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HB 1567, Engrossed 2

2006 Legislature

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; preserving the government entity communications
6 services eminent domain limitation; providing an exception
7 to restrictions on eminent domain; creating s. 73.014,
8 F.S.; prohibiting the exercise of eminent domain to
9 eliminate nuisance, slum, or blight conditions; amending
10 s. 73.021, F.S.; clarifying that use for eminent domain
11 means public use or public purpose; amending s. 127.01,
12 F.S.; providing that a county exercising eminent domain
13 must strictly comply with the limitations in ss. 73.013
14 and 73.014, F.S.; amending s. 127.02, F.S.; requiring that
15 a board of county commissioners adopt a resolution in
16 order to acquire a property through the use of eminent
17 domain; providing that a county exercising eminent domain
18 must strictly comply with the limitations in ss. 73.013
19 and 73.014, F.S.; amending s. 163.335, F.S.; removing
20 eminent domain from the scope of findings and declarations
21 of necessity under the Community Redevelopment Act;
22 providing that the prevention or elimination of a slum
23 area or blighted area does not satisfy the requirement
24 under the State Constitution that a taking be for a public
25 purpose; amending s. 163.340, F.S.; conforming a cross-
26 reference; amending s. 163.345, F.S.; prescribing
27 limitations on the disposition of property related to

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28 certain efforts to encourage the participation of private
29 enterprise in community redevelopment; amending s.
30 163.358, F.S.; clarifying the scope of the power of
31 community redevelopment by a county or municipality and
32 the authority and limitations on delegation to a community
33 redevelopment agency; prohibiting the delegation of the
34 power of eminent domain to a community redevelopment
35 agency; conforming a cross-reference; amending s. 163.370,
36 F.S.; clarifying limitations on the exercise of eminent
37 domain in the context of community redevelopment;
38 clarifying the manner in which property may be acquired;
39 deleting the authority to delegate the power of eminent
40 domain to a community redevelopment agency; repealing s.
41 163.375, F.S., relating to the authority of a county,
42 municipality, or community redevelopment agency to
43 exercise the power of eminent domain in connection with
44 community redevelopment for the purpose of preventing and
45 eliminating slums and blight; amending s. 163.380, F.S.;
46 subjecting the disposal of property acquired by eminent
47 domain within a community redevelopment area to certain
48 restrictions; eliminating the authority to use eminent
49 domain to acquire certain areas adjacent to disposed
50 property; amending s. 166.401, F.S.; requiring that the
51 governing body of a municipality adopt a resolution in
52 order to acquire a property through the use of eminent
53 domain; providing that a municipality exercising eminent
54 domain must strictly comply with the limitations in ss.

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55 | 73.013 and 73.014, F.S.; amending s. 166.411, F.S.;
 56 | providing that the exercise of eminent domain by a
 57 | municipality is subject to the limitations in ss. 73.013
 58 | and 73.014, F.S.; eliminating the authority of a
 59 | municipality to use eminent domain for the abatement of
 60 | nuisances; providing applicability; providing an effective
 61 | date.

62 |
 63 | Be It Enacted by the Legislature of the State of Florida:

64 |
 65 | Section 1. Section 73.013, Florida Statutes, is created to
 66 | read:

67 | 73.013 Conveyance of property taken by eminent domain;
 68 | preservation of government entity communications services
 69 | eminent domain limitation; exception to restrictions on power of
 70 | eminent domain.--

71 | (1) Notwithstanding any other provision of law, including
 72 | any charter provision, ordinance, statute, or special law, if
 73 | the state, any political subdivision as defined in s. 1.01(8),
 74 | or any other entity to which the power of eminent domain is
 75 | delegated files a petition of condemnation on or after the
 76 | effective date of this section regarding a parcel of real
 77 | property in this state, ownership or control of property
 78 | acquired pursuant to such petition may not be conveyed by the
 79 | condemning authority or any other entity to a natural person or
 80 | private entity, by lease or otherwise, except that ownership or
 81 | control of property acquired pursuant to such petition may be

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82 conveyed, by lease or otherwise, to a natural person or private
83 entity:

84 (a) For use in providing common-carrier services or
85 systems;

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

89 2. For use in the provision of transportation-related
90 services, business opportunities, and products pursuant to s.
91 338.234, on a toll road;

92 (c) That is a public or private utility for use in
93 providing electricity services or systems, natural or
94 manufactured gas services or systems, water and wastewater
95 services or systems, stormwater or runoff services or systems,
96 sewer services or systems, pipeline facilities, telephone
97 services or systems, or similar services or systems;

98 (d) For use in providing public infrastructure;

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

102 (f) Without restriction, after public notice and
103 competitive bidding unless otherwise provided by general law, if
104 less than 10 years have elapsed since the condemning authority
105 acquired title to the property and the following conditions are
106 met:

107 1. The condemning authority or governmental entity holding
108 title to the property documents that the property is no longer

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109 needed for the use or purpose for which it was acquired by the
110 condemning authority or for which it was transferred to the
111 current titleholder; and

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

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

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

121 (2) (a) If ownership of property is conveyed to a natural
122 person or private entity pursuant to paragraph (1) (a), paragraph
123 (1) (b), paragraph (1) (c), paragraph (1) (d), or paragraph (1) (e),
124 and at least 10 years have elapsed since the condemning
125 authority acquired title to the property, the property may
126 subsequently be transferred, after public notice and competitive
127 bidding unless otherwise provided by general law, to another
128 natural person or private entity without restriction.

129 (b) If ownership of property is conveyed to a natural
130 person or private entity pursuant to paragraph (1) (a), paragraph
131 (1) (b), paragraph (1) (c), paragraph (1) (d), or paragraph (1) (e),
132 and less than 10 years have elapsed since the condemning
133 authority acquired title to the property, the property may be
134 transferred, after public notice and competitive bidding unless
135 otherwise provided by general law, to another natural person or

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136 private entity without restriction, if the following conditions
 137 are met:

138 1. The current titleholder documents that the property is
 139 no longer needed for the use or purpose for which the property
 140 was transferred to the current titleholder; and

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

144 (3) This section does not affect the limitation on a
 145 government entity's powers of eminent domain contained in s.
 146 350.81(2)(j).

147 (4) The power of eminent domain shall be restricted as
 148 provided in chapters 73, 127, 163, and 166, except when the
 149 owner of a property relinquishes the property and concedes to
 150 the taking of the property in order to retain the ability to
 151 reinvest the proceeds of the sale of the property in replacement
 152 property under s. 1033 of the Internal Revenue Code.

153 Section 2. Section 73.014, Florida Statutes, is created to
 154 read:

155 73.014 Taking property to eliminate nuisance, slum, or
 156 blight conditions prohibited.--

157 (1) Notwithstanding any other provision of law, including
 158 any charter provision, ordinance, statute, or special law, the
 159 state, any political subdivision as defined in s. 1.01(8), or
 160 any other entity to which the power of eminent domain is
 161 delegated may not exercise the power of eminent domain to take
 162 private property for the purpose of abating or eliminating a

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163 public nuisance. Notwithstanding any other provision of law,
 164 including any charter provision, ordinance, statute, or special
 165 law, abating or eliminating a public nuisance is not a valid
 166 public purpose or use for which private property may be taken by
 167 eminent domain and does not satisfy the public-purpose
 168 requirement of s. 6(a), Art. X of the State Constitution. This
 169 subsection does not diminish the power of counties or
 170 municipalities to adopt or enforce county or municipal
 171 ordinances related to code enforcement or the elimination of
 172 public nuisances to the extent such ordinances do not authorize
 173 the taking of private property by eminent domain.

174 (2) Notwithstanding any other provision of law, including
 175 any charter provision, ordinance, statute, or special law, the
 176 state, any political subdivision as defined in s. 1.01(8), or
 177 any other entity to which the power of eminent domain is
 178 delegated may not exercise the power of eminent domain to take
 179 private property for the purpose of preventing or eliminating
 180 slum or blight conditions. Notwithstanding any other provision
 181 of law, including any charter provision, ordinance, statute, or
 182 special law, taking private property for the purpose of
 183 preventing or eliminating slum or blight conditions is not a
 184 valid public purpose or use for which private property may be
 185 taken by eminent domain and does not satisfy the public-purpose
 186 requirement of s. 6(a), Art. X of the State Constitution.

187 Section 3. Section 73.021, Florida Statutes, is amended to
 188 read:

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189 73.021 Petition; contents.--Those having the right to
190 exercise the power of eminent domain may file a petition
191 therefor in the circuit court of the county wherein the property
192 lies, which petition shall set forth:

193 (1) The authority under which and the public use or
194 purpose for which the property is to be acquired, and that the
195 property is necessary for that public use or purpose;

196 (2) A description identifying the property sought to be
197 acquired. The petitioners may join in the same action all
198 properties involved in a planned project whether in the same or
199 different ownership, or whether or not the property is sought
200 for the same use;

201 (3) The estate or interest in the property which the
202 petitioner intends to acquire;

203 (4) The names, places of residence, legal disabilities, if
204 any, and interests in the property of all owners, lessees,
205 mortgagees, judgment creditors, and lienholders, so far as
206 ascertainable by diligent search, and all unknown persons having
207 an interest in the property when the petitioner has been unable
208 to ascertain the identity of such persons by diligent search and
209 inquiry. If any interest in the property, or lien thereon,
210 belongs to the unsettled estate of a decedent, the executor or
211 administrator shall be made a defendant without joining the
212 devisee or heir; if a trust estate, the trustee shall be made a
213 defendant without joining the cestui que trust. The court may
214 appoint an administrator ad litem to represent the estate of a
215 deceased person whose estate is not being administered, and a

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216 guardian ad litem for all defendants who are infants or are
 217 under other legal disabilities; and for defendants whose names
 218 or addresses are unknown. A copy of the order of appointment
 219 shall be served on the guardian ad litem at least 10 days before
 220 trial unless he or she has entered an appearance;

221 (5) Whether any mobile home is located on the property
 222 sought to be acquired and, if so, whether the removal of that
 223 mobile home will be required. If such removal shall be
 224 required, the petition shall name the owners of each such mobile
 225 home as defendants. This subsection shall not apply to any
 226 governmental authority exercising its power of eminent domain
 227 when reasonable relocation or removal expenses must be paid to
 228 mobile home owners under other provisions of law or agency rule
 229 applicable to such exercise of power;-

230 (6) A statement that the petitioner has surveyed and
 231 located its line or area of construction, and intends in good
 232 faith to construct the project on or over the described
 233 property; and

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

237 Section 4. Section 127.01, Florida Statutes, is amended to
 238 read:

239 127.01 Counties delegated power of eminent domain;
 240 recreational purposes, issue of necessity of taking; compliance
 241 with limitations.--

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242 (1) (a) Each county of the state is delegated authority to
 243 exercise the right and power of eminent domain; that is, the
 244 right to appropriate property, except state or federal, for any
 245 county purpose. The absolute fee simple title to all property
 246 so taken and acquired shall vest in such county unless the
 247 county seeks to condemn a particular right or estate in such
 248 property.

249 (b) Each county is further authorized to exercise the
 250 eminent domain power granted to the Department of Transportation
 251 by s. 337.27(1), the transportation corridor protection
 252 provisions of s. 337.273, and the right of entry onto property
 253 pursuant to s. 337.274.

254 (2) However, no county has the right to condemn any lands
 255 outside its own county boundaries for parks, playgrounds,
 256 recreational centers, or other recreational purposes. In
 257 eminent domain proceedings, a county's burden of showing
 258 reasonable necessity for parks, playgrounds, recreational
 259 centers, or other types of recreational purposes shall be the
 260 same as the burden in other types of eminent domain proceedings.

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

263 Section 5. Section 127.02, Florida Statutes, is amended to
 264 read:

265 127.02 County commissioners may authorize acquirement of
 266 property by eminent domain.--The board of county commissioners
 267 may not exercise its power of eminent domain unless the board
 268 adopts a resolution authorizing the acquisition, ~~by resolution,~~

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269 ~~authorize the requirement by eminent domain~~ of a property, real
 270 or personal, by eminent domain for any county use or purpose
 271 designated in such resolution, subject to the limitations set
 272 forth in ss. 73.013 and 73.014.

273 Section 6. Subsection (3) of section 163.335, Florida
 274 Statutes, is amended, and subsection (7) is added to that
 275 section, to read:

276 163.335 Findings and declarations of necessity.--

277 (3) It is further found and declared that the powers
 278 conferred by this part are for public uses and purposes for
 279 which public money may be expended ~~and the power of eminent~~
 280 ~~domain~~ and police power exercised, and the necessity in the
 281 public interest for the provisions herein enacted is ~~hereby~~
 282 declared as a matter of legislative determination.

283 (7) It is further found and declared that the prevention
 284 or elimination of a slum area or blighted area as defined in
 285 this part and the preservation or enhancement of the tax base
 286 are not public uses or purposes for which private property may
 287 be taken by eminent domain and do not satisfy the public-purpose
 288 requirement of s. 6(a), Art. X of the State Constitution.

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

291 163.340 Definitions.--The following terms, wherever used
 292 or referred to in this part, have the following meanings:

293 (12) "Related activities" means:

294 (a) Planning work for the preparation of a general
 295 neighborhood redevelopment plan or for the preparation or

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296 completion of a communitywide plan or program pursuant to s.
 297 163.365.

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

300 (c) The development of affordable housing for residents of
 301 the area.

302 (d) The development of community policing innovations.

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

305 163.345 Encouragement of private enterprise.--

306 (1) Any county or municipality, to the greatest extent it
 307 determines to be feasible in carrying out the provisions of this
 308 part, shall afford maximum opportunity, consistent with the
 309 sound needs of the county or municipality as a whole, to the
 310 rehabilitation or redevelopment of the community redevelopment
 311 area by private enterprise. Any county or municipality shall
 312 give consideration to this objective in exercising its powers
 313 under this part, including the formulation of a workable
 314 program; the approval of community redevelopment plans,
 315 communitywide plans or programs for community redevelopment, and
 316 general neighborhood redevelopment plans (consistent with the
 317 general plan of the county or municipality); the development and
 318 implementation of community policing innovations; the exercise
 319 of its zoning powers; the enforcement of other laws, codes, and
 320 regulations relating to the use of land and the use and
 321 occupancy of buildings and improvements; the development of
 322 affordable housing; the disposition of any property acquired,

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323 subject to the limitations of s. 73.013; and the provision of
 324 necessary public improvements.

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

327 163.358 Exercise of powers in carrying out community
 328 redevelopment and related activities.--Each county and
 329 municipality has all powers necessary or convenient to carry out
 330 and effectuate the purposes and provisions of this part,
 331 including those powers granted under s. 163.370. A county or
 332 municipality may delegate such powers to a community
 333 redevelopment agency created under s. 163.356, ~~The community~~
 334 ~~redevelopment powers assigned to a community redevelopment~~
 335 ~~agency created under s. 163.356 include all the powers necessary~~
 336 ~~or convenient to carry out and effectuate the purposes and~~
 337 ~~provisions of this part,~~ except the following, which continue to
 338 vest in the governing body of the county or municipality:

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

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

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

347 (4) The power to approve the acquisition, demolition,
 348 removal, or disposal of property as provided in s. 163.370(4) ~~s.~~

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349 | ~~163.370(3)~~ and the power to assume the responsibility to bear
 350 | loss as provided in s. 163.370(4) ~~s. 163.370(3)~~.

351 | (5) The power to approve the development of community
 352 | policing innovations.

353 | (6) The power of eminent domain.

354 | Section 10. Section 163.370, Florida Statutes, is amended
 355 | to read:

356 | 163.370 Powers; counties and municipalities; community
 357 | redevelopment agencies.--

358 | (1) Counties and municipalities may not exercise the power
 359 | of eminent domain for the purpose of preventing or eliminating a
 360 | slum area or blighted area as defined in this part; however,
 361 | counties and municipalities may acquire property by eminent
 362 | domain within a community redevelopment area, subject to the
 363 | limitations set forth in ss. 73.013 and 73.014 or other general
 364 | law.

365 | (2)~~(1)~~ Every county and municipality shall have all the
 366 | powers necessary or convenient to carry out and effectuate the
 367 | purposes and provisions of this part, including the following
 368 | powers in addition to others herein granted:

369 | (a) To make and execute contracts and other instruments
 370 | necessary or convenient to the exercise of its powers under this
 371 | part.†

372 | (b) To disseminate slum clearance and community
 373 | redevelopment information.†

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374 (c) To undertake and carry out community redevelopment and
 375 related activities within the community redevelopment area,
 376 which ~~redevelopment~~ may include:

377 1. Acquisition of property within a slum area or a
 378 blighted area by purchase, lease, option, gift, grant, bequest,
 379 devise, or other voluntary method of acquisition ~~or portion~~
 380 thereof.

381 2. Demolition and removal of buildings and improvements.

382 3. Installation, construction, or reconstruction of
 383 streets, utilities, parks, playgrounds, public areas of major
 384 hotels that are constructed in support of convention centers,
 385 including meeting rooms, banquet facilities, parking garages,
 386 lobbies, and passageways, and other improvements necessary for
 387 carrying out in the community redevelopment area the community
 388 redevelopment objectives of this part in accordance with the
 389 community redevelopment plan.

390 4. Disposition of any property acquired in the community
 391 redevelopment area at its fair value for uses in accordance with
 392 the community redevelopment plan.

393 5. Carrying out plans for a program of voluntary or
 394 compulsory repair and rehabilitation of buildings or other
 395 improvements in accordance with the community redevelopment
 396 plan.

397 6. Acquisition by purchase, lease, option, gift, grant,
 398 bequest, devise, or other voluntary method of acquisition of
 399 real property in the community redevelopment area which, under
 400 the community redevelopment plan, is to be repaired or

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401 rehabilitated for dwelling use or related facilities, repair or
402 rehabilitation of the structures for guidance purposes, and
403 resale of the property.

404 7. Acquisition by purchase, lease, option, gift, grant,
405 bequest, devise, or other voluntary method of acquisition of any
406 other real property in the community redevelopment area when
407 necessary to eliminate unhealthful, unsanitary, or unsafe
408 conditions; lessen density; eliminate obsolete or other uses
409 detrimental to the public welfare; or otherwise to remove or
410 prevent the spread of blight or deterioration or to provide land
411 for needed public facilities.

412 8. Acquisition, without regard to any requirement that the
413 area be a slum or blighted area, of air rights in an area
414 consisting principally of land in highways, railway or subway
415 tracks, bridge or tunnel entrances, or other similar facilities
416 which have a blighting influence on the surrounding area and
417 over which air rights sites are to be developed for the
418 elimination of such blighting influences and for the provision
419 of housing (and related facilities and uses) designed
420 specifically for, and limited to, families and individuals of
421 low or moderate income.

422 9. Acquisition by purchase, lease, option, gift, grant,
423 bequest, devise, or other voluntary method of acquisition of
424 property in unincorporated enclaves surrounded by the boundaries
425 of a community redevelopment area when it is determined
426 necessary by the agency to accomplish the community
427 redevelopment plan.

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428 ~~10.9.~~ Construction of foundations and platforms necessary
 429 for the provision of air rights sites of housing (and related
 430 facilities and uses) designed specifically for, and limited to,
 431 families and individuals of low or moderate income.

432 (d) To provide, or to arrange or contract for, the
 433 furnishing or repair by any person or agency, public or private,
 434 of services, privileges, works, streets, roads, public
 435 utilities, or other facilities for or in connection with a
 436 community redevelopment; to install, construct, and reconstruct
 437 streets, utilities, parks, playgrounds, and other public
 438 improvements; and to agree to any conditions that it deems
 439 reasonable and appropriate which are attached to federal
 440 financial assistance and imposed pursuant to federal law
 441 relating to the determination of prevailing salaries or wages or
 442 compliance with labor standards, in the undertaking or carrying
 443 out of a community redevelopment and related activities, and to
 444 include in any contract let in connection with such
 445 redevelopment and related activities provisions to fulfill such
 446 of the conditions as it deems reasonable and appropriate.

447 (e) Within the community redevelopment area:

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

453 2. To acquire by purchase, lease, option, gift, grant,
 454 bequest, devise, or other voluntary method of acquisition~~7~~

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455 ~~eminent domain, or otherwise~~ any real property (or personal
 456 property for its administrative purposes), together with any
 457 improvements thereon; ~~except that a community redevelopment~~
 458 ~~agency may not exercise any power of eminent domain unless the~~
 459 ~~exercise has been specifically approved by the governing body of~~
 460 ~~the county or municipality which established the agency.~~

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

463 4. To mortgage, pledge, hypothecate, or otherwise encumber
 464 or dispose of any real property.

465 5. To insure or provide for the insurance of any real or
 466 personal property or operations of the county or municipality
 467 against any risks or hazards, including the power to pay
 468 premiums on any such insurance.

469 6. To enter into any contracts necessary to effectuate the
 470 purposes of this part.

471 7. To solicit requests for proposals for redevelopment of
 472 parcels of real property contemplated by a community
 473 redevelopment plan to be acquired for redevelopment purposes by
 474 a community redevelopment agency and, as a result of such
 475 requests for proposals, to advertise for the disposition of such
 476 real property to private persons pursuant to s. 163.380 prior to
 477 acquisition of such real property by the community redevelopment
 478 agency.

479 (f) To invest any community redevelopment funds held in
 480 reserves or sinking funds or any such funds not required for
 481 immediate disbursement in property or securities in which

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482 savings banks may legally invest funds subject to their control
483 and to redeem such bonds as have been issued pursuant to s.
484 163.385 at the redemption price established therein or to
485 purchase such bonds at less than redemption price, all such
486 bonds so redeemed or purchased to be canceled.

487 (g) To borrow money and to apply for and accept advances,
488 loans, grants, contributions, and any other form of financial
489 assistance from the Federal Government or the state, county, or
490 other public body or from any sources, public or private, for
491 the purposes of this part and to give such security as may be
492 required and to enter into and carry out contracts or agreements
493 in connection therewith; and to include in any contract for
494 financial assistance with the Federal Government for or with
495 respect to community redevelopment and related activities such
496 conditions imposed pursuant to federal laws as the county or
497 municipality deems reasonable and appropriate which are not
498 inconsistent with the purposes of this part.

499 (h) Within its area of operation, to make or have made all
500 surveys and plans necessary to the carrying out of the purposes
501 of this part; to contract with any person, public or private, in
502 making and carrying out such plans; and to adopt or approve,
503 modify, and amend such plans, which plans may include, but are
504 not limited to:

505 1. Plans for carrying out a program of voluntary or
506 compulsory repair and rehabilitation of buildings and
507 improvements.

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508 2. Plans for the enforcement of state and local laws,
509 codes, and regulations relating to the use of land and the use
510 and occupancy of buildings and improvements and to the
511 compulsory repair, rehabilitation, demolition, or removal of
512 buildings and improvements.

513 3. Appraisals, title searches, surveys, studies, and other
514 plans and work necessary to prepare for the undertaking of
515 community redevelopment and related activities.

516 (i) To develop, test, and report methods and techniques,
517 and carry out demonstrations and other activities, for the
518 prevention and the elimination of slums and urban blight and
519 developing and demonstrating new or improved means of providing
520 housing for families and persons of low income.

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

523 (k) To prepare plans for and assist in the relocation of
524 persons (including individuals, families, business concerns,
525 nonprofit organizations, and others) displaced from a community
526 redevelopment area and to make relocation payments to or with
527 respect to such persons for moving expenses and losses of
528 property for which reimbursement or compensation is not
529 otherwise made, including the making of such payments financed
530 by the Federal Government.

531 (l) To appropriate such funds and make such expenditures
532 as are necessary to carry out the purposes of this part; to zone
533 or rezone any part of the county or municipality or make
534 exceptions from building regulations; and to enter into

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535 | agreements with a housing authority, which agreements may extend
 536 | over any period, notwithstanding any provision or rule of law to
 537 | the contrary, respecting action to be taken by such county or
 538 | municipality pursuant to any of the powers granted by this part.

539 | (m) To close, vacate, plan, or replan streets, roads,
 540 | sidewalks, ways, or other places and to plan or replan any part
 541 | of the county or municipality.

542 | (n) Within its area of operation, to organize, coordinate,
 543 | and direct the administration of the provisions of this part, as
 544 | they may apply to such county or municipality, in order that the
 545 | objective of remedying slum and blighted areas and preventing
 546 | the causes thereof within such county or municipality may be
 547 | most effectively promoted and achieved and to establish such new
 548 | office or offices of the county or municipality or to reorganize
 549 | existing offices in order to carry out such purpose most
 550 | effectively.

551 | ~~(o) To exercise all or any part or combination of powers~~
 552 | ~~herein granted or to elect to have such powers exercised by a~~
 553 | ~~community redevelopment agency.~~

554 | (o)~~(p)~~ To develop and implement community policing
 555 | innovations.

556 | (3)~~(2)~~ The following projects may not be paid for or
 557 | financed by increment revenues:

558 | (a) Construction or expansion of administrative buildings
 559 | for public bodies or police and fire buildings, unless each
 560 | taxing authority agrees to such method of financing for the
 561 | construction or expansion, or unless the construction or

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562 expansion is contemplated as part of a community policing
 563 innovation.

564 (b) Installation, construction, reconstruction, repair, or
 565 alteration of any publicly owned capital improvements or
 566 projects which are not an integral part of or necessary for
 567 carrying out the community redevelopment plan if such projects
 568 or improvements are normally financed by the governing body with
 569 user fees or if such projects or improvements would be
 570 installed, constructed, reconstructed, repaired, or altered
 571 within 3 years of the approval of the community redevelopment
 572 plan by the governing body pursuant to a previously approved
 573 public capital improvement or project schedule or plan of the
 574 governing body which approved the community redevelopment plan.

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

577 ~~(4)-(3)~~ With the approval of the governing body, a
 578 community redevelopment agency may:

579 (a) Prior to approval of a community redevelopment plan or
 580 approval of any modifications of the plan, acquire real property
 581 in a community redevelopment area by purchase, lease, option,
 582 gift, grant, bequest, devise, or other voluntary method of
 583 acquisition, demolish and remove any structures on the property,
 584 and pay all costs related to the acquisition, demolition, or
 585 removal, including any administrative or relocation expenses.

586 (b) Assume the responsibility to bear any loss that may
 587 arise as the result of the exercise of authority under this

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588 subsection, in the event that the real property is not made part
 589 of the community redevelopment area.

590 Section 11. Section 163.375, Florida Statutes, is
 591 repealed.

592 Section 12. Section 163.380, Florida Statutes, is amended
 593 to read:

594 163.380 Disposal of property in community redevelopment
 595 area.--The disposal of property in a community redevelopment
 596 area which is acquired by eminent domain is subject to the
 597 limitations set forth in s. 73.013.

598 (1) Any county, municipality, or community redevelopment
 599 agency may sell, lease, dispose of, or otherwise transfer real
 600 property or any interest therein acquired by it for community
 601 redevelopment in a community redevelopment area to any private
 602 person, or may retain such property for public use, and may
 603 enter into contracts with respect thereto for residential,
 604 recreational, commercial, industrial, educational, or other
 605 uses, in accordance with the community redevelopment plan,
 606 subject to such covenants, conditions, and restrictions,
 607 including covenants running with the land, as it deems necessary
 608 or desirable to assist in preventing the development or spread
 609 of future slums or blighted areas or to otherwise carry out the
 610 purposes of this part. However, such sale, lease, other
 611 transfer, or retention, and any agreement relating thereto, may
 612 be made only after the approval of the community redevelopment
 613 plan by the governing body. The purchasers or lessees and their
 614 successors and assigns shall be obligated to devote such real

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615 | property only to the uses specified in the community
616 | redevelopment plan and may be obligated to comply with such
617 | other requirements as the county, municipality, or community
618 | redevelopment agency may determine to be in the public interest,
619 | including the obligation to begin any improvements on such real
620 | property required by the community redevelopment plan within a
621 | reasonable time.

622 | (2) Such real property or interest shall be sold, leased,
623 | otherwise transferred, or retained at a value determined to be
624 | in the public interest for uses in accordance with the community
625 | redevelopment plan and in accordance with such reasonable
626 | disposal procedures as any county, municipality, or community
627 | redevelopment agency may prescribe. In determining the value of
628 | real property as being in the public interest for uses in
629 | accordance with the community redevelopment plan, the county,
630 | municipality, or community redevelopment agency shall take into
631 | account and give consideration to the long-term benefits to be
632 | achieved by the county, municipality, or community redevelopment
633 | agency resulting from incurring short-term losses or costs in
634 | the disposal of such real property; the uses provided in such
635 | plan; the restrictions upon, and the covenants, conditions, and
636 | obligations assumed by, the purchaser or lessee or by the
637 | county, municipality, or community redevelopment agency
638 | retaining the property; and the objectives of such plan for the
639 | prevention of the recurrence of slum or blighted areas. In the
640 | event the value of such real property being disposed of is for
641 | less than the fair value, such disposition shall require the

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642 approval of the governing body, which approval may only be given
643 following a duly noticed public hearing. The county,
644 municipality, or community redevelopment agency may provide in
645 any instrument of conveyance to a private purchaser or lessee
646 that such purchaser or lessee is without power to sell, lease,
647 or otherwise transfer the real property without the prior
648 written consent of the county, municipality, or community
649 redevelopment agency until the purchaser or lessee has completed
650 the construction of any or all improvements which he or she has
651 obligated himself or herself to construct thereon. Real property
652 acquired by the county, municipality, or community redevelopment
653 agency which, in accordance with the provisions of the community
654 redevelopment plan, is to be transferred shall be transferred as
655 rapidly as feasible in the public interest, consistent with the
656 carrying out of the provisions of the community redevelopment
657 plan. Any contract for such transfer and the community
658 redevelopment plan, or such part or parts of such contract or
659 plan as the county, municipality, or community redevelopment
660 agency may determine, may be recorded in the land records of the
661 clerk of the circuit court in such manner as to afford actual or
662 constructive notice thereof.

663 (3) (a) Prior to disposition of any real property or
664 interest therein in a community redevelopment area, any county,
665 municipality, or community redevelopment agency shall give
666 public notice of such disposition by publication in a newspaper
667 having a general circulation in the community, at least 30 days
668 prior to the execution of any contract to sell, lease, or

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669 otherwise transfer real property and, prior to the delivery of
670 any instrument of conveyance with respect thereto under the
671 provisions of this section, invite proposals from, and make all
672 pertinent information available to, private redevelopers or any
673 persons interested in undertaking to redevelop or rehabilitate a
674 community redevelopment area or any part thereof. Such notice
675 shall identify the area or portion thereof and shall state that
676 proposals must be made by those interested within 30 days after
677 the date of publication of the notice and that such further
678 information as is available may be obtained at such office as is
679 designated in the notice. The county, municipality, or community
680 redevelopment agency shall consider all such redevelopment or
681 rehabilitation proposals and the financial and legal ability of
682 the persons making such proposals to carry them out; and the
683 county, municipality, or community redevelopment agency may
684 negotiate with any persons for proposals for the purchase,
685 lease, or other transfer of any real property acquired by it in
686 the community redevelopment area. The county, municipality, or
687 community redevelopment agency may accept such proposal as it
688 deems to be in the public interest and in furtherance of the
689 purposes of this part. Except in the case of a governing body
690 acting as the agency, as provided in s. 163.357, a notification
691 of intention to accept such proposal must be filed with the
692 governing body not less than 30 days prior to any such
693 acceptance. Thereafter, the county, municipality, or community
694 redevelopment agency may execute such contract in accordance
695 with the provisions of subsection (1) and deliver deeds, leases,

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696 and other instruments and take all steps necessary to effectuate
697 such contract.

698 (b) Any county, municipality, or community redevelopment
699 agency that, pursuant to the provisions of this section, has
700 disposed of a real property project with a land area in excess
701 of 20 acres may acquire an expanded area that is immediately
702 adjacent to the original project and less than 35 percent of the
703 land area of the original project, by purchase ~~or eminent domain~~
704 as provided in this chapter, and negotiate a disposition of such
705 expanded area directly with the person who acquired the original
706 project without complying with the disposition procedures
707 established in paragraph (a), provided the county, municipality,
708 or community redevelopment agency adopts a resolution making the
709 following findings:

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

712 2. The expanded area is less than 35 percent of the land
713 area of the original project.

714 3. The expanded area is entirely within the boundary of
715 the community redevelopment area.

716 (4) Any county, municipality, or community redevelopment
717 agency may temporarily operate and maintain real property
718 acquired by it in a community redevelopment area for or in
719 connection with a community redevelopment plan pending the
720 disposition of the property as authorized in this part, without
721 regard to the provisions of subsection (1), for such uses and

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722 | purposes as may be deemed desirable, even though not in
 723 | conformity with the community redevelopment plan.

724 | (5) If any conflict exists between the provisions of this
 725 | section and s. 159.61, the provisions of this section govern and
 726 | supersede those of s. 159.61.

727 | (6) Notwithstanding any provision of this section, if a
 728 | community redevelopment area is established by the governing
 729 | body for the redevelopment of property located on a closed
 730 | military base within the governing body's boundaries, the
 731 | procedures for disposition of real property within that
 732 | community redevelopment area shall be prescribed by the
 733 | governing body, and compliance with the other provisions of this
 734 | section shall not be required prior to the disposal of real
 735 | property.

736 | Section 13. Section 166.401, Florida Statutes, is amended
 737 | to read:

738 | 166.401 Right of eminent domain; procedure; compliance
 739 | with limitations.--

740 | (1) All municipalities in the state may exercise the right
 741 | and power of eminent domain; that is, the right to appropriate
 742 | property within the state, except state or federal property, for
 743 | the uses or purposes authorized pursuant to this part. The
 744 | absolute fee simple title to all property so taken and acquired
 745 | shall vest in such municipal corporation unless the municipality
 746 | seeks to condemn a particular right or estate in such property.

747 | (2) Each municipality is further authorized to exercise
 748 | the eminent domain power granted to the Department of

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749 Transportation in s. 337.27(1) and the transportation corridor
750 protection provisions of s. 337.273.

751 (3) The local governing body of a municipality may not
752 exercise its power of eminent domain unless the governing body
753 adopts a resolution authorizing the acquisition of a property,
754 real or personal, by eminent domain for any municipal use or
755 purpose designated in such resolution.

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

758 Section 14. Section 166.411, Florida Statutes, is amended
759 to read:

760 166.411 Eminent domain; uses or purposes.--Subject to the
761 limitations set forth in ss. 73.013 and 73.014, municipalities
762 are authorized to exercise the power of eminent domain for the
763 following uses or purposes:

764 (1) For the proper and efficient carrying into effect of
765 any proposed scheme or plan of drainage, ditching, grading,
766 filling, or other public improvement deemed necessary or
767 expedient for the preservation of the public health, or for
768 other good reason connected in anywise with the public welfare
769 or the interests of the municipality and the people thereof;

770 (2) Over railroads, traction and streetcar lines,
771 telephone and telegraph lines, all public and private streets
772 and highways, drainage districts, bridge districts, school
773 districts, or any other public or private lands whatsoever
774 necessary to enable the accomplishment of purposes listed in s.
775 180.06;

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776 (3) For streets, lanes, alleys, and ways;
 777 (4) For public parks, squares, and grounds;
 778 (5) For drainage, for raising or filling in land in order
 779 to promote sanitation and healthfulness, and for the taking of
 780 easements for the drainage of the land of one person over and
 781 through the land of another;
 782 (6) For reclaiming and filling when lands are low and wet,
 783 or overflowed altogether or at times, or entirely or partly;
 784 ~~(7) For the abatement of any nuisance;~~
 785 (7)~~(8)~~ For the use of water pipes and for sewerage and
 786 drainage purposes;
 787 (8)~~(9)~~ For laying wires and conduits underground; and
 788 (9)~~(10)~~ For city buildings, waterworks, ponds, and other
 789 municipal purposes which shall be coextensive with the powers of
 790 the municipality exercising the right of eminent domain. ~~and~~
 791 Section 15. This act shall take effect upon becoming a law
 792 and applies to all property for which a petition of condemnation
 793 is filed pursuant to chapter 73 or chapter 74, Florida Statutes,
 794 on or after that date.