

Miami Beach
Redevelopment Agency

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Irwin Sawitz
Chairman

Marwin Cassel
Vice Chairman

Norman Braman
Stephen Muss
Max Serchuk

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Miami Beach Redevelopment Agency
Miami Beach City Hall
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Miami Beach, Florida 33139
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January 13, 1983

Chairman Norman Ciment
Vice-Chairman Malcolm Fromberg
Commissioner Alex Daoud
Commissioner Sy Eisenberg
Commissioner Leonard Haber
Commissioner Bruce Singer
Commissioner Leonard Weinstein

Dear Chairman and Commissioners:

I am enclosing for your permanent records the two governing documents of the Miami Beach Redevelopment Agency:

1. The Agency By-Laws
2. Florida Statutes §§ 163.330-163.450

If you have any questions, please call me.

Yours very truly,

John Ritter

John A. Ritter
Acting General Counsel

JAR/cm
Enc.

cc: Executive Director, Rob Parkins
Secretary, Elaine Matthews ✓

South Shore

BY-LAWS OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MIAMI BEACH, FLORIDA

ARTICLE I - THE AGENCY

Section 1. Name. The official name of the Agency shall be "Miami Beach Redevelopment Agency".

Section 2. Seal. The seal of the Agency shall be in the form of a circle, the outer rim of which shall bear the name of the Agency and the date of its organization, February 17, 1976.

Section 3. Office and Place of Meeting. The main office of the Agency shall be at Miami Beach City Hall, Miami Beach, Florida or such other place as may be designated by the Agency from time to time.

del X Section 4. Members and Terms. There shall be five (5) ⁷ members of the Agency designated by the governing body of the City of Miami Beach (City Commission). The members shall be appointed to and serve staggered terms, as provided in the F.S. 163.356(2). Reference to the members as a whole shall be "Board of Commissioners"; an individual member shall be referred to as "Commissioner", all in accordance with the provisions of F.S. 163.356(2).

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Section 5. Powers. The powers of the Agency shall be vested in the Commissioners thereof then in office who reserve unto themselves the right to delegate by resolution such powers as appropriate, within a suitable framework.

Section 6. Compensation. The Commissioners shall serve without compensation from the Agency and shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties.

ARTICLE II - OFFICERS

Section 21. Regular Officers. Regular officers of the Agency shall be a Chairman, Vice-Chairman, Secretary, Treasurer, Executive Director and Deputy Executive Director, if authorized by the Agency.

Section 22. Additional Officers and Assistant Officers. The Agency may, by resolution, appoint such additional officers or assistant officers, establishing such terms of office and defining such duties therefor as the Agency may determine necessary or desirable.

Section 23. General Counsel. The Agency shall engage General Counsel and delegate to such Counsel such authority and responsi-

bilities as the Agency deems necessary to provide the legal services required by the Agency. The Agency shall further engage such consultants, experts and specialists as it may require to fully carry out its objectives.

Section 24. Chairman. The Chairman of the Agency shall be appointed by the Miami Beach City Commission. The term of office shall be such period as established by the governing body not to exceed the period for which the Commissioner has been appointed. The Chairman shall: preside at all meetings of the Agency; submit at each meeting such information and recommendations to the Agency as considered proper concerning the business, policies, and affairs of the Agency; except as otherwise authorized or directed by resolution of the Agency, the Chairman shall sign all contracts, deeds and other instruments executed by the Agency.

Section 24A. Vice-Chairman. The Vice-Chairman shall be appointed by the Miami Beach City Commission for a term of office to be such period as established by the City Commission not to exceed the period for which the Commissioner has been appointed. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman until such

time as a new Chairman is designated as provided by law.

In the absence of the Chairman and Vice-Chairman, the Commissioners shall select a Commissioner present as temporary Chairman for the purpose of conducting meetings and performing the duties of the Chairman.

Section 24B. Secretary. The Secretary shall be a person appointed by the Chairman and shall serve at the pleasure of the Chairman. The Secretary shall perform or be responsible for supervision of performance of the following functions: keeping the records of the Agency; acting as Secretary of the meetings of the Agency and recording all votes; and keeping a journal of proceedings of the Agency; keeping in safe custody the seal of the Agency and with the power to affix such seal to all contracts and instruments authorized to be executed by the Agency and to all necessary certifications of records of official proceedings; maintaining a record of all official proceedings of the City of Miami Beach, Dade County, and the State of Florida relevant to the Agency and the redevelopment program. In the absence of the Secretary at a meeting, a Commissioner shall be designated to act as Secretary.

The Secretary shall perform such other duties as the Agency shall determine and assign.

Section 24C. Treasurer. The Treasurer of the Agency shall be a Commissioner appointed by the Chairman and serve at the pleasure of the Chairman, have the care and custody responsible of all funds of the Agency and shall deposit them in the name of the Agency with the Treasurer of the City of Miami Beach or in such bank or banks as the Agency may select.

Section 24D. Executive Director. The Executive Director shall be appointed by the Agency and shall serve at the pleasure of the Agency. The Executive Director shall: be the chief executive of the Agency; be responsible for the effectuation of the Agency's policies, the authorization and certification of budgets and related documents involved in the financial affairs of the Agency; be in charge of supervision of the staff of the Agency, the carrying out of liaison with City, State and Federal Agencies participating in the program, and public information; and, when directed and authorized by resolution of the Commissioners, shall act for the Agency.

Section 25. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency or the by-laws or rules and regulations of the Agency.

Section 26. Vacancies. Should the office of Chairman or

or Vice-Chairman become vacant, the Agency shall elect an acting successor from among its remaining Commissioners to serve as such until the governing body has replaced said Commissioner. Should any other office become vacant, the Agency shall appoint a successor within a reasonable time or by resolution determine that such office shall remain vacant for a definite or indefinite period of time.

Section 27. Additional Personnel. The Agency may from time to time appoint or employ such permanent and temporary agents, officers, counsel and employees as it deems necessary to exercise its powers, duties, and functions as prescribed by statute, and determine their qualifications, duties, and compensation subject to statutory limitations and the availability of funds.

Section 28. Selection of Officers. Officers not appointed by the City Commission shall be appointed by the Chairman at the first regular meeting of the Agency following the Chairman's appointment.

Section 29. Organizational Structure. The functions and objectives of the Agency shall be carried out in accordance with the structure of organization which is attached to these By-Laws and made a part hereof. Said structure of organization shall be subject to amendment from time to time in the manner provided for amendment of these By-Laws.

ARTICLE III - MEETINGS

Section 31. Regular Meetings. Regular meetings shall be held at the Miami Beach City Hall Commission Chambers on the first and third Wednesdays of each month at 9:00 A.M. If the Regular meeting day is a legal holiday, such meeting shall be held the next business day.

Section 32. Special Meetings. Special meetings of the Agency may be called for any time and/or place by the Chairman or by a majority of the Commissioners of the Agency, by delivering personally or by mail written notice to each Commissioner of the Agency, specifying the time and place of the Special meeting and the business to be transacted. No other business shall be considered at such meeting by the Agency.

Section 33. Emergency Meetings. Emergency meetings of the Agency may be called for any time and/or place by the Chairman or a majority of the Commissioners of the Agency by personal or telephonic notice to the Commissioners, specifying the time and place of the Emergency meeting and the business to be transacted. No other business shall be considered at such meeting.

Section 34. Attendance. All Agency meetings shall be open

to the public and be held in accordance with the provisions of Florida Statute 286.011.

Fact finding sessions and administrative conferences where more than one Commissioner is present shall not be deemed an Agency meeting provided that the Commissioners present do not make a final decision or a decision which can reasonably be construed to lead to a final Agency decision, nor discuss with each other their individual findings and conclusions.

Section 35. Public Notice.

Subsection A. Regular Meetings. The provisions of these By-Laws as relate to Regular meetings shall be distributed to each local newspaper of general circulation and to each radio and television station having its operating base in Dade County as official notice of prescribed Regular meetings. Additional notice of Regular meetings shall be distributed by or at the direction of the Executive Director, as may be deemed desirable, but such additional notice shall be as a courtesy and not as a requisite. In the event of change of time or place of a Regular meeting, notice thereof shall be provided to the parties and in the manner set forth in Subsection "B" hereafter.

Subjection B. Special Meetings. Notice of Special meetings or a changed time or place for Regular meetings shall be in

writing and personally delivered or transmitted by mail to each local newspaper of general circulation and radio and television station having its operating base in Dade County who has filed a written request with the Agency for such notice, so that such notice is received at least 24 hours prior to the time set for such meeting. Notice shall likewise be posted on the bulletin board at Agency Headquarters.

Subsection C. Emergency Meetings. Notice of Emergency meetings shall be transmitted verbally, personally or telephonically in the most expeditious manner available under the circumstances in the judgment of the Executive Director to such news media as described in Subsection "B" above. Notice shall also be posted on the bulletin board at Agency Headquarters, if to do so will be feasible under the circumstances.

Subsection D. Recessed and Continued Meetings. Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is recessed to a time and place certain, there shall be no requirement for service of notice of the time and place of continuation of said meeting other than or in addition to the original meeting notice.

Section 36. Quorum. Three Commissioners of the Agency shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other official purposes, but a smaller number may adjourn from time to time until a quorum is obtained.

Section 37. Voting. Every official act of the Agency shall be adopted by a majority vote. A "majority vote" shall mean a majority of all Commissioners present when a quorum is present.

Section 38. Order of Business. At the Regular meetings of the Agency, the following shall be the order of business:

1. Roll Call
2. Approval of Minutes
3. Special Appearances
4. Report of Chairman
5. Report of Executive Director
6. Reports of Staff Members
7. Report of Committees
8. Correspondence
9. Unfinished Business
10. New Business
11. Matters Not Appearing on Agenda
12. Adjournment

Section 39. Parliamentary Procedure. The rules of Parliamentary Procedure set forth in Robert's Rules of Order, Revised shall govern all meetings of the Agency, except as otherwise herein provided.

ARTICLE IV - AMENDMENTS

Section 41. Amendments to By-Laws. These By-Laws may be amended by the Agency at any Regular or Special meeting by majority vote, provided that the proposed amendment to any particular section is included in the notice of such meeting.

PART III

COMMUNITY REDEVELOPMENT

- 163.330 Short title.
- 163.335 Findings and declarations of necessity.
- 163.340 Definitions.
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- 163.410 Exercise of powers in counties with home rule charters.
- 163.415 Exercise of powers in counties without home rule charters.
- 163.430 Powers supplemental to existing community redevelopment powers.
- 163.445 Assistance to community redevelopment by state agencies.
- 163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.

163.330 Short title.—This part shall be known and may be cited as the "Community Redevelopment Act of 1969."

History.—s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.—

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

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

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

History.—s. 2, ch. 69-305.

163.340 Definitions.—The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by s. 163.356 or s. 163.357.

(2) "Public body" means the state or any county, municipality, authority, district, or any other public body of the state.

(3) "Governing body" means the council or other legislative body charged with governing the county or municipality.

(4) "Mayor" means the mayor of a municipality or, for a county, the chairman of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) "Clerk" means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) "Federal Government" includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.

(8) "Blighted area" means either:

(a) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
3. Unsanitary or unsafe conditions;
4. Deterioration of site or other improvements;
5. Tax or special assessment delinquency exceeding the fair value of the land; and
6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

However, for purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area described in paragraph (a).

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or

any combination or part thereof in accordance with a community redevelopment plan.

(10) "Community redevelopment area" means a slum area or a blighted area or a combination thereof which the governing body designates as appropriate for a community redevelopment project.

(11) "Community redevelopment plan" means a plan, as it exists from time to time, for a community redevelopment project.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365; and

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

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

History.—s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44.

163.345 Encouragement of private enterprise.—Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising

its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

History.—s. 4, ch. 69-305.

163.350 Workable program.—Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History.—s. 5, ch. 69-305.

163.355 Finding of necessity by counties or municipalities.—No county or municipality shall exercise the authority conferred by this part until after the governing body shall have adopted a resolution finding that:

(1) One or more slum or blighted areas exist in such county or municipality; and,

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History.—s. 6, ch. 69-305.

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by

a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. The community redevelopment agency of a county shall have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan and project proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of five commissioners. Terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and two members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

(3)(a) A commissioner shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside or are engaged in business, which shall mean owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and are otherwise eligible for such appointments under this part.

(c) The governing body of the county or municipality shall designate a chairman and vice chairman from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body and with the Auditor General, on or before March 31 of each year, a report of its activities for the preceding

calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.—s. 2, ch. 77-391.

163.357 Governing body as the community redevelopment agency.—

(1) As an alternative to the appointment of five members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be the agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency shall be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(2) Nothing in this part shall prevent the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency shall be subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400.

163.358 Exercise of powers in carrying out community redevelopment project and related activities.—The community redevelopment powers assigned to a community redevelopment agency created under s. 163.356 shall include all the powers nec-

essary or convenient to carry out and effectuate the purposes and provisions of this part, except the following, which shall continue to vest in the governing body of the county or municipality:

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

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

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

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

History.—s. 2, ch. 77-391; s. 70, ch. 81-259.

163.360 Community redevelopment plans.—

(1) A community redevelopment project for a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area or a blighted area, or a combination thereof, and designated such area as appropriate for a community redevelopment project.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Local Government Comprehensive Planning Act of 1975.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within said 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment project.

(4) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing

body shall then proceed with the hearing on the proposed community redevelopment project as prescribed by subsection (5).

(5) The governing body shall hold a public hearing on a community redevelopment project after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment project under consideration.

(6) Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

(7) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area shall not be so acquired unless:

(a) In the event the area is to be developed for residential uses, the governing body shall determine:

1. That a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas;

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

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

(b) In the event the area is to be developed for nonresidential uses, the governing body shall determine that:

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

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

- a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;
- b. Tax delinquency;
- c. Improper subdivisions;
- d. Outmoded street patterns;
- e. Deterioration of site;
- f. Economic disuse;
- g. Unsuitable topography or faulty lot layouts;
- h. Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or
- i. Any combination of such factors or other conditions which retard development of the area.

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

(9) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe, respecting which the Governor has certified the need for disaster assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and a community redevelopment project with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment project.

History.—s. 7, ch. 69-305; s. 3, ch. 77-391.

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the project area to add land to or exclude land from the project area.

(2) The governing body shall hold a public hearing on a proposed modification of a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

History.—s. 4, ch. 77-391.

163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(2) Show by diagram and in general terms:

(a) The approximate amount of open space to be provided and the street layout.

(b) Limitations on the type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.

(3) If the project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of financing the redevelopment of the project area.

(5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.

(8) Provide an element of residential use in the project area if such use exists in the area prior to the adoption of the plan.

History.—s. 5, ch. 77-391.

163.365 Neighborhood and communitywide plans.—

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

(a) Outlines the community redevelopment activities proposed for the area involved;

(b) Provides a framework for the preparation of community redevelopment plans; and

(c) Indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History.—s. 8, ch. 69-305.

163.367 Public officials, commissioners, and employees prohibited from acquiring an interest.—

(1) No public official or employee of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency which has been vested by any county or municipality with community redevelopment powers under s. 163.356 or s. 163.357, shall voluntarily or involuntarily acquire any personal interest, direct or indirect, in any community redevelopment project, in any property included or planned to be included in any community redevelopment project of such county or municipality, or in any contract or proposed contract in connection with such community redevelopment project.

(2) In the event of involuntary acquisition, the interest acquired shall be immediately disclosed in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment project, he shall immediately disclose this fact in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner, or employee shall not participate in any action by the county or municipality, or board or commission thereof, or community redevelopment agency affecting such property. Any disclosure required to be made by this section to the governing body shall concurrently be made to a community redevelopment agency which has been vested with community redevelopment powers by the county or municipality pursuant to the provisions of s. 163.356 or s. 163.357.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his commissionership or office with respect to such community redevelopment agency, board, or commission.

(4) Any violation of the provisions of this section shall constitute misconduct in office.

History.—s. 6, ch. 77-391; s. 76, ch. 79-400.

163.370 Powers; counties and municipalities; agencies.—

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

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part; to disseminate slum clearance and community redevelopment information; and to undertake and carry out community redevelopment projects and related activities within its area of operation, such projects to include:

1. Acquisition of a slum area or a blighted area or portion thereof.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

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

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

6. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed

specifically for, and limited to, families and individuals of low or moderate income.

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

(b) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a community redevelopment project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment project and related activities, and to include in any contract let in connection with such a project and related activities provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(c) Within its area of operation:

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

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property (or personal property for its administrative purposes), together with any improvements thereon.

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

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

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

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

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

(e) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government or the state, county, or other public body, or from any sources, public or private, for the purposes of this part, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include

in any contract for financial assistance with the Federal Government for or with respect to a community redevelopment project and related activities such conditions imposed pursuant to federal laws as the county or municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this part.

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

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

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

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

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

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

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

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

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

(l) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved, and

to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

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

(2) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

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

History.—s. 9, ch. 69-305; s. 7, ch. 77-391.

163.375 Eminent domain.—

(1) Any county, municipality, or community redevelopment agency as provided by any county or municipal ordinance shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for, or in connection with, a community redevelopment project and related activities under this part. Any county, municipality, or community redevelopment agency as provided by any county or municipal ordinance may exercise the power of eminent domain in the manner provided in chapters 73 and 74 and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner. However, no real property belonging to the United States, the state, or any political subdivision of the state may be acquired without its consent.

(2) In any proceeding to fix or assess compensation for damages for the taking of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages in addition to evidence or testimony otherwise admissible:

(a) Any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law, ordinance, or regulatory measure of the state, county, municipality, or other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, unsanitary, or otherwise contrary to the public health, safety, morals, or welfare;

(b) The effect on the value of such property, of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation.

(3) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination, or correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has rendered, made, or issued any judgment, decree, determination, or order for the abatement, prohibition, elimination, or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition, or operation.

History.—s. 10, ch. 69-305; s. 8, ch. 77-391.

163.380 Disposal of property in community redevelopment area.—

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for a community redevelopment project or in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan, and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the community redevelopment plan and in accordance with such reasonable competitive bidding procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the fair value of real property for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The county, municipality, or community redevel-

opment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals shall be made by those interested within 30 days after the date of publication of said notice and that such further information as is available may be obtained at such office as shall be designated in said notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the county, municipality, or community redevelopment agency in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part; however, a notification of intention to accept such proposal shall be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community

redevelopment area for or in connection with a community redevelopment project pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

History.—s. 11, ch. 69-305; s. 9, ch. 77-391.

163.385 Issuance of revenue bonds.—

(1) When authorized by resolution or ordinance of the governing body, every county, municipality, or community redevelopment agency shall have power in its corporate capacity, in its discretion, to issue negotiable redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment project under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall have power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment project and such other revenues as may be legally available. In anticipation of the sale of such revenue bonds, the county, municipality, or community redevelopment agency may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold

in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this part shall be fully negotiable.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has been issued by the county, municipality, or community redevelopment agency in connection with a community redevelopment project, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

History.—s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400.

163.387 Redevelopment trust fund.—

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each community redevelopment project it undertakes. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between:

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment project; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance approving the community redevelopment plan.

(2) Upon the establishment of a redevelopment trust fund as herein provided, each taxing authority except school districts shall annually appropriate to

such fund a sum which is no less than the increment of ad valorem tax revenues as defined and determined in paragraphs (1)(a) and (b) accruing to said taxing authority.

(3) The obligation of a local governing body to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of a community redevelopment project have been paid, but only to the extent that the tax increment described in this section accrues.

(4) The revenue bonds and notes of every issue under this part shall be payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes shall have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. The redevelopment trust fund shall receive the tax increment described in this section only as, if, and when such taxes are collected.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the local governing body or the state or any political subdivision thereof, or a pledge of the faith and credit of the local governing body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the local governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

History.—s. 11, ch. 77-391; s. 78, ch. 79-400.

163.390 Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community development agency vested with community redevelopment project powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations.

Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History.—s. 13, ch. 69-305; s. 12, ch. 77-391.

163.395. Property exempt from taxes and from levy and sale by virtue of an execution.—

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment projects.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption shall terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History.—s. 14, ch. 69-305; s. 13, ch. 77-391.

163.400 Cooperation by public bodies.—

(1) For the purpose of aiding in the planning, undertaking, or carrying out of a community redevelopment project and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance, from the Federal Government, the state, county or other public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county or municipality, or other public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing

of funds or other assistance in connection with a community redevelopment project and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any community redevelopment project is held by any public body or governmental agency, other than the county or municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment projects and related activities, including any agency or instrumentality of the United States, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" shall also include a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community redevelopment project and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it may determine, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of a community redevelopment project and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History.—s. 15, ch. 69-305; s. 14, ch. 77-391; s. 79, ch. 79-400.

163.405 Title of purchaser.—Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar

as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.
History.—s. 16, ch. 69-305; s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.—In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.

History.—s. 17, ch. 69-305.

163.415 Exercise of powers in counties without home rule charters.—The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

History.—s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.—The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Dade County, or under the provision of the charter of the consolidated City of Jacksonville.

History.—s. 21, ch. 69-305.

163.445 Assistance to community redevelopment by state agencies.—State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for a community redevelopment project as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.

History.—s. 25, ch. 69-305; s. 16, ch. 77-391.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.—Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.

History.—s. 26, ch. 69-305.

PART IV

REGIONAL TRANSPORTATION AUTHORITIES

- 163.565 Short title.
- 163.566 Definitions.
- 163.567 Regional transportation authorities.
- 163.568 Purposes and powers.
- 163.569 Exemption from regulation.
- 163.570 Special region taxation.
- 163.571 Issuance of bonds.
- 163.572 Expansion of area.

163.565 Short title.—This part shall be known and may be cited as the "Regional Transportation Authority Law."

History.—s. 1, ch. 71-373; s. 1, ch. 73-278.

163.566 Definitions.—As used in this part, and unless the context clearly indicates otherwise:

(1) "Authority" means a body politic and corporate created pursuant to this part.

(2) "Member" means the municipality, county, or political subdivision which, in combination with another member or members, comprises the authority.

(3) "Board of directors," hereinafter referred to as the board, means the governing body of the authority.

(4) "Director" means a person appointed to the board by a member. No person who serves without salary as a director or in any other appointed position of the authority shall be in violation of s. 99.012(2) by reason of holding such office.

(5) "Regional transportation area" means that area the boundaries of which are identical to the boundaries of the political subdivisions or other legal entities which constitute the authority.

(6) "Municipality" means any city with a population of over 50,000 within the regional transportation area.

(7) "County" means any county within the regional transportation area.

(8) "Public transportation" means transportation of passengers by means, without limitation, of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier within the regional transportation area, including charter service therein.

(9) "Public transportation system" means, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, plants, vehicle parking or other facilities, and