

## CHAMBER ACTION

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1 The State Infrastructure 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 certain definitions; defining the  
8 term "taxing authority"; amending ss. 163.356 and 163.357,  
9 F.S.; authorizing representatives of a taxing authority or  
10 members of a taxing authority's governing body to be  
11 members of the board of commissioners of a community  
12 redevelopment agency; 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.  
20 163.370, F.S.; revising provisions relating to powers of  
21 counties, municipalities, and community redevelopment  
22 agencies; revising provisions relating to projects  
23 ineligible for increment revenues; amending s. 163.387,

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24 F.S.; revising provisions relating to redevelopment trust  
 25 funds; providing limitations on the amount of tax  
 26 increment contributions by a taxing authority for certain  
 27 governing bodies; authorizing a community redevelopment  
 28 agency to waive certain increment payment penalties;  
 29 authorizing alternate provisions in certain interlocal  
 30 agreements to supersede certain provisions of law;  
 31 amending s. 163.410, F.S.; providing additional  
 32 requirements for requests for information relating to  
 33 requests for delegation of certain powers in counties with  
 34 home rule charters; providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Subsections (2) and (10) of section 163.340,  
 39 Florida Statutes, are amended, and subsection (24) is added to  
 40 that section, to read:

41 163.340 Definitions.--The following terms, wherever used  
 42 or referred to in this part, have the following meanings:

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

47 (10) "Community redevelopment area" means a slum area, a  
 48 blighted area, or an area in which there is a shortage of  
 49 housing that is affordable to residents of low or moderate  
 50 income, including the elderly, or a coastal and tourist area  
 51 that is deteriorating and economically distressed due to

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52 | outdated building density patterns, inadequate transportation  
53 | and parking facilities, faulty lot layout or inadequate street  
54 | layout, or a combination thereof which the governing body  
55 | designates as appropriate for community redevelopment. For  
56 | community redevelopment agencies created after July 1, 2006, a  
57 | community redevelopment area may not consist of more than 80  
58 | percent of a municipality.

59 | (24) "Taxing authority" means a public body that levies or  
60 | is authorized to levy an ad valorem tax on real property located  
61 | in a community redevelopment area.

62 | Section 2. Subsection (2) of section 163.356, Florida  
63 | Statutes, is amended to read:

64 | 163.356 Creation of community redevelopment agency.--

65 | (2) When the governing body adopts a resolution declaring  
66 | the need for a community redevelopment agency, that body shall,  
67 | by ordinance, appoint a board of commissioners of the community  
68 | redevelopment agency, which shall consist of not fewer than five  
69 | or more than nine commissioners. The terms of office of the  
70 | commissioners shall be for 4 years, except that three of the  
71 | members first appointed shall be designated to serve terms of 1,  
72 | 2, and 3 years, respectively, from the date of their  
73 | appointments, and all other members shall be designated to serve  
74 | for terms of 4 years from the date of their appointments. A  
75 | vacancy occurring during a term shall be filled for the  
76 | unexpired term. As provided in an interlocal agreement between  
77 | the governing body that created the agency and one or more  
78 | taxing authorities, one or more members of the board of  
79 | commissioners of the agency may be representatives of a taxing

80 | authority, including members of that taxing authority's  
 81 | governing body, whose membership on the board of commissioners  
 82 | of the agency would be considered an additional duty of office  
 83 | as a member of the taxing authority governing body.

84 | Section 3. Paragraph (d) is added to subsection (1) of  
 85 | section 163.357, Florida Statutes, to read:

86 | 163.357 Governing body as the community redevelopment  
 87 | agency.--

88 | (1)

89 | (d) As provided in an interlocal agreement between the  
 90 | governing body that created the agency and one or more taxing  
 91 | authorities, one or more members of the board of commissioners  
 92 | of the agency may be representatives of a taxing authority,  
 93 | including members of that taxing authority's governing body,  
 94 | whose membership on the board of commissioners of the agency  
 95 | would be considered an additional duty of office as a member of  
 96 | the taxing authority governing body.

97 | Section 4. Subsection (6) of section 163.360, Florida  
 98 | Statutes, is amended to read:

99 | 163.360 Community redevelopment plans.--

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

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108        (b) For any governing body that has not authorized by June  
109 5, 2006, a study to consider whether a finding of necessity  
110 resolution pursuant to s. 163.355 should be adopted, has not  
111 adopted a finding of necessity resolution pursuant to s. 163.355  
112 by March 31, 2007, has not adopted a community redevelopment  
113 plan by June 7, 2007, and was not authorized to exercise  
114 community redevelopment powers pursuant to a delegation of  
115 authority under s. 163.410 by a county that has adopted a home  
116 rule charter, the following additional procedures are required  
117 prior to adoption by the governing body of a community  
118 redevelopment plan under subsection (7):

119        1. Within 30 days after receipt of any community  
120 redevelopment plan recommended by a community redevelopment  
121 agency under subsection (5), the county may provide written  
122 notice by registered mail to the governing body of the  
123 municipality and to the community redevelopment agency that the  
124 county has competing policy goals and plans for the public funds  
125 the county would be required to deposit to the community  
126 redevelopment trust fund under the proposed community  
127 redevelopment plan.

128        2. If the notice required in subparagraph 1. is timely  
129 provided, the governing body of the county and the governing  
130 body of the municipality that created the community  
131 redevelopment agency shall schedule and hold a joint hearing co-  
132 chaired by the chair of the governing body of the county and the  
133 mayor of the municipality, with the agenda to be set by the  
134 chair of the governing body of the county, at which the  
135 competing policy goals for the public funds shall be discussed.

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136 For those community redevelopment agencies for which the board  
137 of commissioners of the community redevelopment agency are  
138 comprised as specified in s. 163.356(2), a designee of the  
139 community redevelopment agency shall participate in the joint  
140 meeting as a nonvoting member. Any such hearing must be held  
141 within 90 days after receipt by the county of the recommended  
142 community redevelopment plan. Prior to the joint public hearing,  
143 the county may propose an alternative redevelopment plan that  
144 meets the requirements of this section to address the conditions  
145 identified in the resolution making a finding of necessity  
146 required by s. 163.355. If such an alternative redevelopment  
147 plan is proposed by the county, such plan shall be delivered to  
148 the governing body of the municipality that created the  
149 community redevelopment agency and to the executive director or  
150 other officer of the community redevelopment agency by  
151 registered mail at least 30 days prior to holding the joint  
152 meeting.

153 3. If the notice required in subparagraph 1. is timely  
154 provided, the municipality may not proceed with the adoption of  
155 the plan under subsection (7) until 30 days after the joint  
156 hearing unless the governing body of the county has failed to  
157 schedule or a majority of the members of the governing body of  
158 the county have failed to attend the joint hearing within the  
159 required 90-day period.

160 4. Notwithstanding the time requirements established in  
161 subparagraphs 2. and 3., the county and the municipality may at  
162 any time voluntarily use the dispute resolution process  
163 established in chapter 164 to attempt to resolve any competing

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164 policy goals between the county and municipality related to the  
165 community redevelopment agency. Nothing in this subparagraph  
166 grants the county or the municipality the authority to require  
167 the other local government to participate in the dispute  
168 resolution process.

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

171 163.361 Modification of community redevelopment plans.--

172 (3) (a) In addition to the requirements of s. 163.346, and  
173 prior to the adoption of any modification to a community  
174 redevelopment plan that expands the boundaries of the community  
175 redevelopment area or extends the time certain set forth in the  
176 redevelopment plan as required by s. 163.362(10), the agency  
177 shall report such proposed modification to each taxing authority  
178 in writing or by an oral presentation, or both, regarding such  
179 proposed modification.

180 (b) For any community redevelopment agency that was not  
181 created pursuant to a delegation of authority under s. 163.410  
182 by a county that has adopted a home rule charter and that  
183 modifies its adopted community redevelopment plan in a manner  
184 that expands the boundaries of the redevelopment area after  
185 October 1, 2006, the following additional procedures are  
186 required prior to adoption by the governing body of a modified  
187 community redevelopment plan:

188 1. Within 30 days after receipt of any report of a  
189 proposed modification that expands the boundaries of the  
190 redevelopment area, the county may provide notice by registered  
191 mail to the governing body of the municipality and the community

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192 redevelopment agency that the county has competing policy goals  
193 and plans for the public funds the county would be required to  
194 deposit to the community redevelopment trust fund under the  
195 proposed modification to the community redevelopment plan.

196 2. If the notice required in subparagraph 1. is timely  
197 provided, the governing body of the county and the governing  
198 body of the municipality that created the community  
199 redevelopment agency shall schedule and hold a joint hearing co-  
200 chaired by the chair of the governing body of the county and the  
201 mayor of the municipality, with the agenda to be set by the  
202 chair of the governing body of the county, at which the  
203 competing policy goals for the public funds shall be discussed.  
204 For those community redevelopment agencies for which the board  
205 of commissioners of the community redevelopment agency are  
206 comprised as specified in s. 163.356(2), a designee of the  
207 community redevelopment agency shall participate in the joint  
208 meeting as a nonvoting member. Any such hearing shall be held  
209 within 90 days after receipt by the county of the recommended  
210 modification of the adopted community redevelopment plan. Prior  
211 to the joint public hearing, the county may propose an  
212 alternative modified community redevelopment plan that meets the  
213 requirements of s. 163.360 to address the conditions identified  
214 in the resolution making a finding of necessity required under  
215 s. 163.355. If such an alternative modified redevelopment plan  
216 is proposed by the county, such plan shall be delivered to the  
217 governing body of the municipality that created the community  
218 redevelopment agency and the executive director or other officer



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219 of the community redevelopment agency by registered mail at  
220 least 30 days prior to holding the joint meeting.

221 3. If the notice required in subparagraph 1. is timely  
222 provided, the municipality may not proceed with the adoption of  
223 a modified plan until 30 days after the joint hearing unless the  
224 governing body of the county has failed to schedule or a  
225 majority of the members of the governing body of the county have  
226 failed to attend the joint hearing within the required 90-day  
227 period.

228 4. Notwithstanding the time requirements established in  
229 subparagraphs 2. and 3., the county and the municipality may at  
230 any time voluntarily use the dispute resolution process  
231 established in chapter 164 to attempt to resolve any competing  
232 policy goals between the county and municipality related to the  
233 community redevelopment agency. Nothing in this subparagraph  
234 grants the county or the municipality the authority to require  
235 the other local government to participate in the dispute  
236 resolution process.

237 Section 6. Paragraphs (c), (e), (h), and (n) of subsection  
238 (1), paragraph (b) of subsection (2), and paragraph (a) of  
239 subsection (3) of section 163.370, Florida Statutes, are amended  
240 to read:

241 163.370 Powers; counties and municipalities; community  
242 redevelopment agencies.--

243 (1) Every county and municipality shall have all the  
244 powers necessary or convenient to carry out and effectuate the  
245 purposes and provisions of this part, including the following  
246 powers in addition to others herein granted:

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247 (c) To undertake and carry out community redevelopment and  
248 related activities within the community redevelopment area,  
249 which ~~redevelopment~~ may include:

250 1. Acquisition of a slum area or a blighted area or  
251 portion thereof.

252 2. Demolition and removal of buildings and improvements.

253 3. Installation, construction, or reconstruction of  
254 streets, utilities, parks, playgrounds, public areas of major  
255 hotels that are constructed in support of convention centers,  
256 including meeting rooms, banquet facilities, parking garages,  
257 lobbies, and passageways, and other improvements necessary for  
258 carrying out in the community redevelopment area the community  
259 redevelopment objectives of this part in accordance with the  
260 community redevelopment plan.

261 4. Disposition of any property acquired in the community  
262 redevelopment area at its fair value as provided in s. 163.380  
263 for uses in accordance with the community redevelopment plan.

264 5. Carrying out plans for a program of voluntary or  
265 compulsory repair and rehabilitation of buildings or other  
266 improvements in accordance with the community redevelopment  
267 plan.

268 6. Acquisition of real property in the community  
269 redevelopment area which, under the community redevelopment  
270 plan, is to be repaired or rehabilitated for dwelling use or  
271 related facilities, repair or rehabilitation of the structures  
272 for guidance purposes, and resale of the property.

273 7. Acquisition of any other real property in the community  
274 redevelopment area when necessary to eliminate unhealthful,

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275 | unsanitary, or unsafe conditions; lessen density; eliminate  
 276 | obsolete or other uses detrimental to the public welfare; or  
 277 | otherwise to remove or prevent the spread of blight or  
 278 | deterioration or to provide land for needed public facilities.

279 |       8. Acquisition, without regard to any requirement that the  
 280 | area be a slum or blighted area, of air rights in an area  
 281 | consisting principally of land in highways, railway or subway  
 282 | tracks, bridge or tunnel entrances, or other similar facilities  
 283 | which have a blighting influence on the surrounding area and  
 284 | over which air rights sites are to be developed for the  
 285 | elimination of such blighting influences and for the provision  
 286 | of housing (and related facilities and uses) designed  
 287 | specifically for, and limited to, families and individuals of  
 288 | low or moderate income.

289 |       9. Construction of foundations and platforms necessary for  
 290 | the provision of air rights sites of housing (and related  
 291 | facilities and uses) designed specifically for, and limited to,  
 292 | families and individuals of low or moderate income.

293 |       (e) Within the community redevelopment area:

294 |       1. To enter into any building or property in any community  
 295 | redevelopment area in order to make inspections, surveys,  
 296 | appraisals, soundings, or test borings and to obtain an order  
 297 | for this purpose from a court of competent jurisdiction in the  
 298 | event entry is denied or resisted.

299 |       2. To acquire by purchase, lease, option, gift, grant,  
 300 | bequest, devise, eminent domain, or otherwise any personal or  
 301 | real property ~~(or personal property for its administrative~~  
 302 | ~~purposes)~~, together with any improvements thereon; except that a

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303 community redevelopment agency may not exercise any power of  
 304 eminent domain unless the exercise has been specifically  
 305 approved by the governing body of the county or municipality  
 306 which established the agency.

307 3. To hold, improve, clear, or prepare for redevelopment  
 308 any such property.

309 4. To mortgage, pledge, hypothecate, or otherwise encumber  
 310 or dispose of any real property.

311 5. To insure or provide for the insurance of any real or  
 312 personal property or operations of the county or municipality  
 313 against any risks or hazards, including the power to pay  
 314 premiums on any such insurance.

315 6. To enter into any contracts necessary to effectuate the  
 316 purposes of this part.

317 7. To solicit requests for proposals for redevelopment of  
 318 parcels of real property contemplated by a community  
 319 redevelopment plan to be acquired for redevelopment purposes by  
 320 a community redevelopment agency and, as a result of such  
 321 requests for proposals, to advertise for the disposition of such  
 322 real property to private persons pursuant to s. 163.380 prior to  
 323 acquisition of such real property by the community redevelopment  
 324 agency.

325 (h) ~~Within its area of operation,~~ To make or have made all  
 326 surveys and plans necessary to the carrying out of the purposes  
 327 of this part; to contract with any person, public or private, in  
 328 making and carrying out such plans; and to adopt or approve,  
 329 modify, and amend such plans, which plans may include, but are  
 330 not limited to:

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331 | 1. Plans for carrying out a program of voluntary or  
332 | compulsory repair and rehabilitation of buildings and  
333 | improvements.

334 | 2. Plans for the enforcement of state and local laws,  
335 | codes, and regulations relating to the use of land and the use  
336 | and occupancy of buildings and improvements and to the  
337 | compulsory repair, rehabilitation, demolition, or removal of  
338 | buildings and improvements.

339 | 3. Appraisals, title searches, surveys, studies, and other  
340 | plans and work necessary to prepare for the undertaking of  
341 | community redevelopment and related activities.

342 | (n) ~~Within its area of operation,~~ To organize, coordinate,  
343 | and direct the administration of the provisions of this part, as  
344 | they may apply to such county or municipality, in order that the  
345 | objective of remedying slum and blighted areas and preventing  
346 | the causes thereof within such county or municipality may be  
347 | most effectively promoted and achieved and to establish such new  
348 | office or offices of the county or municipality or to reorganize  
349 | existing offices in order to carry out such purpose most  
350 | effectively.

351 | (2) The following projects may not be paid for or financed  
352 | by increment revenues:

353 | (b) Installation, construction, reconstruction, repair, or  
354 | alteration of any publicly owned capital improvements or  
355 | projects ~~which are not an integral part of or necessary for~~  
356 | ~~carrying out the community redevelopment plan if such projects~~  
357 | ~~or improvements are normally financed by the governing body with~~  
358 | ~~user fees or~~ if such projects or improvements were scheduled to

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359 ~~would~~ be installed, constructed, reconstructed, repaired, or  
 360 altered within 3 years of the approval of the community  
 361 redevelopment plan by the governing body pursuant to a  
 362 previously approved public capital improvement or project  
 363 schedule or plan of the governing body which approved the  
 364 community redevelopment plan unless and until such projects or  
 365 improvements have been removed from such schedule or plan of the  
 366 governing body and 3 years have elapsed since such removal or  
 367 such projects or improvements were identified in such schedule  
 368 or plan to be funded, in whole or in part, with funds on deposit  
 369 within the community redevelopment trust fund.

370 (3) With the approval of the governing body, a community  
 371 redevelopment agency may:

372 (a) Prior to approval of a community redevelopment plan or  
 373 approval of any modifications of the plan, acquire real property  
 374 in a community redevelopment area, demolish and remove any  
 375 structures on the property, and pay all costs related to the  
 376 acquisition, demolition, or removal, including any  
 377 administrative or relocation expenses, provided such acquisition  
 378 is not pursuant to s. 163.375.

379 Section 7. Subsection (1), paragraphs (a), (b), and (c) of  
 380 subsection (2), and subsections (3) through (8) of section  
 381 163.387, Florida Statutes, are amended to read:

382 163.387 Redevelopment trust fund.--

383 (1) (a) After approval of a community redevelopment plan,  
 384 there may ~~shall~~ be established for each community redevelopment  
 385 agency created under s. 163.356 a redevelopment trust fund.

386 Funds allocated to and deposited into this fund shall be used by

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387 the agency to finance or refinance any community redevelopment  
388 it undertakes pursuant to the approved community redevelopment  
389 plan. No community redevelopment agency may receive or spend any  
390 increment revenues pursuant to this section unless and until the  
391 governing body has, by ordinance, created the trust fund and  
392 provided for the funding of the redevelopment trust fund until  
393 the time certain set forth in the ~~for the duration of a~~  
394 community redevelopment plan as required by s. 163.362(10). Such  
395 ordinance may be adopted only after the governing body has  
396 approved a community redevelopment plan. The annual funding of  
397 the redevelopment trust fund shall be in an amount not less than  
398 that increment in the income, proceeds, revenues, and funds of  
399 each taxing authority derived from or held in connection with  
400 the undertaking and carrying out of community redevelopment  
401 under this part. Such increment shall be determined annually and  
402 shall be that amount equal to 95 percent of the difference  
403 between:

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

408 2.(b) The amount of ad valorem taxes which would have been  
409 produced by the rate upon which the tax is levied each year by  
410 or for each taxing authority, exclusive of any debt service  
411 millage, upon the total of the assessed value of the taxable  
412 real property in the community redevelopment area as shown upon  
413 the most recent assessment roll used in connection with the  
414 taxation of such property by each taxing authority prior to the

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

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415 effective date of the ordinance providing for the funding of the  
416 trust fund.

417  
418 However, the governing body of any county as defined in s.  
419 125.011(1) may, in the ordinance providing for the funding of a  
420 trust fund established with respect to any community  
421 redevelopment area created on or after July 1, 1994, determine  
422 that the amount to be funded by each taxing authority annually  
423 shall be less than 95 percent of the difference between  
424 subparagraphs 1. and 2. paragraphs (a) and (b), but in no event  
425 shall such amount be less than 50 percent of such difference.

426 (b)1. For any governing body that has not authorized by  
427 June 5, 2006, a study to consider whether a finding of necessity  
428 resolution pursuant to s. 163.355 should be adopted, has not  
429 adopted a finding of necessity resolution pursuant to s. 163.355  
430 by March 31, 2007, has not adopted a community redevelopment  
431 plan by June 7, 2007, and was not authorized to exercise  
432 community redevelopment powers pursuant to a delegation of  
433 authority under s. 163.410 by a county that has adopted a home  
434 rule charter, the amount of tax increment to be contributed by  
435 any taxing authority shall be limited as follows:

436 a. If a taxing authority imposes a millage rate that  
437 exceeds the millage rate imposed by the governing body that  
438 created the trust fund, the amount of tax increment to be  
439 contributed by the taxing authority imposing the higher millage  
440 rate shall be calculated using the millage rate imposed by the  
441 governing body that created the trust fund. Nothing shall  
442 prohibit any taxing authority from voluntarily contributing a



443 tax increment at a higher rate for a period of time as specified  
444 by interlocal agreement between the taxing authority and the  
445 community redevelopment agency.

446 b. At any time more than 24 years after the fiscal year in  
447 which a taxing authority made its first contribution to a  
448 redevelopment trust fund, by resolution effective no sooner than  
449 the next fiscal year and adopted by majority vote of the taxing  
450 authority's governing body at a public hearing held not less  
451 than 30 or more than 45 days after written notice by registered  
452 mail to the community redevelopment agency and published in a  
453 newspaper of general circulation in the redevelopment area, the  
454 taxing authority may limit the amount of increment contributed  
455 by the taxing authority to the redevelopment trust fund to the  
456 amount of increment the taxing authority was obligated to  
457 contribute to the redevelopment trust fund in the fiscal year  
458 immediately preceding the adoption of such resolution, plus any  
459 increase in the increment after the adoption of the resolution  
460 computed using the taxable values of any area which is subject  
461 to an area reinvestment agreement. As used in this subparagraph,  
462 the term "area reinvestment agreement" means an agreement  
463 between the community redevelopment agency and a private party,  
464 with or without additional parties, which provides that the  
465 increment computed for a specific area shall be reinvested in  
466 services or public or private projects, or both, including debt  
467 service, supporting one or more projects consistent with the  
468 community redevelopment plan that is identified in the agreement  
469 to be constructed within that area. Any such reinvestment  
470 agreement must specify the estimated total amount of public

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471 investment necessary to provide the projects or services, or  
472 both, including any applicable debt service. The contribution to  
473 the redevelopment trust fund of the increase in the increment of  
474 any area that is subject to an area reinvestment agreement  
475 following the passage of a resolution as provided in this sub-  
476 subparagraph shall cease when the amount specified in the area  
477 reinvestment agreement as necessary to provide the projects or  
478 services, or both, including any applicable debt service, have  
479 been invested.

480 2. For any community redevelopment agency that was not  
481 created pursuant to a delegation of authority under s. 163.410  
482 by a county that has adopted a home rule charter and that  
483 modifies its adopted community redevelopment plan after October  
484 1, 2006, in a manner that expands the boundaries of the  
485 redevelopment area, the amount of increment to be contributed by  
486 any taxing authority with respect to the expanded area shall be  
487 limited as set forth in sub-subparagraphs 1.a. and b.

488 (2) (a) Except for the purpose of funding the trust fund  
489 pursuant to subsection (3), upon the adoption of an ordinance  
490 providing for funding of the redevelopment trust fund as  
491 provided in this section, each taxing authority shall, by  
492 January 1 of each year, appropriate to the trust fund for so  
493 long as any indebtedness pledging increment revenues to the  
494 payment thereof is outstanding (but not to exceed 30 years) a  
495 sum that is no less than the increment as defined and determined  
496 in subsection (1) or paragraph (3) (b) accruing to such taxing  
497 authority. If the community redevelopment plan is amended or  
498 modified pursuant to s. 163.361(1), each such taxing authority

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499 shall make the annual appropriation for a period not to exceed  
500 30 years after the date the governing body amends the plan but  
501 no later than 60 years after the fiscal year in which the plan  
502 was initially approved or adopted. However, for any agency  
503 created on or after July 1, 2002, each taxing authority shall  
504 make the annual appropriation for a period not to exceed 40  
505 years after the fiscal year in which the initial community  
506 redevelopment plan is approved or adopted.

507 (b) Any taxing authority that does not pay the increment  
508 revenues to the trust fund by January 1 shall pay to the trust  
509 fund an amount equal to 5 percent of the amount of the increment  
510 revenues and shall pay interest on the amount of the unpaid  
511 increment revenues equal to 1 percent for each month the  
512 increment is outstanding, provided the agency may waive such  
513 penalty payments in whole or in part.

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

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

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

524 3. A library district, except a library district in a  
525 jurisdiction where the community redevelopment agency had  
526 validated bonds as of April 30, 1984.

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527 4. A neighborhood improvement district created under the  
528 Safe Neighborhoods Act.

529 5. A metropolitan transportation authority.

530 6. A water management district created under s. 373.069.

531 (3) (a) Notwithstanding the provisions of subsection (2),  
532 the obligation of the governing body which established the  
533 community redevelopment agency to fund the redevelopment trust  
534 fund annually shall continue until all loans, advances, and  
535 indebtedness, if any, and interest thereon, of a community  
536 redevelopment agency incurred as a result of redevelopment in a  
537 community redevelopment area have been paid.

538 (b) Alternate provisions contained in an interlocal  
539 agreement between a taxing authority and the governing body that  
540 created the community redevelopment agency may supersede the  
541 provisions of this section with respect to that taxing  
542 authority. The community redevelopment agency may be an  
543 additional party to any such agreement.

544 (4) The revenue bonds and notes of every issue under this  
545 part are payable solely out of revenues pledged to and received  
546 by a community redevelopment agency and deposited to its  
547 redevelopment trust fund. The lien created by such bonds or  
548 notes shall not attach until the increment revenues referred to  
549 herein are deposited in the redevelopment trust fund at the  
550 times, and to the extent that, such increment revenues accrue.  
551 The holders of such bonds or notes have no right to require the  
552 imposition of any tax or the establishment of any rate of  
553 taxation in order to obtain the amounts necessary to pay and  
554 retire such bonds or notes.

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555 (5) Revenue bonds issued under the provisions of this part  
556 shall not be deemed to constitute a debt, liability, or  
557 obligation of the public ~~local governing~~ body or the state or  
558 any political subdivision thereof, or a pledge of the faith and  
559 credit of the public ~~local governing~~ body or the state or any  
560 political subdivision thereof, but shall be payable solely from  
561 the revenues provided therefor. All such revenue bonds shall  
562 contain on the face thereof a statement to the effect that the  
563 agency shall not be obligated to pay the same or the interest  
564 thereon except from the revenues of the community redevelopment  
565 agency held for that purpose and that neither the faith and  
566 credit nor the taxing power of the ~~local~~ governing body or of  
567 the state or of any political subdivision thereof is pledged to  
568 the payment of the principal of, or the interest on, such bonds.

569 (6) Moneys in the redevelopment trust fund may be expended  
570 from time to time for undertakings of a community redevelopment  
571 agency as described in the ~~which are directly related to~~  
572 ~~financing or refinancing of redevelopment in a community~~  
573 ~~redevelopment area pursuant to an approved~~ community  
574 redevelopment plan for the following purposes, including, but  
575 not limited to:

576 (a) Administrative and overhead expenses necessary or  
577 incidental to the implementation of a community redevelopment  
578 plan adopted by the agency.

579 (b) Expenses of redevelopment planning, surveys, and  
580 financial analysis, including the reimbursement of the governing  
581 body or the community redevelopment agency for such expenses  
582 incurred before the redevelopment plan was approved and adopted.

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583 (c) The acquisition of real property in the redevelopment  
584 area.

585 (d) The clearance and preparation of any redevelopment  
586 area for redevelopment and relocation of site occupants within  
587 or outside the community redevelopment area as provided in s.  
588 163.370.

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

592 (f) All expenses incidental to or connected with the  
593 issuance, sale, redemption, retirement, or purchase of ~~agency~~  
594 bonds, bond anticipation notes, or other form of indebtedness,  
595 including funding of any reserve, redemption, or other fund or  
596 account provided for in the ordinance or resolution authorizing  
597 such bonds, notes, or other form of indebtedness.

598 (g) The development of affordable housing within the  
599 community redevelopment area.

600 (h) The development of community policing innovations.

601 (7) On the last day of the fiscal year of the community  
602 redevelopment agency, any money which remains in the trust fund  
603 after the payment of expenses pursuant to subsection (6) for  
604 such year shall be:

605 (a) Returned to each taxing authority which paid the  
606 increment in the proportion that the amount of the payment of  
607 such taxing authority bears to the total amount paid into the  
608 trust fund by all taxing authorities ~~within the redevelopment~~  
609 ~~area~~ for that year;

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

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

615 (d) Appropriated to a specific redevelopment project  
616 pursuant to an approved community redevelopment plan which  
617 project will be completed within 3 years from the date of such  
618 appropriation.

619 (8) Each community redevelopment agency shall provide for  
620 an ~~independent financial~~ audit of the trust fund each fiscal  
621 year and a report of such audit to be prepared by an independent  
622 certified public accountant or firm. Such report shall describe  
623 the amount and source of deposits into, and the amount and  
624 purpose of withdrawals from, the trust fund during such fiscal  
625 year and the amount of principal and interest paid during such  
626 year on any indebtedness to which ~~is pledged~~ increment revenues  
627 are pledged and the remaining amount of such indebtedness. The  
628 agency shall provide by registered mail a copy of the report to  
629 each taxing authority.

630 Section 8. Section 163.410, Florida Statutes, is amended  
631 to read:

632 163.410 Exercise of powers in counties with home rule  
633 charters.--In any county which has adopted a home rule charter,  
634 the powers conferred by this part shall be exercised exclusively  
635 by the governing body of such county. However, the governing  
636 body of any such county which has adopted a home rule charter  
637 may, in its discretion, by resolution delegate the exercise of

638 the powers conferred upon the county by this part within the  
639 boundaries of a municipality to the governing body of such a  
640 municipality. Such a delegation to a municipality shall confer  
641 only such powers upon a municipality as shall be specifically  
642 enumerated in the delegating resolution. Any power not  
643 specifically delegated shall be reserved exclusively to the  
644 governing body of the county. This section does not affect any  
645 community redevelopment agency created by a municipality prior  
646 to the adoption of a county home rule charter. Unless otherwise  
647 provided by an existing ordinance, resolution, or interlocal  
648 agreement between any such county and a municipality, the  
649 governing body of the county that has adopted a home rule  
650 charter shall grant in whole or in part or deny ~~act on~~ any  
651 request from a municipality for a delegation of powers or a  
652 change in an existing delegation of powers within 120 days after  
653 the receipt of all required documentation or such request shall  
654 be deemed granted unless this period is extended by mutual  
655 consent in writing by the municipality and county. Within 30  
656 days after receipt of the request, the county shall notify the  
657 municipality by registered mail whether the request is complete  
658 or if additional information is required. Any request by the  
659 county for additional documentation shall specify the  
660 deficiencies in the submitted documentation, if any. The county  
661 shall notify the municipality by registered mail within 30 days  
662 after receiving the additional information whether such  
663 additional documentation is complete. If the meeting of the  
664 county commission at which the request for a delegation of  
665 powers or a change in an existing delegation of powers is unable



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666 | to be held due to events beyond the control of the county, the  
667 | request shall be acted upon at the next regularly scheduled  
668 | meeting of the county commission without regard to the 120-day  
669 | limitation. If the county does not act upon the request at the  
670 | next regularly scheduled meeting, the request shall be deemed  
671 | granted ~~immediately sent to the governing body for~~  
672 | ~~consideration.~~

673 |       Section 9. This act shall take effect July 1, 2006.