

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: January 29, 1998 Revised: _____

Subject: Community Redevelopment and Neighborhood Improvement

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 474 grants additional authority to local governments to include community policing programs and techniques within community redevelopment areas and neighborhood improvement districts (NIDs).

The bill amends the Community Redevelopment Act to include the development and implementation of community policing innovations. The Safe Neighborhoods Act is also amended to provide that it is the intent of the Legislature to assist local governments in implementing plans that employ crime prevention through community policing innovations to establish safe neighborhoods.

In addition, the bill allows a county, municipality, or community redevelopment agency, subject to specified conditions, to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures.

The bill substantially amends the following sections of the Florida Statutes: 163.340, 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380, 163.387, 163.502, 163.503, 163.506, 163.511-514, 163.516, 163.519, and 163.521. The bill creates section 943.1729, Florida Statutes.

II. Present Situation:

Community Redevelopment Agencies

Part III of chapter 163, F.S., the “Community Redevelopment Act of 1969,” grants local governments with the authority to establish community redevelopment agencies (CRAs). CRAs are used to assist local governments in the elimination of slum and blight and to restore the declining tax base of these areas. CRAs are required to develop a community redevelopment plan for the rehabilitation and redevelopment of designated slum and blighted areas. CRAs are permitted to establish a redevelopment trust fund utilizing revenues derived from tax increment financing.

Section 163.355, F.S., requires the adoption of a resolution finding that:

1. One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist within the county or municipality; and
2. The rehabilitation, conservation, or redevelopment of these areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the county or municipality.

The act also encourages participation by private entities. Section 163.345, F.S., directs a county or municipality, to the greatest extent feasible, to afford maximum opportunity to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Section 163.350, F.S., permits a county or municipality to establish a workable program for using appropriate private and public resources to eliminate and prevent the redevelopment or spread of slums and urban blight.

The CRA is created upon a local governing body adopting a resolution declaring a need for the agency to implement the community redevelopment act. At this point the local governing body has an option as to how the powers of the agency will be exercised and how business will be conducted. The CRA may be governed by a separate board of commissioners appointed by the governing body or the governing body may adopt a resolution declaring itself to be the CRA. A local governing body with five members may appoint two additional members. The law also permits the local governing body to confer the redevelopment powers on another body already in existence on July 1, 1977, such as a downtown development authority or board whose purpose is redevelopment.

In tax increment financing, property values in a certain defined community redevelopment area are frozen by local ordinance at the assessed value for a particular base year. As redevelopment proceeds within the redevelopment area, the actual assessed value of property within the redevelopment area should increase. Taxing authorities located within the community redevelopment area are required to deposit the incremental revenue received as a result of this increase in property value in a redevelopment trust fund established by the CRA.

A CRA may dispose of community redevelopment property or other interest in that property, in accordance with the community redevelopment plan, as it deems necessary or desirable. Community development plans, or subsequent changes to such plans, must be approved by the governing body of the CRA - a county or municipal government. Public notice must be given, pursuant to s. 163.380(3), F.S., prior to disposing of such property, and the CRA must invite proposals from private redevelopers or other persons interested in undertaking redevelopment of the property. After evaluating the submitted proposals, the CRA may select the proposal that it deems to be in the public interest.

Neighborhood Improvement Districts

Part IV of chapter 163, F.S., allows for the creation of Neighborhood Improvement Districts (NIDs). It is the intent of the Safe Neighborhoods Act to guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods; to promote the health, safety and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish and maintain, and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; to improve or redirect automobile traffic and provide pedestrian safety; and to reduce crime rates and the opportunities for the commission of crime through the concept of crime prevention through environmental design (CPTED).

NIDS are formed by a local ordinance and a number of options are available for the implementation. All NIDs are required to prepare a safe neighborhood improvement plan for the designated area. There are 4 types of NIDs: Local Government NIDs, Property Owners' Association NIDs, Special NIDs, and the Community Redevelopment NIDs. Although NIDs have various powers, all NIDs are required to develop a safe neighborhood improvement plan. The plan must be: consistent with the adopted comprehensive plan for the county or municipality pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act; sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the NID; and provide some method for, and measurement of, the reduction of crime within the NID.

The Safe Neighborhoods Act is administered by the Department of Legal Affairs. The duties of the department include, but are not limited to, the following:

- Develop program design and criteria for funding NIDs;
- Develop application and review procedures;
- Review and evaluate applications for planning and technical assistance;
- Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body; and

- Submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders and appropriate committee chairpersons of each house prior to March 1 of each year.

The local governing body of any municipality or county in which the boundaries of an enterprise zone include a NID in whole or in part, may request the department to submit within its budget request to the Legislature provisions to fund capital improvements. Local governments must demonstrate the ability to implement the project within two years after the date of the appropriation.

The department is required to rank order requests received for capital improvements funding based on:

- the necessity of the improvements to the overall implementation of the safe neighborhood plan;
- the degree to which the improvements help the plan achieve CPTED, environmental security, and defensible space objectives;
- the effect of the improvements on residents of low or moderate income; and
- the fiscal inability of local government to perform the improvements without state assistance.

III. Effect of Proposed Changes:

The bill amends the Community Redevelopment Act to include the development and implementation of community policing innovations. The Safe Neighborhoods Act is also amended to provide that it is the intent of the Legislature to assist local governments in implementing plans that employ crime prevention through community policing innovations to establish safe neighborhoods.

In addition, the bill allows a county, municipality, or community redevelopment agency, subject to specified conditions, to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures.

Section 1 amends s. 163.340(9) and (12) and subsection (23) is added to said section, F.S., to include the reduction or prevention of crime as part of the definition of the terms “community redevelopment” or “redevelopment.” The term “related activities” is amended to include the development of community policing innovations.

The term “community policing” is included in the definitions to mean a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived

risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

Section 2 amends s. 163.345(1), F.S., to address community policing in the context of private enterprise. Currently, the subsection directs a county or municipality to consider private enterprise in the rehabilitation or redevelopment activities in the community redevelopment area and exercising their powers under the Community Redevelopment Act. Examples of the powers are listed in the subsection and the bill includes the development and implementation of community policing innovations.

Section 3 amends s. 163.350, F.S., relating to formulating a workable program or using appropriate private and public resources toward the elimination and prevention of slum and blight, to include a provision providing for the implementation of community policing innovations.

Section 4 amends s. 163.356(3), F.S., relating to the creation of a CRA. The existing authority of a county or municipality to appropriate funds to the CRA is expanded to include the development and implementation of community policing innovations.

Section 5 amends s. 163.358, F.S., to provide that the power to approve the development of community policing innovations vests in the governing body of the county or municipality.

Section 6 amends s. 163.360, F.S., to provide that a community redevelopment plan may provide for the development and implementation of community policing innovations. Prior to approving a community redevelopment plan, the governing body must find that the plan considers the use of community policing innovations. The section is further amended to require the governing body to find that conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

Section 7 amends s. 163.361(1), F.S., relating to the modification of community redevelopment plans, to provide that a CRA recommendation to a governing body for changes in a community redevelopment plan may include the development and implementation of community policing innovations.

Section 8 amends s. 163.370(1) and (2), F.S., relating to the powers of counties, municipalities, and CRAs, to add to the powers granted to such counties and municipalities the power to develop and implement community policing innovations. Tax increment revenues may be used to pay for the construction or expansion of administrative buildings for public bodies or police and fire buildings, if the construction or expansion is contemplated as part of a community policing innovation.

Section 9 amends s. 163.380, F.S., to create paragraph (3)(b), relating to the disposal of property in a community redevelopment area, to authorize a county, municipality, or community

redevelopment agency that has disposed of a real property project in excess of twenty acres to acquire an expanded area that is adjacent to the original project and less than 35% of the land area of the original project by purchase or eminent domain proceedings. Furthermore, the governmental entity is authorized to negotiate disposing of the acquired property with the person who acquired the original project without complying with the disposition of property requirements of this section. The county, municipality, or community redevelopment agency must adopt a resolution identifying how the action is consistent with the requirements in this section.

Section 10 amends s. 163.387(6), F.S., relating to the redevelopment trust fund, to provide that moneys in the redevelopment trust fund may be used to finance the development of community policing innovations.

Section 11 amends s. 163.502(4), F.S., relating to the legislative findings and purpose of the safe neighborhoods, to state that it is the intent of the Legislature to assist local governments in implementing plans that employ crime prevention through community policing innovations to establish safe neighborhoods.

Section 12 amends s. 163.503(1) and adds subsection (9), F.S., to amend the definition of the term “safe neighborhood improvement district” to provide that the plan to reduce crime may be accomplished through community policing innovations. The section is further amended to provide a definition of the term “community policing innovation.”

Section 13 amends s. 163.506(1), F.S., relating to local government NIDs, to include community policing innovations as a district improvement for which the use of special assessments to support planning and implementation of NID improvements is authorized.

Section 14 amends s. 163.511(1), F.S., relating to special NIDs, to include community policing innovations as a district improvement for which the use of special assessments to support planning and implementation of NID improvements is authorized. In addition, the section is amended to authorize a special NID to develop and implement community policing innovations in consultation with the local law enforcement agency having jurisdiction within the district boundaries.

Section 15 amends s. 163.512(1), F.S., relating to the community redevelopment NID, to provide that local ordinances creating community redevelopment NIDs may authorize the use of the community redevelopment trust fund for the purpose of furthering crime prevention through community policing innovations.

Section 16 amends s. 163.513(3), (4), and (5), F.S., to include community policing innovations as an additional crime prevention technique that the boards of all NIDs must consider when performing specified duties and functions. The title of the section is also amended to include community policing innovations.

Section 17 amends s. 163.514(7) and (12), F.S., relating to the powers of NIDS, to authorize the board of any NID to contract for services of experts on crime prevention through community

policing innovations and undertake community policing innovations, unless prohibited by ordinance.

Section 18 amends s. 163.516(1), F.S., relating to safe neighborhood plans, to provide that such plans must include an assessment of crime prevention through community policing innovations.

Section 19 amends s. 163.519, F.S., to revise the duties of the Department of Legal Affairs. Subsection (8) is amended to require the department to act as the repository of crime prevention through community policing innovations. Subsection (9) is amended to require the department to utilize staff to provide crime prevention through community policing innovations. Subsection (11) is amended to require the department to ensure that appropriate plan elements are based on and consistent with crime prevention through community policing innovations.

Section 20 amends s. 163.521, F.S., relating to NIDs located inside enterprise zones. Currently, the local governing body of any local government in which the boundaries of an enterprise zone include a NID, prior to October 1 of each year, is authorized to request the department to submit within its budget request to the Legislature provisions to fund capital improvements. Capital improvements included in such requests must be specifically related to crime prevention through environmental design, environmental security, and defensible space techniques. The section is amended to provide that such requests must also be related to community policing innovations.

Section 21 creates s. 943.1729, F.S., to authorize the Criminal Justice Standards and Training Commission to incorporate community policing innovation concepts into the course curriculum required for law enforcement officers; and establish a continued-employment training component related to community policing innovation techniques prior to January 1, 1998.

Section 22 provides that the act is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that this bill results in a reduction of criminal activity, private enterprise may be encouraged to operate in NIDs and community redevelopment areas.

C. Government Sector Impact:

Local governments will be granted the authority to fund certain crime reduction activities and programs within community redevelopment areas and NIDs.

The bill amends the Safe Neighborhoods Act and assigns additional duties to the Department of Legal Affairs relating to community policing innovations. However, according to the department, the bill should have no fiscal impact on the agency. The Legislature has not appropriated funds for the program for the last six years. In addition, the department does not currently receive any funding relating to its existing duties assigned under the Safe Neighborhoods Act. The department does provide training on community oriented policing to law enforcement officers through its Crime Prevention Training Institute.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.