

1                   A bill to be entitled  
2           An act relating to community redevelopment; amending s.  
3           163.340, F.S.; defining the term "taxing authority";  
4           amending s. 163.346, F.S.; revising a requirement that a  
5           governing body notify taxing authorities before taking  
6           certain actions; creating s. 163.354, F.S.; authorizing  
7           the adoption of a resolution establishing a slum and  
8           blight study area before making a finding of necessity;  
9           amending s. 163.360, F.S.; specifying additional notice,  
10          hearing, and dispute resolution procedures for adoption of  
11          a community redevelopment plan for certain community  
12          redevelopment agencies; amending s. 163.361, F.S.;  
13          specifying additional notice, hearing, and dispute  
14          resolution procedures for adoption of a modified community  
15          redevelopment plan expanding redevelopment area boundaries  
16          for certain community redevelopment agencies; amending s.  
17          163.387, F.S.; specifying for certain redevelopment  
18          agencies certain limitations on amounts of increment  
19          contributed to a redevelopment trust fund by certain  
20          taxing authorities; authorizing enactment of an interlocal  
21          agreement providing for an alternative determination of  
22          amounts of, payment schedules for, and interest on  
23          increment contributions to a redevelopment trust fund;  
24          amending s. 163.410, F.S.; providing requirements for  
25          actions by certain counties delegating or changing a  
26          delegation of powers to a municipality for community  
27          redevelopment areas; providing an effective date.  
28

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

30  
 31 Section 1. Subsection (2) of section 163.340, Florida  
 32 Statutes, is amended, and subsection (24) is added to that  
 33 section, to read:

34 163.340 Definitions.--The following terms, wherever used  
 35 or referred to in this part, have the following meanings:

36 (2) "Public body" ~~or "taxing authority"~~ means the state or  
 37 any county, municipality, authority, special district as defined  
 38 in s. 165.031(5), or other public body of the state, except a  
 39 school district.

40 (24) "Taxing authority" means any local government other  
 41 than a school district that levies ad valorem millage against  
 42 the property within a community redevelopment area.

43 Section 2. Section 163.346, Florida Statutes, is amended  
 44 to read:

45 163.346 Notice to taxing authorities.--Before the  
 46 governing body adopts any resolution or enacts any ordinance  
 47 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,  
 48 or s. 163.387; establishes a study area; creates a community  
 49 redevelopment agency; approves, adopts, or amends a community  
 50 redevelopment plan; or issues redevelopment revenue bonds under  
 51 s. 163.385, the governing body must provide public notice of  
 52 such proposed action pursuant to s. 125.66(2) or s.  
 53 166.041(3)(a) and, at least 15 days before such proposed action,  
 54 mail by registered mail a notice to each taxing authority which  
 55 levies ad valorem taxes on taxable real property contained  
 56 within the geographic boundaries of the redevelopment area.

57 Section 3. Section 163.354, Florida Statutes, is created  
 58 to read:

59 163.354 Development of study area.--Prior to adopting a  
 60 resolution making a finding of necessity required by s. 163.355,  
 61 the governing body may adopt a resolution establishing a slum  
 62 and blight study area.

63 Section 4. Subsection (6) of section 163.360, Florida  
 64 Statutes, is amended to read:

65 163.360 Community redevelopment plans.--

66 (6)(a) The governing body shall hold a public hearing on a  
 67 community redevelopment plan after public notice thereof by  
 68 publication in a newspaper having a general circulation in the  
 69 area of operation of the county or municipality. The notice  
 70 shall describe the time, date, place, and purpose of the  
 71 hearing, identify generally the community redevelopment area  
 72 covered by the plan, and outline the general scope of the  
 73 community redevelopment plan under consideration.

74 (b) For any community redevelopment agency created after  
 75 January 1, 2006, that was not created pursuant to a delegation  
 76 of authority under s. 163.410 by a county that has adopted a  
 77 home rule charter, the following additional procedures are  
 78 required prior to the governing body's adopting a community  
 79 redevelopment plan under subsection (7):

80 1. Within 30 days after receipt of any community  
 81 redevelopment plan recommended by a community redevelopment  
 82 agency under subsection (5), the county shall provide written  
 83 notice to the governing body of the municipality that the county  
 84 has competing policy goals and plans for the public funds the

85 county would be required to contribute to the tax increment  
86 under the proposed community redevelopment plan.

87 2. If the notice required in subparagraph 1. is timely  
88 provided, the board of county commissioners and the governing  
89 body of the municipality that created the community  
90 redevelopment agency shall schedule and hold a joint hearing  
91 chaired by the county chair at which the competing policy goals  
92 for the public funds shall be discussed. Any such hearing must  
93 be held within 90 days after receipt by the county of the  
94 recommended community redevelopment plan. Prior to the joint  
95 public hearing, the county may propose an alternative  
96 redevelopment plan to address the conditions identified in the  
97 resolution making a finding of necessity required by s. 163.355.

98 3. If the notice required in subparagraph 1. is timely  
99 provided, the municipality may not proceed with the adoption of  
100 the plan under subsection (7) until 45 days after the joint  
101 hearing unless the board of county commissioners has failed to  
102 schedule and attend the joint hearing within the required 90-day  
103 period.

104 4. Notwithstanding the timeframes established in  
105 subparagraphs 2. and 3., the county and the municipality may at  
106 any time voluntarily use the dispute resolution process  
107 established in chapter 164 to attempt to resolve any competing  
108 policy goals between the county and municipality related to the  
109 community redevelopment agency. Nothing in this subparagraph  
110 grants the county or the municipality the authority to require  
111 the other to participate in the dispute resolution process.

112 Section 5. Subsection (3) of section 163.361, Florida  
 113 Statutes, is amended to read:

114 163.361 Modification of community redevelopment plans.--

115 (3) (a) In addition to the requirements of s. 163.346, and  
 116 prior to the adoption of any modification to a community  
 117 redevelopment plan that expands the boundaries of the community  
 118 redevelopment area or extends the time certain set forth in the  
 119 redevelopment plan as required by s. 163.362(10), the agency  
 120 shall report such proposed modification to each taxing authority  
 121 in writing or by an oral presentation, or both, regarding such  
 122 proposed modification.

123 (b) For any community redevelopment agency that was not  
 124 created pursuant to a delegation of authority under s. 163.410  
 125 by a county that has adopted a home rule charter and that  
 126 modifies its adopted community redevelopment plan in a manner  
 127 that expands the boundaries of the redevelopment area, the  
 128 following additional procedures are required prior to the  
 129 governing body's adopting a modified community redevelopment  
 130 plan:

131 1. Within 30 days after receipt of any report of a  
 132 proposed modification that expands the boundaries of the  
 133 redevelopment area, the county shall provide notice to the  
 134 governing body of the municipality that the county has competing  
 135 policy goals and plans for the public funds the county would be  
 136 required to contribute to the tax increment under the proposed  
 137 modification to the community redevelopment plan.

138 2. If the notice required in subparagraph 1. is timely  
 139 provided, the board of county commissioners and the governing

140 body of the municipality that created the community  
141 redevelopment agency shall schedule and hold a joint hearing  
142 chaired by the county chair at which the competing policy goals  
143 for the public funds shall be discussed. Any such hearing shall  
144 be held within 90 days after receipt by the county of the  
145 recommended modification of the adopted community redevelopment  
146 plan. Prior to the joint public hearing, the county may propose  
147 an alternative modified community redevelopment plan to address  
148 the conditions identified in the resolution making a finding of  
149 necessity required under s. 163.355.

150 3. If the notice required in subparagraph 1. is timely  
151 provided, the municipality may not proceed with the adoption of  
152 the plan under s. 163.360(7) until 45 days after the joint  
153 hearing unless the board of county commissioners has failed to  
154 schedule and attend the joint hearing within the required 90-day  
155 period.

156 4. Notwithstanding the timeframes established in  
157 subparagraphs 2. and 3., the county and the municipality may at  
158 any time voluntarily use the dispute resolution process  
159 established in chapter 164 to attempt to resolve any competing  
160 policy goals between the county and municipality related to the  
161 expansion of the boundaries of the community redevelopment  
162 agency. Nothing in this subparagraph grants the county or the  
163 municipality the authority to require the other to participate  
164 in the dispute resolution process.

165 Section 6. Subsection (1), paragraph (a) of subsection  
166 (2), and subsection (3) of section 163.387, Florida Statutes,  
167 are amended to read:

168           163.387 Redevelopment trust fund.--  
 169           (1) (a) After approval of a community redevelopment plan,  
 170 there shall be established for each community redevelopment  
 171 agency created under s. 163.356 a redevelopment trust fund.  
 172 Funds allocated to and deposited into this fund shall be used by  
 173 the agency to finance or refinance any community redevelopment  
 174 it undertakes pursuant to the approved community redevelopment  
 175 plan. No community redevelopment agency may receive or spend any  
 176 increment revenues pursuant to this section unless and until the  
 177 governing body has, by ordinance, provided for the funding of  
 178 the redevelopment trust fund for the duration of a community  
 179 redevelopment plan. Such ordinance may be adopted only after the  
 180 governing body has approved a community redevelopment plan. The  
 181 annual funding of the redevelopment trust fund shall be in an  
 182 amount not less than that increment in the income, proceeds,  
 183 revenues, and funds of each taxing authority derived from or  
 184 held in connection with the undertaking and carrying out of  
 185 community redevelopment under this part. Such increment shall be  
 186 determined annually and shall be that amount equal to 95 percent  
 187 of the difference between:

188           ~~1.(a)~~ The amount of ad valorem taxes levied each year by  
 189 each taxing authority, exclusive of any amount from any debt  
 190 service millage, on taxable real property contained within the  
 191 geographic boundaries of a community redevelopment area as  
 192 indicated by the preliminary assessment roll; and

193           ~~2.(b)~~ The amount of ad valorem taxes which would have been  
 194 produced by the rate upon which the tax is levied each year by  
 195 or for each taxing authority, exclusive of any debt service

196 millage, upon the total of the assessed value of the taxable  
 197 real property in the community redevelopment area as shown upon  
 198 the most recent assessment roll used in connection with the  
 199 taxation of such property by each taxing authority prior to the  
 200 effective date of the ordinance providing for the funding of the  
 201 trust fund.

202  
 203 However, the governing body of any county as defined in s.  
 204 125.011(1) may, in the ordinance providing for the funding of a  
 205 trust fund established with respect to any community  
 206 redevelopment area created on or after July 1, 1994, determine  
 207 that the amount to be funded by each taxing authority annually  
 208 shall be less than 95 percent of the difference between  
 209 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event  
 210 shall such amount be less than 50 percent of such difference.

211 (b)1. For any community redevelopment agency created after  
 212 July 1, 2006, that was not created pursuant to a delegation of  
 213 authority under s. 163.410 by a county that has adopted a home  
 214 rule charter, or that extends the time certain set forth in the  
 215 redevelopment plan as required by s. 163.362(10) beyond 40 years  
 216 after the later of the fiscal year in which the initial  
 217 redevelopment plan is adopted or the most recent amendment to  
 218 the redevelopment plan is adopted, the amount of tax increment  
 219 to be contributed by any taxing authority shall be limited as  
 220 follows:

221 a. If a taxing authority imposes a millage rate that  
 222 exceeds the millage rate imposed by the governing body that  
 223 created the trust fund, the amount of tax increment to be



224 contributed by the taxing authority imposing the higher millage  
225 rate shall be calculated using the millage rate imposed by the  
226 governing body that created the trust fund, provided that any  
227 taxing authority may voluntarily contribute amounts of tax  
228 increment at a higher rate for a period of time as specified by  
229 interlocal agreement between the taxing authority and the  
230 community redevelopment agency.

231 b. At any time more than 19 years after the fiscal year in  
232 which a taxing authority made its first contribution to a  
233 redevelopment trust fund, the taxing authority, by resolution  
234 effective no sooner than the next fiscal year and adopted by  
235 majority vote of the taxing authority's governing body at a  
236 public hearing held not less than 30 or more than 45 days after  
237 written notice delivered to the community redevelopment agency  
238 and published in a newspaper of general circulation in the  
239 redevelopment area, may limit the amount of increment  
240 contributed by the taxing authority to the trust fund to the  
241 average annual amount the taxing authority was obligated to  
242 contribute to the trust fund in the 3 fiscal years immediately  
243 preceding the adoption of such resolution, plus any increase in  
244 the increment after the adoption of the resolution computed  
245 using the taxable values of any area which is subject to an area  
246 reinvestment agreement. As used in this subparagraph, the term  
247 "area reinvestment agreement" means an agreement between the  
248 community redevelopment agency and a private party, with or  
249 without additional parties, provided that all the increment  
250 computed for a specific area shall be reinvested in public  
251 infrastructure or services, or both, or debt service for such

252 infrastructure supporting a specific project identified in the  
253 agreement to be constructed within that area. Any such  
254 reinvestment agreement must specify the estimated total amount  
255 of public investment necessary to provide the public  
256 infrastructure or services, or both, including any applicable  
257 debt service. The increase in the increment of any area that is  
258 subject to an area reinvestment agreement following the passage  
259 of a resolution as provided in this subparagraph is limited to  
260 the amount specified in the area reinvestment agreement as  
261 necessary to provide the public infrastructure or services, or  
262 both, including any applicable debt service, that is the subject  
263 of the agreement. The increase in the increment of any area that  
264 is subject to an area reinvestment agreement following the  
265 passage of a resolution as provided in this sub-subparagraph  
266 shall cease when the amount specified in the area reinvestment  
267 agreement as necessary to provide the public infrastructure or  
268 services, or both, including any applicable debt service, have  
269 been invested.

270 2. For any community redevelopment agency that was not  
271 created pursuant to a delegation of authority under s. 163.410  
272 by a county that has adopted a home rule charter and that  
273 modifies its adopted community redevelopment plan after July 1,  
274 2006, in a manner that expands the boundaries of the  
275 redevelopment area, the amount of increment to be contributed by  
276 any taxing authority with respect to the expanded area shall be  
277 limited as set forth in subparagraph 1.

278 (2) (a) Except for the purpose of funding the trust fund  
279 pursuant to subsection (3), upon the adoption of an ordinance

280 providing for funding of the redevelopment trust fund as  
 281 provided in this section, each taxing authority shall, by  
 282 January 1 of each year, appropriate to the trust fund for so  
 283 long as any indebtedness pledging increment revenues to the  
 284 payment thereof is outstanding (but not to exceed 30 years) a  
 285 sum that is no less than the increment as defined and determined  
 286 in subsection (1) or paragraph (3)(b) accruing to such taxing  
 287 authority. If the community redevelopment plan is amended or  
 288 modified pursuant to s. 163.361(1), each such taxing authority  
 289 shall make the annual appropriation for a period not to exceed  
 290 30 years after the date the governing body amends the plan.  
 291 However, for any agency created on or after July 1, 2002, each  
 292 taxing authority shall make the annual appropriation for a  
 293 period not to exceed 40 years after the fiscal year in which the  
 294 initial community redevelopment plan is approved or adopted.

295 (3) (a) Notwithstanding the provisions of subsection (2),  
 296 the obligation of the governing body which established the  
 297 community redevelopment agency to fund the redevelopment trust  
 298 fund annually shall continue until all loans, advances, and  
 299 indebtedness, if any, and interest thereon, of a community  
 300 redevelopment agency incurred as a result of redevelopment in a  
 301 community redevelopment area have been paid.

302 (b) Notwithstanding the provisions of subsections (1) and  
 303 (2), an alternative method of determining the amount and time or  
 304 times of payment of, and rate of interest upon, tax increments  
 305 contributed to the trust fund, including formulae and limits  
 306 different than those specified in subsection (1), may be enacted  
 307 by interlocal agreement between any of the other taxing

308 authorities required to contribute a tax increment to the trust  
 309 fund and the governing body that created the community  
 310 redevelopment agency.

311 Section 7. Section 163.410, Florida Statutes, is amended  
 312 to read:

313 163.410 Exercise of powers in counties with home rule  
 314 charters.--In any county which has adopted a home rule charter,  
 315 the powers conferred by this part shall be exercised exclusively  
 316 by the governing body of such county. However, the governing  
 317 body of any such county which has adopted a home rule charter  
 318 may, in its discretion, by resolution delegate the exercise of  
 319 the powers conferred upon the county by this part within the  
 320 boundaries of a municipality to the governing body of such a  
 321 municipality. Such a delegation to a municipality shall confer  
 322 only such powers upon a municipality as shall be specifically  
 323 enumerated in the delegating resolution. Any power not  
 324 specifically delegated shall be reserved exclusively to the  
 325 governing body of the county. This section does not affect any  
 326 community redevelopment agency created by a municipality prior  
 327 to the adoption of a county home rule charter. Unless otherwise  
 328 provided by an existing ordinance, resolution, or interlocal  
 329 agreement between any such county and a municipality, the  
 330 governing body of the county that has adopted a home rule  
 331 charter shall approve or deny ~~act on~~ any request from a  
 332 municipality for a delegation of powers or a change in an  
 333 existing delegation of powers within 120 days after the receipt  
 334 of all required documentation or such request shall be deemed  
 335 approved. Any request by the county for additional documentation

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336 or other information shall be made in writing to the  
337 municipality. The county shall notify the municipality in  
338 writing within 30 days after receiving all the required  
339 documentation and other requested information. If the meeting of  
340 the county commission at which the request for a delegation of  
341 powers or a change in an existing delegation of powers is unable  
342 to be held due to events beyond the control of the county, the  
343 request may be acted upon at the next regularly scheduled  
344 meeting of the county commission without regard to the 120-day  
345 limitation immediately sent to the governing body for  
346 ~~consideration.~~

347 Section 8. This act shall take effect July 1, 2006.