

Bill No. HB 1567, 1st Eng.

Barcode 243254

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

 73.013 Conveyance of property taken by eminent domain;

preservation of government entity communications services eminent domain limitation; exception to restrictions on power of eminent domain.--

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, if the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 entity to a natural person or private entity, by lease or
 2 otherwise, except that ownership or control of property
 3 acquired pursuant to such petition may be conveyed, by lease
 4 or otherwise, to a natural person or private entity:

5 (a) For use in providing common-carrier services or
 6 systems;

7 (b)1. For use as a road or other right-of-way or means
 8 that is open to the public for transportation, whether at no
 9 charge or by toll;

10 2. For use in the provision of transportation-related
 11 services, business opportunities, and products pursuant to s.
 12 338.234, on a toll road;

13 (c) That is a public or private utility for use in
 14 providing electricity services or systems, natural or
 15 manufactured gas services or systems, water and wastewater
 16 services or systems, stormwater or runoff services or systems,
 17 sewer services or systems, pipeline facilities, telephone
 18 services or systems, or similar services or systems;

19 (d) For use in providing public infrastructure;

20 (e) That occupies, pursuant to a lease, an incidental
 21 part of a public property or a public facility for the purpose
 22 of providing goods or services to the public;

23 (f) Without restriction, after public notice and
 24 competitive bidding unless otherwise provided by general law,
 25 if less than 10 years have elapsed since the condemning
 26 authority acquired title to the property and the following
 27 conditions are met:

28 1. The condemning authority or governmental entity
 29 holding title to the property documents that the property is
 30 no longer needed for the use or purpose for which it was
 31 acquired by the condemning authority or for which it was

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 transferred to the current titleholder; and

2 2. The owner from whom the property was taken by
3 eminent domain is given the opportunity to repurchase the
4 property at the price that he or she received from the
5 condemning authority;

6 (g) After public notice and competitive bidding unless
7 otherwise provided by general law, if the property was owned
8 and controlled by the condemning authority or a governmental
9 entity for at least 10 years after the condemning authority
10 acquired title to the property; or

11 (h) In accordance with subsection (2).

12 (2)(a) If ownership of property is conveyed to a
13 natural person or private entity pursuant to paragraph (1)(a),
14 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or
15 paragraph (1)(e), and at least 10 years have elapsed since the
16 condemning authority acquired title to the property, the
17 property may subsequently be transferred, after public notice
18 and competitive bidding unless otherwise provided by general
19 law, to another natural person or private entity without
20 restriction.

21 (b) If ownership of property is conveyed to a natural
22 person or private entity pursuant to paragraph (1)(a),
23 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or
24 paragraph (1)(e), and less than 10 years have elapsed since
25 the condemning authority acquired title to the property, the
26 property may be transferred, after public notice and
27 competitive bidding unless otherwise provided by general law,
28 to another natural person or private entity without
29 restriction, if the following conditions are met:

30 1. The current titleholder documents that the property
31 is no longer needed for the use or purpose for which the

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 property was transferred to the current titleholder; and

2 2. The owner from whom the property was taken by
3 eminent domain is given the opportunity to repurchase the
4 property at the price that he or she received from the
5 condemning authority.

6 (3) This section does not affect the limitation on a
7 government entity's powers of eminent domain contained in s.
8 350.81(2)(j).

9 (4) The power of eminent domain shall be restricted as
10 provided in chapters 73, 127, 163, and 166, except when the
11 owner of a property relinquishes the property and concedes to
12 the taking of the property in order to retain the ability to
13 reinvest the proceeds of the sale of the property in
14 replacement property under s. 1033 of the Internal Revenue
15 Code.

16 Section 2. Section 73.014, Florida Statutes, is
17 created to read:

18 73.014 Taking property to eliminate nuisance, slum, or
19 blight conditions prohibited.--

20 (1) Notwithstanding any other provision of law,
21 including any charter provision, ordinance, statute, or
22 special law, the state, any political subdivision as defined
23 in s. 1.01(8), or any other entity to which the power of
24 eminent domain is delegated may not exercise the power of
25 eminent domain to take private property for the purpose of
26 abating or eliminating a public nuisance. Notwithstanding any
27 other provision of law, including any charter provision,
28 ordinance, statute, or special law, abating or eliminating a
29 public nuisance is not a valid public purpose or use for which
30 private property may be taken by eminent domain and does not
31 satisfy the public-purpose requirement of s. 6(a), Art. X of

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 the State Constitution. This subsection does not diminish the
 2 power of counties or municipalities to adopt or enforce county
 3 or municipal ordinances related to code enforcement or the
 4 elimination of public nuisances to the extent such ordinances
 5 do not authorize the taking of private property by eminent
 6 domain.

7 (2) Notwithstanding any other provision of law,
 8 including any charter provision, ordinance, statute, or
 9 special law, the state, any political subdivision as defined
 10 in s. 1.01(8), or any other entity to which the power of
 11 eminent domain is delegated may not exercise the power of
 12 eminent domain to take private property for the purpose of
 13 preventing or eliminating slum or blight conditions.

14 Notwithstanding any other provision of law, including any
 15 charter provision, ordinance, statute, or special law, taking
 16 private property for the purpose of preventing or eliminating
 17 slum or blight conditions is not a valid public purpose or use
 18 for which private property may be taken by eminent domain and
 19 does not satisfy the public-purpose requirement of s. 6(a),
 20 Art. X of the State Constitution.

21 Section 3. Section 73.021, Florida Statutes, is
 22 amended to read:

23 73.021 Petition; contents.--Those having the right to
 24 exercise the power of eminent domain may file a petition
 25 therefor in the circuit court of the county wherein the
 26 property lies, which petition shall set forth:

27 (1) The authority under which and the public use or
 28 purpose for which the property is to be acquired, and that the
 29 property is necessary for that public use or purpose;

30 (2) A description identifying the property sought to
 31 be acquired. The petitioners may join in the same action all

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 | properties involved in a planned project whether in the same
2 | or different ownership, or whether or not the property is
3 | sought for the same use;

4 | (3) The estate or interest in the property which the
5 | petitioner intends to acquire;

6 | (4) The names, places of residence, legal
7 | disabilities, if any, and interests in the property of all
8 | owners, lessees, mortgagees, judgment creditors, and
9 | lienholders, so far as ascertainable by diligent search, and
10 | all unknown persons having an interest in the property when
11 | the petitioner has been unable to ascertain the identity of
12 | such persons by diligent search and inquiry. If any interest
13 | in the property, or lien thereon, belongs to the unsettled
14 | estate of a decedent, the executor or administrator shall be
15 | made a defendant without joining the devisee or heir; if a
16 | trust estate, the trustee shall be made a defendant without
17 | joining the cestui que trust. The court may appoint an
18 | administrator ad litem to represent the estate of a deceased
19 | person whose estate is not being administered, and a guardian
20 | ad litem for all defendants who are infants or are under other
21 | legal disabilities; and for defendants whose names or
22 | addresses are unknown. A copy of the order of appointment
23 | shall be served on the guardian ad litem at least 10 days
24 | before trial unless he or she has entered an appearance;

25 | (5) Whether any mobile home is located on the property
26 | sought to be acquired and, if so, whether the removal of that
27 | mobile home will be required. If such removal shall be
28 | required, the petition shall name the owners of each such
29 | mobile home as defendants. This subsection shall not apply to
30 | any governmental authority exercising its power of eminent
31 | domain when reasonable relocation or removal expenses must be

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 | paid to mobile home owners under other provisions of law or
2 | agency rule applicable to such exercise of power;~~i~~-

3 | (6) A statement that the petitioner has surveyed and
4 | located its line or area of construction, and intends in good
5 | faith to construct the project on or over the described
6 | property; and

7 | (7) A demand for relief that the property be condemned
8 | and taken for the uses and purposes set forth in the petition,
9 | and that the interest sought be vested in the petitioner.

10 | Section 4. Section 127.01, Florida Statutes, is
11 | amended to read:

12 | 127.01 Counties delegated power of eminent domain;
13 | recreational purposes, issue of necessity of taking;
14 | compliance with limitations.--

15 | (1)(a) Each county of the state is delegated authority
16 | to exercise the right and power of eminent domain; that is,
17 | the right to appropriate property, except state or federal,
18 | for any county purpose. The absolute fee simple title to all
19 | property so taken and acquired shall vest in such county
20 | unless the county seeks to condemn a particular right or
21 | estate in such property.

22 | (b) Each county is further authorized to exercise the
23 | eminent domain power granted to the Department of
24 | Transportation by s. 337.27(1), the transportation corridor
25 | protection provisions of s. 337.273, and the right of entry
26 | onto property pursuant to s. 337.274.

27 | (2) However, no county has the right to condemn any
28 | lands outside its own county boundaries for parks,
29 | playgrounds, recreational centers, or other recreational
30 | purposes. In eminent domain proceedings, a county's burden of
31 | showing reasonable necessity for parks, playgrounds,

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 recreational centers, or other types of recreational purposes
2 shall be the same as the burden in other types of eminent
3 domain proceedings.

4 (3) A county shall strictly comply with the
5 limitations set forth in ss. 73.013 and 73.014.

6 Section 5. Section 127.02, Florida Statutes, is
7 amended to read:

8 127.02 County commissioners may authorize acquirement
9 of property by eminent domain.--The board of county
10 commissioners may not exercise its power of eminent domain
11 unless the board adopts a resolution authorizing the
12 acquisition, by resolution, authorize the acquirement by
13 eminent domain of a property, real or personal, by eminent
14 domain for any county use or purpose designated in such
15 resolution, subject to the limitations set forth in ss. 73.013
16 and 73.014.

17 Section 6. Subsection (3) of section 163.335, Florida
18 Statutes, is amended, and subsection (7) is added to that
19 section, to read:

20 163.335 Findings and declarations of necessity.--

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

27 (7) It is further found and declared that the
28 prevention or elimination of a slum area or blighted area as
29 defined in this part and the preservation or enhancement of
30 the tax base are not public uses or purposes for which private
31 property may be taken by eminent domain and do not satisfy the

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 public-purpose requirement of s. 6(a), Art. X of the State
2 Constitution.

3 Section 7. Subsection (12) of section 163.340, Florida
4 Statutes, is amended to read:

5 163.340 Definitions.--The following terms, wherever
6 used or referred to in this part, have the following meanings:

7 (12) "Related activities" means:

8 (a) Planning work for the preparation of a general
9 neighborhood redevelopment plan or for the preparation or
10 completion of a communitywide plan or program pursuant to s.
11 163.365.

12 (b) The functions related to the acquisition and
13 disposal of real property pursuant to s. 163.370(4) ~~s.~~
14 ~~163.370(3)~~.

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

17 (d) The development of community policing innovations.

18 Section 8. Subsection (1) of section 163.345, Florida
19 Statutes, is amended to read:

20 163.345 Encouragement of private enterprise.--

21 (1) Any county or municipality, to the greatest extent
22 it determines to be feasible in carrying out the provisions of
23 this part, shall afford maximum opportunity, consistent with
24 the sound needs of the county or municipality as a whole, to
25 the rehabilitation or redevelopment of the community
26 redevelopment area by private enterprise. Any county or
27 municipality shall give consideration to this objective in
28 exercising its powers under this part, including the
29 formulation of a workable program; the approval of community
30 redevelopment plans, communitywide plans or programs for
31 community redevelopment, and general neighborhood

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 redevelopment plans (consistent with the general plan of the
 2 county or municipality); the development and implementation of
 3 community policing innovations; the exercise of its zoning
 4 powers; the enforcement of other laws, codes, and regulations
 5 relating to the use of land and the use and occupancy of
 6 buildings and improvements; the development of affordable
 7 housing; the disposition of any property acquired, subject to
 8 the limitations of s. 73.013; and the provision of necessary
 9 public improvements.

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

12 163.358 Exercise of powers in carrying out community
 13 redevelopment and related activities.--Each county and
 14 municipality has all powers necessary or convenient to carry
 15 out and effectuate the purposes and provisions of this part,
 16 including those powers granted under s. 163.370. A county or
 17 municipality may delegate such powers to a community
 18 redevelopment agency created under s. 163.356, The community
 19 redevelopment powers assigned to a community redevelopment
 20 agency created under s. 163.356 include all the powers
 21 necessary or convenient to carry out and effectuate the
 22 purposes and provisions of this part, except the following,
 23 which continue to vest in the governing body of the county or
 24 municipality:

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

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

31 (3) The power to authorize the issuance of revenue

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 bonds as set forth in s. 163.385.

2 (4) The power to approve the acquisition, demolition,
3 removal, or disposal of property as provided in s. 163.370(4)
4 ~~s. 163.370(3)~~ and the power to assume the responsibility to
5 bear loss as provided in s. 163.370(4) ~~s. 163.370(3)~~.

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

8 (6) The power of eminent domain.

9 Section 10. Section 163.370, Florida Statutes, is
10 amended to read:

11 163.370 Powers; counties and municipalities; community
12 redevelopment agencies.--

13 (1) Counties and municipalities may not exercise the
14 power of eminent domain for the purpose of preventing or
15 eliminating a slum area or blighted area as defined in this
16 part; however, counties and municipalities may acquire
17 property by eminent domain within a community redevelopment
18 area, subject to the limitations set forth in ss. 73.013 and
19 73.014 or other general law.

20 (2)(1) Every county and municipality shall have all
21 the powers necessary or convenient to carry out and effectuate
22 the purposes and provisions of this part, including the
23 following powers in addition to others herein granted:

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

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

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

Bill No. HB 1567, 1st Eng.

Barcode 243254

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

5 2. Demolition and removal of buildings and
 6 improvements.

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

15 4. Disposition of any property acquired in the
 16 community redevelopment area at its fair value for uses in
 17 accordance with the community redevelopment plan.

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

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

29 7. Acquisition by purchase, lease, option, gift,
 30 grant, bequest, devise, or other voluntary method of
 31 acquisition of any other real property in the community

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 redevelopment area when necessary to eliminate unhealthful,
2 unsanitary, or unsafe conditions; lessen density; eliminate
3 obsolete or other uses detrimental to the public welfare; or
4 otherwise to remove or prevent the spread of blight or
5 deterioration or to provide land for needed public facilities.

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

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

22 ~~10.9.~~ Construction of foundations and platforms
23 necessary for the provision of air rights sites of housing
24 (and related facilities and uses) designed specifically for,
25 and limited to, families and individuals of low or moderate
26 income.

27 (d) To provide, or to arrange or contract for, the
28 furnishing or repair by any person or agency, public or
29 private, of services, privileges, works, streets, roads,
30 public utilities, or other facilities for or in connection
31 with a community redevelopment; to install, construct, and

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 reconstruct streets, utilities, parks, playgrounds, and other
 2 public improvements; and to agree to any conditions that it
 3 deems reasonable and appropriate which are attached to federal
 4 financial assistance and imposed pursuant to federal law
 5 relating to the determination of prevailing salaries or wages
 6 or compliance with labor standards, in the undertaking or
 7 carrying out of a community redevelopment and related
 8 activities, and to include in any contract let in connection
 9 with such redevelopment and related activities provisions to
 10 fulfill such of the conditions as it deems reasonable and
 11 appropriate.

12 (e) Within the community redevelopment area:

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

18 2. To acquire by purchase, lease, option, gift, grant,
 19 bequest, devise, ~~or other voluntary method of acquisition,~~
 20 ~~eminent domain, or otherwise~~ any real property (or personal
 21 property for its administrative purposes), together with any
 22 improvements thereon; ~~except that a community redevelopment~~
 23 ~~agency may not exercise any power of eminent domain unless the~~
 24 ~~exercise has been specifically approved by the governing body~~
 25 ~~of the county or municipality which established the agency.~~

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

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

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

Barcode 243254

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

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

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

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

21 (g) To borrow money and to apply for and accept
22 advances, loans, grants, contributions, and any other form of
23 financial assistance from the Federal Government or the state,
24 county, or other public body or from any sources, public or
25 private, for the purposes of this part and to give such
26 security as may be required and to enter into and carry out
27 contracts or agreements in connection therewith; and to
28 include in any contract for financial assistance with the
29 Federal Government for or with respect to community
30 redevelopment and related activities such conditions imposed
31 pursuant to federal laws as the county or municipality deems

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 reasonable and appropriate which are not inconsistent with the
2 purposes of this part.

3 (h) Within its area of operation, to make or have made
4 all surveys and plans necessary to the carrying out of the
5 purposes of this part; to contract with any person, public or
6 private, in making and carrying out such plans; and to adopt
7 or approve, modify, and amend such plans, which plans may
8 include, but are not limited to:

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

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

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

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

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

27 (k) To prepare plans for and assist in the relocation
28 of persons (including individuals, families, business
29 concerns, nonprofit organizations, and others) displaced from
30 a community redevelopment area and to make relocation payments
31 to or with respect to such persons for moving expenses and

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 losses of property for which reimbursement or compensation is
2 not otherwise made, including the making of such payments
3 financed by the Federal Government.

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

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

16 (n) Within its area of operation, to organize,
17 coordinate, and direct the administration of the provisions of
18 this part, as they may apply to such county or municipality,
19 in order that the objective of remedying slum and blighted
20 areas and preventing the causes thereof within such county or
21 municipality may be most effectively promoted and achieved and
22 to establish such new office or offices of the county or
23 municipality or to reorganize existing offices in order to
24 carry out such purpose most effectively.

25 ~~(o) To exercise all or any part or combination of~~
26 ~~powers herein granted or to elect to have such powers~~
27 ~~exercised by a community redevelopment agency.~~

28 ~~(o)(p)~~ To develop and implement community policing
29 innovations.

30 ~~(3)(2)~~ The following projects may not be paid for or
31 financed by increment revenues:

Bill No. HB 1567, 1st Eng.

Barcode 243254

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

7 (b) Installation, construction, reconstruction,
 8 repair, or alteration of any publicly owned capital
 9 improvements or projects which are not an integral part of or
 10 necessary for carrying out the community redevelopment plan if
 11 such projects or improvements are normally financed by the
 12 governing body with user fees or if such projects or
 13 improvements would be installed, constructed, reconstructed,
 14 repaired, or altered within 3 years of the approval of the
 15 community redevelopment plan by the governing body pursuant to
 16 a previously approved public capital improvement or project
 17 schedule or plan of the governing body which approved the
 18 community redevelopment plan.

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

22 ~~(4)(3)~~ With the approval of the governing body, a
 23 community redevelopment agency may:

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

Bill No. HB 1567, 1st Eng.

Barcode 243254

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

5 Section 11. Section 163.375, Florida Statutes, is
 6 repealed.

7 Section 12. Section 163.380, Florida Statutes, is
 8 amended to read:

9 163.380 Disposal of property in community
 10 redevelopment area.--The disposal of property in a community
 11 redevelopment area which is acquired by eminent domain is
 12 subject to the limitations set forth in s. 73.013.

13 (1) Any county, municipality, or community
 14 redevelopment agency may sell, lease, dispose of, or otherwise
 15 transfer real property or any interest therein acquired by it
 16 for community redevelopment in a community redevelopment area
 17 to any private person, or may retain such property for public
 18 use, and may enter into contracts with respect thereto for
 19 residential, recreational, commercial, industrial,
 20 educational, or other uses, in accordance with the community
 21 redevelopment plan, subject to such covenants, conditions, and
 22 restrictions, including covenants running with the land, as it
 23 deems necessary or desirable to assist in preventing the
 24 development or spread of future slums or blighted areas or to
 25 otherwise carry out the purposes of this part. However, such
 26 sale, lease, other transfer, or retention, and any agreement
 27 relating thereto, may be made only after the approval of the
 28 community redevelopment plan by the governing body. The
 29 purchasers or lessees and their successors and assigns shall
 30 be obligated to devote such real property only to the uses
 31 specified in the community redevelopment plan and may be

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 obligated to comply with such other requirements as the
 2 county, municipality, or community redevelopment agency may
 3 determine to be in the public interest, including the
 4 obligation to begin any improvements on such real property
 5 required by the community redevelopment plan within a
 6 reasonable time.

7 (2) Such real property or interest shall be sold,
 8 leased, otherwise transferred, or retained at a value
 9 determined to be in the public interest for uses in accordance
 10 with the community redevelopment plan and in accordance with
 11 such reasonable disposal procedures as any county,
 12 municipality, or community redevelopment agency may prescribe.

13 In determining the value of real property as being in the
 14 public interest for uses in accordance with the community
 15 redevelopment plan, the county, municipality, or community
 16 redevelopment agency shall take into account and give
 17 consideration to the long-term benefits to be achieved by the
 18 county, municipality, or community redevelopment agency
 19 resulting from incurring short-term losses or costs in the
 20 disposal of such real property; the uses provided in such
 21 plan; the restrictions upon, and the covenants, conditions,
 22 and obligations assumed by, the purchaser or lessee or by the
 23 county, municipality, or community redevelopment agency
 24 retaining the property; and the objectives of such plan for
 25 the prevention of the recurrence of slum or blighted areas. In
 26 the event the value of such real property being disposed of is
 27 for less than the fair value, such disposition shall require
 28 the approval of the governing body, which approval may only be
 29 given following a duly noticed public hearing. The county,
 30 municipality, or community redevelopment agency may provide in
 31 any instrument of conveyance to a private purchaser or lessee

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 that such purchaser or lessee is without power to sell, lease,
2 or otherwise transfer the real property without the prior
3 written consent of the county, municipality, or community
4 redevelopment agency until the purchaser or lessee has
5 completed the construction of any or all improvements which he
6 or she has obligated himself or herself to construct thereon.
7 Real property acquired by the county, municipality, or
8 community redevelopment agency which, in accordance with the
9 provisions of the community redevelopment plan, is to be
10 transferred shall be transferred as rapidly as feasible in the
11 public interest, consistent with the carrying out of the
12 provisions of the community redevelopment plan. Any contract
13 for such transfer and the community redevelopment plan, or
14 such part or parts of such contract or plan as the county,
15 municipality, or community redevelopment agency may determine,
16 may be recorded in the land records of the clerk of the
17 circuit court in such manner as to afford actual or
18 constructive notice thereof.

19 (3)(a) Prior to disposition of any real property or
20 interest therein in a community redevelopment area, any
21 county, municipality, or community redevelopment agency shall
22 give public notice of such disposition by publication in a
23 newspaper having a general circulation in the community, at
24 least 30 days prior to the execution of any contract to sell,
25 lease, or otherwise transfer real property and, prior to the
26 delivery of any instrument of conveyance with respect thereto
27 under the provisions of this section, invite proposals from,
28 and make all pertinent information available to, private
29 redevelopers or any persons interested in undertaking to
30 redevelop or rehabilitate a community redevelopment area or
31 any part thereof. Such notice shall identify the area or

Barcode 243254

1 | portion thereof and shall state that proposals must be made by
2 | those interested within 30 days after the date of publication
3 | of the notice and that such further information as is
4 | available may be obtained at such office as is designated in
5 | the notice. The county, municipality, or community
6 | redevelopment agency shall consider all such redevelopment or
7 | rehabilitation proposals and the financial and legal ability
8 | of the persons making such proposals to carry them out; and
9 | the county, municipality, or community redevelopment agency
10 | may negotiate with any persons for proposals for the purchase,
11 | lease, or other transfer of any real property acquired by it
12 | in the community redevelopment area. The county, municipality,
13 | or community redevelopment agency may accept such proposal as
14 | it deems to be in the public interest and in furtherance of
15 | the purposes of this part. Except in the case of a governing
16 | body acting as the agency, as provided in s. 163.357, a
17 | notification of intention to accept such proposal must be
18 | filed with the governing body not less than 30 days prior to
19 | any such acceptance. Thereafter, the county, municipality, or
20 | community redevelopment agency may execute such contract in
21 | accordance with the provisions of subsection (1) and deliver
22 | deeds, leases, and other instruments and take all steps
23 | necessary to effectuate such contract.

24 | (b) Any county, municipality, or community
25 | redevelopment agency that, pursuant to the provisions of this
26 | section, has disposed of a real property project with a land
27 | area in excess of 20 acres may acquire an expanded area that
28 | is immediately adjacent to the original project and less than
29 | 35 percent of the land area of the original project, by
30 | purchase ~~or eminent domain~~ as provided in this chapter, and
31 | negotiate a disposition of such expanded area directly with

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 | the person who acquired the original project without complying
2 | with the disposition procedures established in paragraph (a),
3 | provided the county, municipality, or community redevelopment
4 | agency adopts a resolution making the following findings:

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

7 | 2. The expanded area is less than 35 percent of the
8 | land area of the original project.

9 | 3. The expanded area is entirely within the boundary
10 | of the community redevelopment area.

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

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

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

31 | Section 13. Section 166.401, Florida Statutes, is

1 amended to read:

2 166.401 Right of eminent domain; procedure; compliance
3 with limitations.--

4 (1) All municipalities in the state may exercise the
5 right and power of eminent domain; that is, the right to
6 appropriate property within the state, except state or federal
7 property, for the uses or purposes authorized pursuant to this
8 part. The absolute fee simple title to all property so taken
9 and acquired shall vest in such municipal corporation unless
10 the municipality seeks to condemn a particular right or estate
11 in such property.

12 (2) Each municipality is further authorized to
13 exercise the eminent domain power granted to the Department of
14 Transportation in s. 337.27(1) and the transportation corridor
15 protection provisions of s. 337.273.

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

21 (4) Each municipality shall strictly comply with the
22 limitations set forth in ss. 73.013 and 73.014.

23 Section 14. Section 166.411, Florida Statutes, is
24 amended to read:

25 166.411 Eminent domain; uses or purposes.--Subject to
26 the limitations set forth in ss. 73.013 and 73.014,
27 municipalities are authorized to exercise the power of eminent
28 domain for the following uses or purposes:

29 (1) For the proper and efficient carrying into effect
30 of any proposed scheme or plan of drainage, ditching, grading,
31 filling, or other public improvement deemed necessary or

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 expedient for the preservation of the public health, or for
2 other good reason connected in anywise with the public welfare
3 or the interests of the municipality and the people thereof;

4 (2) Over railroads, traction and streetcar lines,
5 telephone and telegraph lines, all public and private streets
6 and highways, drainage districts, bridge districts, school
7 districts, or any other public or private lands whatsoever
8 necessary to enable the accomplishment of purposes listed in
9 s. 180.06;

10 (3) For streets, lanes, alleys, and ways;

11 (4) For public parks, squares, and grounds;

12 (5) For drainage, for raising or filling in land in
13 order to promote sanitation and healthfulness, and for the
14 taking of easements for the drainage of the land of one person
15 over and through the land of another;

16 (6) For reclaiming and filling when lands are low and
17 wet, or overflowed altogether or at times, or entirely or
18 partly;

19 ~~(7) For the abatement of any nuisance;~~

20 ~~(7)(8)~~ For the use of water pipes and for sewerage and
21 drainage purposes;

22 ~~(8)(9)~~ For laying wires and conduits underground; and

23 ~~(9)(10)~~ For city buildings, waterworks, ponds, and
24 other municipal purposes which shall be coextensive with the
25 powers of the municipality exercising the right of eminent
26 domain. ~~and~~

27 Section 15. This act shall take effect upon becoming a
28 law and applies to all property for which a petition of
29 condemnation is filed pursuant to chapter 73 or chapter 74,
30 Florida Statutes, on or after that date.

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Bill No. HB 1567, 1st Eng.

Barcode 243254

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to eminent domain; creating s.

8 73.013, F.S.; restricting certain transfers of

9 property taken by eminent domain to certain

10 natural persons or private entities; preserving

11 the government entity communications services

12 eminent domain limitation; providing an

13 exception to restrictions on eminent domain;

14 creating s. 73.014, F.S.; prohibiting the

15 exercise of eminent domain to eliminate

16 nuisance, slum, or blight conditions; amending

17 s. 73.021, F.S.; clarifying that use for

18 eminent domain means public use or public

19 purpose; amending s. 127.01, F.S.; providing

20 that a county exercising eminent domain must

21 strictly comply with the limitations in ss.

22 73.013 and 73.014, F.S.; amending s. 127.02,

23 F.S.; requiring that a board of county

24 commissioners adopt a resolution in order to

25 acquire a property through the use of eminent

26 domain; providing that a county exercising

27 eminent domain must strictly comply with the

28 limitations in ss. 73.013 and 73.014, F.S.;

29 amending s. 163.335, F.S.; removing eminent

30 domain from the scope of findings and

31 declarations of necessity under the Community

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 Redevelopment Act; providing that the
2 prevention or elimination of a slum area or
3 blighted area does not satisfy the requirement
4 under the State Constitution that a taking be
5 for a public purpose; amending s. 163.340,
6 F.S.; conforming a cross-reference; amending s.
7 163.345, F.S.; prescribing limitations on the
8 disposition of property related to certain
9 efforts to encourage the participation of
10 private enterprise in community redevelopment;
11 amending s. 163.358, F.S.; clarifying the scope
12 of the power of community redevelopment by a
13 county or municipality and the authority and
14 limitations on delegation to a community
15 redevelopment agency; prohibiting the
16 delegation of the power of eminent domain to a
17 community redevelopment agency; conforming a
18 cross-reference; amending s. 163.370, F.S.;
19 clarifying limitations on the exercise of
20 eminent domain in the context of community
21 redevelopment; clarifying the manner in which
22 property may be acquired; deleting the
23 authority to delegate the power of eminent
24 domain to a community redevelopment agency;
25 repealing s. 163.375, F.S., relating to the
26 authority of a county, municipality, or
27 community redevelopment agency to exercise the
28 power of eminent domain in connection with
29 community redevelopment for the purpose of
30 preventing and eliminating slums and blight;
31 amending s. 163.380, F.S.; subjecting the

Bill No. HB 1567, 1st Eng.

Barcode 243254

1 disposal of property acquired by eminent domain
2 within a community redevelopment area to
3 certain restrictions; eliminating the authority
4 to use eminent domain to acquire certain areas
5 adjacent to disposed property; amending s.
6 166.401, F.S.; requiring that the governing
7 body of a municipality adopt a resolution in
8 order to acquire a property through the use of
9 eminent domain; providing that a municipality
10 exercising eminent domain must strictly comply
11 with the limitations in ss. 73.013 and 73.014,
12 F.S.; amending s. 166.411, F.S.; providing that
13 the exercise of eminent domain by a
14 municipality is subject to the limitations in
15 ss. 73.013 and 73.014, F.S.; eliminating the
16 authority of a municipality to use eminent
17 domain for the abatement of nuisances;
18 providing applicability; providing an effective
19 date.

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