

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to community redevelopment; amending s.
7 163.340, F.S.; revising a definition; defining the term
8 "taxing authority"; amending s. 163.346, F.S.; revising
9 criteria for a notice to taxing authorities; creating s.
10 163.354, F.S.; authorizing a local governing body to adopt
11 a resolution establishing a slum and blight study area
12 under certain circumstances; amending s. 163.360, F.S.;
13 specifying additional procedures required for adoption of
14 community redevelopment plans by the governing body of
15 certain counties for certain community redevelopment
16 agencies; amending s. 163.361, F.S.; specifying additional
17 procedures required for adoption of a modified community
18 redevelopment plan by a governing body of certain counties
19 for certain community redevelopment agencies; amending s.
20 163.387, F.S.; revising provisions relating to
21 redevelopment trust funds; providing limitations on the
22 amount of tax increment contributions by a taxing
23 authority; providing for alternative methods for

HB 1583

2006
CS

24 determining tax increment requirements by interlocal
25 agreement; amending s. 163.410, F.S.; providing additional
26 requirements for requests for information relating to
27 requests for delegation of certain powers; providing an
28 effective date.

29

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

31

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

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

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

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

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

46 163.346 Notice to taxing authorities.--Before the
47 governing body adopts any resolution or enacts any ordinance
48 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,
49 or s. 163.387; establishes a study area; creates a community
50 redevelopment agency; approves, adopts, or amends a community
51 redevelopment plan; or issues redevelopment revenue bonds under

HB 1583

2006
CS

52 | s. 163.385, the governing body must provide public notice of
 53 | such proposed action pursuant to s. 125.66(2) or s.
 54 | 166.041(3) (a) and, at least 15 days before such proposed action,
 55 | mail by registered mail a notice to each taxing authority which
 56 | levies ad valorem taxes on taxable real property contained
 57 | within the geographic boundaries of the redevelopment area.

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

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

64 | Section 4. Subsections (2) and (6) of section 163.360,
 65 | Florida Statutes, are amended to read:

66 | 163.360 Community redevelopment plans.--

67 | (2) (a) The community redevelopment plan shall:

68 | 1.(a) Conform to the comprehensive plan for the county or
 69 | municipality as prepared by the local planning agency under the
 70 | Local Government Comprehensive Planning and Land Development
 71 | Regulation Act.

72 | 2.(b) Be sufficiently complete to indicate such land
 73 | acquisition, demolition and removal of structures,
 74 | redevelopment, improvements, and rehabilitation as may be
 75 | proposed to be carried out in the community redevelopment area;
 76 | zoning and planning changes, if any; land uses; maximum
 77 | densities; and building requirements.

78 | 3.(e) Provide for the development of affordable housing in
 79 | the area, or state the reasons for not addressing in the plan

HB 1583

2006
CS

80 the development of affordable housing in the area. The county,
81 municipality, or community redevelopment agency shall coordinate
82 with each housing authority or other affordable housing entities
83 functioning within the geographic boundaries of the
84 redevelopment area, concerning the development of affordable
85 housing in the area.

86 (b) The agency may contract with qualified nonprofit
87 organizations, faith-based organizations, or other entities to
88 develop and provide affordable and workforce housing in the
89 redevelopment area and use tax increment dollars to offer
90 incentives for such development, including, but not limited to,
91 low interest or no interest loans through qualified lenders or
92 the agency itself; revolving loans; façade improvement loans or
93 grants; matching, seed, or leverage dollars for loans or grants;
94 developer subsidies; and any other incentives determined to be
95 needed by the agency. For purposes of this paragraph, the term
96 "affordable housing" means housing that meets the definition of
97 affordable under s. 420.0004(3) and the term "workforce housing"
98 means housing for which the monthly rents or monthly mortgage
99 payments, including taxes, insurance, and utilities, do not
100 exceed 30 percent of that amount which represents the percentage
101 of the median adjusted gross annual income for the households
102 whose income is 150 percent of the median income of the area.

103 (6)(a) The governing body shall hold a public hearing on a
104 community redevelopment plan after public notice thereof by
105 publication in a newspaper having a general circulation in the
106 area of operation of the county or municipality. The notice
107 shall describe the time, date, place, and purpose of the

HB 1583

2006
CS

108 hearing, identify generally the community redevelopment area
109 covered by the plan, and outline the general scope of the
110 community redevelopment plan under consideration.

111 (b) For any community redevelopment agency created after
112 October 1, 2006, that was not created pursuant to a delegation
113 of authority under s. 163.410 by a county that has adopted a
114 home rule charter, the following additional procedures are
115 required prior to adoption by the governing body of a community
116 redevelopment plan under subsection (7):

117 1. Within 30 days after receipt of any community
118 redevelopment plan recommended by a community redevelopment
119 agency under subsection (5), the county may provide written
120 notice to the governing body of the municipality that the county
121 has competing policy goals and plans for the public funds the
122 county would be required to contribute to the tax increment
123 under the proposed community redevelopment plan.

124 2. If the notice required in subparagraph 1. is timely
125 provided, the board of county commissioners and the governing
126 body of the municipality that created the community
127 redevelopment agency shall schedule and hold a joint hearing
128 chaired by the county commission chair at which the competing
129 policy goals for the public funds shall be discussed. Any such
130 hearing must be held within 90 days after receipt by the county
131 of the recommended community redevelopment plan. Prior to the
132 joint public hearing, the county may propose an alternative
133 redevelopment plan to address the conditions identified in the
134 resolution making a finding of necessity required by s. 163.355.
135 If such an alternative modified redevelopment plan is proposed

HB 1583

2006
CS

136 | by the county, such plan shall be delivered to the governing
137 | body of the municipality that created the community
138 | redevelopment agency at least 20 days prior to holding the joint
139 | meeting.

140 | 3. If the notice required in subparagraph 1. is timely
141 | provided, the municipality may not proceed with the adoption of
142 | the plan under subsection (7) until 30 days after the joint
143 | hearing unless the board of county commissioners has failed to
144 | schedule and attend the joint hearing within the required 90-day
145 | period.

146 | 4. Notwithstanding the time requirements established in
147 | subparagraphs 2. and 3., the county and the municipality may at
148 | any time voluntarily use the dispute resolution process
149 | established in chapter 164 to attempt to resolve any competing
150 | policy goals between the county and municipality related to the
151 | community redevelopment agency. Nothing in this subparagraph
152 | grants the county or the municipality the authority to require
153 | the other local government to participate in the dispute
154 | resolution process.

155 | Section 5. Subsection (3) of section 163.361, Florida
156 | Statutes, is amended to read:

157 | 163.361 Modification of community redevelopment plans.--

158 | (3)(a) In addition to the requirements of s. 163.346, and
159 | prior to the adoption of any modification to a community
160 | redevelopment plan that expands the boundaries of the community
161 | redevelopment area or extends the time certain set forth in the
162 | redevelopment plan as required by s. 163.362(10), the agency
163 | shall report such proposed modification to each taxing authority

HB 1583

2006
CS

164 in writing or by an oral presentation, or both, regarding such
165 proposed modification.

166 (b) For any community redevelopment agency that was not
167 created pursuant to a delegation of authority under s. 163.410
168 by a county that has adopted a home rule charter and that
169 modifies its adopted community redevelopment plan in a manner
170 that expands the boundaries of the redevelopment area, the
171 following additional procedures are required prior to adoption
172 by the governing body of a modified community redevelopment
173 plan:

174 1. Within 30 days after receipt of any report of a
175 proposed modification that expands the boundaries of the
176 redevelopment area, the county may provide notice to the
177 governing body of the municipality that the county has competing
178 policy goals and plans for the public funds the county would be
179 required to contribute to the tax increment under the proposed
180 modification to the community redevelopment plan.

181 2. If the notice required in subparagraph 1. is timely
182 provided, the board of county commissioners and the governing
183 body of the municipality that created the community
184 redevelopment agency shall schedule and hold a joint hearing
185 chaired by the county commission chair at which the competing
186 policy goals for the public funds shall be discussed. Any such
187 hearing shall be held within 90 days after receipt by the county
188 of the recommended modification of the adopted community
189 redevelopment plan. Prior to the joint public hearing, the
190 county may propose an alternative modified community
191 redevelopment plan to address the conditions identified in the

HB 1583

2006
CS

192 resolution making a finding of necessity required under s.
193 163.355. If such an alternative modified redevelopment plan is
194 proposed by the county, such plan shall be delivered to the
195 governing body of the municipality that created the community
196 redevelopment agency at least 20 days prior to holding the joint
197 meeting.

198 3. If the notice required in subparagraph 1. is timely
199 provided, the municipality may not proceed with the adoption of
200 the plan under s. 163.360(7) until 30 days after the joint
201 hearing unless the board of county commissioners has failed to
202 schedule and attend the joint hearing within the required 90-day
203 period.

204 4. Notwithstanding the time requirements established in
205 subparagraphs 2. and 3., the county and the municipality may at
206 any time voluntarily use the dispute resolution process
207 established in chapter 164 to attempt to resolve any competing
208 policy goals between the county and municipality related to the
209 expansion of the boundaries of the community redevelopment
210 agency. Nothing in this subparagraph grants the county or the
211 municipality the authority to require the other local government
212 to participate in the dispute resolution process.

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

216 163.387 Redevelopment trust fund.--

217 (1)(a) After approval of a community redevelopment plan,
218 there shall be established for each community redevelopment
219 agency created under s. 163.356 a redevelopment trust fund.

HB 1583

2006
CS

220 Funds allocated to and deposited into this fund shall be used by
221 the agency to finance or refinance any community redevelopment
222 it undertakes pursuant to the approved community redevelopment
223 plan. No community redevelopment agency may receive or spend any
224 increment revenues pursuant to this section unless and until the
225 governing body has, by ordinance, provided for the funding of
226 the redevelopment trust fund for the duration of a community
227 redevelopment plan. Such ordinance may be adopted only after the
228 governing body has approved a community redevelopment plan. The
229 annual funding of the redevelopment trust fund shall be in an
230 amount not less than that increment in the income, proceeds,
231 revenues, and funds of each taxing authority derived from or
232 held in connection with the undertaking and carrying out of
233 community redevelopment under this part. Such increment shall be
234 determined annually and shall be that amount equal to 95 percent
235 of the difference between:

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

241 2.~~(b)~~ The amount of ad valorem taxes which would have been
242 produced by the rate upon which the tax is levied each year by
243 or for each taxing authority, exclusive of any debt service
244 millage, upon the total of the assessed value of the taxable
245 real property in the community redevelopment area as shown upon
246 the most recent assessment roll used in connection with the
247 taxation of such property by each taxing authority prior to the

HB 1583

2006
CS

248 | effective date of the ordinance providing for the funding of the
249 | trust fund.

250 |
251 | However, the governing body of any county as defined in s.
252 | 125.011(1) may, in the ordinance providing for the funding of a
253 | trust fund established with respect to any community
254 | redevelopment area created on or after July 1, 1994, determine
255 | that the amount to be funded by each taxing authority annually
256 | shall be less than 95 percent of the difference between
257 | subparagraphs 1. and 2. paragraphs (a) and (b), but in no event
258 | shall such amount be less than 50 percent of such difference.

259 | (b)1. For any community redevelopment agency created after
260 | October 1, 2006, that was not created pursuant to a delegation
261 | of authority under s. 163.410 by a county that has adopted a
262 | home rule charter, the amount of tax increment to be contributed
263 | by any taxing authority shall be limited as follows:

264 | a. If a taxing authority imposes a millage rate that
265 | exceeds the millage rate imposed by the governing body that
266 | created the trust fund, the amount of tax increment to be
267 | contributed by the taxing authority imposing the higher millage
268 | rate shall be calculated using the millage rate imposed by the
269 | governing body that created the trust fund. Nothing shall
270 | prohibit any taxing authority from voluntarily contributing a
271 | tax increment at a higher rate for a period of time as specified
272 | by interlocal agreement between the taxing authority and the
273 | community redevelopment agency.

274 | b. At any time more than 19 years after the fiscal year in
275 | which a taxing authority made its first contribution to a

HB 1583

2006
CS

276 redevelopment trust fund, by resolution effective no sooner than
277 the next fiscal year and adopted by majority vote of the taxing
278 authority's governing body at a public hearing held not less
279 than 30 or more than 45 days after written notice delivered to
280 the community redevelopment agency and published in a newspaper
281 of general circulation in the redevelopment area, the taxing
282 authority may limit the amount of increment contributed by the
283 taxing authority to the redevelopment trust fund to the average
284 annual amount the taxing authority was obligated to contribute
285 to the redevelopment trust fund in the 3 fiscal years
286 immediately preceding the adoption of such resolution, plus any
287 increase in the increment after the adoption of the resolution
288 computed using the taxable values of any area which is subject
289 to an area reinvestment agreement. As used in this subparagraph,
290 the term "area reinvestment agreement" means an agreement
291 between the community redevelopment agency and a private party,
292 with or without additional parties, which provides that the
293 increment computed for a specific area shall be reinvested in
294 public infrastructure or services, or both, including debt
295 service, supporting one or more projects consistent with the
296 community redevelopment plan that is identified in the agreement
297 to be constructed within that area. Any such reinvestment
298 agreement must specify the estimated total amount of public
299 investment necessary to provide the public infrastructure or
300 services, or both, including any applicable debt service. The
301 contribution to the redevelopment trust fund of the increase in
302 the increment of any area that is subject to an area
303 reinvestment agreement following the passage of a resolution as

304 provided in this sub-subparagraph shall cease when the amount
 305 specified in the area reinvestment agreement as necessary to
 306 provide the public infrastructure or services, or both,
 307 including any applicable debt service, have been invested.

308 2. For any community redevelopment agency that was not
 309 created pursuant to a delegation of authority under s. 163.410
 310 by a county that has adopted a home rule charter and that
 311 modifies its adopted community redevelopment plan after October
 312 1, 2006, in a manner that expands the boundaries of the
 313 redevelopment area, the amount of increment to be contributed by
 314 any taxing authority with respect to the expanded area shall be
 315 limited as set forth in sub-subparagraphs 1.a. and b.

316 (2)(a) Except for the purpose of funding the trust fund
 317 pursuant to subsection (3), upon the adoption of an ordinance
 318 providing for funding of the redevelopment trust fund as
 319 provided in this section, each taxing authority shall, by
 320 January 1 of each year, appropriate to the trust fund for so
 321 long as any indebtedness pledging increment revenues to the
 322 payment thereof is outstanding (but not to exceed 30 years) a
 323 sum that is no less than the increment as defined and determined
 324 in subsection (1) or paragraph (3)(b) accruing to such taxing
 325 authority. If the community redevelopment plan is amended or
 326 modified pursuant to s. 163.361(1), each such taxing authority
 327 shall make the annual appropriation for a period not to exceed
 328 30 years after the date the governing body amends the plan.
 329 However, for any agency created on or after July 1, 2002, each
 330 taxing authority shall make the annual appropriation for a

HB 1583

2006
CS

331 period not to exceed 40 years after the fiscal year in which the
332 initial community redevelopment plan is approved or adopted.

333 (3)(a) Notwithstanding the provisions of subsection (2),
334 the obligation of the governing body which established the
335 community redevelopment agency to fund the redevelopment trust
336 fund annually shall continue until all loans, advances, and
337 indebtedness, if any, and interest thereon, of a community
338 redevelopment agency incurred as a result of redevelopment in a
339 community redevelopment area have been paid.

340 (b) Notwithstanding the provisions of subsections (1) and
341 (2), an alternative method of determining the amount and time or
342 times of payment of, and rate of interest upon, tax increments
343 contributed to the redevelopment trust fund, including formulae
344 and limits different than those specified in subsection (1), may
345 be enacted by interlocal agreement between any of the other
346 taxing authorities required to contribute a tax increment to the
347 redevelopment trust fund and the governing body that created the
348 community redevelopment agency.

349 Section 7. Section 163.410, Florida Statutes, is amended
350 to read:

351 163.410 Exercise of powers in counties with home rule
352 charters.--In any county which has adopted a home rule charter,
353 the powers conferred by this part shall be exercised exclusively
354 by the governing body of such county. However, the governing
355 body of any such county which has adopted a home rule charter
356 may, in its discretion, by resolution delegate the exercise of
357 the powers conferred upon the county by this part within the
358 boundaries of a municipality to the governing body of such a

HB 1583

2006
CS

359 | municipality. Such a delegation to a municipality shall confer
360 | only such powers upon a municipality as shall be specifically
361 | enumerated in the delegating resolution. Any power not
362 | specifically delegated shall be reserved exclusively to the
363 | governing body of the county. This section does not affect any
364 | community redevelopment agency created by a municipality prior
365 | to the adoption of a county home rule charter. Unless otherwise
366 | provided by an existing ordinance, resolution, or interlocal
367 | agreement between any such county and a municipality, the
368 | governing body of the county that has adopted a home rule
369 | charter shall approve or deny ~~act on~~ any request from a
370 | municipality for a delegation of powers or a change in an
371 | existing delegation of powers within 120 days after the receipt
372 | of all required documentation or such request shall be deemed
373 | approved. Any request by the county for additional documentation
374 | or other information shall be made in writing to the
375 | municipality. The county shall notify the municipality in
376 | writing within 30 days after receiving all the required
377 | documentation and other requested information that such
378 | information is complete. If the meeting of the county commission
379 | at which the request for a delegation of powers or a change in
380 | an existing delegation of powers is unable to be held due to
381 | events beyond the control of the county, the request shall be
382 | acted upon at the next regularly scheduled meeting of the county
383 | commission without regard to the 120-day limitation. If the
384 | county does not act upon the request at the next regularly
385 | scheduled meeting, the request shall be deemed approved
386 | ~~immediately sent to the governing body for consideration.~~

Page 14 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1583-01-c1

HB 1583

2006
CS

387

Section 8. This act shall take effect October 1, 2006.