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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; amending s. 288.106, F.S.;

6 redefining the term "local financial support

7 exemption option" with respect to the tax

8 refund program; amending s. 288.107, F.S.;

9 revising the criteria for participation in the

10 bonus refund program; revising the formula for

11 calculating the refund; providing an effective

12 date.

13

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

15

16 Section 1. Subsection (3) of section 163.336, Florida

17 Statutes, is amended to read:

18 163.336 Coastal resort area redevelopment pilot

19 project.--

20 (3) PILOT PROJECT EXPIRATION.--The authorization for

21 the pilot project and the provisions of this section expire

22 December 31, 2006 ~~2002~~. The Legislature shall review these

23 requirements before their scheduled expiration.

24 Section 2. Subsections (3), (7), and (8) of section

25 163.340, Florida Statutes, are amended to read:

26 163.340 Definitions.--The following terms, wherever

27 used or referred to in this part, have the following meanings:

28 (3) "Governing body" means the council, commission, or

29 other legislative body charged with governing the county or

30 municipality.

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

8 (a) Inadequate provision for ventilation, light, air,
9 sanitation, or open spaces;

10 (b) High density of population, compared to the
11 population density of adjacent areas within the county or
12 municipality; and overcrowding, as indicated by
13 government-maintained statistics or other studies and the
14 requirements of the florida Building Code; or

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

21 (8) "Blighted area" means an area in which there are
22 either:

23 (a) ~~An area in which there are a substantial number of~~
24 ~~slum, deteriorated, or deteriorating structures, in which~~ and
25 conditions, as indicated by government-maintained statistics
26 or other studies, are leading that lead to economic distress
27 or endanger life or property, and in which two or more of the
28 following factors are present ~~by fire or other causes or one~~
29 ~~or more of the following factors that substantially impairs or~~
30 ~~arrests the sound growth of a county or municipality and is a~~
31

- 1 ~~menace to the public health, safety, morals, or welfare in its~~
2 ~~present condition and use:~~
- 3 (a)1. Predominance of defective or inadequate street
4 layout, parking facilities, roadways, bridges, or public
5 transportation facilities;
- 6 (b) Aggregate assessed values of real property in the
7 area for ad valorem tax purposes have failed to show any
8 appreciable increase over the 5 years prior to the finding of
9 such conditions;
- 10 (c)2. Faulty lot layout in relation to size, adequacy,
11 accessibility, or usefulness;
- 12 (d)3. Unsanitary or unsafe conditions;
- 13 (e)4. Deterioration of site or other improvements;
- 14 (f)5. Inadequate and outdated building density
15 patterns;
- 16 (g) Falling lease rates per square foot of office,
17 commercial, or industrial space compared to the remainder of
18 the county or municipality;
- 19 (h)6. Tax or special assessment delinquency exceeding
20 the fair value of the land;
- 21 (i) Residential and commercial vacancy rates higher in
22 the area than in the remainder of the county or municipality;
- 23 (j) Incidence of crime in the area higher than in the
24 remainder of the county or municipality;
- 25 (k) Fire and emergency medical service calls to the
26 area proportionately higher than in the remainder of the
27 county or municipality;
- 28 (l) A greater number of violations of the Florida
29 Building Code in the area than the number of violations
30 recorded in the remainder of the county or municipality;
31

1 ~~7. Inadequate transportation and parking facilities;~~
2 and
3 (m)8. Diversity of ownership or defective or unusual
4 conditions of title which prevent the free alienability of
5 land within the deteriorated or hazardous area; or
6 (n) Governmentally owned property with adverse
7 environmental conditions caused by a public or private entity.
8 ~~(b) An area in which there exists faulty or inadequate~~
9 ~~street layout; inadequate parking facilities; or roadways,~~
10 ~~bridges, or public transportation facilities incapable of~~
11 ~~handling the volume of traffic flow into or through the area,~~
12 ~~either at present or following proposed construction.~~

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

24 Section 3. 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, which makes a legislative finding that
31

1 the conditions in the area meet the criteria described in s.
2 163.340(7) or (8). The resolution must 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~~

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

16 163.356 Creation of community redevelopment agency.--

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

27 Each such agency shall be constituted as a public
28 instrumentality, and the exercise by a community redevelopment
29 agency of the powers conferred by this part shall be deemed
30 and held to be the performance of an essential public
31 function. ~~The Community redevelopment agencies agency~~ of a

1 county have ~~has~~ the power to function within the corporate
2 limits of a municipality only as, if, and when the governing
3 body of the municipality has by resolution concurred in the
4 community redevelopment plan or plans proposed by the
5 governing body of the county.

6 (2) When the governing body adopts a resolution
7 declaring the need for a community redevelopment agency, that
8 body shall, by ordinance, appoint a board of commissioners of
9 the community redevelopment agency, which shall consist of not
10 fewer than five or more than nine ~~seven~~ commissioners. The
11 terms of office of the commissioners shall be for 4 years,
12 except that three of the members first appointed shall be
13 designated to serve terms of 1, 2, and 3 years, respectively,
14 from the date of their appointments, and all other members
15 shall be designated to serve for terms of 4 years from the
16 date of their appointments. A vacancy occurring during a term
17 shall be filled for the unexpired term.

18 Section 5. Section 163.361, Florida Statutes, is
19 amended to read:

20 163.361 Modification of community redevelopment
21 plans.--

22 (1) If at any time after the approval of a community
23 redevelopment plan by the governing body it becomes necessary
24 or desirable to amend or modify such plan, the governing body
25 may amend such plan upon the recommendation of the agency. The
26 agency recommendation to amend or modify a redevelopment plan
27 may include a change in the boundaries of the redevelopment
28 area to add land to or exclude land from the redevelopment
29 area, or may include the development and implementation of
30 community policing innovations.

31

1 (2) The governing body shall hold a public hearing on
2 a proposed modification of any ~~a~~ community redevelopment plan
3 after public notice thereof by publication in a newspaper
4 having a general circulation in the area of operation of the
5 agency.

6 (3) In addition to the requirements of s. 163.346, and
7 prior to the adoption of any modification to a community
8 redevelopment plan that expands the boundaries of the
9 community redevelopment area or extends the time certain set
10 forth in the redevelopment plan as required by s. 163.362(10),
11 the agency shall report such proposed modification to each
12 taxing authority in writing or by an oral presentation, or
13 both, regarding such proposed modification.

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

18 (5)~~(3)~~ If a community redevelopment plan is modified
19 by the county or municipality after the lease or sale of real
20 property in the community redevelopment area, such
21 modification may be conditioned upon such approval of the
22 owner, lessee, or successor in interest as the county or
23 municipality may deem advisable and, in any event, shall be
24 subject to such rights at law or in equity as a lessee or
25 purchaser, or his or her successor or successors in interest,
26 may be entitled to assert.

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

29 163.362 Contents of community redevelopment
30 plan.--Every community redevelopment plan shall:

31

1 (10) Provide a time certain for completing all
2 redevelopment financed by increment revenues. Such time
3 certain shall occur no later than 30 years after the fiscal
4 year in which the plan is approved, adopted, or amended
5 pursuant to s. 163.361(1). However, for any agency created
6 after July 1, 2002, the time certain for completing all
7 redevelopment financed by increment revenues must occur within
8 40 years after the fiscal year in which the plan is approved
9 or adopted.

10 Section 7. Paragraph (a) of subsection (1) of section
11 163.385, Florida Statutes, is amended to read:

12 163.385 Issuance of revenue bonds.--

13 (1)(a) When authorized or approved by resolution or
14 ordinance of the governing body, a county, municipality, or
15 community redevelopment agency has power in its corporate
16 capacity, in its discretion, to issue redevelopment revenue
17 bonds from time to time to finance the undertaking of any
18 community redevelopment under this part, including, without
19 limiting the generality thereof, the payment of principal and
20 interest upon any advances for surveys and plans or
21 preliminary loans, and has power to issue refunding bonds for
22 the payment or retirement of bonds or other obligations
23 previously issued. For any agency created before July 1, 2002,
24 any redevelopment revenue bonds or other obligations issued to
25 finance the undertaking of any community redevelopment under
26 this part shall mature within 60 years after the end of the
27 fiscal year in which the initial community redevelopment plan
28 was approved or adopted. For any agency created on or after
29 July 1, 2002, any redevelopment revenue bonds or other
30 obligations issued to finance the undertaking of any community
31 redevelopment under this part shall mature within 40 years

1 after the end of the fiscal year in which the initial
2 community redevelopment plan is 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 fiscal year in which increment revenues are first deposited
14 into the redevelopment trust fund or the fiscal year in which
15 the plan is subsequently amended. However, for any agency
16 created on or after July 1, 2002, any form of indebtedness
17 pledging increment revenues to the repayment thereof shall
18 mature by the 40th year after the fiscal year in which the
19 initial community redevelopment plan is approved or adopted.
20 However, any refunding bonds issued pursuant to this paragraph
21 may not mature later than the final maturity date of any bonds
22 or other obligations issued pursuant to this paragraph being
23 paid or retired with the proceeds of such refunding bonds.

24 Section 8. Subsections (1), (2), and (6) of section
25 163.387, Florida Statutes, are amended to read:

26 163.387 Redevelopment trust fund.--

27 (1) After approval of a community redevelopment plan,
28 there shall be established for each community redevelopment
29 agency created under s. 163.356 a redevelopment trust fund.
30 Funds allocated to and deposited into this fund shall be used
31 by the agency to finance or refinance any community

1 redevelopment it undertakes pursuant to the approved community
2 redevelopment plan. No community redevelopment agency may
3 receive or spend any increment revenues pursuant to this
4 section unless and until the governing body has, by ordinance,
5 provided for the funding of the redevelopment trust fund for
6 the duration of a community redevelopment plan. Such ordinance
7 may be adopted only after the governing body has approved a
8 community redevelopment plan. The annual funding of the
9 redevelopment trust fund shall be in an amount not less than
10 that increment in the income, proceeds, revenues, and funds of
11 each taxing authority derived from or held in connection with
12 the undertaking and carrying out of community redevelopment
13 under this part. Such increment shall be determined annually
14 and shall be that amount equal to 95 percent of the difference
15 between:

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

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

29

30 However, the governing body of any county as defined in s.
31 125.011(1) may, in the ordinance providing for the funding of

1 a trust fund established with respect to any community
2 redevelopment area created on or after July 1, 1994, determine
3 that the amount to be funded by each taxing authority annually
4 shall be less than 95 percent of the difference between
5 paragraphs (a) and (b), but in no event shall such amount be
6 less than 50 percent of such difference.

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

25 (b) Any taxing authority that does not pay the
26 increment to the trust fund by January 1 shall pay to the
27 trust fund an amount equal to 5 percent of the amount of the
28 increment and shall pay interest on the amount of the
29 increment equal to 1 percent for each month the increment is
30 outstanding.

31

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

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

5 2. A special district for which the sole available
6 source of revenue the district has the authority to levy ~~of~~
7 ~~which~~ is ad valorem taxes at the time an ordinance is adopted
8 under this section.

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

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

14 5. A metropolitan transportation authority.

15 6. A water management district created under s.
16 373.069.

17 (d)1. A local governing body that creates a community
18 redevelopment agency under s. 163.356 may exempt from
19 paragraph (a) a special district that levies ad valorem taxes
20 within that community redevelopment area. The local governing
21 body may grant the exemption either in its sole discretion or
22 in response to the request of the special district. The local
23 governing body must establish procedures by which a special
24 district may submit a written request to be exempted from
25 paragraph (a) ~~within 120 days after July 1, 1993.~~

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

29 a. Any additional revenue sources of the community
30 redevelopment agency which could be used in lieu of the
31 special district's tax increment.

1 b. The fiscal and operational impact on the community
2 redevelopment agency.

3 c. The fiscal and operational impact on the special
4 district.

5 d. The benefit to the specific purpose for which the
6 special district was created. The benefit to the special
7 district must be based on specific projects contained in the
8 approved community redevelopment plan for the designated
9 community redevelopment area.

10 e. The impact of the exemption on incurred debt and
11 whether such exemption will impair any outstanding bonds that
12 have pledged tax increment revenues to the repayment of the
13 bonds.

14 f. The benefit of the activities of the special
15 district to the approved community redevelopment plan.

16 g. The benefit of the activities of the special
17 district to the area of operation of the local governing body
18 that created the community redevelopment agency.

19 3. The local governing body must hold a public hearing
20 on a special district's request for exemption after public
21 notice of the hearing is published in a newspaper having a
22 general circulation in the county or municipality that created
23 the community redevelopment area. The notice must describe
24 the time, date, place, and purpose of the hearing and must
25 identify generally the community redevelopment area covered by
26 the plan and the impact of the plan on the special district
27 that requested the exemption.

28 4. If a local governing body grants an exemption to a
29 special district under this paragraph, the local governing
30 body and the special district must enter into an interlocal
31 agreement that establishes the conditions of the exemption,

1 including, but not limited to, the period of time for which
2 the exemption is granted.

3 5. If a local governing body denies a request for
4 exemption by a special district, the local governing body
5 shall provide the special district with a written analysis
6 specifying the rationale for such denial. This written
7 analysis must include, but is not limited to, the following
8 information:

9 a. A separate, detailed examination of each
10 consideration listed in subparagraph 2.

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

14 6. The decision to either deny or grant an exemption
15 must be made by the local governing body within 120 days after
16 the date the written request was submitted to the local
17 governing body pursuant to the procedures established by such
18 local governing body.

19 (6) Moneys in the redevelopment trust fund may be
20 expended from time to time for undertakings of a community
21 redevelopment agency which are ~~the following purposes, when~~
22 directly related to financing or refinancing of redevelopment
23 in a community redevelopment area pursuant to an approved
24 community redevelopment plan for the following purposes,
25 including, but not limited to:

26 (a) Administrative and overhead expenses necessary or
27 incidental to the implementation of a community redevelopment
28 plan adopted by the agency.

29 (b) Expenses of redevelopment planning, surveys, and
30 financial analysis, including the reimbursement of the
31 governing body or the community redevelopment agency for such

1 expenses incurred before the redevelopment plan was approved
2 and adopted.

3 (c) The acquisition of real property in the
4 redevelopment area.

5 (d) The clearance and preparation of any redevelopment
6 area for redevelopment and relocation of site occupants as
7 provided in s. 163.370.

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

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

17 (g) The development of affordable housing within the
18 area.

19 (h) The development of community policing innovations.

20 Section 9. Section 163.410, Florida Statutes, is
21 amended to read:

22 163.410 Exercise of powers in counties with home rule
23 charters.--In any county which has adopted a home rule
24 charter, the powers conferred by this part shall be exercised
25 exclusively by the governing body of such county. However,
26 the governing body of any such county which has adopted a home
27 rule charter may, in its discretion, by resolution delegate
28 the exercise of the powers conferred upon the county by this
29 part within the boundaries of a municipality to the governing
30 body of such a municipality. Such a delegation to a
31 municipality shall confer only such powers upon a municipality

1 as shall be specifically enumerated in the delegating
2 resolution. Any power not specifically delegated shall be
3 reserved exclusively to the governing body of the county.
4 This section does not affect any community redevelopment
5 agency created by a municipality prior to the adoption of a
6 county home rule charter. Unless otherwise provided by an
7 existing ordinance, resolution, or interlocal agreement
8 between any such county and a municipality, the governing body
9 of the county that has adopted a home rule charter shall act
10 on any request from a municipality for a delegation of powers
11 or a change in an existing delegation of powers within 120
12 days after the receipt of all required documentation or such
13 request shall be immediately sent to the governing body for
14 consideration.

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

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

27 (3) The amendments to sections 163.340, 163.355,
28 163.361, and 163.362, Florida Statutes, by this act do not
29 apply to or affect, directly or indirectly, any community
30 development agency created before July 1, 2002, unless the
31 community redevelopment area is expanded on or after July 1,

1 2002, in which case only the amendments to sections 163.340
2 and 163.355, Florida Statutes, by this act shall apply only to
3 such expanded area.

4 (4) The amendments to sections 163.340, 163.355,
5 163.361, and 163.362, Florida Statutes, by this act do not
6 apply to or affect, directly or indirectly, any municipality
7 that has authorized a finding of necessity study by May 1,
8 2002, or has adopted its finding of necessity on or before
9 August 1, 2002, and has adopted its community redevelopment
10 plan on or before December 31, 2002.

11 (5) The amendments to sections 163.340, 163.355,
12 163.361, and 163.362, Florida Statutes, by this act do not
13 apply to or affect, directly or indirectly, any municipality
14 that has submitted before August 1, 2002, its finding of
15 necessity, or application for approval of a community
16 redevelopment plan, or an application to amend an existing
17 community redevelopment plan to a county that has adopted a
18 home rule charter.

19 (6) The amendments to sections 163.355, 163.362,
20 163.385, and 163.387, Florida Statutes, by this act do not
21 apply to or affect, directly or indirectly, any county as
22 defined in section 125.011(1), Florida Statutes, or any
23 municipality located therein.

24 Section 11. Paragraph (k) of subsection (1) of section
25 288.106, Florida Statutes, is amended to read:

26 288.106 Tax refund program for qualified target
27 industry businesses.--

28 (1) DEFINITIONS.--As used in this section:

29 (k) "Local financial support exemption option" means
30 the option to exercise an exemption from the local financial
31 support requirement available to any applicant whose project

1 is located in a brownfield area or a county with a population
2 of 75,000 or fewer or a county with a population of 100,000 or
3 fewer which is contiguous to a county with a population of
4 75,000 or fewer. Any applicant that exercises this option
5 shall not be eligible for more than 80 percent of the total
6 tax refunds allowed such applicant under this section.

7 Section 12. Paragraph (e) of subsection (1),
8 subsection (2), and paragraph (b) of subsection (3) of section
9 288.107, Florida Statutes, are amended to read:

10 288.107 Brownfield redevelopment bonus refunds.--

11 (1) DEFINITIONS.--As used in this section:

12 (e) "Eligible business" means:

13 1. A qualified target industry business as defined in
14 s. 288.106(1)(o);or

15 2. A ~~other~~ business that can demonstrate a fixed
16 capital investment of at least \$2 million in mixed-use
17 business activities, including multiunit housing, commercial,
18 retail, and industrial in brownfield areas and which provides
19 ~~benefits to its employees pays wages that are at least 80~~
20 ~~percent of the average of all private sector wages in the~~
21 ~~county in which the business is located.~~

22 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.--Bonus
23 refunds shall be approved by the office as specified in the
24 final order issued by the director and allowed from the
25 account as follows:

26 (a) A bonus refund of \$2,500 shall be allowed to any
27 qualified target industry business as defined by s. 288.106
28 for each new Florida job created in a brownfield area which is
29 claimed on the qualified target industry business's annual
30 refund claim authorized in s. 288.106(5).

31

1 **(b) A bonus refund of up to \$2,500 shall be allowed to**
2 **any other eligible business as defined in subparagraph**
3 **(1)(e)2. for each new Florida job created in a brownfield**
4 **which is claimed under an annual claim procedure similar to**
5 **the annual refund claim authorized in s. 288.106(5). The**
6 **amount of the refund shall be equal to 20 percent of the**
7 **average annual wage for the jobs created.**~~There shall be~~
8 ~~allowed from the account a bonus refund of \$2,500 to any~~
9 ~~qualified target industry business or other eligible business~~
10 ~~as defined in paragraph (1)(e) for each new Florida job~~
11 ~~created in a brownfield which is claimed on the qualified~~
12 ~~target industry business's annual refund claim authorized in~~
13 ~~s. 288.106(5) or other similar annual claim procedure for~~
14 ~~other eligible business as defined in paragraph (1)(e) and~~
15 ~~approved by the office as specified in the final order issued~~
16 ~~by the director.~~

17 (3) CRITERIA.--The minimum criteria for participation
18 in the brownfield redevelopment bonus refund are:

19 (b) The completion of a fixed capital investment of at
20 least \$2 million in mixed-use business activities, including
21 multiunit housing, commercial, retail, and industrial in
22 brownfield areas, **by an eligible business applying for a**
23 **refund under paragraph (2)(b) and which provides benefits to**
24 **its employees pay wages that are at least 80 percent of the**
25 ~~average of all private sector wages in the county in which the~~
26 ~~business is located.~~

27 Section 13. This act shall take effect July 1, 2002.
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