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A bill to be entitled
 An act relating to community redevelopment agencies;
 amending s. 163.387, F.S.; revising provisions relating to
 the funding of redevelopment trust funds applicable to
 certain community redevelopment agencies; authorizing
 alternative tax increment financing arrangements by
 interlocal agreement between certain municipalities and
 counties; amending s. 163.415, F.S.; exempting counties
 without home rule charters from tax increment financing
 contribution requirements without an interlocal agreement
 between the municipality creating the community
 redevelopment agency and the county; providing
 restrictions on certain community redevelopment agencies
 without an interlocal agreement; authorizing alternative
 tax increment funding arrangements; providing an effective
 date.

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

Section 1. Section 163.387, Florida Statutes, is amended
 to read:

163.387 Redevelopment trust fund.--

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

29 plan. No community redevelopment agency may receive or spend any
 30 increment revenues pursuant to this section unless and until the
 31 governing body has, by ordinance, provided for the funding of
 32 the redevelopment trust fund for the duration of a community
 33 redevelopment plan. Such ordinance may be adopted only after the
 34 governing body has approved a community redevelopment plan. The
 35 annual funding of the redevelopment trust fund shall be in an
 36 amount not less than that increment in the income, proceeds,
 37 revenues, and funds of each taxing authority derived from or
 38 held in connection with the undertaking and carrying out of
 39 community redevelopment under this part. Such increment shall be
 40 determined annually and shall be that amount equal to 95 percent
 41 of the difference between:

42 1.~~(a)~~ The amount of ad valorem taxes levied each year by
 43 each taxing authority, exclusive of any amount from any debt
 44 service millage, on taxable real property contained within the
 45 geographic boundaries of a community redevelopment area; and

46 2.~~(b)~~ The amount of ad valorem taxes which would have been
 47 produced by the rate upon which the tax is levied each year by
 48 or for each taxing authority, exclusive of any debt service
 49 millage, upon the total of the assessed value of the taxable
 50 real property in the community redevelopment area as shown upon
 51 the most recent assessment roll used in connection with the
 52 taxation of such property by each taxing authority prior to the
 53 effective date of the ordinance providing for the funding of the
 54 trust fund.

55
 56 However, the governing body of any county as defined in s.

57 125.011(1) may, in the ordinance providing for the funding of a
 58 trust fund established with respect to any community
 59 redevelopment area created on or after July 1, 1994, determine
 60 that the amount to be funded by each taxing authority annually
 61 shall be less than 95 percent of the difference between
 62 subparagraphs 1. and 2. paragraphs (a) and (b), but in no event
 63 shall such amount be less than 50 percent of such difference.

64 (b) For those community redevelopment agencies that were
 65 not created under delegation authority of counties with home
 66 rule authority as specified in s. 163.410 or do not operate
 67 subject to an interlocal agreement as specified under subsection
 68 (4), the amount of tax increment shall be as specified in
 69 paragraph (a) until one of the following events occurs:

- 70 1. The 20th year of the agency's existence;
- 71 2. The amount of ad valorem taxes levied each year by each
 72 taxing authority, exclusive of any amount from any debt service
 73 millage, on taxable real property contained within the
 74 geographic boundaries of a community redevelopment area equals
 75 twice the amount of ad valorem taxes which would have been
 76 produced by the rate upon which the tax is levied each year by
 77 or for each taxing authority, exclusive of any debt service
 78 millage, upon the total of the assessed value of the taxable
 79 real property in the community redevelopment area as shown upon
 80 the most recent assessment roll used in connection with the
 81 taxation of such property by each taxing authority prior to the
 82 effective date of the ordinance providing for the funding of the
 83 trust fund; or

84 3. The county holds a countywide referendum that asks if
 85 the county should continue to contribute an increasing amount to
 86 the community redevelopment agency each year. If a majority of
 87 electors of the county vote to continue increasing county
 88 contributions, the increment shall continue to be calculated as
 89 specified in paragraph (a). If a majority of electors of the
 90 county vote that the county contributions should not continue to
 91 increase, the tax increment shall be subject to the interlocal
 92 agreement requirements of this paragraph. For future years, the
 93 tax increment shall be as specified in an interlocal agreement
 94 as provided in subsection (4) but not less than the amount
 95 contributed by the county to the redevelopment trust fund prior
 96 to any of the events specified in this paragraph.

97
 98 For future years, the tax increment shall be as specified in an
 99 interlocal agreement as provided in subsection (4) but not less
 100 than the amount contributed by the county to the redevelopment
 101 trust fund prior to any of the events specified in this
 102 paragraph.

103 (2)(a) Except for the purpose of funding the trust fund
 104 pursuant to subsection (3), upon the adoption of an ordinance
 105 providing for funding of the redevelopment trust fund as
 106 provided in this section, each taxing authority shall, by
 107 January 1 of each year, appropriate to the trust fund for so
 108 long as any indebtedness pledging increment revenues to the
 109 payment thereof is outstanding (but not to exceed 30 years) a
 110 sum that is no less than the increment as defined and determined
 111 in subsection (1) or subsection (4) accruing to such taxing

112 authority. If the community redevelopment plan is amended or
 113 modified pursuant to s. 163.361(1), each such taxing authority
 114 shall make the annual appropriation for a period not to exceed
 115 30 years after the date the governing body amends the plan.
 116 However, for any agency created on or after July 1, 2002, each
 117 taxing authority shall make the annual appropriation for a
 118 period not to exceed 40 years after the fiscal year in which the
 119 initial community redevelopment plan is approved or adopted.

120 (b) Any taxing authority that does not pay the increment
 121 to the trust fund by January 1 shall pay to the trust fund an
 122 amount equal to 5 percent of the amount of the increment and
 123 shall pay interest on the amount of the increment equal to 1
 124 percent for each month the increment is outstanding.

125 (c) The following public bodies or taxing authorities are
 126 exempt from paragraph (a):

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

129 2. A special district for which the sole available source
 130 of revenue the district has the authority to levy is ad valorem
 131 taxes at the time an ordinance is adopted under this section.
 132 However, revenues or aid that may be dispensed or appropriated
 133 to a district as defined in s. 388.011 at the discretion of an
 134 entity other than such district shall not be deemed available.

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

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

- 140 5. A metropolitan transportation authority.
- 141 6. A water management district created under s. 373.069.
- 142 (d)1. A local governing body that creates a community
 143 redevelopment agency under s. 163.356 may exempt from paragraph
 144 (a) a special district that levies ad valorem taxes within that
 145 community redevelopment area. The local governing body may grant
 146 the exemption either in its sole discretion or in response to
 147 the request of the special district. The local governing body
 148 must establish procedures by which a special district may submit
 149 a written request to be exempted from paragraph (a).
- 150 2. In deciding whether to deny or grant a special
 151 district's request for exemption from paragraph (a), the local
 152 governing body must consider:
- 153 a. Any additional revenue sources of the community
 154 redevelopment agency which could be used in lieu of the special
 155 district's tax increment.
- 156 b. The fiscal and operational impact on the community
 157 redevelopment agency.
- 158 c. The fiscal and operational impact on the special
 159 district.
- 160 d. The benefit to the specific purpose for which the
 161 special district was created. The benefit to the special
 162 district must be based on specific projects contained in the
 163 approved community redevelopment plan for the designated
 164 community redevelopment area.
- 165 e. The impact of the exemption on incurred debt and
 166 whether such exemption will impair any outstanding bonds that

167 have pledged tax increment revenues to the repayment of the
 168 bonds.

169 f. The benefit of the activities of the special district
 170 to the approved community redevelopment plan.

171 g. The benefit of the activities of the special district
 172 to the area of operation of the local governing body that
 173 created the community redevelopment agency.

174 3. The local governing body must hold a public hearing on
 175 a special district's request for exemption after public notice
 176 of the hearing is published in a newspaper having a general
 177 circulation in the county or municipality that created the
 178 community redevelopment area. The notice must describe the time,
 179 date, place, and purpose of the hearing and must identify
 180 generally the community redevelopment area covered by the plan
 181 and the impact of the plan on the special district that
 182 requested the exemption.

183 4. If a local governing body grants an exemption to a
 184 special district under this paragraph, the local governing body
 185 and the special district must enter into an interlocal agreement
 186 that establishes the conditions of the exemption, including, but
 187 not limited to, the period of time for which the exemption is
 188 granted.

189 5. If a local governing body denies a request for
 190 exemption by a special district, the local governing body shall
 191 provide the special district with a written analysis specifying
 192 the rationale for such denial. This written analysis must
 193 include, but is not limited to, the following information:

194 a. A separate, detailed examination of each consideration
 195 listed in subparagraph 2.

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

199 6. The decision to either deny or grant an exemption must
 200 be made by the local governing body within 120 days after the
 201 date the written request was submitted to the local governing
 202 body pursuant to the procedures established by such local
 203 governing body.

204 (3) Notwithstanding the provisions of subsection (2), the
 205 obligation of the governing body which established the community
 206 redevelopment agency to fund the redevelopment trust fund
 207 annually shall continue until all loans, advances, and
 208 indebtedness, if any, and interest thereon, of a community
 209 redevelopment agency incurred as a result of redevelopment in a
 210 community redevelopment area have been paid.

211 (4) Notwithstanding the provisions of subsection (2),
 212 alternative tax increment financing arrangements, including, but
 213 not limited to, different tax increment contributions other than
 214 those specified in subsection (1), may be enacted by interlocal
 215 agreements between the municipality that creates the community
 216 redevelopment agency and the county. Such interlocal agreements
 217 must include provisions for the tax increment financing method
 218 and the contribution requirements to the redevelopment trust
 219 fund of the municipality and the county.

220 ~~(5)-(4)~~ The revenue bonds and notes of every issue under
 221 this part are payable solely out of revenues pledged to and

222 received by a community redevelopment agency and deposited to
 223 its redevelopment trust fund. The lien created by such bonds or
 224 notes shall not attach until the revenues referred to herein are
 225 deposited in the redevelopment trust fund at the times, and to
 226 the extent that, such revenues accrue. The holders of such bonds
 227 or notes have no right to require the imposition of any tax or
 228 the establishment of any rate of taxation in order to obtain the
 229 amounts necessary to pay and retire such bonds or notes.

230 (6)~~(5)~~ Revenue bonds issued under the provisions of this
 231 part shall not be deemed to constitute a debt, liability, or
 232 obligation of the local governing body or the state or any
 233 political subdivision thereof, or a pledge of the faith and
 234 credit of the local governing body or the state or any political
 235 subdivision thereof, but shall be payable solely from the
 236 revenues provided therefor. All such revenue bonds shall contain
 237 on the face thereof a statement to the effect that the agency
 238 shall not be obligated to pay the same or the interest thereon
 239 except from the revenues of the community redevelopment agency
 240 held for that purpose and that neither the faith and credit nor
 241 the taxing power of the local governing body or of the state or
 242 of any political subdivision thereof is pledged to the payment
 243 of the principal of, or the interest on, such bonds.

244 (7)~~(6)~~ Moneys in the redevelopment trust fund may be
 245 expended from time to time for undertakings of a community
 246 redevelopment agency which are directly related to financing or
 247 refinancing of redevelopment in a community redevelopment area
 248 pursuant to an approved community redevelopment plan for the
 249 following purposes, including, but not limited to:

250 (a) Administrative and overhead expenses necessary or
 251 incidental to the implementation of a community redevelopment
 252 plan adopted by the agency.

253 (b) Expenses of redevelopment planning, surveys, and
 254 financial analysis, including the reimbursement of the governing
 255 body or the community redevelopment agency for such expenses
 256 incurred before the redevelopment plan was approved and adopted.

257 (c) The acquisition of real property in the redevelopment
 258 area.

259 (d) The clearance and preparation of any redevelopment
 260 area for redevelopment and relocation of site occupants as
 261 provided in s. 163.370.

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

265 (f) All expenses incidental to or connected with the
 266 issuance, sale, redemption, retirement, or purchase of agency
 267 bonds, bond anticipation notes, or other form of indebtedness,
 268 including funding of any reserve, redemption, or other fund or
 269 account provided for in the ordinance or resolution authorizing
 270 such bonds, notes, or other form of indebtedness.

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

272 (h) The development of community policing innovations.

273 (8)~~(7)~~ On the last day of the fiscal year of the community
 274 redevelopment agency, any money which remains in the trust fund
 275 after the payment of expenses pursuant to subsection (7)~~(6)~~ for
 276 such year shall be:

277 (a) Returned to each taxing authority which paid the
 278 increment in the proportion that the amount of the payment of
 279 such taxing authority bears to the total amount paid into the
 280 trust fund by all taxing authorities within the redevelopment
 281 area for that year;

282 (b) Used to reduce the amount of any indebtedness to which
 283 increment revenues are pledged;

284 (c) Deposited into an escrow account for the purpose of
 285 later reducing any indebtedness to which increment revenues are
 286 pledged; or

287 (d) Appropriated to a specific redevelopment project
 288 pursuant to an approved community redevelopment plan which
 289 project will be completed within 3 years from the date of such
 290 appropriation.

291 (9)~~(8)~~ Each community redevelopment agency shall provide
 292 for an independent financial audit of the trust fund each fiscal
 293 year and a report of such audit. Such report shall describe the
 294 amount and source of deposits into, and the amount and purpose
 295 of withdrawals from, the trust fund during such fiscal year and
 296 the amount of principal and interest paid during such year on
 297 any indebtedness to which is pledged increment revenues and the
 298 remaining amount of such indebtedness. The agency shall provide
 299 a copy of the report to each taxing authority.

300 Section 2. Section 163.415, Florida Statutes, is amended
 301 to read:

302 163.415 Exercise of powers in counties without home rule
 303 charters.--

304 (1) The powers conferred by this part upon counties not
 305 having adopted a home rule charter shall not be exercised within
 306 the boundaries of a municipality within said county unless the
 307 governing body of the municipality expresses its consent by
 308 resolution. Such a resolution consenting to the exercise of the
 309 powers conferred upon counties by this part shall specifically
 310 enumerate the powers to be exercised by the county within the
 311 boundaries of the municipality. Any power not specifically
 312 enumerated in such a resolution of consent shall be exercised
 313 exclusively by the municipality within its boundaries.

314 (2) Beginning July 1, 2005, counties without home rule
 315 charters shall not be required to contribute to tax increment
 316 financing without an interlocal agreement between the county and
 317 the municipality creating the community redevelopment agency
 318 that governs the operations and financing for community
 319 redevelopment agencies created after July 1, 2005. The
 320 interlocal agreement may establish tax increment financing
 321 arrangements that differ from the specific requirements of s.
 322 163.387.

323 (3) For community redevelopment agencies created prior to
 324 July 1, 2005, in a county that did not have a home rule charter
 325 at the time the community redevelopment agency was created, no
 326 action to expand boundaries, modify a redevelopment plan, or
 327 modify existing debt service or other financing arrangements
 328 involving tax increment financing may be done without an
 329 interlocal agreement between the county and the municipality
 330 that created the community redevelopment agency. The interlocal
 331 agreement may establish the authority to expand or modify the

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332 | community redevelopment agency, including tax increment
333 | financing arrangements that differ from the specific
334 | requirements of s. 163.387.

335 | Section 3. This act shall take effect July 1, 2005.