

By Senator Latvala

19-1207A-02

1                                   A bill to be entitled  
2           An act relating to community redevelopment;  
3           amending s. 163.340, F.S.; redefining the terms  
4           "governing body," "slum area," and "blighted  
5           area"; amending s. 163.355, F.S.; providing  
6           requirements for counties and municipalities  
7           with respect to adopting a resolution that  
8           makes a finding of a slum or blighted area;  
9           amending s. 163.361, F.S.; providing for the  
10          modification of community redevelopment plans;  
11          amending s. 163.362, F.S.; revising  
12          requirements for completing redevelopment  
13          financed by increment revenues; amending s.  
14          163.385, F.S.; providing for maturation of  
15          bonds, notes, or other forms of indebtedness;  
16          amending s. 163.387, F.S.; requiring that a  
17          county or municipality fund the redevelopment  
18          trust fund for the duration of the  
19          redevelopment plan; providing an exception;  
20          providing for application of the act; providing  
21          an effective date.

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

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25           Section 1. Subsections (3), (7), and (8) of section  
26   163.340, Florida Statutes, are amended to read:  
27           163.340 Definitions.--The following terms, wherever  
28   used or referred to in this part, have the following meanings:  
29           (3) "Governing body" means the council, commission, or  
30   other legislative body charged with governing the county or  
31   municipality.

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

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

10           (b) A high density of population, as evidenced by  
11 comparison to the population density of adjacent areas within  
12 the county or municipality, and overcrowding, as evidenced by  
13 government-maintained statistics and rules in the State  
14 Building Code; or

15           (c) Conditions that endanger life or property by fire  
16 or other causes~~.in which there is a predominance of buildings~~  
17 ~~or improvements, whether residential or nonresidential, which~~  
18 ~~by reason of dilapidation, deterioration, age, or~~  
19 ~~obsolescence; inadequate provision for ventilation, light,~~  
20 ~~air, sanitation, or open spaces; high density of population~~  
21 ~~and overcrowding; the existence of conditions which endanger~~  
22 ~~life or property by fire or other causes; or any combination~~  
23 ~~of such factors is conducive to ill health, transmission of~~  
24 ~~disease, infant mortality, juvenile delinquency, or crime and~~  
25 ~~is detrimental to the public health, safety, morals, or~~  
26 ~~welfare.~~

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

28           ~~(a)~~ an area in which there are a substantial number of  
29 slum, deteriorated, or deteriorating structures in which and  
30 conditions, as evidenced by government-maintained statistics,  
31 are leading that lead to economic distress or endangering

1 ~~endanger~~ life or property and in which two ~~by fire or other~~  
2 ~~causes or one~~ or more of the following factors are present  
3 ~~that substantially impairs or arrests the sound growth of a~~  
4 ~~county or municipality and is a menace to the public health,~~  
5 ~~safety, morals, or welfare in its present condition and use:~~  
6 (a)1. Predominance of defective or inadequate street  
7 layout, parking facilities, roadways, bridges, or  
8 public-transportation facilities.†  
9 (b) An unemployment rate for the previous 5 years  
10 which is higher and rising faster than that of the county or  
11 municipality in which the proposed redevelopment area is  
12 situated.  
13 (c) A tax base that has failed to show an appreciable  
14 increase for the previous 5 years.  
15 (d)2. Faulty lot layout in relation to size, adequacy,  
16 accessibility, or usefulness.†  
17 (e) An increase in the number of tax-exempt  
18 properties.  
19 (f)3. Unsanitary or unsafe conditions.†  
20 (g)4. Deterioration of site or other improvements.†  
21 (h)5. Inadequate and outdated building density  
22 patterns.†  
23 (i) Falling lease rates per square foot for office,  
24 commercial, or industrial space.  
25 (j)6. Tax or special assessment delinquency exceeding  
26 the fair value of the land.†  
27 (k) High residential and commercial vacancy rates, as  
28 compared to the remainder of the county and municipality.  
29 (l) A high incidence of crime, as compared to the  
30 remainder of the county and municipality.  
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1           (m) A large number of fire and emergency medical  
2 service calls within the area, as compared to the remainder of  
3 the county and municipality.

4           (n) A large number of violations to the building code  
5 within the area, as compared to the remainder of the county  
6 and municipality.

7           ~~7. Inadequate transportation and parking facilities;~~  
8 ~~and~~

9           ~~(o)8. Diversity of ownership or defective or unusual~~  
10 ~~conditions of title which prevent the free alienability of~~  
11 ~~land within the deteriorated or hazardous area.~~ ~~† or~~

12           ~~(b) An area in which there exists faulty or inadequate~~  
13 ~~street layout; inadequate parking facilities; or roadways,~~  
14 ~~bridges, or public transportation facilities incapable of~~  
15 ~~handling the volume of traffic flow into or through the area,~~  
16 ~~either at present or following proposed construction.~~

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18 ~~However,~~For purposes of qualifying for the tax credits  
19 authorized in chapter 220, "blighted area" means an area  
20 described in this subsection ~~paragraph (a).~~

21           Section 2. Section 163.355, Florida Statutes, is  
22 amended to read:

23           163.355 Finding of necessity by county or  
24 municipality.--

25           (1) A ~~No~~ county or municipality may not ~~shall~~ exercise  
26 the authority conferred by this part with respect to community  
27 redevelopment until after the appropriate governing body has  
28 adopted a resolution, supported by a detailed justification,  
29 which finds that the conditions in the area meet the criteria  
30 described in s. 164.340(7) or (8). In addition, the resolution  
31 must state finding that:

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

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

12           ~~(2)~~ This section does not apply to a community  
13 redevelopment agency created before October 1, 2002, unless  
14 the agency modifies its community redevelopment area or plan.

15           Section 3. Section 163.361, Florida Statutes, is  
16 amended to read:

17           163.361 Modification of community redevelopment  
18 plans.--

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

28           (2) The appropriate governing body shall hold a public  
29 hearing on a proposed modification of a community  
30 redevelopment plan after public notice thereof by publication  
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1 in a newspaper having a general circulation in the area of  
2 operation of the agency.

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

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

14 163.362 Contents of community redevelopment  
15 plan.--Every community redevelopment plan shall:

16 (10) Provide a time certain for completing all  
17 redevelopment financed by increment revenues.

18 (a) Such time certain shall occur no later than 30  
19 years after the end of the fiscal year in which the plan is  
20 initially approved or, adopted, or amended pursuant to s.  
21 ~~163.361(1)~~.

22 (b) For a plan amended or modified under s. 163.361  
23 after October 1, 2002, the time certain occurs not later than  
24 30 years after the fiscal year in which the plan was amended  
25 or modified. However, a community redevelopment agency in  
26 existence before October 1, 2002, must complete all  
27 redevelopment financed by increment revenues by October 1,  
28 2032.

29 Section 5. Paragraph (a) of subsection (1) of section  
30 163.385, Florida Statutes, is amended to read:

31 163.385 Issuance of revenue bonds.--

1           (1)(a) When authorized or approved by resolution or  
2 ordinance of the governing body, a county, municipality, or  
3 community redevelopment agency has power in its corporate  
4 capacity, in its discretion, to issue redevelopment revenue  
5 bonds from time to time to finance the undertaking of any  
6 community redevelopment under this part, including, without  
7 limiting the generality thereof, the payment of principal and  
8 interest upon any advances for surveys and plans or  
9 preliminary loans, and has power to issue refunding bonds for  
10 the payment or retirement of bonds or other obligations  
11 previously issued. Any redevelopment revenue bonds or other  
12 obligations issued to finance the undertaking of any community  
13 redevelopment under this part shall mature within 30 ~~60~~ years  
14 after the end of the fiscal year in which the initial  
15 community redevelopment plan was approved or adopted. However,  
16 in no event shall any redevelopment revenue bonds or other  
17 obligations issued to finance the undertaking of any community  
18 redevelopment under this part mature later than the expiration  
19 of the plan in effect at the time such bonds or obligations  
20 were issued. The security for such bonds may be based upon the  
21 anticipated assessed valuation of the completed community  
22 redevelopment and such other revenues as are legally  
23 available. Any bond, note, or other form of indebtedness  
24 pledging increment revenues to the repayment thereof shall  
25 mature no later than the end of the 30th fiscal year after the  
26 end of the fiscal year in which the initial community  
27 redevelopment plan was approved or adopted ~~increment revenues~~  
28 ~~are first deposited into the redevelopment trust fund or the~~  
29 ~~fiscal year in which the plan is subsequently amended.~~  
30 However, any refunding bonds issued pursuant to this paragraph  
31 may not mature later than the final maturity date of any bonds

1 or other obligations issued pursuant to this paragraph being  
2 paid or retired with the proceeds of such refunding bonds.

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

6 163.387 Redevelopment trust fund.--

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

27 (a) The amount of ad valorem taxes levied each year by  
28 each taxing authority, exclusive of any amount from any debt  
29 service millage, on taxable real property contained within the  
30 geographic boundaries of a community redevelopment area; and  
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1           (b) The amount of ad valorem taxes which would have  
2 been produced by the rate upon which the tax is levied each  
3 year by or for each taxing authority, exclusive of any debt  
4 service millage, upon the total of the assessed value of the  
5 taxable real property in the community redevelopment area as  
6 shown upon the most recent assessment roll used in connection  
7 with the taxation of such property by each taxing authority  
8 prior to the effective date of the ordinance providing for the  
9 funding of the trust fund.

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

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

1 30 years after the date of approval or adoption of the initial  
2 ~~the governing body amends the plan.~~

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

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

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

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

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

15 5. A metropolitan transportation authority.

16 6. A water management district created under s.  
17 373.069.

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

20 Section 7. This act does not apply to any ordinance or  
21 resolution authorizing the issuance of bonds, notes, or other  
22 forms of indebtedness to which is pledged increment revenues  
23 pursuant to a community redevelopment plan or amendment, or  
24 modification thereof, which was approved or adopted before  
25 October 1, 2002.

26 Section 8. This act shall take effect October 1, 2002.  
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SENATE SUMMARY

Revises various provisions of part III of ch. 163, F.S., governing community redevelopment. Redefines the terms "slum area" and "blighted area." Requires that redevelopment financed by increment revenues be completed within a time certain or within 30 years. Requires that the redevelopment trust fund be funded for the duration of the redevelopment plan. (See bill for details.)