevelopment area:

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

25 2. To acquire by purchase, lease, option, gift, grant,  
26 bequest, devise, eminent domain, or otherwise any personal or  
27 ~~real property (or personal property for its administrative~~  
28 ~~purposes)~~, together with any improvements thereon; except that  
29 a community redevelopment agency may not exercise any power of  
30 eminent domain unless the exercise has been specifically

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1 approved by the governing body ~~of the county or municipality~~  
2 ~~which established the agency.~~

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

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

7 5. To insure or provide for the insurance of any real  
8 or personal property or operations of the county or

9 municipality against any risks or hazards, including the power  
10 to pay premiums on any such insurance.

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

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

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

29 (g) To borrow money and to apply for and accept  
30 advances, loans, grants, contributions, and any other form of  
31 financial assistance from the Federal Government or the state,

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1 county, or other public body or from any sources, public or  
2 private, for the purposes of this part and to give such  
3 security as may be required and to enter into and carry out  
4 contracts or agreements in connection therewith; and to  
5 include in any contract for financial assistance with the  
6 Federal Government for or with respect to community  
7 redevelopment and related activities such conditions imposed  
8 pursuant to federal laws as the county or municipality deems  
9 reasonable and appropriate which are not inconsistent with the  
10 purposes of this part.

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

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

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

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

28 (i) To develop, test, and report methods and  
29 techniques, and carry out demonstrations and other activities,  
30 for the prevention and the elimination of slums and urban  
31



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1 blight and developing and demonstrating new or improved means  
2 of providing housing for families and persons of low income.

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

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

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

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

25           (n) ~~Within its area of operation,~~ To organize,  
26 coordinate, and direct the administration of the provisions of  
27 this part, as they may apply to such county or municipality,  
28 in order that the objective of remedying slum and blighted  
29 areas and preventing the causes thereof within such county or  
30 municipality may be most effectively promoted and achieved and  
31 to establish such new office or offices of the county or

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1 municipality or to reorganize existing offices in order to  
2 carry out such purpose most effectively.

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

6           (p) To develop and implement community policing  
7 innovations.

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

10           (b) Installation, construction, reconstruction,  
11 repair, or alteration of any publicly owned capital  
12 improvements or projects that were scheduled to ~~which are not~~  
13 ~~an integral part of or necessary for carrying out the~~  
14 ~~community redevelopment plan if such projects or improvements~~  
15 ~~are normally financed by the governing body with user fees or~~  
16 ~~if such projects or improvements would be installed,~~

17 constructed, reconstructed, repaired, or altered within 3  
18 years after ~~of~~ the approval of the community redevelopment  
19 plan by the governing body, which approval was pursuant to a  
20 ~~previously approved~~ public capital improvement or project  
21 schedule or plan that such ~~of the~~ governing body had  
22 previously which approved, unless any such improvement or  
23 project has been removed from the capital improvement or  
24 project schedule or plan for not less than 3 years ~~the~~  
25 ~~community redevelopment plan.~~

26 (c) General government operating expenses unrelated to  
27 the planning and carrying out of a community redevelopment  
28 plan, including payment or reimbursement for services provided  
29 to the agency by a public body.

30 (3) With the approval of the governing body, a  
31 community redevelopment agency may:

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1 (a) Prior to approval of a community redevelopment  
2 plan or approval of any modifications of the plan, acquire  
3 real property in a community redevelopment area, demolish and  
4 remove any structures on the property, and pay all costs  
5 related to the acquisition, demolition, or removal, including  
6 any administrative or relocation expenses unless such  
7 acquisition is pursuant to s. 163.375.

8 Section 15. Subsections (1) and (2) of section  
9 163.375, Florida Statutes, are amended to read:

10           163.375 Eminent domain.--

11           (1) Any ~~county or municipality, or any~~ community  
12 redevelopment agency,   pursuant to specific approval of the  
13 governing body ~~of the county or municipality which established~~  
14 ~~the agency,~~ as authorized provided by a resolution of the  
15 governing body, ~~any county or municipal ordinance~~ has the  
16 right to acquire by condemnation any interest in real  
17 property, including a fee simple title thereto, which it deems  
18 necessary for, or in connection with, community redevelopment  
19 and related activities under this part. Any ~~county or~~  
20 ~~municipality, or any~~ community redevelopment agency pursuant  
21 to such resolution of ~~specific approval by~~ the governing body  
22 ~~of the county or municipality which established the agency, as~~  
23 ~~provided by any county or municipal ordinance~~ may exercise the  
24 power of eminent domain in the manner provided in chapters 73  
25 and 74 and acts amendatory thereof or supplementary thereto,  
26 or it may exercise the power of eminent domain in the manner  
27 now or which may be hereafter provided by any other statutory  
28 provision for the exercise of the power of eminent domain.  
29 Property in unincorporated enclaves surrounded by the  
30 boundaries of a community redevelopment area may be acquired  
31 when it is determined necessary by the agency to accomplish

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1 the community redevelopment plan. Property already devoted to

2 a public use may be acquired in like manner. However, no real  
3 property belonging to the United States, the state, or any  
4 political subdivision of the state may be acquired without its  
5 consent. As used in this subsection the term "specific  
6 approval" means the property to be acquired is identified for  
7 acquisition in the resolution adopted by the governing body  
8 approving exercise of eminent domain by the agency.

9 (2) In any proceeding to fix or assess compensation  
10 for damages for the taking of property, or any interest  
11 therein, through the exercise of the power of eminent domain  
12 ~~or condemnation~~, evidence or testimony bearing upon the  
13 following matters is ~~shall be~~ admissible and shall be  
14 considered in fixing such compensation or damages in addition  
15 to evidence or testimony otherwise admissible:

16 (a) Any use, condition, occupancy, or operation of  
17 such property, which is unlawful or violative of, or subject  
18 to elimination, abatement, prohibition, or correction under,  
19 any law, ordinance, or regulatory measure of the state,  
20 county, municipality, or other political subdivision, or any  
21 agency thereof, in which such property is located, as being  
22 unsafe, substandard, unsanitary, or otherwise contrary to the  
23 public health, safety, morals, or welfare.

24 (b) The effect on the value of such property of any  
25 such use, condition, occupancy, or operation or of the  
26 elimination, abatement, prohibition, or correction of any such  
27 use, condition, occupancy, or operation.

28 Section 16. Subsections (1), (2), (3), and (4) of  
29 section 163.380, Florida Statutes, are amended to read:

30 163.380 Disposal of property in community  
31 redevelopment area.--

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

26 (2) Such real property or interest shall be sold,  
27 leased, otherwise transferred, or retained at a value  
28 determined to be in the public interest for uses in accordance  
29 with the community redevelopment plan and in accordance with  
30 such reasonable disposal procedures as the any county,  
31 ~~municipality, or~~ community redevelopment agency may prescribe.

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1 In determining the value of real property as being in the  
2 public interest for uses in accordance with the community  
3 redevelopment plan, the ~~county, municipality, or~~ community  
4 redevelopment agency shall take into account and give  
5 consideration to the long-term benefits to be achieved by the  
6 county, municipality, or community redevelopment agency  
7 resulting from incurring short-term losses or costs in the  
8 disposal of such real property; the uses provided in such  
9 plan; the restrictions upon, and the covenants, conditions,  
10 and obligations assumed by, the purchaser or lessee or by the  
11 ~~county, municipality, or~~ community redevelopment agency  
12 retaining the property; and the objectives of such plan for  
13 the prevention of the recurrence of slum or blighted areas.  
14 ~~In the event the value of such real property being disposed of~~  
15 ~~is for less than the fair value, such disposition shall~~  
16 ~~require the approval of the governing body, which approval may~~  
17 ~~only be given following a duly noticed public hearing. The~~

18 ~~county, municipality, or~~ community redevelopment agency may  
19 provide in any instrument of conveyance to a private purchaser  
20 or lessee that such purchaser or lessee is without power to  
21 sell, lease, or otherwise transfer the real property without  
22 the prior written consent of the ~~county, municipality, or~~  
23 community redevelopment agency until the purchaser or lessee  
24 has completed the construction of any or all improvements  
25 which such purchaser or lessee ~~he or she~~ has agreed ~~obligated~~  
26 ~~himself or herself~~ to construct thereon. Real property  
27 acquired by the ~~county, municipality, or~~ community  
28 redevelopment agency which, in accordance with the provisions  
29 of the community redevelopment plan, is to be transferred  
30 shall be transferred as rapidly as feasible in the public  
31 interest, consistent with the carrying out of the provisions

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

8 (3)(a) Prior to disposition of any real property or  
9 interest therein in a community redevelopment area, any  
10 ~~county, municipality, or~~ community redevelopment agency shall



11 give public notice of such disposition by publication in a  
12 newspaper having a general circulation in the community  
13 redevelopment area, at least 30 days prior to the execution of  
14 any contract to sell, lease, or otherwise transfer real  
15 property and, prior to the delivery of any instrument of  
16 conveyance with respect thereto under the provisions of this  
17 section, invite proposals from, and make all pertinent  
18 information available to, private redevelopers or any persons  
19 interested in undertaking to redevelop or rehabilitate the  
20 property proposed for disposition ~~a community redevelopment~~  
21 ~~area or any part thereof~~. Such notice must ~~shall~~ identify the  
22 area or portion thereof and shall state that proposals must be  
23 made by those interested within 30 days after the date of  
24 publication of the notice and that such further information as  
25 is available may be obtained at such office as is designated  
26 in the notice. The agency may or may not own the property at  
27 the time of publication of the notice required by this  
28 subsection. The ~~county, municipality, or~~ community  
29 redevelopment agency shall consider all such redevelopment or  
30 rehabilitation proposals and the financial and legal ability  
31 of the persons making such proposals to carry them out; and

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1 the ~~county, municipality, or~~ community redevelopment agency  
2 may negotiate with any persons for proposals for the purchase,

3 lease, or other transfer of any real property acquired or to  
4 be acquired by it in the community redevelopment area. The  
5 ~~county, municipality, or~~ community redevelopment agency may  
6 accept such proposal as it deems to be in the public interest  
7 and in furtherance of the purposes of the community  
8 redevelopment plan and this part. ~~The Except in the case of a~~  
9 ~~governing body acting as the agency, as provided in s.~~  
10 ~~163.357, a notification of intention to accept such proposal~~  
11 ~~must be filed with the governing body not less than 30 days~~  
12 ~~prior to any such acceptance. Thereafter, the county,~~  
13 ~~municipality, or~~ community redevelopment agency may execute  
14 such contract in accordance with ~~the provisions of~~ subsection  
15 (1) and deliver deeds, leases, and other instruments and take  
16 all steps necessary to effectuate such contract. The community  
17 redevelopment agency may use a request-for-qualification  
18 process to preselect persons who are eligible to respond to  
19 the 30-day notice required by this subsection.

20 (b) Any ~~county, municipality, or~~ community  
21 redevelopment agency that, pursuant to ~~the provisions of~~ this  
22 section, has disposed of a real property project with a land  
23 area in excess of 20 acres may acquire an expanded area that  
24 is immediately adjacent to the original project and less than  
25 35 percent of the land area of the original project, by  
26 purchase or eminent domain as provided in this chapter, and  
27 negotiate a disposition of such expanded area directly with  
28 the person who acquired the original project without complying  
29 with the disposition procedures established in paragraph (a),  
30 provided the ~~county, municipality, or~~ community redevelopment  
31 agency adopts a resolution making the following findings:

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

3           2. The expanded area is less than 35 percent of the  
4 land area of the original project.

5           3. The expanded area is entirely within the boundary  
6 of the community redevelopment area.

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

15           Section 17. Section 163.387, Florida Statutes, is  
16 amended to read:

17           163.387 Redevelopment trust fund.--

18           (1) After approval of a community redevelopment plan,  
19 a redevelopment trust fund may ~~there shall~~ be established for  
20 each community redevelopment agency created under s. 163.356 a  
21 ~~redevelopment trust fund~~. Funds allocated to and deposited  
22 into this fund shall be used by the agency to finance or  
23 refinance any community redevelopment it undertakes pursuant  
24 to the approved community redevelopment plan. No community  
25 redevelopment agency may receive or spend any increment  
26 revenues pursuant to this section unless and until the

27 governing body has, by ordinance, created the trust fund and  
28 provided for the funding of the redevelopment trust fund until  
29 the time certain set forth in the ~~for the duration of a~~  
30 community redevelopment plan pursuant to s. 163.362(10). Such  
31 ordinance may be adopted only after the governing body has

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1 approved a community redevelopment plan. The annual funding of  
2 the redevelopment trust fund shall be in an amount not less  
3 than that increment in the income, proceeds, revenues, and  
4 funds of each taxing authority derived from or held in  
5 connection with the undertaking and carrying out of community  
6 redevelopment under this part. Such increment shall be  
7 determined annually and shall be that amount equal to 90 ~~95~~  
8 percent of the difference between:

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

13 (b) The amount of ad valorem taxes which would have  
14 been produced by the rate upon which the tax is levied each  
15 year by or for each taxing authority, exclusive of any debt  
16 service millage, upon the total of the assessed value of the  
17 taxable real property in the community redevelopment area as  
18 shown upon the most recent preliminary assessment roll created

19 ~~pursuant to s. 193.114 used in connection with the taxation of~~  
20 ~~such property by each taxing authority~~ prior to the effective  
21 date of the ordinance providing for the funding of the trust  
22 fund.  
23  
24 However, the governing body of any county as defined in s.  
25 125.011(1) may, in the ordinance providing for the funding of  
26 a trust fund established with respect to any community  
27 redevelopment area created on or after July 1, 1994, determine  
28 that the amount to be funded by each taxing authority annually  
29 shall be less than 95 percent of the difference between  
30 paragraphs (a) and (b), but in no event shall such amount be  
31 less than 50 percent of such difference.

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1           (2) (a) Except for the purpose of funding the trust  
2 fund pursuant to subsection (3), upon the adoption of an  
3 ordinance providing for funding of the redevelopment trust  
4 fund as provided in this section, each taxing authority shall,  
5 by January 1 of each year, appropriate to the trust fund ~~for~~  
6 ~~so long as any indebtedness pledging increment revenues to the~~  
7 ~~payment thereof is outstanding (but not to exceed 30 years)~~ a  
8 sum that is no less than the increment as defined and  
9 determined in subsection (1) accruing to such taxing  
10 authority. If the community redevelopment plan is amended or  
11 modified pursuant to s. 163.361(1), each such taxing authority

12 shall make the annual appropriation for a period not to exceed  
13 30 years after the date the governing body amends the plan.  
14 However, for any agency created on or after July 1, 2002, each  
15 taxing authority shall make the annual appropriation for a  
16 period not to exceed 40 years after the fiscal year in which  
17 the initial community redevelopment plan is approved or  
18 adopted.

19 (b) Any taxing authority that does not pay the  
20 increment revenues to the trust fund by January 1 shall pay to  
21 the trust fund an amount equal to 5 percent of the amount of  
22 the increment revenues and shall pay interest on the amount of  
23 the unpaid increment revenues equal to 1 percent for each  
24 month the increment is outstanding. The agency may waive a  
25 payment, or part of a payment, which this section would  
26 otherwise require the taxing authority to make.

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

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

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1 2. A special district for which the sole available  
2 source of revenue the district has the authority to levy is ad  
3 valorem taxes at the time an ordinance is adopted under this

4 section. However, revenues or aid that may be dispensed or  
5 appropriated to a district as defined in s. 388.011 at the  
6 discretion of an entity other than such district shall not be  
7 deemed available.

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

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

13 5. A metropolitan transportation authority.

14 6. A water management district created under s.  
15 373.069.

16 (d)1. ~~The A local governing body that creates a~~  
17 community redevelopment agency ~~under s. 163.356~~ may exempt  
18 from all or part of the obligation to make an annual payment  
19 to the trust fund pursuant to paragraph (a) a special district  
20 that levies ad valorem taxes within that community  
21 redevelopment area. The agency ~~local governing body~~ may grant  
22 any such ~~the exemption either~~ in its sole discretion or in  
23 response to the request of the special district. The agency  
24 ~~local governing body~~ must establish procedures by which a  
25 special district may submit a written request to be exempted  
26 from paragraph (a).

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

30

31

- 1           a. Any additional revenue sources of the community  
2 redevelopment agency which could be used in lieu of the  
3 special district's tax increment.
- 4           b. The fiscal and operational impact on the community  
5 redevelopment agency.
- 6           c. The fiscal and operational impact on the special  
7 district.
- 8           d. The benefit to the specific purpose for which the  
9 special district was created. The benefit to the special  
10 district must be based on specific projects contained in the  
11 approved community redevelopment plan for the designated  
12 community redevelopment area.
- 13           e. The impact of the exemption on incurred debt and  
14 whether such exemption will impair any outstanding bonds that  
15 have pledged tax increment revenues to the repayment of the  
16 bonds.
- 17           f. The benefit of the activities of the special  
18 district to the approved community redevelopment plan.
- 19           g. The benefit of the activities of the special  
20 district to the area of operation of the local governing body  
21 that created the community redevelopment agency.
- 22           3. The agency ~~local governing body~~ must hold a public  
23 hearing on a special district's request for exemption after  
24 public notice of the hearing is published in a newspaper  
25 having a general circulation in ~~the county or municipality~~  
26 ~~that created~~ the community redevelopment area. The notice  
27 must be published at least 10 days before the hearing,



28 describe the time, date, place, and purpose of the hearing,  
29 and ~~must~~ identify generally the community redevelopment area  
30 covered by the plan and the impact of the plan on the special  
31 district that requested the exemption.

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

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

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

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

18           6. The decision to either deny or grant an exemption  
19 must be made by the local governing body within 120 days after

20 the date the written request was submitted to the local  
21 governing body pursuant to the procedures established by the  
22 agency, or within a longer period agreed to by the agency and  
23 the special district ~~such local governing body.~~

24 (3) Notwithstanding ~~the provisions of~~ subsection (2),  
25 the obligation of the taxing authority ~~governing body which~~  
26 ~~established the community redevelopment agency~~ to appropriate  
27 increment revenues to fund the redevelopment trust fund  
28 annually shall continue until the date when all loans,  
29 advances, and indebtedness, if any, and interest thereon, of a  
30 community redevelopment agency incurred as a result of  
31 redevelopment in a community redevelopment area have been paid

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1 or the time certain included in the plan pursuant to s.  
2 163.362(10), whichever occurs later.

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

13 amounts necessary to pay and retire such bonds or notes.

14 (5) Revenue bonds issued under ~~the provisions of~~ this  
15 part shall not be deemed to constitute a debt, liability, or  
16 obligation of the ~~local~~ governing body or the state or any  
17 political subdivision thereof, or a pledge of the faith and  
18 credit of the ~~local~~ governing body or the state or any  
19 political subdivision thereof, but shall be payable solely  
20 from the revenues provided therefor. All such revenue bonds  
21 shall contain on the face thereof a statement to the effect  
22 that the agency shall not be obligated to pay the same or the  
23 interest thereon except from the revenues of the community  
24 redevelopment agency held for that purpose and that neither  
25 the faith and credit nor the taxing power of the ~~local~~  
26 governing body or of the state or of any political subdivision  
27 thereof is pledged to the payment of the principal of, or the  
28 interest on, such bonds.

29 (6) Moneys in the redevelopment trust fund may be  
30 expended from time to time for undertakings of a community  
31 redevelopment agency as described in the ~~which are directly~~

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1 ~~related to financing or refinancing of redevelopment in a~~  
2 ~~community redevelopment area pursuant to an approved~~ community  
3 redevelopment plan for the following purposes, including, but  
4 not limited to:

5 (a) Administrative and overhead expenses necessary or  
6 incidental to the implementation of a community redevelopment  
7 plan adopted by the agency, including services provided by  
8 another public body.

9 (b) Expenses of redevelopment planning, surveys, and  
10 financial analysis, including the reimbursement of the  
11 governing body or the community redevelopment agency for such  
12 expenses incurred before the redevelopment plan was approved  
13 and adopted.

14 (c) The acquisition of real property in the  
15 redevelopment area.

16 (d) The clearance and preparation of any redevelopment  
17 area for redevelopment and relocation of site occupants inside  
18 or outside the community redevelopment area as provided in s.  
19 163.370.

20 (e) The repayment of principal and interest or any  
21 redemption premium for loans, advances, bonds, bond  
22 anticipation notes, and any other form of indebtedness.

23 (f) All expenses incidental to or connected with the  
24 issuance, sale, redemption, retirement, or purchase of ~~agency~~  
25 bonds, bond anticipation notes, or other form of indebtedness,  
26 including funding of any reserve, redemption, or other fund or  
27 account provided for in the ordinance or resolution  
28 authorizing such bonds, notes, or other form of indebtedness.

29 (g) The development of affordable housing within the  
30 community redevelopment area.

31 (h) The development of community policing innovations.

1           (i) Expenses for promotion, marketing, or events to  
2 enhance or promote the community redevelopment area.

3           (j) Any other purpose provided in the plan.

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

8           (a) Returned to each taxing authority ~~which paid the~~  
9 ~~increment~~ in the proportion that the amount of the payment of  
10 such taxing authority bears to the total amount paid into the  
11 trust fund by all taxing authorities ~~within the redevelopment~~  
12 ~~area~~ for that year;

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

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

18           (d) Appropriated to a specific redevelopment project  
19 pursuant to an approved community redevelopment plan for one  
20 or more expenditures that must all ~~which project will~~ be made  
21 ~~completed~~ within 3 years after ~~from~~ the date of such  
22 appropriation.

23           (8) Each community redevelopment agency shall provide  
24 for an ~~independent financial~~ audit of the trust fund each  
25 fiscal year and a report of such audit which is prepared by an  
26 individual or firm that is an independent certified public  
27 accountant. Such report shall describe the amount and source  
28 of deposits into, and the amount and purpose of withdrawals

29 from, the trust fund during such fiscal year and the amount of  
30 principal and interest paid during such year on any  
31 indebtedness to which ~~is pledged~~ increment revenues are

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1 pledged and the remaining amount of such indebtedness. The  
2 agency shall provide a copy of the report to each taxing  
3 authority. The audit required by this subsection may be  
4 included as part of or attached to the annual financial  
5 statement of the county or municipality that created the  
6 agency.

7 Section 18. Section 163.395, Florida Statutes, is  
8 amended to read:

9 163.395 Property exempt from taxes and from levy and  
10 sale by virtue of an execution.--

11 (1) All property of any ~~county, municipality, or~~  
12 community redevelopment agency, including funds, owned or held  
13 by it for the purposes of this part are exempt from levy and  
14 sale by virtue of an execution; and no execution or other  
15 judicial process may issue against the same, nor shall  
16 judgment against the ~~county, municipality, or~~ community  
17 redevelopment agency be a charge or lien upon such property.  
18 However, ~~the provisions of~~ this section does ~~de~~ not apply to  
19 or limit the right of obligees to pursue any remedies for the  
20 enforcement of any pledge or lien given pursuant to this part

21 by the county or municipality on its rents, fees, grants, or  
22 revenues from community redevelopment.

23 (2) The property of the ~~county, municipality, or~~  
24 community redevelopment agency acquired or held for the  
25 purposes of this part is declared to be public property used  
26 for essential public and governmental purposes, and such  
27 property is exempt from all taxes of the municipality, the  
28 county, any special district, or the state or any political  
29 subdivision thereof. However, such tax exemption will  
30 terminate when the ~~county, municipality, or~~ community  
31 redevelopment agency sells, leases, or otherwise disposes of

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1 such property in a community redevelopment area to a purchaser  
2 or lessee which is not a public body entitled to tax exemption  
3 with respect to such property.

4 Section 19. Subsections (1), (3), and (4) of section  
5 163.400, Florida Statutes, are amended to read:

6 163.400 Cooperation by public bodies.--

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

12 (a) Dedicate, sell, convey, or lease any of its  
13 interest in any property or grant easements, licenses, or

14 other rights or privileges therein to a county, ~~or~~  
15 municipality, or agency.

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

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

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

28 (e) Enter into agreements, which may extend over any  
29 period, notwithstanding any ~~provision or rule of~~ law to the  
30 contrary, with the Federal Government, a county, a  
31 municipality, an agency, or another public body respecting

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1 action to be taken pursuant to any of the powers granted by  
2 this part, including the furnishing of funds or other  
3 assistance in connection with community redevelopment and  
4 related activities.

5 (f) Cause public buildings and public facilities,



6 including parks, playgrounds, recreational, community,  
7 educational, water, sewer, or drainage facilities, or any  
8 other works which it is otherwise empowered to undertake to be  
9 furnished; furnish, dedicate, close, vacate, pave, install,  
10 grade, regrade, plan, or replan streets, roads, sidewalks,  
11 ways, or other places; plan or replan or zone or rezone any  
12 part of the public body or make exceptions from building  
13 regulations; and cause administrative and other services to be  
14 furnished to the county, ~~or~~ municipality, or agency.

15

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

28 (3) For the purpose of aiding in the planning,  
29 undertaking, or carrying out of any community redevelopment  
30 and related activities of a community redevelopment agency or  
31 a housing authority hereunder, any public body ~~county or~~

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1 ~~municipality~~ may, in addition to its other powers and upon  
2 such terms, with or without consideration, as it determines,  
3 do and perform any or all of the actions or things which, by  
4 the provisions of subsection (1), a public body is authorized  
5 to do or perform, including the furnishing of financial and  
6 other assistance.

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

20 Section 20. Section 163.410, Florida Statutes, is  
21 amended to read:

22 163.410 Exercise of powers in counties described in s.  
23 125.011(1) ~~with home rule charters.~~--In any county described  
24 in s. 125.011(1) which has adopted a ~~home rule~~ charter, the  
25 powers conferred by this part shall be exercised exclusively  
26 by the governing body of such county. However, the governing  
27 body of any such county ~~which has adopted a home rule charter~~  
28 may, in its discretion, by resolution delegate the exercise of  
29 the powers conferred upon the county by this part within the

30 boundaries of a municipality to the governing body of such a  
31 municipality. ~~Such a delegation to a municipality shall confer~~

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1 ~~only such powers upon a municipality as shall be specifically~~  
2 ~~enumerated in the delegating resolution. Any power not~~  
3 ~~specifically delegated shall be reserved exclusively to the~~  
4 ~~governing body of the county.~~ This section does not affect or  
5 apply to any community redevelopment agency created by a  
6 municipality prior to the adoption of a county home rule  
7 charter or to the municipality that created the agency. Unless  
8 otherwise provided by an existing ordinance, resolution, or  
9 interlocal agreement between any such county and a  
10 municipality, the governing body of the county that has  
11 adopted a home rule charter shall act on any request from a  
12 municipality for a delegation of powers or a change in an  
13 existing delegation of powers within 120 days after the  
14 receipt of all required documentation or such request shall be  
15 immediately sent to the governing body of the county for  
16 consideration.

17 Section 21. Section 163.415, Florida Statutes, is  
18 amended to read:

19 163.415 Exercise of powers by ~~in~~ counties within  
20 municipalities ~~without home rule charters.~~--The powers  
21 conferred by this part upon counties ~~not having adopted a home~~

22 ~~rule charter~~ shall not be exercised within the boundaries of a  
23 municipality within said county unless the governing body of  
24 the municipality expresses its consent by resolution. Such a  
25 resolution consenting to the exercise of the powers conferred  
26 upon counties by this part shall specifically enumerate the  
27 powers to be exercised by the county within the boundaries of  
28 the municipality. Any power not specifically enumerated in  
29 such a resolution of consent shall be exercised exclusively by  
30 the municipality within its boundaries.  
31

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1 Section 22. This act shall take effect October 1,  
2 2006.

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5

#### SENATE SUMMARY

6 Extensively revises various provisions of the Community  
7 Redevelopment Act of 1969, including provisions governing  
8 the creation of a community redevelopment agency by a  
9 county or a municipality; the operation, duties, and  
10 funding of a redevelopment agency; the powers and duties  
11 of a county, municipality, or redevelopment agency  
12 concerning community redevelopment; the adoption or  
13 modification, contents, and implementation of a community  
14 redevelopment plan, the disposition or use of property  
acquired for community redevelopment; the establishment  
of a redevelopment trust fund and the annual contribution  
of tax increment revenues to such a fund; the use and  
auditing of tax increment revenues; the exemption for the  
property of a county or municipality from levy or sale  
pursuant to certain claims; for property acquired or held  
by a county, municipality, or special district for  
community redevelopment purposes, exemption from taxation

15 by the county or municipality; the purposes for which a  
16 county or municipality may issue a general obligation  
17 bond; the prerequisites to the exercise of powers by a  
18 county or a redevelopment agency created by a county  
19 within a municipality; and the delegation of powers to a  
20 municipality by certain charter counties. (See bill for  
21 details.)  
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HB 1567

1                                   A bill to be entitled  
2     An act relating to eminent domain; creating s. 73.013,  
3     F.S.; restricting certain transfers of property taken by  
4     eminent domain to certain natural persons or private  
5     entities; amending s. 163.335, F.S.; providing legislative  
6     findings and declarations; amending s. 163.355, F.S.;  
7     requiring disclosure of eminent domain authority in  
8     resolutions finding slum or blight conditions; providing  
9     for notice to property owners and business owners or  
10    lessees and requirements therefor; providing for hearings  
11    and advertising requirements therefor; amending s.  
12    163.358, F.S.; providing that the power of eminent domain  
13    does not vest in a community redevelopment agency but  
14    rather with the governing body of a county or  
15    municipality; amending s. 163.360, F.S.; requiring  
16    disclosure of eminent domain authority in community  
17    redevelopment plans; amending s. 163.370, F.S.; revising  
18    powers of community redevelopment agencies with respect to  
19    the acquisition of real property; amending s. 163.375,  
20    F.S.; revising eminent domain authority and procedures;  
21    amending ss. 127.01 and 127.02, F.S.; requiring county  
22    compliance with eminent domain limitations; amending ss.  
23    166.401 and 166.411, F.S.; requiring municipal compliance  
24    with eminent domain limitations; providing application;  
25    providing an effective date.

26  
27    Be It Enacted by the Legislature of the State of Florida:

28  
29        Section 1. Section 73.013, Florida Statutes, is created to  
30    read:

31        73.013 Conveyance of property taken by eminent domain.--  
32        (1) Notwithstanding any other provision of law, including  
33        any charter provision, ordinance, statute, or special law, if  
34        the state, any political subdivision as defined in s. 1.01(8),

35 or any other entity to which the power of eminent domain is  
36 delegated files a petition of taking on or after July 1, 2006,  
37 regarding a parcel of real property in this state, ownership or  
38 control of property acquired pursuant to such petition may not  
39 be conveyed by the condemning authority or any other entity to a  
40 natural person or private entity, except that ownership or  
41 control of property acquired pursuant to such petition may be  
42 conveyed to:

43 (a) A natural person or private entity for use in  
44 providing common carrier services or systems;

45 (b) A natural person or private entity for use as a road  
46 or other right-of-way or means open to the public for  
47 transportation, whether at no charge or by toll;

48 (c) A natural person or private entity that is a public or  
49 private utility for use in providing electricity services or  
50 systems, natural or manufactured gas services or systems, water  
51 and wastewater services or systems, stormwater or runoff  
52 services or systems, sewer services or systems, pipeline  
53 facilities, telephone services or systems, or similar services  
54 or systems;

55 (d) A natural person or private entity for use in  
56 providing public infrastructure;

57 (e) A natural person or private entity that occupies,  
58 pursuant to a lease, an incidental part of a public property or  
59 a public facility for the purpose of providing goods or services  
60 to the public;

61 (f) A natural person or private entity if the property was  
62 taken pursuant to s. 163.375;

63 (g) A natural person or private entity if the property was  
64 owned and controlled by the condemning authority or a  
65 governmental entity for at least 5 years after the condemning  
66 authority acquired title to the property; or

67 (h) A natural person or private entity in accordance with  
68 subsection (2).

69 (2) If ownership of property is conveyed to a natural  
70 person or private entity pursuant to paragraph (1)(a), (b), (c),  
71 (d), (e), or (f), and that natural person or private entity  
72 retains ownership and control of the property for at least 5

73 years after acquiring title, the property may subsequently be  
74 transferred to another natural person or private entity without  
75 restriction.

76 Section 2. Subsection (3) of section 163.335, Florida  
77 Statutes, is amended, and subsection (7) is added to that  
78 section, to read:

79 163.335 Findings and declarations of necessity.--

80 (3) It is further found and declared that the powers  
81 conferred by this part are for public uses and purposes for  
82 which public money may be expended, the police power exercised,  
83 and the power of eminent domain exercised subject to the  
84 limitations in s. 163.375 and the power of eminent domain and  
85 police power exercised, and the necessity in the public interest  
86 for the provisions herein enacted is hereby declared as a matter  
87 of legislative determination.

88 (7) It is further found that the prevention or elimination  
89 of a "slum area" or "blighted area" as defined in this part and  
90 the preservation or enhancement of the tax base are not public  
91 uses or purposes for which private property may be taken by  
92 eminent domain.

93 Section 3. Section 163.355, Florida Statutes, is amended  
94 to read:

95 163.355 Finding of necessity by county or municipality.--

96 (1) No county or municipality shall exercise the community  
97 redevelopment authority conferred by this part until after the  
98 governing body has adopted a resolution, supported by data and  
99 analysis, which makes a legislative finding that the conditions  
100 in the area meet the criteria described in s. 163.340(7) or (8).

101 The resolution must state that:

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

106 (b)(2) The rehabilitation, conservation, or redevelopment,  
107 or a combination thereof, of such area or areas, including, if  
108 appropriate, the development of housing which residents of low  
109 or moderate income, including the elderly, can afford, is  
110 necessary in the interest of the public health, safety, morals,



111 or welfare of the residents of such county or municipality.

112 (2) A resolution finding slum or blight conditions must  
113 indicate that property within the community redevelopment area  
114 may be subject to taking by eminent domain pursuant to s.  
115 163.375. In the alternative, the county or municipality may  
116 explicitly state in the resolution that the power of eminent  
117 domain provided under s. 163.375 will not be exercised by the  
118 county or municipality within the community redevelopment area.  
119 A county or municipality is not required to provide notice in  
120 accordance with subsections (3) and (4) if the resolution  
121 finding slum or blight conditions, as proposed and adopted by  
122 the county or municipality, expressly declares that the power of  
123 eminent domain provided under s. 163.375 will not be exercised  
124 by the county or municipality within the community redevelopment  
125 area.

126 (3) At least 30 days prior to the first public hearing at  
127 which a proposed resolution finding slum or blight conditions  
128 will be considered by a county or municipality, actual notice of  
129 the public hearing must be mailed via first class mail to each  
130 real property owner whose property may be included within the  
131 community redevelopment area and to each business owner,  
132 including a lessee, who operates a business located on property  
133 that may be included within the community redevelopment area.

134 (a) Notice must be sent to each owner of real property  
135 that may be included within the community redevelopment area at  
136 the owner's last known address as listed on the county ad  
137 valorem tax roll. Alternatively, the notice may be personally  
138 delivered to a property owner. If there is more than one owner  
139 of a property, notice to one owner constitutes notice to all  
140 owners of the property. The return of the notice as  
141 undeliverable by the postal authorities constitutes compliance  
142 with this subsection. The condemning authority is not required  
143 to give notice to a person who acquires title to property after  
144 the notice required by this subsection has been given.

145 (b) Notice must be sent to the address of the registered  
146 agent for the business located on the property or, if no agent  
147 is registered, by certified mail or personal delivery to the  
148 address of the business located on the property. Notice to one

149 owner of a multiple ownership business constitutes notice to all  
150 owners of that business. The return of the notice as  
151 undeliverable by the postal authorities constitutes compliance  
152 with this subsection. The condemning authority is not required  
153 to give notice to a person who acquires an interest in a  
154 business after the notice required by this subsection has been  
155 given.

156 (c) At a minimum, the mailed notice required by paragraphs  
157 (a) and (b) must:

158 1. Generally explain the purpose, effect, and substance of  
159 the proposed resolution;

160 2. Indicate that private property within the proposed  
161 redevelopment area may be subject to taking by eminent domain if  
162 the current condition of the property poses an existing threat  
163 to the public health or public safety that is likely to continue  
164 absent the exercise of eminent domain;

165 3. Indicate that private-to-private transfers of property  
166 may occur;

167 4. Contain a geographic location map that clearly  
168 indicates the area covered by the resolution, including major  
169 street names as a means of identification of the general area;

170 5. Provide the dates, times, and locations of future  
171 public hearings during which the resolution may be considered;

172 6. Identify the place or places within the county or  
173 municipality at which the resolution may be inspected by the  
174 public;

175 7. Indicate that the property owner may file written  
176 objections with the local governing board prior to any public  
177 hearing on the resolution; and

178 8. Indicate that interested parties may appear and be  
179 heard at all public hearings at which the resolution will be  
180 considered.

181 (4) In addition to mailing notice to property owners, the  
182 county or municipality must conduct at least two advertised  
183 public hearings prior to adoption of the proposed resolution. At  
184 least one hearing must be held after 5 p.m. on a weekday, unless  
185 the governing body, by a majority plus one vote, elects to  
186 conduct the hearing at another time of day. The first public

187 hearing must be held at least 7 days after the day the first  
188 advertisement is published. The second hearing must be held at  
189 least 10 days after the first hearing and must be advertised at  
190 least 5 days prior to the public hearing. The required  
191 advertisements must be no less than 2 columns wide by 10 inches  
192 long in a standard size or a tabloid size newspaper, and the  
193 headline in the advertisement must be in a type no smaller than  
194 18 point. The advertisement must not be placed in that portion  
195 of the newspaper where legal notices and classified  
196 advertisements appear and must be placed in a newspaper of  
197 general paid circulation rather than one of limited subject  
198 matter. Whenever possible, the advertisement must appear in a  
199 newspaper that is published at least 5 days a week unless the  
200 only newspaper in the community is published fewer than 5 days a  
201 week. At a minimum, the advertisement must:

202 (a) Generally explain the substance and effect of the  
203 resolution;

204 (b) Include a statement indicating that private property  
205 within the proposed redevelopment area may be subject to taking  
206 by eminent domain if the current condition of the property poses  
207 an existing threat to the public health or public safety that is  
208 likely to continue absent the exercise of eminent domain;

209 (c) Provide the date, time, and location of the meeting;

210 (d) Identify the place or places within the county or  
211 municipality at which the resolution may be inspected by the  
212 public;

213 (e) Contain a geographic location map that clearly  
214 indicates the area covered by the resolution, including major  
215 street names as a means of identification of the general area;

216 (f) Indicate that any interested party may file written  
217 objections with the local governing board prior to the public  
218 hearing; and

219 (g) Indicate that any interested party may appear and be  
220 heard at the public hearing.

221 Section 4. Subsection (6) is added to section 163.358,  
222 Florida Statutes, to read:

223 163.358 Exercise of powers in carrying out community  
224 redevelopment and related activities.--The community

225 redevelopment powers assigned to a community redevelopment  
226 agency created under s. 163.356 include all the powers necessary  
227 or convenient to carry out and effectuate the purposes and  
228 provisions of this part, except the following, which continue to  
229 vest in the governing body of the county or municipality:

230 (6) The power of eminent domain.

231 Section 5. Paragraph (d) is added to subsection (2) of  
232 section 163.360, Florida Statutes, to read:

233 163.360 Community redevelopment plans.--

234 (2) The community redevelopment plan shall:

235 (d) Indicate that real property within the community  
236 redevelopment area may be subject to taking by eminent domain  
237 pursuant to s. 163.375. If consistent with the resolution  
238 finding slum or blight conditions, the plan must indicate that  
239 the power of eminent domain provided under s. 163.375 will not  
240 be exercised by the county or municipality within the community  
241 redevelopment area.

242 Section 6. Paragraph (o) of subsection (1) and paragraph  
243 (a) of subsection (3) of section 163.370, Florida Statutes, are  
244 amended to read:

245 163.370 Powers; counties and municipalities; community  
246 redevelopment agencies.--

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

251 (o) To exercise all or any part or combination of powers  
252 herein granted or to elect to have such powers exercised by a  
253 community redevelopment agency; however, the power of eminent  
254 domain shall not be exercised by a community redevelopment  
255 agency.

256 (3) With the approval of the governing body, a community  
257 redevelopment agency may:

258 (a) Prior to approval of a community redevelopment plan or  
259 approval of any modifications of the plan, acquire real property  
260 in a community redevelopment area by purchase, lease, option,  
261 gift, grant, bequest, devise, or other voluntary method of  
262 acquisition, demolish and remove any structures on the property,

263 and pay all costs related to the acquisition, demolition, or  
264 removal, including any administrative or relocation expenses.

265 Section 7. Section 163.375, Florida Statutes, is amended  
266 to read:

267 163.375 Eminent domain.--

268 (1) After the community redevelopment plan is adopted, a  
269 county or municipality may acquire by eminent domain any  
270 interest in a parcel of real property within a community  
271 redevelopment area, including a fee simple title thereto, for  
272 the purpose of eliminating an existing threat to public health  
273 or public safety if the parcel of real property is condemnation  
274 eligible. A parcel of real property is condemnation eligible  
275 only if the current condition of the property poses an existing  
276 threat to public health or public safety and the existing threat  
277 to public health or public safety is likely to continue absent  
278 the exercise of eminent domain. A county or municipality shall  
279 exercise the power of eminent domain in the manner provided in  
280 this section and in chapters 73 and 74, or pursuant to the power  
281 of eminent domain provided by any other statutory provision, as  
282 limited by s. 73.013. Real property belonging to the United  
283 States, the state, or any political subdivision of the state may  
284 not be acquired without its consent. Any county or municipality,  
285 or any community redevelopment agency pursuant to specific  
286 approval of the governing body of the county or municipality  
287 which established the agency, as provided by any county or  
288 municipal ordinance has the right to acquire by condemnation any  
289 interest in real property, including a fee simple title thereto,  
290 which it deems necessary for, or in connection with, community  
291 redevelopment and related activities under this part. Any county  
292 or municipality, or any community redevelopment agency pursuant  
293 to specific approval by the governing body of the county or  
294 municipality which established the agency, as provided by any  
295 county or municipal ordinance may exercise the power of eminent  
296 domain in the manner provided in chapters 73 and 74 and acts  
297 amendatory thereof or supplementary thereto, or it may exercise  
298 the power of eminent domain in the manner now or which may be  
299 hereafter provided by any other statutory provision for the  
300 exercise of the power of eminent domain. Property in

301 ~~unincorporated enclaves surrounded by the boundaries of a~~  
302 ~~community redevelopment area may be acquired when it is~~  
303 ~~determined necessary by the agency to accomplish the community~~  
304 ~~redevelopment plan. Property already devoted to a public use may~~  
305 ~~be acquired in like manner. However, no real property belonging~~  
306 ~~to the United States, the state, or any political subdivision of~~  
307 ~~the state may be acquired without its consent.~~

308 (2) A county or municipality may not initiate an eminent  
309 domain proceeding pursuant to authority conferred by this  
310 section unless the governing body first adopts a resolution of  
311 taking containing specific determinations or findings that:

312 (a) The public purpose of the taking is to eliminate an  
313 existing threat to public health or public safety that is likely  
314 to continue absent the exercise of eminent domain;

315 (b) The parcel of real property is condemnation eligible  
316 as defined in subsection (1), including a specific description  
317 of the current conditions on the property that pose an existing  
318 threat to public health or public safety that is likely to  
319 continue absent the exercise of eminent domain; and

320 (c) Taking the property by eminent domain is reasonably  
321 necessary in order to accomplish the public purpose of  
322 eliminating an existing threat to public health or public safety  
323 that is likely to continue absent the exercise of eminent  
324 domain.

325 (3) The county or municipality may not adopt a resolution  
326 of taking under this section unless actual notice of the public  
327 hearing at which the resolution is considered was provided, at  
328 least 45 days prior to the hearing, to the property owner and to  
329 any business owner, including a lessee, who operates a business  
330 located on the property.

331 (a) Notice must be sent by certified mail, return receipt  
332 requested, to the last known address listed on the county ad  
333 valorem tax roll of each owner of the property. Alternatively,  
334 the notice may be personally delivered to each property owner.  
335 The return of the notice as undeliverable by the postal  
336 authorities constitutes compliance with this subsection. The  
337 condemning authority is not required to give notice to a person  
338 who acquires title to the property after the notice required by

339 this subsection has been given.

340 (b) Notice must be sent by certified mail, return receipt  
341 requested, to the address of the registered agent for the  
342 business located on the property to be acquired or, if no agent  
343 is registered, by certified mail or personal delivery to the  
344 address of the business located on the property to be acquired.  
345 Notice to one owner of a multiple ownership business constitutes  
346 notice to all business owners of that business. The return of  
347 the notice as undeliverable by the postal authorities  
348 constitutes compliance with this subsection. The condemning  
349 authority is not required to give notice to a person who  
350 acquires an interest in the business after the notice required  
351 by this subsection has been given.

352 (c) At a minimum, the notices required by paragraphs (a)  
353 and (b) shall indicate:

354 1. That the county or municipal governing body will  
355 determine whether to take the parcel of real property pursuant  
356 to authority granted by this part and will formally consider a  
357 resolution of taking at a public hearing;

358 2. That the property is subject to taking by eminent  
359 domain under this part because current conditions on the  
360 property pose an existing threat to public health or public  
361 safety that is likely to continue absent the exercise of eminent  
362 domain;

363 3. The specific conditions on the property that pose an  
364 existing threat to public health or public safety and form the  
365 basis for taking the property;

366 4. That the property will not be subject to taking if the  
367 specific conditions that pose an existing threat to public  
368 health or public safety and form the basis for the taking are  
369 removed prior to the public hearing at which the resolution will  
370 be considered by the governing body;

371 5. The date, time, and location of the public hearing at  
372 which the resolution of taking will be considered;

373 6. That the property owner or business owner may file  
374 written objections with the governing board prior to the public  
375 hearing at which the resolution of taking is considered; and

376 7. That any interested party may appear and be heard at

377 the public hearing at which the resolution of taking is  
378 considered.

379 (4)(a) In accordance with chapters 73 and 74, if a  
380 property owner challenges an attempt to acquire his or her  
381 property by eminent domain under this section, the condemning  
382 authority must prove by clear and convincing evidence in an  
383 evidentiary hearing before the circuit court that:

384 1. The public purpose of the taking is to eliminate an  
385 existing threat to public health or public safety that is likely  
386 to continue absent the exercise of eminent domain;

387 2. The property is condemnation eligible as defined in  
388 subsection (1); and

389 3. Taking the property by eminent domain is reasonably  
390 necessary in order to accomplish the public purpose of  
391 eliminating an existing threat to public health or public safety  
392 that is likely to continue absent the exercise of eminent  
393 domain.

394 (b) The circuit court shall determine whether the public  
395 purpose of the taking is to eliminate an existing threat to  
396 public health or public safety that is likely to continue absent  
397 the exercise of eminent domain, whether the property is  
398 condemnation eligible as defined in subsection (1), and whether  
399 taking the property is reasonably necessary in order to  
400 accomplish the public purpose of eliminating an existing threat  
401 to public health or public safety that is likely to continue  
402 absent the exercise of eminent domain. The circuit court shall  
403 make these determinations without attaching a presumption of  
404 correctness or extending judicial deference to any  
405 determinations or findings in the resolution of taking adopted  
406 by the condemning authority.

407 (5)(2) In any proceeding to fix or assess compensation for  
408 damages for the taking of property, or any interest therein,  
409 through the exercise of the power of eminent domain or  
410 condemnation, evidence or testimony bearing upon the following  
411 matters shall be admissible and shall be considered in fixing  
412 such compensation or damages in addition to evidence or  
413 testimony otherwise admissible:

414 (a) Any use, condition, occupancy, or operation of such



415 property, which is unlawful or violative of, or subject to  
416 elimination, abatement, prohibition, or correction under, any  
417 law, ordinance, or regulatory measure of the state, county,  
418 municipality, or other political subdivision, or any agency  
419 thereof, in which such property is located, as being unsafe,  
420 substandard, unsanitary, or otherwise contrary to the public  
421 health, safety, morals, or welfare.

422 (b) The effect on the value of such property of any such  
423 use, condition, occupancy, or operation or of the elimination,  
424 abatement, prohibition, or correction of any such use,  
425 condition, occupancy, or operation.

426 (6)(3) In any proceeding to fix or assess compensation for  
427 damages for the taking of property, or any interest therein, the  
428 foregoing testimony and evidence shall be admissible  
429 notwithstanding that no action has been taken by any public body  
430 or public officer toward the abatement, prohibition,  
431 elimination, or correction of any such use, condition,  
432 occupancy, or operation. Testimony or evidence that any public  
433 body or public officer charged with the duty or authority so to  
434 do has rendered, made, or issued any judgment, decree,  
435 determination, or order for the abatement, prohibition,  
436 elimination, or correction of any such use, condition,  
437 occupancy, or operation shall be admissible and shall be prima  
438 facie evidence of the existence and character of such use,  
439 condition, or operation.

440 Section 8. Subsection (3) is added to section 127.01,  
441 Florida Statutes, to read:

442 127.01 Counties delegated power of eminent domain;  
443 recreational purposes, issue of necessity of taking.--

444 (3) Each county shall strictly comply with the limitations  
445 set forth in s. 73.013.

446 Section 9. Section 127.02, Florida Statutes, is amended to  
447 read:

448 127.02 County commissioners may authorize acquirement of  
449 property by eminent domain.--The board of county commissioners  
450 may, by resolution, authorize the acquirement by eminent domain  
451 of property, real or personal, for any county use or purpose  
452 designated in such resolution, subject to the limitations set

453 forth in s. 73.013.

454 Section 10. Subsection (3) is added to section 166.401,  
455 Florida Statutes, to read:

456 166.401 Right of eminent domain.--

457 (3) Each municipality shall strictly comply with the  
458 limitations set forth in s. 73.013.

459 Section 11. Subsections (1), (9), and (10) of section  
460 166.411, Florida Statutes, are amended to read:

461 166.411 Eminent domain; uses or purposes.--Municipalities  
462 are authorized to exercise the power of eminent domain for the  
463 following uses or purposes:

464 (1) For the proper and efficient carrying into effect of  
465 any proposed scheme or plan of drainage, ditching, grading,  
466 filling, or other public improvement deemed necessary or  
467 expedient for the preservation of the public health, or for  
468 other good reason connected in anywise with the public welfare  
469 or the interests of the municipality and the people thereof,  
470 subject to the limitations set forth in s. 73.013;

471 (9) For laying wires and conduits underground; and

472 (10) For city buildings, waterworks, ponds, and other  
473 municipal purposes which shall be coextensive with the powers of  
474 the municipality exercising the right of eminent domain subject  
475 to the limitations set forth in s. 73.013.;~~and~~

476 Section 12. This act shall take effect July 1, 2006, and  
477 shall apply to all condemnation proceedings in which a petition  
478 of taking is filed pursuant to chapter 73, Florida Statutes, on  
479 or after that date.

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

HJR 1569

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 6 of  
3 Article X of the State Constitution relating to eminent  
4 domain.

5  
6 Be It Resolved by the Legislature of the State of Florida:

7  
8 That the following amendment to Section 6 of Article X of  
9 the State Constitution is agreed to and shall be submitted to  
10 the electors of this state for approval or rejection at the next  
11 general election or at an earlier special election specifically  
12 authorized by law for that purpose:

13 ARTICLE X  
14 MISCELLANEOUS

15 SECTION 6. Eminent domain.--

16 (a) No private property shall be taken except for a public  
17 purpose and with full compensation therefor paid to each owner  
18 or secured by deposit in the registry of the court and available  
19 to the owner.

20 (b) Provision may be made by law for the taking of  
21 easements, by like proceedings, for the drainage of the land of  
22 one person over or through the land of another.

23 (c) If a petition is filed on or after January 2, 2007, to  
24 initiate eminent domain proceedings regarding a parcel of real  
25 property in this state, ownership or control of property  
26 acquired pursuant to such petition shall not be conveyed by the  
27 condemning authority or any other entity to a natural person or  
28 private entity, except that ownership or control of property  
29 acquired pursuant to such petition may be conveyed to:

30 (1) A natural person or private entity for use in  
31 providing common carrier services or systems;

32 (2) A natural person or private entity for use as a road  
33 or other right-of-way or means open to the public for  
34 transportation, whether at no charge or by toll;

35 (3) A natural person or private entity that is a public or  
36 private utility for use in providing electricity services or  
37 systems, natural or manufactured gas services or systems, water  
38 and wastewater services or systems, stormwater or runoff  
39 services or systems, sewer services or systems, pipeline  
40 facilities, telephone services or systems, or similar services  
41 or systems;

42 (4) A natural person or private entity for use in  
43 providing public infrastructure;

44 (5) A natural person or private entity that occupies,  
45 pursuant to a lease, an incidental part of a public property or  
46 a public facility for the purpose of providing goods or services  
47 to the public;

48 (6) A natural person or private entity if the property was  
49 taken to eliminate an existing threat to public health or public  
50 safety that is likely to continue absent the exercise of eminent  
51 domain, as provided by general law;

52 (7) A natural person or private entity if the property was  
53 owned and controlled by the condemning authority or a  
54 governmental entity for at least 5 years after the condemning  
55 authority acquired title to the property; or

56 (8) A natural person or private entity in accordance with  
57 subsection (d).

58 (d) If ownership of property is conveyed to a natural  
59 person or private entity pursuant to paragraph (c)(1), (2), (3),  
60 (4), (5), or (6), and that natural person or private entity  
61 retains ownership and control of the property for at least 5  
62 years after acquiring title, the property may subsequently be  
63 transferred to another natural person or private entity without  
64 restriction.

65 BE IT FURTHER RESOLVED that the following statement be  
66 placed on the ballot:

67 CONSTITUTIONAL AMENDMENT

68 ARTICLE X, SECTION 6

69 EMINENT DOMAIN.--Proposing an amendment to the State  
70 Constitution to prohibit the transfer of ownership or control of  
71 private real property taken by eminent domain pursuant to a  
72 petition filed on or after January 2, 2007, to any natural

73 person or private entity, except that:  
74 (a) Ownership or control of such property may be conveyed  
75 to:  
76 (1) A natural person or private entity for use in  
77 providing common carrier services or systems;  
78 (2) A natural person or private entity for use as a road  
79 or other right-of-way or means open to the public for  
80 transportation, whether at no charge or by toll;  
81 (3) A natural person or private entity that is a public or  
82 private utility for use in providing electricity services or  
83 systems, natural or manufactured gas services or systems, water  
84 and wastewater services or systems, stormwater or runoff  
85 services or systems, sewer services or systems, pipeline  
86 facilities, telephone services or systems, or similar services  
87 or systems;  
88 (4) A natural person or private entity for use in  
89 providing public infrastructure;  
90 (5) A natural person or private entity that occupies,  
91 pursuant to a lease, an incidental part of a public property or  
92 a public facility for the purpose of providing goods or services  
93 to the public;  
94 (6) A natural person or private entity if the property was  
95 taken to eliminate an existing threat to public health or public  
96 safety as provided by general law;  
97 (7) A natural person or private entity if the property was  
98 owned and controlled by the condemning authority or a  
99 governmental entity for at least 5 years after the condemning  
100 authority acquired title to the property; or  
101 (8) A natural person or private entity in accordance with  
102 subsection (b).  
103 (b) If ownership of property is conveyed to a natural  
104 person or private entity pursuant to paragraph (a)(1), (2), (3),  
105 (4), (5), or (6), and that natural person or private entity  
106 retains ownership and control of the property for at least 5  
107 years after acquiring title, the property may subsequently be  
108 transferred to another natural person or private entity without  
109 restriction.

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

HJR 1571

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 4 of  
3 Article VII of the State Constitution to provide an  
4 additional circumstance for assessing homestead property  
5 at less than just value.

6

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

8

9 That the following amendment to Section 4 of Article VII of  
10 the State Constitution is agreed to and shall be submitted to  
11 the electors of this state for approval or rejection at the next  
12 general election or at an earlier special election specifically  
13 authorized by law for that purpose:

14

ARTICLE VII

15

FINANCE AND TAXATION

16

SECTION 4. Taxation; assessments.--By general law  
17 regulations shall be prescribed which shall secure a just  
18 valuation of all property for ad valorem taxation, provided:

19

(a) Agricultural land, land producing high water recharge  
20 to Florida's aquifers, or land used exclusively for  
21 noncommercial recreational purposes may be classified by general  
22 law and assessed solely on the basis of character or use.

23

(b) Pursuant to general law tangible personal property  
24 held for sale as stock in trade and livestock may be valued for  
25 taxation at a specified percentage of its value, may be  
26 classified for tax purposes, or may be exempted from taxation.

27

(c) All persons entitled to a homestead exemption under  
28 Section 6 of this Article shall have their homestead assessed at  
29 just value as of January 1 of the year following the effective  
30 date of this amendment. This assessment shall change only as  
31 provided herein.

32

(1) Assessments subject to this provision shall be changed  
33 annually on January 1st of each year; but those changes in  
34 assessments shall not exceed the lower of the following:

35 a. Three percent (3%) of the assessment for the prior  
36 year.

37 b. The percent change in the Consumer Price Index for all  
38 urban consumers, U.S. City Average, all items 1967=100, or  
39 successor reports for the preceding calendar year as initially  
40 reported by the United States Department of Labor, Bureau of  
41 Labor Statistics.

42 (2) No assessment shall exceed just value.

43 (3) After any change of ownership, as provided by general  
44 law, homestead property shall be assessed at just value as of  
45 January 1 of the following year, unless the provisions of  
46 subsection (8) apply. Thereafter, the homestead shall be  
47 assessed as provided herein.

48 (4) New homestead property shall be assessed at just value  
49 as of January 1st of the year following the establishment of the  
50 homestead, unless the provisions of subsection (8) apply. That  
51 assessment shall only change as provided herein.

52 (5) Changes, additions, reductions, or improvements to  
53 homestead property shall be assessed as provided for by general  
54 law; provided, however, after the adjustment for any change,  
55 addition, reduction, or improvement, the property shall be  
56 assessed as provided herein.

57 (6) In the event of a termination of homestead status, the  
58 property shall be assessed as provided by general law.

59 (7) The provisions of this amendment are severable. If any  
60 of the provisions of this amendment shall be held  
61 unconstitutional by any court of competent jurisdiction, the  
62 decision of such court shall not affect or impair any remaining  
63 provisions of this amendment.

64 (8) When a person's homestead property in this state is  
65 taken by power of eminent domain and within two years the person  
66 purchases another property and establishes such property as  
67 homestead property, the newly established homestead property  
68 shall be initially assessed at less than just value, as provided  
69 by general law. The difference between the new homestead  
70 property's just value and its assessed value in the first year  
71 the homestead is established may not exceed the difference  
72 between the previous homestead property's just value and its

73 assessed value in the year the homestead property was taken by  
74 eminent domain. In addition, the assessed value of the new  
75 homestead property must equal or exceed the assessed value of  
76 the previous homestead property. Thereafter, the homestead  
77 property shall be assessed as provided herein.

78 (d) The legislature may, by general law, for assessment  
79 purposes and subject to the provisions of this subsection, allow  
80 counties and municipalities to authorize by ordinance that  
81 historic property may be assessed solely on the basis of  
82 character or use. Such character or use assessment shall apply  
83 only to the jurisdiction adopting the ordinance. The  
84 requirements for eligible properties must be specified by  
85 general law.

86 (e) A county may, in the manner prescribed by general law,  
87 provide for a reduction in the assessed value of homestead  
88 property to the extent of any increase in the assessed value of  
89 that property which results from the construction or  
90 reconstruction of the property for the purpose of providing  
91 living quarters for one or more natural or adoptive grandparents  
92 or parents of the owner of the property or of the owner's spouse  
93 if at least one of the grandparents or parents for whom the  
94 living quarters are provided is 62 years of age or older. Such a  
95 reduction may not exceed the lesser of the following:

96 (1) The increase in assessed value resulting from  
97 construction or reconstruction of the property.

98 (2) Twenty percent of the total assessed value of the  
99 property as improved.

100 BE IT FURTHER RESOLVED that the following statement be  
101 placed on the ballot:

102 CONSTITUTIONAL AMENDMENT

103 ARTICLE VII, SECTION 4

104 ASSESSMENT OF NEWLY ESTABLISHED HOMESTEAD PROPERTY AFTER  
105 EMINENT DOMAIN TAKING OF PREVIOUS HOMESTEAD PROPERTY.--

Proposing

106 an amendment to the State Constitution to provide for assessing  
107 at less than just value property purchased within 2 years after  
108 a homestead is taken by eminent domain, if the newly purchased  
109 property is established as homestead, to provide that the



110 difference between the new homestead property's just value and  
111 its assessed value in the first year may not exceed the  
112 difference between the previous homestead property's just value  
113 and its assessed value in the year the previous homestead  
114 property was taken by eminent domain and to provide that the  
115 assessed value of the new homestead property must equal or  
116 exceed the assessed value of the previous homestead property.

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