

1 sound growth, retards the provision of housing accommodations,
2 aggravates traffic problems, and substantially hampers the
3 elimination of traffic hazards and the improvement of traffic
4 facilities; and that the prevention and elimination of slums
5 and blight is a matter of state policy and state concern in
6 order that the state and its counties and municipalities shall
7 not continue to be endangered by areas which are focal centers
8 of disease, promote juvenile delinquency, and consume an
9 excessive proportion of its revenues because of the extra
10 services required for police, fire, accident, hospitalization,
11 and other forms of public protection, services, and
12 facilities.

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

27 (3) It is further found and declared that the powers
28 conferred by this part are for public uses and purposes for
29 which public money may be expended and ~~the power of eminent~~
30 ~~domain and~~ police power exercised, and the necessity in the
31 public interest for the provisions of this part, except

1 eminent domain provisions, herein enacted is hereby declared
2 as a matter of legislative determination.

3 (4) It is further found that the exercise of eminent
4 domain powers authorized in this part is for public use and
5 purpose if done in strict compliance with this section.

6 (5)~~(4)~~ It is further found that coastal resort and
7 tourist areas or portions thereof which are deteriorating and
8 economically distressed due to building density patterns,
9 inadequate transportation and parking facilities, faulty lot
10 layout, or inadequate street layout, could, through the means
11 provided in this part, be revitalized and redeveloped in a
12 manner that will vastly improve the economic and social
13 conditions of the community.

14 (6)~~(5)~~ It is further found and declared that the
15 preservation or enhancement of the tax base from which a
16 taxing authority realizes tax revenues is essential to its
17 existence and financial health; that the preservation and
18 enhancement of such tax base is implicit in the purposes for
19 which a taxing authority is established; that tax increment
20 financing is an effective method of achieving such
21 preservation and enhancement in areas in which such tax base
22 is declining; that community redevelopment in such areas, when
23 complete, will enhance such tax base and provide increased tax
24 revenues to all affected taxing authorities, increasing their
25 ability to accomplish their other respective purposes; and
26 that the preservation and enhancement of the tax base in such
27 areas through tax increment financing and the levying of taxes
28 by such taxing authorities therefor and the appropriation of
29 funds to a redevelopment trust fund bears a substantial
30 relation to the purposes of such taxing authorities and is for
31 their respective purposes and concerns. This subsection does

1 not apply in any jurisdiction where the community
2 redevelopment agency validated bonds as of April 30, 1984.
3 This section is not a legislative determination that
4 preservation and enhancement of an authority's tax base is a
5 valid public purpose authorizing the use of the eminent domain
6 power.

7 ~~(7)(6)~~ It is further found and declared that there
8 exists in counties and municipalities of the state a severe
9 shortage of housing affordable to residents of low or moderate
10 income, including the elderly; that the existence of such
11 condition affects the health, safety, and welfare of the
12 residents of such counties and municipalities and retards
13 their growth and economic and social development; and that the
14 elimination or improvement of such condition is a proper
15 matter of state policy and state concern and is for a valid
16 and desirable public purpose.

17 Section 2. Subsection (8) of section 163.340, Florida
18 Statutes, is amended and subsection (24) is added to that
19 section to read:

20 163.340 Definitions.--The following terms, wherever
21 used or referred to in this part, have the following meanings:

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

28 (a) Predominance of defective or inadequate street
29 layout, parking facilities, roadways, bridges, ~~or~~ public
30 transportation facilities, water services, or provisions for
31 sanitary waste transmission and disposal. To be deemed

1 defective or inadequate, the infrastructure element must
2 substantially fail to achieve the purpose for which it was
3 originally constructed. This paragraph may not serve as
4 grounds for the exercise of eminent domain power unless there
5 is a showing that rehabilitation and conservation efforts by
6 the public entity charged with the maintenance of the
7 infrastructure cannot reasonably be achieved;

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

12 (c) Predominance of ~~Faulty~~ lot layout that conflicts
13 with the minimum lot standards in the applicable local
14 comprehensive plan or local building codes in relation to
15 size, adequacy, accessibility, or usefulness;

16 (d) Predominance of unsanitary or unsafe conditions
17 reflected in recorded violation of health and safety laws;

18 ~~(e) Deterioration of site or other improvements;~~

19 ~~(e)(f)~~ Existing inadequate and outdated building
20 density patterns that conflict with applicable local
21 comprehensive plans on local building codes. This paragraph
22 may not serve as grounds for the exercise of eminent domain
23 power;

24 ~~(f)(g)~~ Falling lease rates per square foot of office,
25 commercial, or industrial space compared to the remainder of
26 the county or municipality;

27 ~~(g)(h)~~ Tax or special assessment delinquency exceeding
28 the fair value of the land;

29 ~~(h)(i)~~ Residential and commercial vacancy rates higher
30 in the area than in the remainder of the county or
31 municipality;

1 ~~(i)(j)~~ Incidence of crime in the area higher than in
2 the remainder of the county or municipality;

3 ~~(j)(k)~~ Fire and emergency medical service calls to the
4 area proportionately higher than in the remainder of the
5 county or municipality;

6 ~~(k)(l)~~ A greater number of violations of the Florida
7 Building Code in the area than the number of violations
8 recorded in the remainder of the county or municipality;

9 ~~(l)(m)~~ Diversity of ownership or defective or unusual
10 conditions of title which prevent the free alienability of
11 land within the deteriorated or hazardous area; or

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

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

25 ~~(24)~~ "Economic distress" means measurable financial
26 losses or impositions upon the public treasury
27 disproportionate to those found in other areas of the county
28 or municipality.

29 Section 3. Subsections (8), (9), and (10) of section
30 163.360, Florida Statutes, are amended to read:

31 163.360 Community redevelopment plans.--

1 (8) If the community redevelopment area consists of an
2 area of open, unimproved land with no building structures to
3 be acquired by the county or the municipality, such area may
4 not be so acquired unless:

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

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

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

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

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

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

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

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

31

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

4 b. Tax delinquency;

5 c. Improper subdivisions;

6 d. Outmoded street patterns;

7 e. Deterioration of site;

8 f. Economic disuse;

9 g. Unsuitable topography or faulty lot layouts;

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

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

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

18 (9) If the governing body finds that compulsory
19 acquisition of private property is necessary to achieve its
20 redevelopment goals, an eminent domain action may be
21 commenced, but only after the governing body approves a
22 redevelopment plan in accordance with this part which
23 identifies the property to be condemned.

24 ~~(10)(9)~~ Upon the approval by the governing body of a
25 community redevelopment plan or of any modification thereof,
26 such plan or modification shall be deemed to be in full force
27 and effect for the respective community redevelopment area,
28 and the county or municipality may then cause the community
29 redevelopment agency to carry out such plan or modification in
30 accordance with its terms.

31

1 ~~(11)~~~~(10)~~ Notwithstanding any other provisions of this
2 part, when the governing body certifies that an area is in
3 need of redevelopment or rehabilitation as a result of an
4 emergency under s. 252.34(3), with respect to which the
5 Governor has certified the need for emergency assistance under
6 federal law, that area may be certified as a "blighted area,"
7 and the governing body may approve a community redevelopment
8 plan and community redevelopment with respect to such area
9 without regard to the provisions of this section requiring a
10 general plan for the county or municipality and a public
11 hearing on the community redevelopment.

12 Section 4. Paragraph (a) of subsection (3) of section
13 163.370, Florida Statutes, is amended to read:

14 163.370 Powers; counties and municipalities; community
15 redevelopment agencies.--

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

18 (a) Prior to approval of a community redevelopment
19 plan or approval of any modifications of the plan, acquire
20 real property in a community redevelopment area, demolish and
21 remove any structures on the property, and pay all costs
22 related to the acquisition, demolition, or removal, including
23 any administrative or relocation expenses. This paragraph
24 applies only to voluntary actions, not eminent domain
25 proceedings.

26 Section 5. This act shall take effect July 1, 2005.

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29 SENATE SUMMARY

30 Revises provisions relating to community redevelopment
31 and the use of eminent domain powers in such proceedings.
 Limits the use of eminent domain powers. (See bill for
 details.)