

By Representative Dockery

1                           A bill to be entitled  
2           An act relating to community redevelopment;  
3           amending s. 163.340, F.S.; revising  
4           definitions; amending s. 163.355, F.S.;  
5           providing additional criteria for a finding of  
6           necessity for community redevelopment; amending  
7           s. 163.361, F.S.; requiring the appropriate  
8           governing body to hold public hearings on  
9           modifications of community redevelopment plans;  
10          amending s. 163.362, F.S.; revising provisions  
11          relating to modifications of contents of  
12          community redevelopment plans; amending s.  
13          163.385, F.S.; revising provisions relating to  
14          issuance and maturation of refunding bonds;  
15          amending s. 163.387, F.S.; specifying the time  
16          period for appropriations to the redevelopment  
17          trust fund; providing for applicability;  
18          providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Subsections (3), (7), and (8) of section  
23   163.340, Florida Statutes, are amended to read:

24           163.340 Definitions.--The following terms, wherever  
25   used or referred to in this part, have the following meanings:

26           (3) "Governing body" means the council, commission, or  
27   other legislative body charged with governing the county or  
28   municipality.

29           (7) "Slum area" means an area with physical or  
30   economic conditions conducive to disease, infant mortality,  
31   juvenile delinquency, poverty, or crime because ~~in which~~ there

1 is a predominance of buildings or improvements, whether  
2 residential or nonresidential, that are impaired ~~which~~ by  
3 reason of dilapidation, deterioration, age, or obsolescence,  
4 and which area exhibits one or more of the following factors:

5       (a) Inadequate provision for ventilation, light, air,  
6 sanitation, or open spaces;

7       (b) High density of population, compared to the  
8 population density of adjacent areas within the county or  
9 municipality, and overcrowding, as indicated by  
10 government-maintained statistics and the requirements of the  
11 Florida Building Code; or

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

17       (8) "Blighted area" means ~~either:~~

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

28       ~~(a)†~~ Predominance of defective or inadequate street  
29 layout, parking facilities, roadways, bridges, or public  
30 transportation facilities;

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- 1        (b)2. An unemployment rate, over a 5-year period, that  
2 is higher than and rising faster than the unemployment rate of  
3 the county or municipality in which the proposed redevelopment  
4 area is situated;
- 5        (c) A tax base that has failed to show any appreciable  
6 increase over the last 5 years;
- 7        (d) Faulty lot layout in relation to size, adequacy,  
8 accessibility, or usefulness;
- 9        (e) An increase in the number of tax-exempt  
10 properties;
- 11        (f)3. Unsanitary or unsafe conditions;
- 12        (g)4. Deterioration of site or other improvements;
- 13        (h)5. Inadequate and outdated building density  
14 patterns;
- 15        (i) Falling lease rates per square foot of office,  
16 commercial, or industrial space;
- 17        (j)6. Tax or special assessment delinquency exceeding  
18 the fair value of the land;
- 19        (k)7. High residential and commercial vacancy rates  
20 compared to the remainder of the county or municipality  
21 inadequate transportation and parking facilities; and
- 22        (l)8. A high incidence of crime compared to the  
23 remainder of the county or municipality;
- 24        (m) A large number of fire and emergency medical  
25 service calls to the area compared to the remainder of the  
26 county or municipality;
- 27        (n) A large number of violations of the Florida  
28 Building Code in the area compared to the number of violations  
29 recorded in other areas of the county or municipality; or  
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1           (o) Diversity of ownership or defective or unusual  
2 conditions of title which prevent the free alienability of  
3 land within the deteriorated or hazardous area. ~~or~~

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

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10           The terms "slum" or "blighted area," as amended by this act,  
11 do not apply to any community redevelopment agency created  
12 prior to October 1, 2002, except where such agency modifies  
13 its community redevelopment area or plan. ~~However,~~ For  
14 purposes of qualifying for the tax credits authorized in  
15 chapter 220, "blighted area" means an area as defined in this  
16 subsection described in paragraph (a).

17           Section 2. Section 163.355, Florida Statutes, is  
18 amended to read:

19           163.355 Finding of necessity by county or  
20 municipality.--No county or municipality shall exercise the  
21 community redevelopment authority conferred by this part until  
22 after the appropriate governing body has first adopted a  
23 resolution, supported by a detailed justification, that finds  
24 that the conditions in the area meet the criteria described in  
25 s. 163.340(7) or (8). The resolution shall state finding that:

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

30           (2) The rehabilitation, conservation, or  
31 redevelopment, or a combination thereof, of such area or

1 areas, including, if appropriate, the development of housing  
2 which residents of low or moderate income, including the  
3 elderly, can afford, is necessary in the interest of the  
4 public health, safety, morals, or welfare of the residents of  
5 such county or municipality.

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7 This section, as amended by this act, does not apply to a  
8 community redevelopment agency created prior to October 1,  
9 2002, except where such agency modifies its community  
10 redevelopment area or plan.

11 Section 3. Subsections (1) and (2) of section 163.361,  
12 Florida Statutes, are amended to read:

13 163.361 Modification of community redevelopment  
14 plans.--

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

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

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

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1           163.362 Contents of community redevelopment  
2 plan.--Every community redevelopment plan shall:  
3           (10) Provide a time certain for completing all  
4 redevelopment financed by increment revenues. Such time  
5 certain shall occur no later than 30 years after the fiscal  
6 year in which the plan is initially approved or adopted, or  
7 ~~amended pursuant to s. 163.361(1)~~. For plans amended or  
8 modified pursuant to s. 163.361 for any community  
9 redevelopment agency created prior to October 1, 2002, such  
10 time certain shall occur no later than 30 years after the  
11 fiscal year in which the plan was amended or modified. In any  
12 event, no community redevelopment agency existing before  
13 October 1, 2002, shall have a time certain by which to  
14 complete all redevelopment financed by increment revenues  
15 beyond October 1, 2032.

16           Section 5. Paragraph (a) of subsection (1) of section  
17 163.385, Florida Statutes, is amended to read:

18           163.385 Issuance of revenue bonds.--

19           (1)(a) When authorized or approved by resolution or  
20 ordinance of the governing body, a county, municipality, or  
21 community redevelopment agency has power in its corporate  
22 capacity, in its discretion, to issue redevelopment revenue  
23 bonds from time to time to finance the undertaking of any  
24 community redevelopment under this part, including, without  
25 limiting the generality thereof, the payment of principal and  
26 interest upon any advances for surveys and plans or  
27 preliminary loans, and has power to issue refunding bonds for  
28 the payment or retirement of bonds or other obligations  
29 previously issued. Any redevelopment revenue bonds or other  
30 obligations issued to finance the undertaking of any community  
31 redevelopment under this part shall mature within 30 ~~60~~ years

1 after the end of the fiscal year in which the initial  
2 community redevelopment plan was approved or adopted. However,  
3 in no event shall any redevelopment revenue bonds or other  
4 obligations issued to finance the undertaking of any community  
5 redevelopment under this part mature later than the expiration  
6 of the plan in effect at the time such bonds or obligations  
7 were issued. The security for such bonds may be based upon the  
8 anticipated assessed valuation of the completed community  
9 redevelopment and such other revenues as are legally  
10 available. Any bond, note, or other form of indebtedness  
11 pledging increment revenues to the repayment thereof shall  
12 mature no later than the end of the 30th fiscal year after the  
13 end of the fiscal year in which the initial community  
14 redevelopment plan was approved or adopted ~~increment revenues~~  
15 ~~are first deposited into the redevelopment trust fund or the~~  
16 ~~fiscal year in which the plan is subsequently amended.~~  
17 However, any refunding bonds issued pursuant to this paragraph  
18 may not mature later than the final maturity date of any bonds  
19 or other obligations issued pursuant to this paragraph being  
20 paid or retired with the proceeds of such refunding bonds.

21 Section 6. Subsection (1) and paragraphs (a) and (c)  
22 of subsection (2) of section 163.387, Florida Statutes, are  
23 amended to read:

24 163.387 Redevelopment trust fund.--

25 (1) After approval of a community redevelopment plan,  
26 there shall be established for each community redevelopment  
27 agency created under s. 163.356 a redevelopment trust fund.  
28 Funds allocated to and deposited into this fund shall be used  
29 by the agency to finance or refinance any community  
30 redevelopment it undertakes pursuant to the approved community  
31 redevelopment plan. No community redevelopment agency may

1 receive or spend any increment revenues pursuant to this  
2 section unless and until the governing body has, by ordinance,  
3 provided for the funding of the redevelopment trust fund for  
4 the duration of a community redevelopment plan. Such ordinance  
5 may be adopted only after the appropriate governing body has  
6 approved a community redevelopment plan. The annual funding of  
7 the redevelopment trust fund shall be in an amount not less  
8 than that increment in the income, proceeds, revenues, and  
9 funds of each taxing authority derived from or held in  
10 connection with the undertaking and carrying out of community  
11 redevelopment under this part. Such increment shall be  
12 determined annually and shall be that amount equal to 95  
13 percent of the difference between:

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

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

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28 However, the governing body of any county as defined in s.  
29 125.011(1) may, in the ordinance providing for the funding of  
30 a trust fund established with respect to any community  
31 redevelopment area created on or after July 1, 1994, determine



1 that the amount to be funded by each taxing authority annually  
2 shall be less than 95 percent of the difference between  
3 paragraphs (a) and (b), but in no event shall such amount be  
4 less than 50 percent of such difference.

5 (2)(a) Except for the purpose of funding the trust  
6 fund pursuant to subsection (3), upon the adoption of an  
7 ordinance providing for funding of the redevelopment trust  
8 fund as provided in this section, each taxing authority shall,  
9 by January 1 of each year, appropriate to the trust fund for  
10 so long as any indebtedness pledging increment revenues to the  
11 payment thereof is outstanding (but not to exceed 30 years  
12 after the date of approval or adoption of the initial plan) a  
13 sum that is no less than the increment as defined and  
14 determined in subsection (1) accruing to such taxing  
15 authority. If the community redevelopment plan is amended or  
16 modified pursuant to s. 163.361(1), each such taxing authority  
17 shall make the annual appropriation for a period not to exceed  
18 30 years after the date of approval or adoption of the initial  
19 ~~the governing body amends the plan.~~

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

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

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

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

30 4. A neighborhood improvement district created under  
31 the Safe Neighborhoods Act.

- 1           5. A metropolitan transportation authority.  
2           6. A water management district created under s.  
3 373.069.

4           7. Any other special district that exists for the  
5 improvement of the public health, safety, and welfare.

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

13           Section 8. This act shall take effect October 1, 2002.

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HOUSE SUMMARY

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Revises provisions relating to community redevelopment.  
Provides additional criteria for a finding of necessity  
for community redevelopment. Requires the appropriate  
governing body to hold public hearings on modifications  
of community redevelopment plans. Revises provisions  
relating to modifications of contents of community  
redevelopment plans. Revises provisions relating to  
issuance and maturation of refunding bonds. Specifies the  
time period for appropriations to the redevelopment trust  
fund. Provides for applicability.

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