

1 A bill to be entitled
2 An act relating to community redevelopment;
3 amending s. 163.336; F.S.; extending the date
4 for a pilot project; amending s. 163.340, F.S.;
5 revising definitions; amending s. 163.355,
6 F.S.; providing additional criteria for a
7 finding of necessity for community
8 redevelopment; amending s. 163.356, F.S.;
9 allowing certain charter counties to create
10 multiple community redevelopment agencies
11 within the unincorporated county areas;
12 providing for the membership of the board of
13 commissioners of the community redevelopment
14 agency; amending s. 163.361, F.S.; requiring
15 the appropriate governing body to hold public
16 hearings and provide notice to taxing
17 authorities concerning modifications of
18 community redevelopment plans; amending s.
19 163.362, F.S.; providing a deadline for
20 completing projects in a community
21 redevelopment plan; amending s. 163.385, F.S.;
22 revising provisions relating to issuance and
23 maturation of refunding bonds; amending s.
24 163.387, F.S.; providing time limitations on
25 the annual appropriation made by each taxing
26 authority after the initial community
27 redevelopment plan has been approved; providing
28 that certain special districts are exempt from
29 providing tax increment dollars to the
30 community redevelopment trust fund; revising
31 provisions for exemption from funding of the

1 trust fund; amending s. 163.410, F.S.;
2 providing that the governing body of a charter
3 county must act on a delegation-of-powers
4 request within a specific timeframe; providing
5 for applicability; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (3) of section 163.336, Florida
10 Statutes, is amended to read:

11 163.336 Coastal resort area redevelopment pilot
12 project.--

13 (3) PILOT PROJECT EXPIRATION.--The authorization for
14 the pilot project and the provisions of this section expire
15 December 31, 2006 ~~2002~~. The Legislature shall review these
16 requirements before their scheduled expiration.

17 Section 2. Subsections (3), (7), and (8) of section
18 163.340, Florida Statutes, are amended to read:

19 163.340 Definitions.--The following terms, wherever
20 used or referred to in this part, have the following meanings:

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

24 (7) "Slum area" means an area having physical or
25 economic conditions conducive to disease, infant mortality,
26 juvenile delinquency, poverty, or crime because in which there
27 is a predominance of buildings or improvements, whether
28 residential or nonresidential, which are impaired by reason of
29 dilapidation, deterioration, age, or obsolescence and
30 exhibiting 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
6 government-maintained statistics or other studies and the
7 requirements of the florida Building Code; or

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

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

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

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

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

3 ~~(c)2.~~ Faulty lot layout in relation to size, adequacy,
4 accessibility, or usefulness;

5 ~~(d)3.~~ Unsanitary or unsafe conditions;

6 ~~(e)4.~~ Deterioration of site or other improvements;

7 ~~(f)5.~~ Inadequate and outdated building density
8 patterns;

9 (g) Falling lease rates per square foot of office,
10 commercial, or industrial space compared to the remainder of
11 the county or municipality;

12 ~~(h)6.~~ Tax or special assessment delinquency exceeding
13 the fair value of the land;

14 (i) Residential and commercial vacancy rates higher in
15 the area than in the remainder of the county or municipality;

16 (j) Incidence of crime in the area higher than in the
17 remainder of the county or municipality;

18 (k) Fire and emergency medical service calls to the
19 area proportionately higher than in the remainder of the
20 county or municipality;

21 (l) A greater number of violations of the Florida
22 Building Code in the area than the number of violations
23 recorded in the remainder of the county or municipality;

24 ~~7. Inadequate transportation and parking facilities;~~
25 ~~and~~

26 ~~(m)8.~~ Diversity of ownership or defective or unusual
27 conditions of title which prevent the free alienability of
28 land within the deteriorated or hazardous area; or

29 (n) Governmentally owned property with adverse
30 environmental conditions caused by a public or private entity.

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

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

17 Section 3. 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 governing body has adopted a resolution, supported
23 by data and analysis, which makes a legislative finding that
24 the conditions in the area meet the criteria described in s.
25 163.340(7) or (8). The resolution must 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.

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

8 163.356 Creation of community redevelopment agency.--

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

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

29 (2) When the governing body adopts a resolution
30 declaring the need for a community redevelopment agency, that
31 body shall, by ordinance, appoint a board of commissioners of

1 the community redevelopment agency, which shall consist of not
2 fewer than five or more than nine ~~seven~~ commissioners. The
3 terms of office of the commissioners shall be for 4 years,
4 except that three of the members first appointed shall be
5 designated to serve terms of 1, 2, and 3 years, respectively,
6 from the date of their appointments, and all other members
7 shall be designated to serve for terms of 4 years from the
8 date of their appointments. A vacancy occurring during a term
9 shall be filled for the unexpired term.

10 Section 5. Section 163.361, Florida Statutes, is
11 amended to read:

12 163.361 Modification of community redevelopment
13 plans.--

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

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

28 (3) In addition to the requirements of s. 163.346, and
29 prior to the adoption of any modification to a community
30 redevelopment plan that expands the boundaries of the
31 community redevelopment area or extends the time certain set

1 forth in the redevelopment plan as required by s. 163.362(10),
2 the agency shall report such proposed modification to each
3 taxing authority in writing or by an oral presentation, or
4 both, regarding such proposed modification.

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

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

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

20 163.362 Contents of community redevelopment
21 plan.--Every community redevelopment plan shall:

22 (10) Provide a time certain for completing all
23 redevelopment financed by increment revenues. Such time
24 certain shall occur no later than 30 years after the fiscal
25 year in which the plan is approved, adopted, or amended
26 pursuant to s. 163.361(1). However, for any agency created
27 after July 1, 2002, the time certain for completing all
28 redevelopment financed by increment revenues must occur within
29 40 years after the fiscal year in which the plan is approved
30 or adopted.

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1 Section 7. Paragraph (a) of subsection (1) of section
2 163.385, Florida Statutes, is amended to read:

3 163.385 Issuance of revenue bonds.--

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

1 available. Any bond, note, or other form of indebtedness
2 pledging increment revenues to the repayment thereof shall
3 mature no later than the end of the 30th fiscal year after the
4 fiscal year in which increment revenues are first deposited
5 into the redevelopment trust fund or the fiscal year in which
6 the plan is subsequently amended. However, for any agency
7 created on or after July 1, 2002, any form of indebtedness
8 pledging increment revenues to the repayment thereof shall
9 mature by the 40th year after the fiscal year in which the
10 initial community redevelopment plan is approved or adopted.
11 However, any refunding bonds issued pursuant to this paragraph
12 may not mature later than the final maturity date of any bonds
13 or other obligations issued pursuant to this paragraph being
14 paid or retired with the proceeds of such refunding bonds.

15 Section 8. Subsections (1), (2), and (6) of section
16 163.387, Florida Statutes, are amended to read:

17 163.387 Redevelopment trust fund.--

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

1 that increment in the income, proceeds, revenues, and funds of
2 each taxing authority derived from or held in connection with
3 the undertaking and carrying out of community redevelopment
4 under this part. Such increment shall be determined annually
5 and shall be that amount equal to 95 percent of the difference
6 between:

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

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

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

29 (2)(a) Except for the purpose of funding the trust
30 fund pursuant to subsection (3), upon the adoption of an
31 ordinance providing for funding of the redevelopment trust

1 fund as provided in this section, each taxing authority shall,
2 by January 1 of each year, appropriate to the trust fund for
3 so long as any indebtedness pledging increment revenues to the
4 payment thereof is outstanding (but not to exceed 30 years) a
5 sum that is no less than the increment as defined and
6 determined in subsection (1) accruing to such taxing
7 authority. If the community redevelopment plan is amended or
8 modified pursuant to s. 163.361(1), each such taxing authority
9 shall make the annual appropriation for a period not to exceed
10 30 years after the date the governing body amends the plan.
11 However, for any agency created on or after July 1, 2002, each
12 taxing authority shall make the annual appropriation for a
13 period not to exceed 40 years after the fiscal year in which
14 the initial community redevelopment plan is approved or
15 adopted.

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

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

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

26 2. A special district for which the sole available
27 source of revenue the district has the authority to levy of
28 ~~which~~ is ad valorem taxes at the time an ordinance is adopted
29 under this section.

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

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

6 5. A metropolitan transportation authority.

7 6. A water management district created under s.
8 373.069.

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

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

21 a. Any additional revenue sources of the community
22 redevelopment agency which could be used in lieu of the
23 special district's tax increment.

24 b. The fiscal and operational impact on the community
25 redevelopment agency.

26 c. The fiscal and operational impact on the special
27 district.

28 d. The benefit to the specific purpose for which the
29 special district was created. The benefit to the special
30 district must be based on specific projects contained in the
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1 approved community redevelopment plan for the designated
2 community redevelopment area.

3 e. The impact of the exemption on incurred debt and
4 whether such exemption will impair any outstanding bonds that
5 have pledged tax increment revenues to the repayment of the
6 bonds.

7 f. The benefit of the activities of the special
8 district to the approved community redevelopment plan.

9 g. The benefit of the activities of the special
10 district to the area of operation of the local governing body
11 that created the community redevelopment agency.

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

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

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

3 a. A separate, detailed examination of each
4 consideration listed in subparagraph 2.

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

8 6. The decision to either deny or grant an exemption
9 must be made by the local governing body within 120 days after
10 the date the written request was submitted to the local
11 governing body pursuant to the procedures established by such
12 local governing body.

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

20 (a) Administrative and overhead expenses necessary or
21 incidental to the implementation of a community redevelopment
22 plan adopted by the agency.

23 (b) Expenses of redevelopment planning, surveys, and
24 financial analysis, including the reimbursement of the
25 governing body or the community redevelopment agency for such
26 expenses incurred before the redevelopment plan was approved
27 and adopted.

28 (c) The acquisition of real property in the
29 redevelopment area.

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1 (d) The clearance and preparation of any redevelopment
2 area for redevelopment and relocation of site occupants as
3 provided in s. 163.370.

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

7 (f) All expenses incidental to or connected with the
8 issuance, sale, redemption, retirement, or purchase of agency
9 bonds, bond anticipation notes, or other form of indebtedness,
10 including funding of any reserve, redemption, or other fund or
11 account provided for in the ordinance or resolution
12 authorizing such bonds, notes, or other form of indebtedness.

13 (g) The development of affordable housing within the
14 area.

15 (h) The development of community policing innovations.

16 Section 9. Section 163.410, Florida Statutes, is
17 amended to read:

18 163.410 Exercise of powers in counties with home rule
19 charters.--In any county which has adopted a home rule
20 charter, the powers conferred by this part shall be exercised
21 exclusively by the governing body of such county. However,
22 the governing body of any such county which has adopted a home
23 rule charter may, in its discretion, by resolution delegate
24 the exercise of the powers conferred upon the county by this
25 part within the boundaries of a municipality to the governing
26 body of such a municipality. Such a delegation to a
27 municipality shall confer only such powers upon a municipality
28 as shall be specifically enumerated in the delegating
29 resolution. Any power not specifically delegated shall be
30 reserved exclusively to the governing body of the county.
31 This section does not affect any community redevelopment

1 agency created by a municipality prior to the adoption of a
2 county home rule charter. Unless otherwise provided by an
3 existing ordinance, resolution, or interlocal agreement
4 between any such county and a municipality, the governing body
5 of the county that has adopted a home rule charter shall act
6 on any request from a municipality for a delegation of powers
7 or a change in an existing delegation of powers within 120
8 days after the receipt of all required documentation or such
9 request shall be immediately sent to the governing body for
10 consideration.

11 Section 10. (1) Amendments to part III of chapter
12 163, Florida Statutes, as provided by this act, do not apply
13 to any ordinance or resolution authorizing the issuance of any
14 bond, note, or other form of indebtedness to which are pledged
15 increment revenues pursuant to a community development plan,
16 or amendment or modification thereto, as approved or adopted
17 before July 1, 2002.

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

23 (3) Sections 1, 2, 4, and 5 of this act do not apply
24 to nor affect, directly or indirectly, any community
25 development agency created before July 1, 2002, unless the
26 community redevelopment area is expanded on or after July 1,
27 2002, in which case only sections 1 and 2 of this act shall
28 apply only to such expanded area.

29 (4) Sections 1, 2, 4, and 5 of this act do not apply
30 to nor shall affect, directly or indirectly, any municipality
31 that has authorized a finding of necessity study by May 1,

1 2002, or has adopted its finding of necessity on or before
2 August 1, 2002, and has adopted its community redevelopment
3 plan on or before December 31, 2002.

4 (5) Sections 1, 2, 4, and 5 of this act do not apply
5 to nor shall affect, directly or indirectly, any municipality
6 that has submitted before August 1, 2002 its finding of
7 necessity, or application for approval of a community
8 redevelopment plan, or an application to amend an existing
9 community redevelopment plan to a county that has adopted a
10 home rule charter.

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

15 Section 11. This act shall take effect July 1, 2002.
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