

By Senator Argenziano

3-927-03

See HB

1 A bill to be entitled
 2 An act relating to community redevelopment;
 3 amending ss. 163.355, 163.358, 163.360,
 4 163.361, 163.387, and 163.410, F.S.; requiring
 5 the governing body of a county with a home rule
 6 charter to exercise certain authority with
 7 regard to a finding of necessity for community
 8 redevelopment, the creation, approval,
 9 modification, or amendment of a community
 10 redevelopment agency, area, or plan, and use of
 11 moneys in the redevelopment trust fund;
 12 providing for applicability; providing an
 13 effective date.

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

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 17 Section 1. 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). However, in a county that has adopted a
 26 home rule charter, the governing body of the county shall also
 27 adopt a resolution in support of this part.The resolution
 28 must state that:

29 (1) One or more slum or blighted areas, or one or more
 30 areas in which there is a shortage of housing affordable to
 31

1 residents of low or moderate income, including the elderly,
2 exist in such county or municipality; and

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

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

12 163.358 Exercise of powers in carrying out community
13 redevelopment and related activities.--The community
14 redevelopment powers assigned to a community redevelopment
15 agency created under s. 163.356 include all the powers
16 necessary or convenient to carry out and effectuate the
17 purposes and provisions of this part, except the following,
18 which continue to vest in the governing body of the county or
19 municipality:

20 (2) The power to grant final approval to community
21 redevelopment plans and modifications thereof. However, if a
22 county has adopted a home rule charter, the governing body of
23 the county shall have final approval authority of any
24 community redevelopment plan and the creation, amendment, or
25 modification of the community redevelopment plan.

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

28 163.360 Community redevelopment plans.--

29 (7) Following such hearing, the governing body may
30 approve the community redevelopment and the plan therefor if
31 it finds that:

1 (a) A feasible method exists for the location of
2 families who will be displaced from the community
3 redevelopment area in decent, safe, and sanitary dwelling
4 accommodations within their means and without undue hardship
5 to such families;

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

8 (c) The community redevelopment plan gives due
9 consideration to the utilization of community policing
10 innovations, and to the provision of adequate park and
11 recreational areas and facilities that may be desirable for
12 neighborhood improvement, with special consideration for the
13 health, safety, and welfare of children residing in the
14 general vicinity of the site covered by the plans;

15 (d) The community redevelopment plan will afford
16 maximum opportunity, consistent with the sound needs of the
17 county or municipality as a whole, for the rehabilitation or
18 redevelopment of the community redevelopment area by private
19 enterprise; and

20 (e) The community redevelopment plan and resulting
21 revitalization and redevelopment for a coastal tourist area
22 that is deteriorating and economically distressed will reduce
23 or maintain evacuation time, as appropriate, and ensure
24 protection for property against exposure to natural disasters.

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26 However, if the creation, amendment, or modification of the
27 boundaries of a community redevelopment area or a community
28 redevelopment plan occurs in a county that has adopted a home
29 rule charter, the creation, amendment, or modification of
30 those boundaries shall be approved by the governing body of
31 the county as well.

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

3 163.361 Modification of community redevelopment
4 plans.--

5 (1) If at any time after the approval of a community
6 redevelopment plan by the governing body it becomes necessary
7 or desirable to amend or modify such plan, the governing body
8 may amend such plan upon the recommendation of the agency.

9 However, if the creation, amendment, or modification of the
10 boundaries of a community redevelopment area or a community
11 redevelopment plan occurs in a county that has adopted a home
12 rule charter, the creation, amendment, or modification of
13 those boundaries shall be approved by the governing body of
14 the county as well.The agency recommendation to amend or
15 modify a redevelopment plan may include a change in the
16 boundaries of the redevelopment area to add land to or exclude
17 land from the redevelopment area, or may include the
18 development and implementation of community policing
19 innovations.

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

22 163.387 Redevelopment trust fund.--

23 (1) After approval of a community redevelopment plan,
24 there shall be established for each community redevelopment
25 agency created under s. 163.356 a redevelopment trust fund.
26 Funds allocated to and deposited into this fund shall be used
27 by the agency to finance or refinance any community
28 redevelopment it undertakes pursuant to the approved community
29 redevelopment plan. No community redevelopment agency may
30 receive or spend any increment revenues pursuant to this
31 section unless and until the governing body has, by ordinance,

1 provided for the funding of the redevelopment trust fund for
2 the duration of a community redevelopment plan. However, if
3 the community redevelopment agency is located in a county that
4 has adopted a home rule charter, the ordinance shall be
5 adopted by the governing body of the county as well.Such
6 ordinance may be adopted only after the governing body has
7 approved a community redevelopment plan. The annual funding of
8 the redevelopment trust fund shall be in an amount not less
9 than that increment in the income, proceeds, revenues, and
10 funds of each taxing authority derived from or held in
11 connection with the undertaking and carrying out of community
12 redevelopment under this part. Such increment shall be
13 determined annually and shall be that amount equal to 95
14 percent of the difference between:

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

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

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29 However, the governing body of any county as defined in s.
30 125.011(1) may, in the ordinance providing for the funding of
31 a trust fund established with respect to any community

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

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

12 Section 7. Section 163.410, Florida Statutes, is
13 amended to read:

14 163.410 Exercise of powers in counties with home rule
15 charters.--In any county which has adopted a home rule
16 charter, the powers conferred by this part shall be exercised
17 exclusively by the governing body of such county. However, the
18 governing body of any such county which has adopted a home
19 rule charter may, in its discretion, by resolution delegate
20 the exercise of the powers conferred upon the county by this
21 part within the boundaries of a municipality to the governing
22 body of such a municipality. Such a delegation to a
23 municipality shall confer only such powers upon a municipality
24 as shall be specifically enumerated in the delegating
25 resolution. Any power not specifically delegated shall be
26 reserved exclusively to the governing body of the county. ~~This~~
27 ~~section does not affect any community redevelopment agency~~
28 ~~created by a municipality prior to the adoption of a county~~
29 ~~home rule charter.~~Unless otherwise provided by an existing
30 ordinance, resolution, or interlocal agreement between any
31 such county and a municipality, the governing body of the

1 county that has adopted a home rule charter shall act on any
2 request from a municipality for a delegation of powers or a
3 change in an existing delegation of powers within 120 days
4 after the receipt of all required documentation or such
5 request shall be immediately sent to the governing body for
6 consideration. For the purposes of this part, the governing
7 body of a county that has adopted a home rule charter shall
8 have final authority to approve or deny the creation,
9 amendment, or modification of a community redevelopment
10 agency, community redevelopment area, or community
11 redevelopment plan.

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

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