

Bill No. HB 349, 2nd Eng.

Amendment No.     

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

·  
·  
·  
·  
·

---

Senator Horne moved the following amendment to amendment (592272):

**Senate Amendment (with title amendment)**

On page 50, between lines 20 and 21,

insert:

Section 22. Effective July 1, 2001, subsections (3) and (22) of section 163.340, Florida Statutes, are amended and subsection (24) is added to that section to read:

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

(3) "Governing body" means the council or other legislative body charged with governing the county or municipality which made the finding described in s. 163.355.

(22) "Increment revenue" means the revenue amount calculated pursuant to s. 163.387(1).

(24) "Sales tax increment revenues" means the revenues calculated and deposited in the redevelopment trust fund as provided in s. 163.387(1)(c).

Section 23. Effective July 1, 2001, subsection (1) of

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 section 163.345, Florida Statutes, is amended to read:

2 163.345 Encouragement of private enterprise.--

3 (1) Any county or municipality, to the greatest extent  
4 it determines to be feasible in carrying out the provisions of  
5 this part, shall afford maximum opportunity, consistent with  
6 the sound needs of the county or municipality as a whole, to  
7 the rehabilitation or redevelopment of the community  
8 redevelopment area by private enterprise. Any county or  
9 municipality shall give consideration to this objective in  
10 exercising its powers under this part, including the  
11 formulation of a workable program; the approval of community  
12 redevelopment plans, communitywide plans or programs for  
13 community redevelopment, and general neighborhood  
14 redevelopment plans (consistent with the general plan of the  
15 county or municipality); the development and implementation of  
16 community policing innovations; the exercise of its zoning  
17 powers; the enforcement of other laws, codes, and regulations  
18 relating to the use of land and the use and occupancy of  
19 buildings and improvements; the development of affordable  
20 housing; the disposition of any property acquired; the  
21 development of private capital investment projects; the  
22 encouragement of private enterprise to invest in the  
23 redevelopment or rehabilitation process through financial  
24 incentives; and the provision of necessary public  
25 improvements.

26 Section 24. Effective July 1, 2001, section 163.3555,  
27 Florida Statutes, is created to read:

28 163.3555 Additional requirements for community  
29 redevelopment areas using sales tax increment revenues.--

30 (1) A community redevelopment agency may not use sales  
31 tax increment revenues pursuant to s. 163.387(1)(c) until the

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 governing body has adopted a resolution finding that the  
2 community redevelopment area has the conditions described in  
3 subsection (2). The finding must be based on data from the  
4 most current decennial census, and from information published  
5 by the Bureau of the Census and the Bureau of Labor  
6 Statistics. The data must be comparable in point or period of  
7 time and methodology employed.

8 (2) To be eligible to receive sales tax increment  
9 revenues pursuant to s. 163.387(1)(c), the community  
10 redevelopment area shall meet the following conditions:

11 (a) In each census tract within an area, the poverty  
12 rate is not less than 50 percent.

13 (b) In each census tract within the area, the poverty  
14 rate is not less than 35 percent.

15 (c) The average rate of unemployment in the area as a  
16 whole is not less than 15 percent based on the most recent  
17 decennial census information published by the Bureau of the  
18 Census and the Bureau of Labor Statistics.

19 (d) Contiguous census tracts with no population shall  
20 be treated as having a poverty rate which meets the standards  
21 of paragraphs (a) and (b), and an unemployment rate which  
22 meets the standard of paragraph (c).

23 (e) For purposes of this subsection, the term,  
24 "poverty rate" means the number of persons residing within the  
25 area who meet the definition of persons living below the  
26 poverty level as defined by the U.S. Government.

27 (f) In making the calculations required by this  
28 section, all fractional percentages of 1/2 percent or more  
29 shall be rounded up to the next highest whole percentage  
30 figure.

31 Section 25. Effective July 1, 2001, subsections (4)

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 and (7) of section 163.362, Florida Statutes, are amended to  
2 read:

3 163.362 Contents of community redevelopment  
4 plan.--Every community redevelopment plan shall:

5 (4) Identify specifically any publicly funded capital  
6 projects to be undertaken within the community redevelopment  
7 area. Subject to s. 163.370(2), publicly funded capital  
8 improvements may include police stations or substations,  
9 fire-rescue stations, roads and walkways, public transit  
10 facilities, street lighting, off-street parking, parks, open  
11 space, green space, cultural facilities, entertainment  
12 facilities, sports facilities, and recreational facilities.

13 (7) Provide assistance ~~assurances that there will be~~  
14 ~~replacement housing~~ for the relocation of persons temporarily  
15 or permanently displaced from housing facilities within the  
16 community redevelopment area, including relocation to a  
17 location outside of the area. This subsection does not require  
18 replacement housing be provided as a condition of implementing  
19 the community redevelopment plan.

20 Section 26. Effective July 1, 2001, subsection (1),  
21 paragraph (a) of subsection (2), and subsection (7) of section  
22 163.387, Florida Statutes, are amended to read:

23 163.387 Redevelopment trust fund.--

24 (1)(a) There shall be established for each community  
25 redevelopment agency created under s. 163.356 a redevelopment  
26 trust fund. Funds allocated to and deposited into this fund  
27 shall be used by the agency to finance or refinance any  
28 community redevelopment it undertakes pursuant to the approved  
29 community redevelopment plan. No community redevelopment  
30 agency may receive or spend any increment revenues pursuant to  
31 this section unless and until the governing body has, by

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 ordinance, provided for the funding of the redevelopment trust  
2 fund for the duration of a community redevelopment plan. Such  
3 ordinance may be adopted only after the governing body has  
4 approved a community redevelopment plan.

5 (b) The annual funding of the redevelopment trust fund  
6 shall be in an amount not less than that increment in the  
7 income, proceeds, revenues, and funds of each taxing authority  
8 derived from or held in connection with the undertaking and  
9 carrying out of community redevelopment under this part. Such  
10 increment shall be determined annually and shall be that  
11 amount equal to 95 percent of the difference between:

12 1.(a) The amount of ad valorem taxes levied each year  
13 by each taxing authority, exclusive of any amount from any  
14 debt service millage, on taxable real property contained  
15 within the geographic boundaries of a community redevelopment  
16 area; and

17 2.(b) The amount of ad valorem taxes which would have  
18 been produced by the rate upon which the tax is levied each  
19 year by or for each taxing authority, exclusive of any debt  
20 service millage, upon the total of the assessed value of the  
21 taxable real property in the community redevelopment area as  
22 shown upon the most recent assessment roll used in connection  
23 with the taxation of such property by each taxing authority  
24 prior to the effective date of the ordinance providing for the  
25 funding of the trust fund.

26 (c)1. In addition to the funding of the redevelopment  
27 trust fund provided for under paragraph (b), an ordinance by  
28 the governing body that created the fund may provide for  
29 annual deposit of the sales tax increment revenues in the fund  
30 if the area meets the requirements of s. 163.3555. An  
31 ordinance that created the redevelopment trust fund but did

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 not provide for the deposit of sales tax increment revenues  
2 may be amended to provide for such sales tax increment  
3 revenues without affecting the calculation or deposit of the  
4 increment revenues described in this subsection.

5 Notwithstanding a subsequent decennial census being completed  
6 after the enactment of the ordinance described in this  
7 subsection, the most recent census before the enactment of the  
8 ordinance shall be the basis for the determination of  
9 eligibility for sales tax increment revenues and the  
10 calculation of such increment. The sales tax increment  
11 revenues shall be determined annually, and shall be the  
12 difference between:

13 a. The aggregate amount of state sales and use taxes  
14 remitted by dealers under chapter 212 at places of business  
15 located within the geographic boundaries of the community  
16 redevelopment area during the state fiscal year for which the  
17 increment is being determined; and

18 b. The amount of sales and use taxes so remitted in  
19 the state fiscal year immediately preceding the adoption of  
20 the ordinance;

21 2. The governing body shall notify the Department of  
22 Revenue within 10 calendar days after the adoption or  
23 amendment of an ordinance that provides for sales tax  
24 increment revenues, and shall include a copy of the resolution  
25 adopted pursuant to s. 163.3555.

26 3. For the purposes of determining the amount of sales  
27 tax increment revenues to be transferred to each community  
28 redevelopment trust fund funding pursuant to this paragraph,  
29 the Department of Revenue and each governing body that adopts  
30 or amends such an ordinance shall exchange tax administration  
31 information on an annual basis, in the format prescribed by

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 the Department of Revenue. Each governing body with such an  
2 ordinance, and the Department of Revenue, are responsible for  
3 transmitting this shared data no later than September 1 of  
4 each year. The information shall include the taxpayer's sales  
5 tax registration number and business location and such other  
6 tax registration information as the Department of Revenue  
7 prescribes. To the fullest extent practicable, the information  
8 shall be shared in a computer-processable medium. For the  
9 initial calculation, each governing body and the Department of  
10 Revenue shall exchange all information enumerated in this  
11 subparagraph no later than the first day of the fourth month  
12 after the adoption of the ordinance providing for sales tax  
13 increment revenues.

14 4. Based upon the information provided by the  
15 governing body pursuant to subparagraphs 2. and 3., the  
16 Department of Revenue shall calculate the sales tax increment  
17 revenues for that community redevelopment area each state  
18 fiscal year and transfer that amount to a separate account  
19 within the redevelopment trust fund. However, the  
20 sales-tax-increment revenues returned to the community  
21 redevelopment area for fiscal year 2000-2001, may not exceed  
22 \$500,000. No revenue shall be returned to the community  
23 redevelopment area for any subsequent years.

24  
25 However, the governing body of any county as defined in s.  
26 125.011(1) may, in the ordinance providing for the funding of  
27 a trust fund established with respect to any community  
28 redevelopment area created on or after July 1, 1994, determine  
29 that the amount to be funded by each taxing authority annually  
30 shall be less than 95 percent of the difference between  
31 paragraphs (a) and (b), but in no event shall such amount be

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 less than 50 percent of such difference.

2 (2)(a) Except for the purpose of funding the trust  
3 fund pursuant to subsection (3), upon the adoption of an  
4 ordinance providing for funding of the redevelopment trust  
5 fund as provided in this section, each taxing authority shall,  
6 by January 1 of each year, appropriate to the trust fund for  
7 so long as any indebtedness pledging increment revenues to the  
8 payment thereof is outstanding (but not to exceed 30 years) a  
9 sum that is no less than the increment as defined and  
10 determined in paragraph (1)(b)~~subsection (1)~~ accruing to such  
11 taxing authority. If the community redevelopment plan is  
12 amended or modified pursuant to s. 163.361(1), each such  
13 taxing authority shall make the annual appropriation for a  
14 period not to exceed 30 years after the date the governing  
15 body amends the plan.

16 (7) On the last day of the fiscal year of the  
17 community redevelopment agency, any money which remains in the  
18 trust fund after the payment of expenses pursuant to  
19 subsection (6) for such year, except for money remaining in  
20 the sales tax increment account, shall be:

21 (a) Returned to each taxing authority which paid the  
22 increment described in paragraph (1)(b) in the proportion that  
23 the amount of the payment of such taxing authority bears to  
24 the total amount paid into the trust fund by all taxing  
25 authorities within the redevelopment area for that year;

26 (b) Used to reduce the amount of any indebtedness to  
27 which increment revenues are pledged;

28 (c) Deposited into an escrow account for the purpose  
29 of later reducing any indebtedness to which increment revenues  
30 are pledged; or

31 (d) Appropriated to a specific redevelopment project



Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 pursuant to an approved community redevelopment plan which  
2 project will be completed within 3 years from the date of such  
3 appropriation. Any money remaining in the sales tax increment  
4 account as of the end of each fiscal year of the agency and  
5 not obligated or committed shall be returned to the Department  
6 of Revenue for deposit in the General Revenue Fund.

7 Section 27. Effective July 1, 2001, the Department of  
8 Revenue may adopt rules necessary to effectuate the provisions  
9 of section 163.387(1)(c), Florida Statutes, pertaining to the  
10 calculation and reallocation of sales tax increment revenues.

11  
12 (Redesignate subsequent sections.)

13  
14

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

16 And the title is amended as follows:

17 On page 54, line 6, after the semicolon,

18

19 insert:

20 amending s. 163.340, F.S.; defining the term  
21 "sales tax increment revenues," and redefining  
22 the terms "governing body" and "increment  
23 revenues"; amending s. 163.345, F.S.; expanding  
24 provisions which direct counties and  
25 municipalities to involve private enterprise in  
26 redevelopment; creating s. 163.3555, F.S.;  
27 providing special requirements applicable to a  
28 community redevelopment area that uses sales  
29 tax increment funding; amending s. 163.362,  
30 F.S.; revising requirements for community  
31 redevelopment plans relating to publicly funded

Bill No. HB 349, 2nd Eng.

Amendment No. \_\_\_\_

1 capital projects and relocation of displaced  
2 persons; providing requirements for plans that  
3 include a private capital investment project;  
4 requiring certain agreements and performance  
5 guarantees; amending s. 163.387, F.S. ;  
6 authorizing funding of a redevelopment trust  
7 fund by the increment in sales and use taxes  
8 collected within certain community  
9 redevelopment areas; providing for  
10 determination of the increment; limiting the  
11 amount of revenue returned to the community  
12 redevelopment areas; providing administrative  
13 duties of local governing bodies and the  
14 Department of Revenue; authorizing rulemaking;  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31