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A bill to be entitled
 An act relating to community redevelopment; amending ss. 163.355, 163.358, 163.360, 163.361, 163.387, and 163.410, F.S.; requiring the governing body of a county with a home rule charter to exercise certain authority with regard to a finding of necessity for community redevelopment, the creation, approval, modification, or amendment of a community redevelopment agency, area, or plan, and use of moneys in the redevelopment trust fund; providing for applicability; providing an effective date.

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

Section 1. Section 163.355, Florida Statutes, is amended to read:

163.355 Finding of necessity by county or municipality.--No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). However, in a county that has adopted a home rule charter, the governing body of the county shall also adopt a resolution in support of this part. The resolution must state that:

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



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30 (2) The rehabilitation, conservation, or redevelopment, or
 31 a combination thereof, of such area or areas, including, if
 32 appropriate, the development of housing which residents of low
 33 or moderate income, including the elderly, can afford, is
 34 necessary in the interest of the public health, safety, morals,
 35 or welfare of the residents of such county or municipality.

36 Section 2. Subsection (2) of section 163.358, Florida
 37 Statutes, is amended to read:

38 163.358 Exercise of powers in carrying out community
 39 redevelopment and related activities.--The community
 40 redevelopment powers assigned to a community redevelopment
 41 agency created under s. 163.356 include all the powers necessary
 42 or convenient to carry out and effectuate the purposes and
 43 provisions of this part, except the following, which continue to
 44 vest in the governing body of the county or municipality:

45 (2) The power to grant final approval to community
 46 redevelopment plans and modifications thereof. However, if a
 47 county has adopted a home rule charter, the governing body of
 48 the county shall have final approval authority of any community
 49 redevelopment plan and the creation, amendment, or modification
 50 of the community redevelopment plan.

51 Section 3. Subsection (7) of section 163.360, Florida
 52 Statutes, is amended to read:

53 163.360 Community redevelopment plans.--

54 (7) Following such hearing, the governing body may approve
 55 the community redevelopment and the plan therefor if it finds
 56 that:

57 (a) A feasible method exists for the location of families
 58 who will be displaced from the community redevelopment area in



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59 decent, safe, and sanitary dwelling accommodations within their
60 means and without undue hardship to such families;

61 (b) The community redevelopment plan conforms to the
62 general plan of the county or municipality as a whole;

63 (c) The community redevelopment plan gives due
64 consideration to the utilization of community policing
65 innovations, and to the provision of adequate park and
66 recreational areas and facilities that may be desirable for
67 neighborhood improvement, with special consideration for the
68 health, safety, and welfare of children residing in the general
69 vicinity of the site covered by the plans;

70 (d) The community redevelopment plan will afford maximum
71 opportunity, consistent with the sound needs of the county or
72 municipality as a whole, for the rehabilitation or redevelopment
73 of the community redevelopment area by private enterprise; and

74 (e) The community redevelopment plan and resulting
75 revitalization and redevelopment for a coastal tourist area that
76 is deteriorating and economically distressed will reduce or
77 maintain evacuation time, as appropriate, and ensure protection
78 for property against exposure to natural disasters.

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80 However, if the creation, amendment, or modification of the
81 boundaries of a community redevelopment area or a community
82 redevelopment plan occurs in a county that has adopted a home
83 rule charter, the creation, amendment, or modification of those
84 boundaries shall be approved by the governing body of the county
85 as well.

86 Section 4. Subsection (1) of section 163.361, Florida
87 Statutes, is amended to read:

88 163.361 Modification of community redevelopment plans.--



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89 (1) If at any time after the approval of a community
90 redevelopment plan by the governing body it becomes necessary or
91 desirable to amend or modify such plan, the governing body may
92 amend such plan upon the recommendation of the agency. However,
93 if the creation, amendment, or modification of the boundaries of
94 a community redevelopment area or a community redevelopment plan
95 occurs in a county that has adopted a home rule charter, the
96 creation, amendment, or modification of those boundaries shall
97 be approved by the governing body of the county as well. The
98 agency recommendation to amend or modify a redevelopment plan
99 may include a change in the boundaries of the redevelopment area
100 to add land to or exclude land from the redevelopment area, or
101 may include the development and implementation of community
102 policing innovations.

103 Section 5. Subsection (1) of section 163.387, Florida
104 Statutes, is amended to read:

105 163.387 Redevelopment trust fund.--

106 (1) After approval of a community redevelopment plan,
107 there shall be established for each community redevelopment
108 agency created under s. 163.356 a redevelopment trust fund.
109 Funds allocated to and deposited into this fund shall be used by
110 the agency to finance or refinance any community redevelopment
111 it undertakes pursuant to the approved community redevelopment
112 plan. No community redevelopment agency may receive or spend any
113 increment revenues pursuant to this section unless and until the
114 governing body has, by ordinance, provided for the funding of
115 the redevelopment trust fund for the duration of a community
116 redevelopment plan. However, if the community redevelopment
117 agency is located in a county that has adopted a home rule
118 charter, the ordinance shall be adopted by the governing body of



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119 the county as well. Such ordinance may be adopted only after the
120 governing body has approved a community redevelopment plan. The
121 annual funding of the redevelopment trust fund shall be in an
122 amount not less than that increment in the income, proceeds,
123 revenues, and funds of each taxing authority derived from or
124 held in connection with the undertaking and carrying out of
125 community redevelopment under this part. Such increment shall be
126 determined annually and shall be that amount equal to 95 percent
127 of the difference between:

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

132 (b) The amount of ad valorem taxes which would have been
133 produced by the rate upon which the tax is levied each year by
134 or for each taxing authority, exclusive of any debt service
135 millage, upon the total of the assessed value of the taxable
136 real property in the community redevelopment area as shown upon
137 the most recent assessment roll used in connection with the
138 taxation of such property by each taxing authority prior to the
139 effective date of the ordinance providing for the funding of the
140 trust fund.

141
142 However, the governing body of any county as defined in s.
143 125.011(1) may, in the ordinance providing for the funding of a
144 trust fund established with respect to any community
145 redevelopment area created on or after July 1, 1994, determine
146 that the amount to be funded by each taxing authority annually
147 shall be less than 95 percent of the difference between



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148 paragraphs (a) and (b), but in no event shall such amount be
 149 less than 50 percent of such difference.

150 Section 7. Section 163.410, Florida Statutes, is amended
 151 to read:

152 163.410 Exercise of powers in counties with home rule
 153 charters.--In any county which has adopted a home rule charter,
 154 the powers conferred by this part shall be exercised exclusively
 155 by the governing body of such county. However, the governing
 156 body of any such county which has adopted a home rule charter
 157 may, in its discretion, by resolution delegate the exercise of
 158 the powers conferred upon the county by this part within the
 159 boundaries of a municipality to the governing body of such a
 160 municipality. Such a delegation to a municipality shall confer
 161 only such powers upon a municipality as shall be specifically
 162 enumerated in the delegating resolution. Any power not
 163 specifically delegated shall be reserved exclusively to the
 164 governing body of the county. ~~This section does not affect any~~
 165 ~~community redevelopment agency created by a municipality prior~~
 166 ~~to the adoption of a county home rule charter.~~ Unless otherwise
 167 provided by an existing ordinance, resolution, or interlocal
 168 agreement between any such county and a municipality, the
 169 governing body of the county that has adopted a home rule
 170 charter shall act on any request from a municipality for a
 171 delegation of powers or a change in an existing delegation of
 172 powers within 120 days after the receipt of all required
 173 documentation or such request shall be immediately sent to the
 174 governing body for consideration. For the purposes of this part,
 175 the governing body of a county that has adopted a home rule
 176 charter shall have final authority to approve or deny the
 177 creation, amendment, or modification of a community



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178 redevelopment agency, community redevelopment area, or community
179 redevelopment plan.

180 Section 6. The provisions of this act shall apply to the
181 creation, amendment, or modification of a community
182 redevelopment agency, community redevelopment area, or community
183 redevelopment plan for which final approval by the governing
184 body of a county that has adopted a home rule charter is
185 obtained on or after February 1, 2003.

186 Section 8. This act shall take effect upon becoming a law.