

By the Council for Smarter Government and Representatives  
Dockery, Clarke and Ross

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.; revising language relating to  
8           proposed modification of community  
9           redevelopment plans; requiring community  
10          redevelopment agencies to submit certain  
11          reports relating to modification of plans to  
12          taxing authorities; requiring modifications of  
13          community redevelopment plans that include  
14          boundary changes to be supported by a  
15          resolution under s. 163.355, F.S.; amending s.  
16          163.362, F.S.; revising provisions relating to  
17          modifications of contents of community  
18          redevelopment plans and specifying a time  
19          certain for completion of redevelopment  
20          financed by increment revenues for community  
21          redevelopment agencies created after July 1,  
22          2002; amending s. 163.385, F.S.; revising  
23          provisions relating to issuance and maturation  
24          of refunding bonds; amending s. 163.387, F.S.;  
25          specifying the time period for appropriations  
26          to the redevelopment trust fund; specifying  
27          certain entities that are exempt from paying  
28          tax increments to a redevelopment trust fund;  
29          providing for applicability; providing intent  
30          with regard to delegation of community  
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1           redevelopment powers; providing an effective  
2           date.

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

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

8           163.340 Definitions.--The following terms, wherever  
9 used or referred to in this part, have the following meanings:

10           (3) "Governing body" means the council, commission, or  
11 other legislative body charged with governing the county or  
12 municipality.

13           (7) "Slum area" means an area with physical or  
14 economic conditions conducive to disease, infant mortality,  
15 juvenile delinquency, poverty, or crime because in which there  
16 is a predominance of buildings or improvements, whether  
17 residential or nonresidential, that are impaired ~~which~~ by  
18 reason of dilapidation, deterioration, age, or obsolescence,  
19 and which area exhibits one or more of the following factors:

20           (a) Inadequate provision for ventilation, light, air,  
21 sanitation, or open spaces;

22           (b) High density of population, compared to the  
23 population density of adjacent areas within the county or  
24 municipality, and overcrowding, as indicated by  
25 government-maintained statistics or other studies and the  
26 requirements of the Florida Building Code; or

27           (c) The existence of conditions which endanger life or  
28 property by fire or other causes; or any combination of such  
29 factors is conducive to ill health, transmission of disease,  
30 infant mortality, juvenile delinquency, or crime and is  
31 detrimental to the public health, safety, morals, or welfare.

1           (8) "Blighted area" means ~~either~~  
2           ~~(a)~~ an area in which there are a substantial number of  
3 ~~slum, deteriorated, or deteriorating structures in which and~~  
4 ~~conditions as indicated by government-maintained statistics or~~  
5 ~~other studies are leading that lead to economic distress or~~  
6 ~~endanger life or property and in which two or more of the~~  
7 ~~following factors are present by fire or other causes or one~~  
8 ~~or more of the following factors that substantially impairs or~~  
9 ~~arrests the sound growth of a county or municipality and is a~~  
10 ~~menace to the public health, safety, morals, or welfare in its~~  
11 ~~present condition and use:~~  
12           ~~(a)1.~~ Predominance of defective or inadequate street  
13 layout, parking facilities, roadways, bridges, or public  
14 transportation facilities;  
15           (b) Aggregate assessed values of real property in the  
16 area for ad valorem tax purposes have failed to show any  
17 appreciable increase over the 5 years prior to the finding of  
18 such condition;  
19           ~~(c)2.~~ Faulty lot layout in relation to size, adequacy,  
20 accessibility, or usefulness;  
21           ~~(d)3.~~ Unsanitary or unsafe conditions;  
22           ~~(e)4.~~ Deterioration of site or other improvements;  
23           ~~(f)5.~~ Inadequate and outdated building density  
24 patterns;  
25           (g) Falling lease rates per square foot of office,  
26 commercial, or industrial space compared to the remainder of  
27 the county or municipality;  
28           ~~(h)6.~~ Tax or special assessment delinquency exceeding  
29 the fair value of the land;  
30           ~~(i)7.~~ Residential and commercial vacancy rates in the  
31 area higher than in the remainder of the county or

1 municipality ~~inadequate transportation and parking facilities;~~  
2 ~~and~~  
3 (j) Incidence of crime in the area higher than in the  
4 remainder of the county or municipality;  
5 (k) Fire and emergency medical service calls to the  
6 area higher on a proportional basis than in the remainder of  
7 the county or municipality;  
8 (l) Violations of the Florida Building Code in the  
9 area higher on a proportional basis than the number of  
10 violations recorded in the remainder of the county or  
11 municipality; or  
12 (m)~~8.~~ Diversity of ownership or defective or unusual  
13 conditions of title which prevent the free alienability of  
14 land within the deteriorated or hazardous area. ~~† or~~  
15 ~~(b) An area in which there exists faulty or inadequate~~  
16 ~~street layout; inadequate parking facilities; or roadways,~~  
17 ~~bridges, or public transportation facilities incapable of~~  
18 ~~handling the volume of traffic flow into or through the area,~~  
19 ~~either at present or following proposed construction.~~  
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21 ~~However,~~ For purposes of qualifying for the tax credits  
22 authorized in chapter 220, "blighted area" means an area as  
23 defined in this subsection ~~described in paragraph (a).~~  
24 Section 2. Section 163.355, Florida Statutes, is  
25 amended to read:  
26 163.355 Finding of necessity by county or  
27 municipality.--No county or municipality shall exercise the  
28 community redevelopment authority conferred by this part until  
29 after the governing body has adopted a resolution, supported  
30 by data and analysis, that makes a legislative finding that  
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1 the conditions in the area meet the criteria described in s.  
2 163.340(7) or (8). The resolution shall state ~~finding~~ that:

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

7 (2) The rehabilitation, conservation, or  
8 redevelopment, or a combination thereof, of such area or  
9 areas, including, if appropriate, the development of housing  
10 which residents of low or moderate income, including the  
11 elderly, can afford, is necessary in the interest of the  
12 public health, safety, morals, or welfare of the residents of  
13 such county or municipality.

14 Section 3. Subsection (2) of section 163.361, Florida  
15 Statutes, is amended, and subsections (4) and (5) are added to  
16 said section, to read:

17 163.361 Modification of community redevelopment  
18 plans.--

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

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

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

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

7       163.362 Contents of community redevelopment  
8 plan.--Every community redevelopment plan shall:

9       (10) Provide a time certain for completing all  
10 redevelopment financed by increment revenues. Such time  
11 certain shall occur no later than 30 years after the fiscal  
12 year in which the plan is approved, adopted, or amended  
13 pursuant to s. 163.361(1). However, for any agency created  
14 after July 1, 2002, the time certain for completing all  
15 redevelopment financed by increment revenues shall occur no  
16 later than 40 years after the fiscal year in which the plan is  
17 approved or adopted.

18       Section 5. Paragraph (a) of subsection (1) of section  
19 163.385, Florida Statutes, is amended to read:

20       163.385 Issuance of revenue bonds.--

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

1 2002, any redevelopment revenue bonds or other obligations  
2 issued to finance the undertaking of any community  
3 redevelopment under this part shall mature within 60 years  
4 after the end of the fiscal year in which the initial  
5 community redevelopment plan was approved or adopted. For any  
6 agency created after July 1, 2002, any redevelopment revenue  
7 bond or other obligation issued to finance the undertaking of  
8 any community redevelopment under this part shall mature  
9 within 40 years after the end of the fiscal year in which the  
10 initial community redevelopment plan was approved or adopted.  
11 However, in no event shall any redevelopment revenue bonds or  
12 other obligations issued to finance the undertaking of any  
13 community redevelopment under this part mature later than the  
14 expiration of the plan in effect at the time such bonds or  
15 obligations were issued. The security for such bonds may be  
16 based upon the anticipated assessed valuation of the completed  
17 community redevelopment and such other revenues as are legally  
18 available. Any bond, note, or other form of indebtedness  
19 pledging increment revenues to the repayment thereof shall  
20 mature no later than the end of the 30th fiscal year after the  
21 fiscal year in which increment revenues are first deposited  
22 into the redevelopment trust fund or the fiscal year in which  
23 the plan is subsequently amended. However, for any agency  
24 created after July 1, 2002, any form of indebtedness pledging  
25 increment revenues to the repayment thereof shall mature no  
26 later than the 40th year after the fiscal year in which the  
27 initial community redevelopment plan was approved or adopted.  
28 However, any refunding bonds issued pursuant to this paragraph  
29 may not mature later than the final maturity date of any bonds  
30 or other obligations issued pursuant to this paragraph being  
31 paid or retired with the proceeds of such refunding bonds.

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

3           163.387 Redevelopment trust fund.--

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

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

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



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

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

15       (2)(a) Except for the purpose of funding the trust  
16 fund pursuant to subsection (3), upon the adoption of an  
17 ordinance providing for funding of the redevelopment trust  
18 fund as provided in this section, each taxing authority shall,  
19 by January 1 of each year, appropriate to the trust fund for  
20 so long as any indebtedness pledging increment revenues to the  
21 payment thereof is outstanding (but not to exceed 30 years) a  
22 sum that is no less than the increment as defined and  
23 determined in subsection (1) accruing to such taxing  
24 authority. If the community redevelopment plan is amended or  
25 modified pursuant to s. 163.361(1), each such taxing authority  
26 shall make the annual appropriation for a period not to exceed  
27 30 years after the date the governing body amends the plan.  
28 However, for any agency created after July 1, 2002, each  
29 taxing authority shall make the annual appropriation for a  
30 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 special fire control district as  
28 defined in s. 191.003.

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

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1           3. A hospital district created pursuant to general law  
2 or special act.

3           (e)~~(d)~~1. A local governing body that creates a  
4 community redevelopment agency under s. 163.356 may exempt  
5 from paragraph (a) a special district that levies ad valorem  
6 taxes within that community redevelopment area. The local  
7 governing body may grant the exemption either in its sole  
8 discretion or in response to the request of the special  
9 district. The local governing body must establish procedures  
10 by which a special district may submit a written request to be  
11 exempted from paragraph (a) ~~within 120 days after July 1,~~  
12 ~~1993.~~

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

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

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

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

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

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

1           f. The benefit of the activities of the special  
2 district to the approved community redevelopment plan.

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

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

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

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

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

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

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

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 January 1, 2003.

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

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