

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Fiscal Policy & Resources offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove everything after the enacting clause

17 and insert:

18 Section 1. Subsection (3), (7), and (8) of section
19 163.40, Florida Statutes, is amended to read:

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

22 (3) "Governing body" means the council, commission, or
23 other legislative body charged with governing the county or
24 municipality.

25 (7) "Slum area" means an area with physical or
26 economic conditions conducive to disease, infant mortality,
27 juvenile delinquency, poverty, or crime because in which there
28 is a predominance of buildings or improvements, whether
29 residential or nonresidential, that are impaired ~~which~~ by
30 reason of dilapidation, deterioration, age, or obsolescence
31 and which area exhibits one or more of the following factors:

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1 (a) Inadequate provision for ventilation, light, air,
2 sanitation, or open spaces;

3 (b) High density of population, compared to the
4 population density of adjacent areas within the county or
5 municipality, and overcrowding, as indicated by government
6 maintained statistics or other studies and the requirements of
7 the Florida Building Code; or

8 (c) The existence of conditions which endanger life or
9 property by fire or other causes; ~~or any combination of such~~
10 ~~factors is conducive to ill health, transmission of disease,~~
11 ~~infant mortality, juvenile delinquency, or crime and is~~
12 ~~detrimental to the public health, safety, morals, or welfare.~~

13 (8) "Blighted area" means an area in which there are
14 ~~either: (a) there are~~ a substantial number of slum,
15 deteriorated, or deteriorating structures, in which and
16 conditions as indicated by government-maintained statistics or
17 other studies are leading that lead to economic distress or
18 endanger life or property and in which two or more of the
19 following factors are present: by fire or other causes or one
20 ~~or more of the following factors that substantially impairs or~~
21 ~~arrests the sound growth of a county or municipality and is a~~
22 ~~menace to the public health, safety, morals, or welfare in its~~
23 ~~present condition and use;~~

24 (a) ~~1.~~ Predominance of defective or inadequate street
25 layout, parking facilities, roadways, bridges or public
26 transportation facilities;

27 (b) Aggregate assessed values of real property in the
28 are for ad valorem tax purposes have failed to show any
29 appreciable increase over the 5 years prior to the finding of
30 such condition;

31 (c) ~~2.~~ Faulty lot layout in relation to size,

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- 1 adequacy, accessibility, or usefulness;
- 2 ~~(d)3.~~ Unsanitary or unsafe conditions;
- 3 ~~(e)4.~~ Deterioration of site or other improvements;
- 4 ~~(f)5.~~ Inadequate and outdated building density
- 5 patterns;
- 6 (g) Falling lease rates per square foot of office,
- 7 commercial, or industrial space compared to the remainder of
- 8 the county or municipality;
- 9 ~~(h)6.~~ Tax or special assessment delinquency exceeding
- 10 the fair value of the land;
- 11 (i)Residential and commercial vacancy rates higher in
- 12 the area than the remainder of the county or municipality;
- 13 ~~7. Inadequate transportation and parking facilities;~~
- 14 and
- 15 (j) Incidence of crime in the area higher than the
- 16 remainder of the county or municipality;
- 17 (k) Fire and emergency medical service calls to the
- 18 area higher on a proportional basis than the remainder of the
- 19 county or municipality;
- 20 (l) Violations of the Florida Building Code in the
- 21 area higher on a proportional basis than the number of
- 22 violations recorded in the remainder of the county or
- 23 municipality; or
- 24 ~~(m)8.~~ Diversity of ownership or defective or unusual
- 25 conditions of title which prevent the free alienability of
- 26 land within the deteriorated or hazardous area. ~~† or~~
- 27 ~~(b) An area in which there exists faulty or inadequate~~
- 28 ~~street layout; inadequate parking facilities; or roadways,~~
- 29 ~~bridges, or public transportation facilities incapable of~~
- 30 ~~handling the volume of traffic flow into or through the area,~~
- 31 ~~either at present or following proposed construction.~~

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2 ~~However,~~ For purposes of qualifying for the tax credits
3 authorized in chapter 220, "blighted area" means an area as
4 defined in this subsection ~~described in paragraph (a).~~

5 Section 2. Section 163,355, Florida Statutes, is
6 amended to read:

7 163.355 Finding of necessity by county or
8 municipality.--No county or municipality shall exercise the
9 community redevelopment authority conferred by this part until
10 after the governing body has adopted a resolution, supported
11 by data and analysis, that makes a legislative finding that
12 the conditions in the area meet the criteria described in s.
13 163.340(7) or (8). The resolution shall state that:~~finding~~
14 ~~that:~~

15 (1) One or more slum or blighted areas, or one or more
16 areas in which there is a shortage of housing affordable to
17 residents of low or moderate income, including the elderly,
18 exist in such county or municipality; and,

19 (2) The rehabilitation, conservation, or
20 redevelopment, or a combination thereof, of such area or
21 areas, including, if appropriate, the development of housing
22 which residents of low or moderate income, including the
23 elderly, can afford, is necessary in the interest of the
24 public health, safety, morals, or welfare of the residents of
25 such county or municipality.

26 Section 3. Subsections (1) and (2) of section 163.361,
27 Florida Statutes, is amended to read:

28 163.361 Modification of community redevelopment
29 plans.--

30 (1) If at any time after the approval of a community
31 redevelopment plan by the governing body it becomes necessary

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1 or desirable to amend or modify such plan, the governing body
2 may amend such plan upon the recommendation of the agency. The
3 agency recommendation to amend or modify a redevelopment plan
4 may include a change in the boundaries of the redevelopment
5 area to add land to or exclude land from the redevelopment
6 area, or may include the development and implementation of
7 community policing innovations.

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

13 (3) In addition to the requirements of s. 163.346, and
14 prior to the adoption of any modification to a community
15 redevelopment plan that expands the boundaries of the
16 community redevelopment area or extends the time certain set
17 forth in the redevelopment plan as required by s. 163.362(10),
18 the agency shall report such proposed modification to each
19 taxing authority in writing or by a verbal presentation, or
20 both, regarding such proposed modification.

21 (4) A modification to a community redevelopment plan
22 that includes a change in the boundaries of the redevelopment
23 area to add land must be supported by a resolution as provided
24 in s. 163.55.

25 Section 4. Subsection (10) of section 163.362, Florida
26 Statutes, is amended to read:

27 163.362 Contents of community redevelopment
28 plan.--Every community redevelopment plan shall:

29 (10) Provide a time certain for completing all
30 redevelopment financed by increment revenues. Such time
31 certain shall occur no later than 30 years after the fiscal

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1 year in which the plan is approved, adopted, or amended
2 pursuant to s. 163.361(1). However, for any agency created
3 after July 1, 2002, the time certain for completing all
4 redevelopment financed by increment revenues shall occur no
5 later than 40 years after the fiscal year in which the plan is
6 approved or adopted.

7 Section 5. Paragraph (a) of subsection (1) of section
8 163.385, Florida Statutes, is amended to read:

9 Issuance of revenue bonds.--

10 (1)(a) When authorized or approved by resolution or
11 ordinance of the governing body, a county, municipality, or
12 community redevelopment agency has power in its corporate
13 capacity, in its discretion, to issue redevelopment revenue
14 bonds from time to time to finance the undertaking of any
15 community redevelopment under this part, including, without
16 limiting the generality thereof, the payment of principal and
17 interest upon any advances for surveys and plans or
18 preliminary loans, and has power to issue refunding bonds for
19 the payment or retirement of bonds or other obligations
20 previously issued. For any agency created prior to July 1,
21 2002, any redevelopment revenue bonds or other obligations
22 issued to finance the undertaking of any community
23 redevelopment under this part shall mature within 60 years
24 after the end of the fiscal year in which the initial
25 community redevelopment plan was approved or adopted. For any
26 agency created after July 1, 2002, any redevelopment revenue
27 bond or other obligations issued to finance the undertaking of
28 any community redevelopment under this part shall mature
29 within 40 years after the end of the fiscal year in which the
30 initial community redevelopment plan was approved or adopted.
31 However, in no event shall any redevelopment revenue bonds or

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1 other obligations issued to finance the undertaking of any
2 community redevelopment under this part mature later than the
3 expiration of the plan in effect at the time such bonds or
4 obligations were issued. The security for such bonds may be
5 based upon the anticipated assessed valuation of the completed
6 community redevelopment and such other revenues as are legally
7 available. Any bond, note, or other form of indebtedness
8 pledging increment revenues to the repayment thereof shall
9 mature no later than the end of the 30th fiscal year after the
10 fiscal year in which increment revenues are first deposited
11 into the redevelopment trust fund or the fiscal year in which
12 the plan is subsequently amended. However, for any agency
13 created after July 1, 2002, any form of indebtedness pledging
14 increment revenues to the repayment thereof shall mature no
15 later than the 40th year after the fiscal year in which the
16 initial community redevelopment plan was approved or adopted.

17 However, any refunding bonds issued pursuant to this
18 paragraph may not mature later than the final maturity date of
19 any bonds or other obligations issued pursuant to this
20 paragraph being paid or retired with the proceeds of such
21 refunding bonds.

22 (b) In anticipation of the sale of revenue bonds
23 pursuant to paragraph (a), the county, municipality, or
24 community redevelopment agency may issue bond anticipation
25 notes and may renew such notes from time to time, but the
26 maximum maturity of any such note, including renewals thereof,
27 may not exceed 5 years from the date of issue of the original
28 note. Such notes shall be paid from any revenues of the
29 county, municipality, or community redevelopment agency
30 available therefor and not otherwise pledged or from the
31 proceeds of sale of the revenue bonds in anticipation of which

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1 they were issued.

2 Section 6. Subsections (1) through (8) of section
3 163.387, Florida Statutes, are amended to read:

4 163.387 Redevelopment trust fund.--

5 (1) After approval of a community redevelopment plan,
6 there shall be established for each community redevelopment
7 agency created under s. 163.356 a redevelopment trust fund.
8 Funds allocated to and deposited into this fund shall be used
9 by the agency to finance or refinance any community
10 redevelopment it undertakes pursuant to the approved community
11 redevelopment plan. No community redevelopment agency may
12 receive or spend any increment revenues pursuant to this
13 section unless and until the governing body has, by ordinance,
14 provided for the funding of the redevelopment trust fund for
15 the duration of a community redevelopment plan. Such ordinance
16 may be adopted only after the governing body has approved a
17 community redevelopment plan. The annual funding of the
18 redevelopment trust fund shall be in an amount not less than
19 that increment in the income, proceeds, revenues, and funds of
20 each taxing authority derived from or held in connection with
21 the undertaking and carrying out of community redevelopment
22 under this part. Such increment shall be determined annually
23 and shall be that amount equal to 95 percent of the difference
24 between:

25 (a) The amount of ad valorem taxes levied each year by
26 each taxing authority, exclusive of any amount from any debt
27 service millage, on taxable real property contained within the
28 geographic boundaries of a community redevelopment area; and

29 (b) The amount of ad valorem taxes which would have
30 been produced by the rate upon which the tax is levied each
31 year by or for each taxing authority, exclusive of any debt

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1 service millage, upon the total of the assessed value of the
2 taxable real property in the community redevelopment area as
3 shown upon the most recent assessment roll used in connection
4 with the taxation of such property by each taxing authority
5 prior to the effective date of the ordinance providing for the
6 funding of the trust fund.

7
8 However, the governing body of any county as defined in s.
9 125.011(1) may, in the ordinance providing for the funding of
10 a trust fund established with respect to any community
11 redevelopment area created on or after July 1, 1994, determine
12 that the amount to be funded by each taxing authority annually
13 shall be less than 95 percent of the difference between
14 paragraphs (a) and (b), but in no event shall such amount be
15 less than 50 percent of such difference.

16 (2)(a) Except for the purpose of funding the trust
17 fund pursuant to subsection (3), upon the adoption of an
18 ordinance providing for funding of the redevelopment trust
19 fund as provided in this section, each taxing authority shall,
20 by January 1 of each year, appropriate to the trust fund for
21 so long as any indebtedness pledging increment revenues to the
22 payment thereof is outstanding (but not to exceed 30 years) a
23 sum that is no less than the increment as defined and
24 determined in subsection (1) accruing to such taxing
25 authority. If the community redevelopment plan is amended or
26 modified pursuant to s. 163.361(1), each such taxing authority
27 shall make the annual appropriation for a period not to exceed
28 30 years after the date the governing body amends the plan.
29 However, for any agency created after July 1, 2002, each
30 taxing authority shall make the annual appropriation for a
31 period not to exceed 40 years after the fiscal year in which

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1 the initial community redevelopment plan was approved or
2 adopted.

3 (b) Any taxing authority that does not pay the
4 increment to the trust fund by January 1 shall pay to the
5 trust fund an amount equal to 5 percent of the amount of the
6 increment and shall pay interest on the amount of the
7 increment equal to 1 percent for each month the increment is
8 outstanding.

9 (c) The following public bodies or taxing authorities
10 ~~created prior to July 1, 1993,~~ are exempt from paragraph (a):

11 1. A special district that levies ad valorem taxes on
12 taxable real property in more than one county.

13 2. A special district the sole available source of
14 revenue of which is ad valorem taxes at the time an ordinance
15 is adopted under this section.

16 3. A library district, except a library district in a
17 jurisdiction where the community redevelopment agency had
18 validated bonds as of April 30, 1984.

19 4. A neighborhood improvement district created under
20 the Safe Neighborhoods Act.

21 5. A metropolitan transportation authority.

22 6. A water management district created under s.
23 373.069.

24 (d) For community redevelopment agencies created after
25 July 1, 2002, the following public bodies or taxing
26 authorities are exempt from paragraph (a):

27 1. An independent fire control district as defined in
28 s. 191.003.

29 2. A mosquito control district as defined in s.
30 388.011.

31 3. A hospital district created pursuant to general law

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1 or special act.

2 (e)~~(d)~~1. A local governing body that creates a
3 community redevelopment agency under s. 163.356 may exempt
4 from paragraph (a) a special district that levies ad valorem
5 taxes within that community redevelopment area. The local
6 governing body may grant the exemption either in its sole
7 discretion or in response to the request of the special
8 district. The local governing body must establish procedures
9 by which a special district may submit a written request to be
10 exempted from paragraph (a) ~~within 120 days after July 1,~~
11 ~~1993.~~

12 2. In deciding whether to deny or grant a special
13 district's request for exemption from paragraph (a), the local
14 governing body must consider:

15 a. Any additional revenue sources of the community
16 redevelopment agency which could be used in lieu of the
17 special district's tax increment.

18 b. The fiscal and operational impact on the community
19 redevelopment agency.

20 c. The fiscal and operational impact on the special
21 district.

22 d. The benefit to the specific purpose for which the
23 special district was created. The benefit to the special
24 district must be based on specific projects contained in the
25 approved community redevelopment plan for the designated
26 community redevelopment area.

27 e. The impact of the exemption on incurred debt and
28 whether such exemption will impair any outstanding bonds that
29 have pledged tax increment revenues to the repayment of the
30 bonds.

31 f. The benefit of the activities of the special

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1 district to the approved community redevelopment plan.

2 g. The benefit of the activities of the special
3 district to the area of operation of the local governing body
4 that created the community redevelopment agency.

5 3. The local governing body must hold a public hearing
6 on a special district's request for exemption after public
7 notice of the hearing is published in a newspaper having a
8 general circulation in the county or municipality that created
9 the community redevelopment area. The notice must describe
10 the time, date, place, and purpose of the hearing and must
11 identify generally the community redevelopment area covered by
12 the plan and the impact of the plan on the special district
13 that requested the exemption.

14 4. If a local governing body grants an exemption to a
15 special district under this paragraph, the local governing
16 body and the special district must enter into an interlocal
17 agreement that establishes the conditions of the exemption,
18 including, but not limited to, the period of time for which
19 the exemption is granted.

20 5. If a local governing body denies a request for
21 exemption by a special district, the local governing body
22 shall provide the special district with a written analysis
23 specifying the rationale for such denial. This written
24 analysis must include, but is not limited to, the following
25 information:

26 a. A separate, detailed examination of each
27 consideration listed in subparagraph 2.

28 b. Specific examples of how the approved community
29 redevelopment plan will benefit, and has already benefited,
30 the purpose for which the special district was created.

31 6. The decision to either deny or grant an exemption

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1 must be made by the local governing body within 120 days after
2 the date the written request was submitted to the local
3 governing body pursuant to the procedures established by such
4 local governing body.

5 (3) Notwithstanding the provisions of subsection (2),
6 the obligation of the governing body which established the
7 community redevelopment agency to fund the redevelopment trust
8 fund annually shall continue until all loans, advances, and
9 indebtedness, if any, and interest thereon, of a community
10 redevelopment agency incurred as a result of redevelopment in
11 a community redevelopment area have been paid.

12 (4) The revenue bonds and notes of every issue under
13 this part are payable solely out of revenues pledged to and
14 received by a community redevelopment agency and deposited to
15 its redevelopment trust fund. The lien created by such bonds
16 or notes shall not attach until the revenues referred to
17 herein are deposited in the redevelopment trust fund at the
18 times, and to the extent that, such revenues accrue. The
19 holders of such bonds or notes have no right to require the
20 imposition of any tax or the establishment of any rate of
21 taxation in order to obtain the amounts necessary to pay and
22 retire such bonds or notes.

23 (5) Revenue bonds issued under the provisions of this
24 part shall not be deemed to constitute a debt, liability, or
25 obligation of the local governing body or the state or any
26 political subdivision thereof, or a pledge of the faith and
27 credit of the local governing body or the state or any
28 political subdivision thereof, but shall be payable solely
29 from the revenues provided therefor. All such revenue bonds
30 shall contain on the face thereof a statement to the effect
31 that the agency shall not be obligated to pay the same or the

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1 interest thereon except from the revenues of the community
2 redevelopment agency held for that purpose and that neither
3 the faith and credit nor the taxing power of the local
4 governing body or of the state or of any political subdivision
5 thereof is pledged to the payment of the principal of, or the
6 interest on, such bonds.

7 (6) Moneys in the redevelopment trust fund may be
8 expended from time to time for the following purposes, when
9 directly related to financing or refinancing of redevelopment
10 in a community redevelopment area pursuant to an approved
11 community redevelopment plan:

12 (a) Administrative and overhead expenses necessary or
13 incidental to the implementation of a community redevelopment
14 plan adopted by the agency.

15 (b) Expenses of redevelopment planning, surveys, and
16 financial analysis, including the reimbursement of the
17 governing body or the community redevelopment agency for such
18 expenses incurred before the redevelopment plan was approved
19 and adopted.

20 (c) The acquisition of real property in the
21 redevelopment area.

22 (d) The clearance and preparation of any redevelopment
23 area for redevelopment and relocation of site occupants as
24 provided in s. 163.370.

25 (e) The repayment of principal and interest or any
26 redemption premium for loans, advances, bonds, bond
27 anticipation notes, and any other form of indebtedness.

28 (f) All expenses incidental to or connected with the
29 issuance, sale, redemption, retirement, or purchase of agency
30 bonds, bond anticipation notes, or other form of indebtedness,
31 including funding of any reserve, redemption, or other fund or

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1 account provided for in the ordinance or resolution
2 authorizing such bonds, notes, or other form of indebtedness.

3 (g) The development of affordable housing within the
4 area.

5 (h) The development of community policing innovations.

6 (7) On the last day of the fiscal year of the
7 community redevelopment agency, any money which remains in the
8 trust fund after the payment of expenses pursuant to
9 subsection (6) for such year shall be:

10 (a) Returned to each taxing authority which paid the
11 increment in the proportion that the amount of the payment of
12 such taxing authority bears to the total amount paid into the
13 trust fund by all taxing authorities within the redevelopment
14 area for that year;

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

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

20 (d) Appropriated to a specific redevelopment project
21 pursuant to an approved community redevelopment plan which
22 project will be completed within 3 years from the date of such
23 appropriation.

24 (8) Each community redevelopment agency shall provide
25 for an independent financial audit of the trust fund each
26 fiscal year and a report of such audit. Such report shall
27 describe the amount and source of deposits into, and the
28 amount and purpose of withdrawals from, the trust fund during
29 such fiscal year and the amount of principal and interest paid
30 during such year on any indebtedness to which is pledged
31 increment revenues and the remaining amount of such

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1 indebtedness. The agency shall provide a copy of the report
2 to each taxing authority.

3 Section 7. Amendments to part III to chapter 163,
4 Florida Statutes, as provided by this act, do not apply to any
5 ordinance or resolution authorizing the issuance of any bond,
6 note, or other form of indebtedness to which are pledged
7 increment revenues pursuant to a community development plan,
8 or amendment or modification thereto, as approved or adopted
9 before January 1, 2003.

10 Section 8. Amendments to part III to chapter 163,
11 Florida Statutes, as provided by this act, are not intended to
12 impair any ordinance, resolution, interlocal or written
13 agreement effective prior to July 1, 2002, that provides for
14 the delegation of community redevelopment powers.

15 Section 9. This act shall take effect July 1, 2002.

16
17

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

19 And the title is amended as follows:

20 On page 1, lines 15 through 18
21 remove: all of said lines

22

23 and insert:

24 amending 163.387, F.S.; specifying the time
25 period for appropriations to the redevelopment
26 trust fund; revising provision relating to
27 exemption for public bodies or taxing
28 authorities; providing for applicability;
29 providing an effective date.

30

31