

578-157AX-22

Bill No. CS/HB 1341

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

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

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Representative(s) Dockery offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Subsections (3), (7), and (8) of section 163.340, Florida Statutes, are amended 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, commission, or other legislative body charged with governing the county or municipality.

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because in which there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air,

1 sanitation, or open spaces;

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

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

13 (8) "Blighted area" means an area in which there are
14 either:

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

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

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

- 1 ~~(c)2.~~ Faulty lot layout in relation to size, adequacy,
- 2 accessibility, or usefulness;
- 3 ~~(d)3.~~ Unsanitary or unsafe conditions;
- 4 ~~(e)4.~~ Deterioration of site or other improvements;
- 5 ~~(f)5.~~ Inadequate and outdated building density
- 6 patterns;
- 7 (g) Falling lease rates per square foot of office,
- 8 commercial, or industrial space compared to the remainder of
- 9 the county or municipality;
- 10 ~~(h)6.~~ Tax or special assessment delinquency exceeding
- 11 the fair value of the land;
- 12 (i) Residential and commercial vacancy rates higher in
- 13 the area than in the remainder of the county or municipality;
- 14 (j) Incidence of crime in the area higher than in the
- 15 remainder of the county or municipality;
- 16 (k) Fire and emergency medical service calls to the
- 17 area proportionately higher than in the remainder of the
- 18 county or municipality;
- 19 (l) A greater number of violations of the Florida
- 20 Building Code in the area than the number of violations
- 21 recorded in the remainder of the county or municipality;
- 22 ~~7. Inadequate transportation and parking facilities;~~
- 23 and
- 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 (n) Governmentally owned property with adverse
- 28 environmental conditions caused by a public or private entity.
- 29 ~~(b) An area in which there exists faulty or inadequate~~
- 30 ~~street layout; inadequate parking facilities; or roadways,~~
- 31 ~~bridges, or public transportation facilities incapable of~~

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1 ~~handling the volume of traffic flow into or through the area,~~
2 ~~either at present or following proposed construction.~~

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4 However, the term "blighted area" also means any area in which
5 at least one of the factors identified in paragraphs (a)
6 through (n) are present and all taxing authorities subject to
7 s. 163.387(2)(a) agree, either by interlocal agreement or
8 agreements with the agency or by resolution, that the area is
9 blighted. Such agreement or resolution shall only determine
10 that the area is blighted.For purposes of qualifying for the
11 tax credits authorized in chapter 220, "blighted area" means
12 an area as defined in this subsection ~~described in paragraph~~
13 ~~(a).~~

14 Section 2. Section 163.355, Florida Statutes, is
15 amended to read:

16 163.355 Finding of necessity by county or
17 municipality.--No county or municipality shall exercise the
18 community redevelopment authority conferred by this part until
19 after the governing body has adopted a resolution, supported
20 by data and analysis, which makes a legislative finding that
21 the conditions in the area meet the criteria described in s.
22 163.340(7) or (8). The resolution must state finding that:

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

27 (2) The rehabilitation, conservation, or
28 redevelopment, or a combination thereof, of such area or
29 areas, including, if appropriate, the development of housing
30 which residents of low or moderate income, including the
31 elderly, can afford, is necessary in the interest of the

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1 public health, safety, morals, or welfare of the residents of
2 such county or municipality.

3 Section 3. Subsections (1) and (2) of section 163.356,
4 Florida Statutes, are amended to read:

5 163.356 Creation of community redevelopment agency.--

6 (1) Upon a finding of necessity as set forth in s.
7 163.355, and upon a further finding that there is a need for a
8 community redevelopment agency to function in the county or
9 municipality to carry out the community redevelopment purposes
10 of this part, any county or municipality may create a public
11 body corporate and politic to be known as a "community
12 redevelopment agency." A charter county having a population
13 less than or equal to 1.6 million may create, by a vote of at
14 least a majority plus one of the entire governing body of the
15 charter county, more than one community redevelopment agency.

16 Each such agency shall be constituted as a public
17 instrumentality, and the exercise by a community redevelopment
18 agency of the powers conferred by this part shall be deemed
19 and held to be the performance of an essential public
20 function. ~~The~~ Community redevelopment agencies ~~agency~~ of a
21 county have ~~has~~ the power to function within the corporate
22 limits of a municipality only as, if, and when the governing
23 body of the municipality has by resolution concurred in the
24 community redevelopment plan or plans proposed by the
25 governing body of the county.

26 (2) When the governing body adopts a resolution
27 declaring the need for a community redevelopment agency, that
28 body shall, by ordinance, appoint a board of commissioners of
29 the community redevelopment agency, which shall consist of not
30 fewer than five or more than nine ~~seven~~ commissioners. The
31 terms of office of the commissioners shall be for 4 years,

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1 except that three of the members first appointed shall be
2 designated to serve terms of 1, 2, and 3 years, respectively,
3 from the date of their appointments, and all other members
4 shall be designated to serve for terms of 4 years from the
5 date of their appointments. A vacancy occurring during a term
6 shall be filled for the unexpired term.

7 Section 4. Section 163.361, Florida Statutes, is
8 amended to read:

9 163.361 Modification of community redevelopment
10 plans.--

11 (1) If at any time after the approval of a community
12 redevelopment plan by the governing body it becomes necessary
13 or desirable to amend or modify such plan, the governing body
14 may amend such plan upon the recommendation of the agency. The
15 agency recommendation to amend or modify a redevelopment plan
16 may include a change in the boundaries of the redevelopment
17 area to add land to or exclude land from the redevelopment
18 area, or may include the development and implementation of
19 community policing innovations.

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

25 (3) In addition to the requirements of s. 163.346, and
26 prior to the adoption of any modification to a community
27 redevelopment plan that expands the boundaries of the
28 community redevelopment area or extends the time certain set
29 forth in the redevelopment plan as required by s. 163.362(10),
30 the agency shall report such proposed modification to each
31 taxing authority in writing or by an oral presentation, or

1 both, regarding such proposed modification.

2 (4) A modification to a community redevelopment plan
3 that includes a change in the boundaries of the redevelopment
4 area to add land must be supported by a resolution as provided
5 in s. 163.355.

6 ~~(5)~~(3) If a community redevelopment plan is modified
7 by the county or municipality after the lease or sale of real
8 property in the community redevelopment area, such
9 modification may be conditioned upon such approval of the
10 owner, lessee, or successor in interest as the county or
11 municipality may deem advisable and, in any event, shall be
12 subject to such rights at law or in equity as a lessee or
13 purchaser, or his or her successor or successors in interest,
14 may be entitled to assert.

15 Section 5. Subsection (10) of section 163.362, Florida
16 Statutes, is amended to read:

17 163.362 Contents of community redevelopment
18 plan.--Every community redevelopment plan shall:

19 (10) Provide a time certain for completing all
20 redevelopment financed by increment revenues. Such time
21 certain shall occur no later than 30 years after the fiscal
22 year in which the plan is approved, adopted, or amended
23 pursuant to s. 163.361(1). However, for any agency created
24 after July 1, 2002, the time certain for completing all
25 redevelopment financed by increment revenues must occur within
26 40 years after the fiscal year in which the plan is approved
27 or adopted.

28 Section 6. Paragraph (a) of subsection (1) of section
29 163.385, Florida Statutes, is amended to read:

30 163.385 Issuance of revenue bonds.--

31 (1)(a) When authorized or approved by resolution or

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1 ordinance of the governing body, a county, municipality, or
2 community redevelopment agency has power in its corporate
3 capacity, in its discretion, to issue redevelopment revenue
4 bonds from time to time to finance the undertaking of any
5 community redevelopment under this part, including, without
6 limiting the generality thereof, the payment of principal and
7 interest upon any advances for surveys and plans or
8 preliminary loans, and has power to issue refunding bonds for
9 the payment or retirement of bonds or other obligations
10 previously issued. For any agency created before July 1, 2002,
11 any redevelopment revenue bonds or other obligations issued to
12 finance the undertaking of any community redevelopment under
13 this part shall mature within 60 years after the end of the
14 fiscal year in which the initial community redevelopment plan
15 was approved or adopted. For any agency created on or after
16 July 1, 2002, any redevelopment revenue bonds or other
17 obligations issued to finance the undertaking of any community
18 redevelopment under this part shall mature within 40 years
19 after the end of the fiscal year in which the initial
20 community redevelopment plan is approved or adopted. However,
21 in no event shall any redevelopment revenue bonds or other
22 obligations issued to finance the undertaking of any community
23 redevelopment under this part mature later than the expiration
24 of the plan in effect at the time such bonds or obligations
25 were issued. The security for such bonds may be based upon the
26 anticipated assessed valuation of the completed community
27 redevelopment and such other revenues as are legally
28 available. Any bond, note, or other form of indebtedness
29 pledging increment revenues to the repayment thereof shall
30 mature no later than the end of the 30th fiscal year after the
31 fiscal year in which increment revenues are first deposited

1 into the redevelopment trust fund or the fiscal year in which
 2 the plan is subsequently amended. However, for any agency
 3 created on or after July 1, 2002, any form of indebtedness
 4 pledging increment revenues to the repayment thereof shall
 5 mature by the 40th year after the fiscal year in which the
 6 initial community redevelopment plan is approved or adopted.
 7 However, any refunding bonds issued pursuant to this paragraph
 8 may not mature later than the final maturity date of any bonds
 9 or other obligations issued pursuant to this paragraph being
 10 paid or retired with the proceeds of such refunding bonds.

11 Section 7. Subsections (1), (2), and (6) of section
 12 163.387, Florida Statutes, are amended to read:

13 163.387 Redevelopment trust fund.--

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

1 and shall be that amount equal to 95 percent of the difference
2 between:

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

7 (b) The amount of ad valorem taxes which would have
8 been produced by the rate upon which the tax is levied each
9 year by or for each taxing authority, exclusive of any debt
10 service millage, upon the total of the assessed value of the
11 taxable real property in the community redevelopment area as
12 shown upon the most recent assessment roll used in connection
13 with the taxation of such property by each taxing authority
14 prior to the effective date of the ordinance providing for the
15 funding of the trust fund.

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17 However, the governing body of any county as defined in s.
18 125.011(1) may, in the ordinance providing for the funding of
19 a trust fund established with respect to any community
20 redevelopment area created on or after July 1, 1994, determine
21 that the amount to be funded by each taxing authority annually
22 shall be less than 95 percent of the difference between
23 paragraphs (a) and (b), but in no event shall such amount be
24 less than 50 percent of such difference.

25 (2)(a) Except for the purpose of funding the trust
26 fund pursuant to subsection (3), upon the adoption of an
27 ordinance providing for funding of the redevelopment trust
28 fund as provided in this section, each taxing authority shall,
29 by January 1 of each year, appropriate to the trust fund for
30 so long as any indebtedness pledging increment revenues to the
31 payment thereof is outstanding (but not to exceed 30 years) a

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1 sum that is no less than the increment as defined and
2 determined in subsection (1) accruing to such taxing
3 authority. If the community redevelopment plan is amended or
4 modified pursuant to s. 163.361(1), each such taxing authority
5 shall make the annual appropriation for a period not to exceed
6 30 years after the date the governing body amends the plan.
7 However, for any agency created on or after July 1, 2002, each
8 taxing authority shall make the annual appropriation for a
9 period not to exceed 40 years after the fiscal year in which
10 the initial community redevelopment plan is approved or
11 adopted.

12 (b) Any taxing authority that does not pay the
13 increment to the trust fund by January 1 shall pay to the
14 trust fund an amount equal to 5 percent of the amount of the
15 increment and shall pay interest on the amount of the
16 increment equal to 1 percent for each month the increment is
17 outstanding.

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

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

22 2. A special district for which the sole available
23 source of revenue the district has the authority to levy of
24 ~~which~~ is ad valorem taxes at the time an ordinance is adopted
25 under this section. However, revenues or aid that may be
26 dispensed or appropriated to a district as defined in s.
27 388.011 at the discretion of an entity other than such
28 district, shall not be deemed available.

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

- 1 4. A neighborhood improvement district created under
- 2 the Safe Neighborhoods Act.
- 3 5. A metropolitan transportation authority.
- 4 6. A water management district created under s.
- 5 373.069.
- 6 (d)1. A local governing body that creates a community
- 7 redevelopment agency under s. 163.356 may exempt from
- 8 paragraph (a) a special district that levies ad valorem taxes
- 9 within that community redevelopment area. The local governing
- 10 body may grant the exemption either in its sole discretion or
- 11 in response to the request of the special district. The local
- 12 governing body must establish procedures by which a special
- 13 district may submit a written request to be exempted from
- 14 paragraph (a) ~~within 120 days after July 1, 1993.~~
- 15 2. In deciding whether to deny or grant a special
- 16 district's request for exemption from paragraph (a), the local
- 17 governing body must consider:
- 18 a. Any additional revenue sources of the community
- 19 redevelopment agency which could be used in lieu of the
- 20 special district's tax increment.
- 21 b. The fiscal and operational impact on the community
- 22 redevelopment agency.
- 23 c. The fiscal and operational impact on the special
- 24 district.
- 25 d. The benefit to the specific purpose for which the
- 26 special district was created. The benefit to the special
- 27 district must be based on specific projects contained in the
- 28 approved community redevelopment plan for the designated
- 29 community redevelopment area.
- 30 e. The impact of the exemption on incurred debt and
- 31 whether such exemption will impair any outstanding bonds that

1 have pledged tax increment revenues to the repayment of the
2 bonds.

3 f. The benefit of the activities of the special
4 district to the approved community redevelopment plan.

5 g. The benefit of the activities of the special
6 district to the area of operation of the local governing body
7 that created the community redevelopment agency.

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

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

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

29 a. A separate, detailed examination of each
30 consideration listed in subparagraph 2.

31 b. Specific examples of how the approved community

1 redevelopment plan will benefit, and has already benefited,
2 the purpose for which the special district was created.

3 6. The decision to either deny or grant an exemption
4 must be made by the local governing body within 120 days after
5 the date the written request was submitted to the local
6 governing body pursuant to the procedures established by such
7 local governing body.

8 (6) Moneys in the redevelopment trust fund may be
9 expended from time to time for undertakings of a community
10 redevelopment agency which are the following purposes, when
11 directly related to financing or refinancing of redevelopment
12 in a community redevelopment area pursuant to an approved
13 community redevelopment plan for the following purposes,
14 including, but not limited to:

15 (a) Administrative and overhead expenses necessary or
16 incidental to the implementation of a community redevelopment
17 plan adopted by the agency.

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

23 (c) The acquisition of real property in the
24 redevelopment area.

25 (d) The clearance and preparation of any redevelopment
26 area for redevelopment and relocation of site occupants as
27 provided in s. 163.370.

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

31 (f) All expenses incidental to or connected with the

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1 issuance, sale, redemption, retirement, or purchase of agency
2 bonds, bond anticipation notes, or other form of indebtedness,
3 including funding of any reserve, redemption, or other fund or
4 account provided for in the ordinance or resolution
5 authorizing such bonds, notes, or other form of indebtedness.

6 (g) The development of affordable housing within the
7 area.

8 (h) The development of community policing innovations.

9 Section 8. Section 163.410, Florida Statutes, is
10 amended to read:

11 163.410 Exercise of powers in counties with home rule
12 charters.--In any county which has adopted a home rule
13 charter, the powers conferred by this part shall be exercised
14 exclusively by the governing body of such county. However,
15 the governing body of any such county which has adopted a home
16 rule charter may, in its discretion, by resolution delegate
17 the exercise of the powers conferred upon the county by this
18 part within the boundaries of a municipality to the governing
19 body of such a municipality. Such a delegation to a
20 municipality shall confer only such powers upon a municipality
21 as shall be specifically enumerated in the delegating
22 resolution. Any power not specifically delegated shall be
23 reserved exclusively to the governing body of the county.
24 This section does not affect any community redevelopment
25 agency created by a municipality prior to the adoption of a
26 county home rule charter. Unless otherwise provided by an
27 existing ordinance, resolution, or interlocal agreement
28 between any such county and a municipality, the governing body
29 of the county that has adopted a home rule charter shall act
30 on any request from a municipality for a delegation of powers
31 or a change in an existing delegation of powers within 120

1 days after the receipt of all required documentation or such
2 request shall be immediately sent to the governing body for
3 consideration.

4 Section 9. (1) Amendments to part III of chapter 163,
5 Florida Statutes, as provided by this act, do not apply to any
6 ordinance or resolution authorizing the issuance of any bond,
7 note, or other form of indebtedness to which are pledged
8 increment revenues pursuant to a community development plan,
9 or amendment or modification thereto, as approved or adopted
10 before July 1, 2002.

11 (2) Amendments to part III of chapter 163, Florida
12 Statutes, as provided by this act, shall not apply to any
13 ordinance, resolution, interlocal agreement, or written
14 agreement effective before July 1, 2002, that provides for the
15 delegation of community redevelopment powers.

16 (3) Sections 1, 2, 4, and 5 of this act do not apply
17 to nor affect, directly or indirectly, any community
18 development agency created before July 1, 2002, unless the
19 community redevelopment area is expanded on or after July 1,
20 2002, in which case only sections 1 and 2 of this act shall
21 apply only to such expanded area.

22 (4) Sections 1, 2, 4, and 5 of this act do not apply
23 to nor shall affect, directly or indirectly, any municipality
24 that has authorized a finding of necessity study by May 1,
25 2002, has adopted its finding of necessity on or before August
26 1, 2002, and has adopted its community redevelopment plan on
27 or before December 31, 2002.

28 (5) Sections 1, 2, 4, and 5 of this act do not apply
29 to nor shall affect, directly or indirectly, any municipality
30 that has submitted its finding of necessity or application for
31 approval of a community redevelopment plan, or to amend an

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1 existing community redevelopment plan, to a county that has
2 adopted a home rule charter and that has delegated powers to
3 that municipality pursuant to section 163.410, Florida
4 Statutes, before August 1, 2002.

5 (6) Sections 2, 5, 6, and 7 of this act do not apply
6 to nor shall affect, directly or indirectly, any county as
7 defined in section 125.011(1), Florida Statutes, or any
8 municipality located therein.

9 Section 10. This act shall take effect July 1, 2002.

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11

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

13 And the title is amended as follows:

14 remove: the entire title

15

16 and insert:

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A bill to be entitled

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An act relating to community redevelopment;

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amending s. 163.340, F.S.; revising

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definitions; amending s. 163.355, F.S.;

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providing additional criteria for a finding of

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necessity for community redevelopment; amending

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s. 163.356, F.S.; allowing certain charter

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counties to create multiple community

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redevelopment agencies within the

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unincorporated county areas; providing for the

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membership of the board of commissioners of the

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community redevelopment agency; amending s.

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163.361, F.S.; requiring the appropriate

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governing body to hold public hearings and

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provide notice to taxing authorities concerning

1 modifications of community redevelopment plans;
2 amending s. 163.362, F.S.; providing a deadline
3 for completing projects in a community
4 redevelopment plan; amending s. 163.385, F.S.;
5 revising provisions relating to issuance and
6 maturation of refunding bonds; amending s.
7 163.387, F.S.; providing time limitations on
8 the annual appropriation made by each taxing
9 authority after the initial community
10 redevelopment plan has been approved; providing
11 that certain special districts are exempt from
12 providing tax increment dollars to the
13 community redevelopment trust fund; revising
14 provisions for exemption from funding of the
15 trust fund; amending s. 163.410, F.S.;
16 providing that the governing body of a charter
17 county must act on a delegation-of-powers
18 request within a specific timeframe; providing
19 for applicability; providing an effective date.

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