

**CITY OF MIAMI
OFFICE OF THE CITY ATTORNEY
LEGAL OPINION - #08-001**

TO: James H. Villacorta, Executive Director
Southeast Overtown Park West Community Redevelopment Agency
FROM: Maria J. Chiaro, Interim City Attorney
DATE: February 29, 2008
RE: SEOPW Expending Tax Increment Funds for Community Policing
in the CRA

You have requested a legal opinion on the following question:

**WHETHER THE SOUTHEAST OVERTOWN/PARK WEST
COMMUNITY REDEVELOPMENT AGENCY (“SEOPW”)
MAY EXPEND TAX INCREMENT FUNDS (“TIF”) FOR
COMMUNITY POLICING INNOVATIONS IN THE CRA?**

ANSWER

For the reasons set forth below, your question is answered in the affirmative.

ANALYSIS

Section 163.340(23), Fla. Stat. 2007 defines “community policing innovation” as follows:

[A] policing technique or strategy designed to reduce crime by educating opportunities for, and increasing the perceived risks of engaging in criminal activity through visible presence of police in the community, including but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

Powers of the Governing Body:

Any references made to “related activities” in Chapter 163, Fla. Stat., include, *inter alia*, the development of community policing innovations. See § 163.340(12)(d). As noted in § 163.358(5), Fla. Stat., *exercise of powers in carrying out community redevelopment and related activities*, a county or municipality may delegate such powers to a community redevelopment agency except, *inter alia*, the power to approve the development of community policing innovations, which will continue to vest in the governing body. See *Striton Properties, Inc. v. City of Jacksonville Beach*, 533 So. 2d 1174, 1176 (Fla.1st DCA 1988). Section 163.370(2)(o), Fla. Stat. provides that “[e]very 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: To develop and implement community policing innovations.”

Community Redevelopment Plan:

A community redevelopment plan is a description of a community redevelopment project that the community redevelopment agency may undertake. *State of Florida v. Miami Beach Redevelopment Agency*, 392 So. 2d (Fla. 1981), *Panama City Beach Community Redevelopment Agency v. State of Florida*, 831 So. 2d 662 (Fla. 2002). A community redevelopment plan may provide for the development and implementation of community policing innovations. See § 163.360(3), Fla. Stat. Moreover, § 163.387(6)(h), Fla. Stat. states in pertinent part that the TIF may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan for purposes such as the development of community policing innovations.

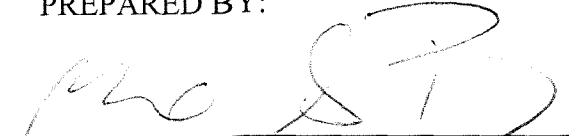
The SEOPW Redevelopment Plan, December 1982 (Amended October 1985) (“Redevelopment Plan”) is very broad relative to its redevelopment objectives. Nonetheless, in Section III (B) of the Plan, Redevelopment Objectives, Overtown (Overtown Redevelopment Plan), the following objective is specifically stated: “Emphasize crime prevention and maintain security in the area.” Consequently, since community-policing innovations are expressed as an objective in the Redevelopment Plan, it is unnecessary to peg community-policing innovations under the broad provisions of the Redevelopment Plan although, arguably, community-policing innovations fall within the broad provisions of the Redevelopment Plan.

CONCLUSION

Chapter 163, Florida Statutes provides for the use of tax increment funds for community policing innovations in a community redevelopment area as described in its community redevelopment plan. Therefore, to the extent that the community policing innovations fall within


the course and scope of the SEOPW Redevelopment Plan, the granting of funds for this purpose is a permissible use of the TIF.

PREPARED BY:



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