

Bill No. CS for SB for 2168

Barcode 081938

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

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11 Senator Webster moved the following amendment:

12
13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15
16 and insert:

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

19 73.013 Conveyance of property taken by eminent domain;
20 preservation of government entity communications services
21 eminent domain limitation; exception to restrictions on power
22 of eminent domain.--

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

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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

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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

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

11 73.014 Taking property to eliminate nuisance, slum, or
12 blight conditions prohibited.--

13 (1) Notwithstanding any other provision of law,
14 including any charter provision, ordinance, statute, or
15 special law, the state, any political subdivision as defined
16 in s. 1.01(8), or any other entity to which the power of
17 eminent domain is delegated may not exercise the power of
18 eminent domain to take private property for the purpose of
19 abating or eliminating a public nuisance. Notwithstanding any
20 other provision of law, including any charter provision,
21 ordinance, statute, or special law, abating or eliminating a
22 public nuisance is not a valid public purpose or use for which
23 private property may be taken by eminent domain and does not
24 satisfy the public-purpose requirement of s. 6(a), Art. X of
25 the State Constitution. This subsection does not diminish the
26 power of counties or municipalities to adopt or enforce county
27 or municipal ordinances related to code enforcement or the
28 elimination of public nuisances to the extent such ordinances
29 do not authorize the taking of private property by eminent
30 domain.

31 (2) Notwithstanding any other provision of law,

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1 including any charter provision, ordinance, statute, or
2 special law, the state, any political subdivision as defined
3 in s. 1.01(8), or any other entity to which the power of
4 eminent domain is delegated may not exercise the power of
5 eminent domain to take private property for the purpose of
6 preventing or eliminating slum or blight conditions.
7 Notwithstanding any other provision of law, including any
8 charter provision, ordinance, statute, or special law, taking
9 private property for the purpose of preventing or eliminating
10 slum or blight conditions is not a valid public purpose or use
11 for which private property may be taken by eminent domain and
12 does not satisfy the public-purpose requirement of s. 6(a),
13 Art. X of the State Constitution.

14 Section 3. Section 73.021, Florida Statutes, is
15 amended to read:

16 73.021 Petition; contents.--Those having the right to
17 exercise the power of eminent domain may file a petition
18 therefor in the circuit court of the county wherein the
19 property lies, which petition shall set forth:

20 (1) The authority under which and the public use or
21 purpose for which the property is to be acquired, and that the
22 property is necessary for that public use or purpose;

23 (2) A description identifying the property sought to
24 be acquired. The petitioners may join in the same action all
25 properties involved in a planned project whether in the same
26 or different ownership, or whether or not the property is
27 sought for the same use;

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

30 (4) The names, places of residence, legal
31 disabilities, if any, and interests in the property of all

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

18 (5) Whether any mobile home is located on the property
 19 sought to be acquired and, if so, whether the removal of that
 20 mobile home will be required. If such removal shall be
 21 required, the petition shall name the owners of each such
 22 mobile home as defendants. This subsection shall not apply to
 23 any governmental authority exercising its power of eminent
 24 domain when reasonable relocation or removal expenses must be
 25 paid to mobile home owners under other provisions of law or
 26 agency rule applicable to such exercise of power;—

27 (6) A statement that the petitioner has surveyed and
 28 located its line or area of construction, and intends in good
 29 faith to construct the project on or over the described
 30 property; and

31 (7) A demand for relief that the property be condemned

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1 and taken for the uses and purposes set forth in the petition,
2 and that the interest sought be vested in the petitioner.

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

5 127.01 Counties delegated power of eminent domain;
6 recreational purposes, issue of necessity of taking;
7 compliance with limitations.--

8 (1)(a) Each county of the state is delegated authority
9 to exercise the right and power of eminent domain; that is,
10 the right to appropriate property, except state or federal,
11 for any county purpose. The absolute fee simple title to all
12 property so taken and acquired shall vest in such county
13 unless the county seeks to condemn a particular right or
14 estate in such property.

15 (b) Each county is further authorized to exercise the
16 eminent domain power granted to the Department of
17 Transportation by s. 337.27(1), the transportation corridor
18 protection provisions of s. 337.273, and the right of entry
19 onto property pursuant to s. 337.274.

20 (2) However, no county has the right to condemn any
21 lands outside its own county boundaries for parks,
22 playgrounds, recreational centers, or other recreational
23 purposes. In eminent domain proceedings, a county's burden of
24 showing reasonable necessity for parks, playgrounds,
25 recreational centers, or other types of recreational purposes
26 shall be the same as the burden in other types of eminent
27 domain proceedings.

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

30 Section 5. Section 127.02, Florida Statutes, is
31 amended to read:

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1 127.02 County commissioners may authorize acquirement
2 of property by eminent domain.--The board of county
3 commissioners may not exercise its power of eminent domain
4 unless the board adopts a resolution authorizing the
5 acquisition, by resolution, authorize the acquirement by
6 eminent domain of a property, real or personal, by eminent
7 domain for any county use or purpose designated in such
8 resolution, subject to the limitations set forth in ss. 73.013
9 and 73.014.

10 Section 6. Subsection (3) of section 163.335, Florida
11 Statutes, is amended, and subsection (7) is added to that
12 section, to read:

13 163.335 Findings and declarations of necessity.--

14 (3) It is further found and declared that the powers
15 conferred by this part are for public uses and purposes for
16 which public money may be expended ~~and the power of eminent~~
17 ~~domain~~ and police power exercised, and the necessity in the
18 public interest for the provisions herein enacted is ~~hereby~~
19 declared as a matter of legislative determination.

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

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

29 163.340 Definitions.--The following terms, wherever
30 used or referred to in this part, have the following meanings:

31 (12) "Related activities" means:

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1 (a) Planning work for the preparation of a general
 2 neighborhood redevelopment plan or for the preparation or
 3 completion of a communitywide plan or program pursuant to s.
 4 163.365.

5 (b) The functions related to the acquisition and
 6 disposal of real property pursuant to s. 163.370(4) ~~s.~~
 7 ~~163.370(3)~~.

8 (c) The development of affordable housing for
 9 residents of the area.

10 (d) The development of community policing innovations.

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

13 163.345 Encouragement of private enterprise.--

14 (1) Any county or municipality, to the greatest extent
 15 it determines to be feasible in carrying out the provisions of
 16 this part, shall afford maximum opportunity, consistent with
 17 the sound needs of the county or municipality as a whole, to
 18 the rehabilitation or redevelopment of the community
 19 redevelopment area by private enterprise. Any county or
 20 municipality shall give consideration to this objective in
 21 exercising its powers under this part, including the
 22 formulation of a workable program; the approval of community
 23 redevelopment plans, communitywide plans or programs for
 24 community redevelopment, and general neighborhood
 25 redevelopment plans (consistent with the general plan of the
 26 county or municipality); the development and implementation of
 27 community policing innovations; the exercise of its zoning
 28 powers; the enforcement of other laws, codes, and regulations
 29 relating to the use of land and the use and occupancy of
 30 buildings and improvements; the development of affordable
 31 housing; the disposition of any property acquired, subject to

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1 the limitations of s. 73.013; and the provision of necessary
2 public improvements.

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

5 163.358 Exercise of powers in carrying out community
6 redevelopment and related activities.--Each county and
7 municipality has all powers necessary or convenient to carry
8 out and effectuate the purposes and provisions of this part,
9 including those powers granted under s. 163.370. A county or
10 municipality may delegate such powers to a community
11 redevelopment agency, created under s. 163.356, ~~The community~~
12 redevelopment powers assigned to a community redevelopment
13 agency created under s. 163.356 include all the powers
14 necessary or convenient to carry out and effectuate the
15 purposes and provisions of this part, except the following,
16 which continue to vest in the governing body of the county or
17 municipality:

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

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

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

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

30 (5) The power to approve the development of community
31 policing innovations.

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1 (6) The power of eminent domain.

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

4 163.370 Powers; counties and municipalities; community
5 redevelopment agencies.--

6 (1) Counties and municipalities may not exercise the
7 power of eminent domain for the purpose of preventing or
8 eliminating a slum area or blighted area as defined in this
9 part; however, counties and municipalities may acquire
10 property by eminent domain within a community redevelopment
11 area, subject to the limitations set forth in ss. 73.013 and
12 73.014 or other general law.

13 (2)(1) Every county and municipality shall have all
14 the powers necessary or convenient to carry out and effectuate
15 the purposes and provisions of this part, including the
16 following powers in addition to others herein granted:

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

20 (b) To disseminate slum clearance and community
21 redevelopment information.†

22 (c) To undertake and carry out community redevelopment
23 and related activities within the community redevelopment
24 area, which ~~redevelopment~~ may include:

25 1. Acquisition of property within a slum area or a
26 blighted area by purchase, lease, option, gift, grant,
27 bequest, devise, or other voluntary method of acquisition ~~or~~
28 ~~portion thereof.~~

29 2. Demolition and removal of buildings and
30 improvements.

31 3. Installation, construction, or reconstruction of

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1 streets, utilities, parks, playgrounds, public areas of major
 2 hotels that are constructed in support of convention centers,
 3 including meeting rooms, banquet facilities, parking garages,
 4 lobbies, and passageways, and other improvements necessary for
 5 carrying out in the community redevelopment area the community
 6 redevelopment objectives of this part in accordance with the
 7 community redevelopment plan.

8 4. Disposition of any property acquired in the
 9 community redevelopment area at its fair value for uses in
 10 accordance with the community redevelopment plan.

11 5. Carrying out plans for a program of voluntary or
 12 compulsory repair and rehabilitation of buildings or other
 13 improvements in accordance with the community redevelopment
 14 plan.

15 6. Acquisition by purchase, lease, option, gift,
 16 grant, bequest, devise, or other voluntary method of
 17 acquisition of real property in the community redevelopment
 18 area which, under the community redevelopment plan, is to be
 19 repaired or rehabilitated for dwelling use or related
 20 facilities, repair or rehabilitation of the structures for
 21 guidance purposes, and resale of the property.

22 7. Acquisition by purchase, lease, option, gift,
 23 grant, bequest, devise, or other voluntary method of
 24 acquisition of any other real property in the community
 25 redevelopment area when necessary to eliminate unhealthful,
 26 unsanitary, or unsafe conditions; lessen density; eliminate
 27 obsolete or other uses detrimental to the public welfare; or
 28 otherwise to remove or prevent the spread of blight or
 29 deterioration or to provide land for needed public facilities.

30 8. Acquisition, without regard to any requirement that
 31 the area be a slum or blighted area, of air rights in an area

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1 consisting principally of land in highways, railway or subway
 2 tracks, bridge or tunnel entrances, or other similar
 3 facilities which have a blighting influence on the surrounding
 4 area and over which air rights sites are to be developed for
 5 the elimination of such blighting influences and for the
 6 provision of housing (and related facilities and uses)
 7 designed specifically for, and limited to, families and
 8 individuals of low or moderate income.

9 9. Acquisition by purchase, lease, option, gift,
 10 grant, bequest, devise, or other voluntary method of
 11 acquisition of property in unincorporated enclaves surrounded
 12 by the boundaries of a community redevelopment area when it is
 13 determined necessary by the agency to accomplish the community
 14 redevelopment plan.

15 ~~10.9~~ Construction of foundations and platforms
 16 necessary for the provision of air rights sites of housing
 17 (and related facilities and uses) designed specifically for,
 18 and limited to, families and individuals of low or moderate
 19 income.

20 (d) To provide, or to arrange or contract for, the
 21 furnishing or repair by any person or agency, public or
 22 private, of services, privileges, works, streets, roads,
 23 public utilities, or other facilities for or in connection
 24 with a community redevelopment; to install, construct, and
 25 reconstruct streets, utilities, parks, playgrounds, and other
 26 public improvements; and to agree to any conditions that it
 27 deems reasonable and appropriate which are attached to federal
 28 financial assistance and imposed pursuant to federal law
 29 relating to the determination of prevailing salaries or wages
 30 or compliance with labor standards, in the undertaking or
 31 carrying out of a community redevelopment and related

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1 activities, and to include in any contract let in connection
2 with such redevelopment and related activities provisions to
3 fulfill such of the conditions as it deems reasonable and
4 appropriate.

5 (e) Within the community redevelopment area:

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

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

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

21 4. To mortgage, pledge, hypothecate, or otherwise
22 encumber or dispose of any real property.

23 5. To insure or provide for the insurance of any real
24 or personal property or operations of the county or
25 municipality against any risks or hazards, including the power
26 to pay premiums on any such insurance.

27 6. To enter into any contracts necessary to effectuate
28 the purposes of this part.

29 7. To solicit requests for proposals for redevelopment
30 of parcels of real property contemplated by a community
31 redevelopment plan to be acquired for redevelopment purposes

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1 by a community redevelopment agency and, as a result of such
2 requests for proposals, to advertise for the disposition of
3 such real property to private persons pursuant to s. 163.380
4 prior to acquisition of such real property by the community
5 redevelopment agency.

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

14 (g) To borrow money and to apply for and accept
15 advances, loans, grants, contributions, and any other form of
16 financial assistance from the Federal Government or the state,
17 county, or other public body or from any sources, public or
18 private, for the purposes of this part and to give such
19 security as may be required and to enter into and carry out
20 contracts or agreements in connection therewith; and to
21 include in any contract for financial assistance with the
22 Federal Government for or with respect to community
23 redevelopment and related activities such conditions imposed
24 pursuant to federal laws as the county or municipality deems
25 reasonable and appropriate which are not inconsistent with the
26 purposes of this part.

27 (h) Within its area of operation, to make or have made
28 all surveys and plans necessary to the carrying out of the
29 purposes of this part; to contract with any person, public or
30 private, in making and carrying out such plans; and to adopt
31 or approve, modify, and amend such plans, which plans may

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1 include, but are not limited to:

2 1. Plans for carrying out a program of voluntary or
3 compulsory repair and rehabilitation of buildings and
4 improvements.

5 2. Plans for the enforcement of state and local laws,
6 codes, and regulations relating to the use of land and the use
7 and occupancy of buildings and improvements and to the
8 compulsory repair, rehabilitation, demolition, or removal of
9 buildings and improvements.

10 3. Appraisals, title searches, surveys, studies, and
11 other plans and work necessary to prepare for the undertaking
12 of community redevelopment and related activities.

13 (i) To develop, test, and report methods and
14 techniques, and carry out demonstrations and other activities,
15 for the prevention and the elimination of slums and urban
16 blight and developing and demonstrating new or improved means
17 of providing housing for families and persons of low income.

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

20 (k) To prepare plans for and assist in the relocation
21 of persons (including individuals, families, business
22 concerns, nonprofit organizations, and others) displaced from
23 a community redevelopment area and to make relocation payments
24 to or with respect to such persons for moving expenses and
25 losses of property for which reimbursement or compensation is
26 not otherwise made, including the making of such payments
27 financed by the Federal Government.

28 (l) To appropriate such funds and make such
29 expenditures as are necessary to carry out the purposes of
30 this part; to zone or rezone any part of the county or
31 municipality or make exceptions from building regulations; and

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1 to enter into agreements with a housing authority, which
2 agreements may extend over any period, notwithstanding any
3 provision or rule of law to the contrary, respecting action to
4 be taken by such county or municipality pursuant to any of the
5 powers granted by this part.

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

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

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

21 ~~(o)(p)~~ To develop and implement community policing
22 innovations.

23 ~~(3)(2)~~ The following projects may not be paid for or
24 financed by increment revenues:

25 (a) Construction or expansion of administrative
26 buildings for public bodies or police and fire buildings,
27 unless each taxing authority agrees to such method of
28 financing for the construction or expansion, or unless the
29 construction or expansion is contemplated as part of a
30 community policing innovation.

31 (b) Installation, construction, reconstruction,

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1 repair, or alteration of any publicly owned capital
 2 improvements or projects which are not an integral part of or
 3 necessary for carrying out the community redevelopment plan if
 4 such projects or improvements are normally financed by the
 5 governing body with user fees or if such projects or
 6 improvements would be installed, constructed, reconstructed,
 7 repaired, or altered within 3 years of the approval of the
 8 community redevelopment plan by the governing body pursuant to
 9 a previously approved public capital improvement or project
 10 schedule or plan of the governing body which approved the
 11 community redevelopment plan.

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

15 ~~(4)(3)~~ With the approval of the governing body, a
 16 community redevelopment agency may:

17 (a) Prior to approval of a community redevelopment
 18 plan or approval of any modifications of the plan, acquire
 19 real property in a community redevelopment area by purchase,
 20 lease, option, gift, grant, bequest, devise, or other
 21 voluntary method of acquisition, demolish and remove any
 22 structures on the property, and pay all costs related to the
 23 acquisition, demolition, or removal, including any
 24 administrative or relocation expenses.

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

29 Section 11. Section 163.375, Florida Statutes, is
 30 repealed.

31 Section 12. Section 163.380, Florida Statutes, is

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1 amended to read:

2 163.380 Disposal of property in community
3 redevelopment area.--The disposal of property in a community
4 redevelopment area which is acquired by eminent domain is
5 subject to the limitations set forth in s. 73.013.

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

31 (2) Such real property or interest shall be sold,

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1 leased, otherwise transferred, or retained at a value
2 determined to be in the public interest for uses in accordance
3 with the community redevelopment plan and in accordance with
4 such reasonable disposal procedures as any county,
5 municipality, or community redevelopment agency may prescribe.
6 In determining the value of real property as being in the
7 public interest for uses in accordance with the community
8 redevelopment plan, the county, municipality, or community
9 redevelopment agency shall take into account and give
10 consideration to the long-term benefits to be achieved by the
11 county, municipality, or community redevelopment agency
12 resulting from incurring short-term losses or costs in the
13 disposal of such real property; the uses provided in such
14 plan; the restrictions upon, and the covenants, conditions,
15 and obligations assumed by, the purchaser or lessee or by the
16 county, municipality, or community redevelopment agency
17 retaining the property; and the objectives of such plan for
18 the prevention of the recurrence of slum or blighted areas. In
19 the event the value of such real property being disposed of is
20 for less than the fair value, such disposition shall require
21 the approval of the governing body, which approval may only be
22 given following a duly noticed public hearing. The county,
23 municipality, or community redevelopment agency may provide in
24 any instrument of conveyance to a private purchaser or lessee
25 that such purchaser or lessee is without power to sell, lease,
26 or otherwise transfer the real property without the prior
27 written consent of the county, municipality, or community
28 redevelopment agency until the purchaser or lessee has
29 completed the construction of any or all improvements which he
30 or she has obligated himself or herself to construct thereon.
31 Real property acquired by the county, municipality, or

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1 community redevelopment agency which, in accordance with the
 2 provisions of the community redevelopment plan, is to be
 3 transferred shall be transferred as rapidly as feasible in the
 4 public interest, consistent with the carrying out of the
 5 provisions of the community redevelopment plan. Any contract
 6 for such transfer and the community redevelopment plan, or
 7 such part or parts of such contract or plan as the county,
 8 municipality, or community redevelopment agency may determine,
 9 may be recorded in the land records of the clerk of the
 10 circuit court in such manner as to afford actual or
 11 constructive notice thereof.

12 (3)(a) Prior to disposition of any real property or
 13 interest therein in a community redevelopment area, any
 14 county, municipality, or community redevelopment agency shall
 15 give public notice of such disposition by publication in a
 16 newspaper having a general circulation in the community, at
 17 least 30 days prior to the execution of any contract to sell,
 18 lease, or otherwise transfer real property and, prior to the
 19 delivery of any instrument of conveyance with respect thereto
 20 under the provisions of this section, invite proposals from,
 21 and make all pertinent information available to, private
 22 redevelopers or any persons interested in undertaking to
 23 redevelop or rehabilitate a community redevelopment area or
 24 any part thereof. Such notice shall identify the area or
 25 portion thereof and shall state that proposals must be made by
 26 those interested within 30 days after the date of publication
 27 of the notice and that such further information as is
 28 available may be obtained at such office as is designated in
 29 the notice. The county, municipality, or community
 30 redevelopment agency shall consider all such redevelopment or
 31 rehabilitation proposals and the financial and legal ability

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1 of the persons making such proposals to carry them out; and
 2 the county, municipality, or community redevelopment agency
 3 may negotiate with any persons for proposals for the purchase,
 4 lease, or other transfer of any real property acquired by it
 5 in the community redevelopment area. The county, municipality,
 6 or community redevelopment agency may accept such proposal as
 7 it deems to be in the public interest and in furtherance of
 8 the purposes of this part. Except in the case of a governing
 9 body acting as the agency, as provided in s. 163.357, a
 10 notification of intention to accept such proposal must be
 11 filed with the governing body not less than 30 days prior to
 12 any such acceptance. Thereafter, the county, municipality, or
 13 community redevelopment agency may execute such contract in
 14 accordance with the provisions of subsection (1) and deliver
 15 deeds, leases, and other instruments and take all steps
 16 necessary to effectuate such contract.

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

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

31 2. The expanded area is less than 35 percent of the

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1 land area of the original project.

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

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

12 (5) If any conflict exists between the provisions of
13 this section and s. 159.61, the provisions of this section
14 govern and supersede those of s. 159.61.

15 (6) Notwithstanding any provision of this section, if
16 a community redevelopment area is established by the governing
17 body for the redevelopment of property located on a closed
18 military base within the governing body's boundaries, the
19 procedures for disposition of real property within that
20 community redevelopment area shall be prescribed by the
21 governing body, and compliance with the other provisions of
22 this section shall not be required prior to the disposal of
23 real property.

24 Section 13. Section 166.401, Florida Statutes, is
25 amended to read:

26 166.401 Right of eminent domain; procedure; compliance
27 with limitations.--

28 (1) All municipalities in the state may exercise the
29 right and power of eminent domain; that is, the right to
30 appropriate property within the state, except state or federal
31 property, for the uses or purposes authorized pursuant to this

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1 part. The absolute fee simple title to all property so taken
2 and acquired shall vest in such municipal corporation unless
3 the municipality seeks to condemn a particular right or estate
4 in such property.

5 (2) Each municipality is further authorized to
6 exercise the eminent domain power granted to the Department of
7 Transportation in s. 337.27(1) and the transportation corridor
8 protection provisions of s. 337.273.

9 (3) The local governing body of a municipality may not
10 exercise its power of eminent domain unless the governing body
11 adopts a resolution authorizing the acquisition of a property,
12 real or personal, by eminent domain for any municipal use or
13 purpose designated in such resolution.

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

16 Section 14. Section 166.411, Florida Statutes, is
17 amended to read:

18 166.411 Eminent domain; uses or purposes.--Subject to
19 the limitations set forth in ss. 73.013 and 73.014,
20 municipalities are authorized to exercise the power of eminent
21 domain for the following uses or purposes:

22 (1) For the proper and efficient carrying into effect
23 of any proposed scheme or plan of drainage, ditching, grading,
24 filling, or other public improvement deemed necessary or
25 expedient for the preservation of the public health, or for
26 other good reason connected in anywise with the public welfare
27 or the interests of the municipality and the people thereof;

28 (2) Over railroads, traction and streetcar lines,
29 telephone and telegraph lines, all public and private streets
30 and highways, drainage districts, bridge districts, school
31 districts, or any other public or private lands whatsoever

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1 necessary to enable the accomplishment of purposes listed in
2 s. 180.06;

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

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

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

9 (6) For reclaiming and filling when lands are low and
10 wet, or overflowed altogether or at times, or entirely or
11 partly;

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

13 (7)~~(8)~~ For the use of water pipes and for sewerage and
14 drainage purposes;

15 (8)~~(9)~~ For laying wires and conduits underground; and

16 (9)~~(10)~~ For city buildings, waterworks, ponds, and
17 other municipal purposes which shall be coextensive with the
18 powers of the municipality exercising the right of eminent
19 domain. ~~and~~

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

24
25

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

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29

30 and insert:

31 A bill to be entitled

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1 An act relating to eminent domain; creating s.
2 73.013, F.S.; restricting certain transfers of
3 property taken by eminent domain to certain
4 natural persons or private entities; preserving
5 the government entity communications services
6 eminent domain limitation; creating s. 73.014,
7 F.S.; prohibiting the exercise of eminent
8 domain to eliminate nuisance, slum, or blight
9 conditions; amending s. 73.021, F.S.;
10 clarifying that use for eminent domain means
11 public use or public purpose; amending s.
12 127.01, F.S.; providing that a county
13 exercising eminent domain must strictly comply
14 with the limitations in ss. 73.013 and 73.014,
15 F.S.; amending s. 127.02, F.S.; requiring that
16 a board of county commissioners adopt a
17 resolution in order to acquire a property
18 through the use of eminent domain; providing
19 that a county exercising eminent domain must
20 strictly comply with the limitations in ss.
21 73.013 and 73.014, F.S.; amending s. 163.335,
22 F.S.; removing eminent domain from the scope of
23 findings and declarations of necessity under
24 the Community Redevelopment Act; providing that
25 the prevention or elimination of a slum area or
26 blighted area does not satisfy the requirement
27 under the State Constitution that a taking be
28 for a public purpose; amending s. 163.340,
29 F.S.; conforming a cross-reference; amending s.
30 163.345, F.S.; prescribing limitations on the
31 disposition of property related to certain

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1 efforts to encourage the participation of
2 private enterprise in community redevelopment;
3 amending s. 163.358, F.S.; clarifying the scope
4 of the power of community redevelopment by a
5 county or municipality and the authority and
6 limitations on delegation to a community
7 redevelopment agency; prohibiting the
8 delegation of the power of eminent domain to a
9 community redevelopment agency; conforming a
10 cross-reference; amending s. 163.370, F.S.;
11 clarifying limitations on the exercise of
12 eminent domain in the context of community
13 redevelopment; clarifying the manner in which
14 property may be acquired; deleting the
15 authority to delegate the power of eminent
16 domain to a community redevelopment agency;
17 repealing s. 163.375, F.S., relating to the
18 authority of a county, municipality, or
19 community redevelopment agency to exercise the
20 power of eminent domain in connection with
21 community redevelopment for the purpose of
22 preventing and eliminating slums and blight;
23 amending s. 163.380, F.S.; subjecting the
24 disposal of property acquired by eminent domain
25 within a community redevelopment area to
26 certain restrictions; eliminating the authority
27 to use eminent domain to acquire certain areas
28 adjacent to disposed property; amending s.
29 166.401, F.S.; requiring that the governing
30 body of a municipality adopt a resolution in
31 order to acquire a property through the use of

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1 eminent domain; providing that a municipality
2 exercising eminent domain must strictly comply
3 with the limitations in ss. 73.013 and 73.014,
4 F.S.; amending s. 166.411, F.S.; providing that
5 the exercise of eminent domain by a
6 municipality is subject to the limitations in
7 ss. 73.013 and 73.014, F.S.; eliminating the
8 authority of a municipality to use eminent
9 domain for the abatement of nuisances;
10 providing applicability; providing an effective
11 date.

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