

1                   A bill to be entitled  
2           An act relating to community redevelopment; amending s.  
3           163.340, F.S.; revising certain definitions; defining the  
4           term "taxing authority"; amending ss. 163.356 and 163.357,  
5           F.S.; authorizing representatives of a taxing authority or  
6           members of a taxing authority's governing body to be  
7           members of the board of commissioners of a community  
8           redevelopment agency; amending s. 163.360, F.S.;  
9           specifying additional procedures required for adoption of  
10          community redevelopment plans by the governing body of  
11          certain counties for certain community redevelopment  
12          agencies; amending s. 163.361, F.S.; specifying additional  
13          procedures required for adoption of a modified community  
14          redevelopment plan by a governing body of certain counties  
15          for certain community redevelopment agencies; amending s.  
16          163.370, F.S.; revising provisions relating to powers of  
17          counties, municipalities, and community redevelopment  
18          agencies; revising provisions relating to projects  
19          ineligible for increment revenues; amending s. 163.387,  
20          F.S.; revising provisions relating to redevelopment trust  
21          funds; providing limitations on the amount of tax  
22          increment contributions by a taxing authority for certain  
23          governing bodies; authorizing a community redevelopment  
24          agency to waive certain increment payment penalties;  
25          authorizing alternate provisions in certain interlocal  
26          agreements to supersede certain provisions of law;  
27          amending s. 163.410, F.S.; providing additional

28 requirements for requests for information relating to  
29 requests for delegation of certain powers in counties with  
30 home rule charters; providing an effective date.

31

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

33

34 Section 1. Subsections (2) and (10) of section 163.340,  
35 Florida Statutes, are amended, and subsection (24) is added to  
36 that section, to read:

37 163.340 Definitions.--The following terms, wherever used  
38 or referred to in this part, have the following meanings:

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

43 (10) "Community redevelopment area" means a slum area, a  
44 blighted area, or an area in which there is a shortage of  
45 housing that is affordable to residents of low or moderate  
46 income, including the elderly, or a coastal and tourist area  
47 that is deteriorating and economically distressed due to  
48 outdated building density patterns, inadequate transportation  
49 and parking facilities, faulty lot layout or inadequate street  
50 layout, or a combination thereof which the governing body  
51 designates as appropriate for community redevelopment. For  
52 community redevelopment agencies created after July 1, 2006, a  
53 community redevelopment area may not consist of more than 80  
54 percent of a municipality.

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

58        Section 2. Subsection (2) of section 163.356, Florida  
59 Statutes, is amended to read:

60        163.356 Creation of community redevelopment agency.--

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

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

82 |           163.357 Governing body as the community redevelopment  
83 | agency.--

84 |           (1)

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

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

95 |           163.360 Community redevelopment plans.--

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

104 |           (b) For any governing body that has not authorized by June  
105 | 5, 2006, a study to consider whether a finding of necessity  
106 | resolution pursuant to s. 163.355 should be adopted, has not  
107 | adopted a finding of necessity resolution pursuant to s. 163.355  
108 | by March 31, 2007, has not adopted a community redevelopment

109 plan by June 7, 2007, and was not authorized to exercise  
110 community redevelopment powers pursuant to a delegation of  
111 authority under s. 163.410 by a county that has adopted a home  
112 rule charter, the following additional procedures are required  
113 prior to adoption by the governing body of a community  
114 redevelopment plan under subsection (7):

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

124 2. If the notice required in subparagraph 1. is timely  
125 provided, the governing body of the county and the governing  
126 body of the municipality that created the community  
127 redevelopment agency shall schedule and hold a joint hearing co-  
128 chaired by the chair of the governing body of the county and the  
129 mayor of the municipality, with the agenda to be set by the  
130 chair of the governing body of the county, at which the  
131 competing policy goals for the public funds shall be discussed.  
132 For those community redevelopment agencies for which the board  
133 of commissioners of the community redevelopment agency are  
134 comprised as specified in s. 163.356(2), a designee of the  
135 community redevelopment agency shall participate in the joint

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

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

156 4. Notwithstanding the time requirements 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 community redevelopment agency. Nothing in this subparagraph  
162 grants the county or the municipality the authority to require

163 the other local government to participate in the dispute  
164 resolution process.

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

167 163.361 Modification of community redevelopment plans.--

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

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

184 1. Within 30 days after receipt of any report of a  
185 proposed modification that expands the boundaries of the  
186 redevelopment area, the county may provide notice by registered  
187 mail to the governing body of the municipality and the community  
188 redevelopment agency that the county has competing policy goals  
189 and plans for the public funds the county would be required to

190 deposit to the community redevelopment trust fund under the  
191 proposed modification to the community redevelopment plan.

192 2. If the notice required in subparagraph 1. is timely  
193 provided, the governing body of the county and the governing  
194 body of the municipality that created the community  
195 redevelopment agency shall schedule and hold a joint hearing co-  
196 chaired by the chair of the governing body of the county and the  
197 mayor of the municipality, with the agenda to be set by the  
198 chair of the governing body of the county, at which the  
199 competing policy goals for the public funds shall be discussed.  
200 For those community redevelopment agencies for which the board  
201 of commissioners of the community redevelopment agency are  
202 comprised as specified in s. 163.356(2), a designee of the  
203 community redevelopment agency shall participate in the joint  
204 meeting as a nonvoting member. Any such hearing shall be held  
205 within 90 days after receipt by the county of the recommended  
206 modification of the adopted community redevelopment plan. Prior  
207 to the joint public hearing, the county may propose an  
208 alternative modified community redevelopment plan that meets the  
209 requirements of s. 163.360 to address the conditions identified  
210 in the resolution making a finding of necessity required under  
211 s. 163.355. If such an alternative modified redevelopment plan  
212 is proposed by the county, such plan shall be delivered to the  
213 governing body of the municipality that created the community  
214 redevelopment agency and the executive director or other officer  
215 of the community redevelopment agency by registered mail at  
216 least 30 days prior to holding the joint meeting.



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

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

233        Section 6. Paragraphs (c), (e), (h), and (n) of subsection  
234 (1), paragraph (b) of subsection (2), and paragraph (a) of  
235 subsection (3) of section 163.370, Florida Statutes, are amended  
236 to read:

237        163.370 Powers; counties and municipalities; community  
238 redevelopment agencies.--

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

243 (c) To undertake and carry out community redevelopment and  
244 related activities within the community redevelopment area,  
245 which ~~redevelopment~~ may include:

246 1. Acquisition of a slum area or a blighted area or  
247 portion thereof.

248 2. Demolition and removal of buildings and improvements.

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

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

260 5. Carrying out plans for a program of voluntary or  
261 compulsory repair and rehabilitation of buildings or other  
262 improvements in accordance with the community redevelopment  
263 plan.

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

269           7. Acquisition of any other real property in the community  
270 redevelopment area when necessary to eliminate unhealthful,  
271 unsanitary, or unsafe conditions; lessen density; eliminate  
272 obsolete or other uses detrimental to the public welfare; or  
273 otherwise to remove or prevent the spread of blight or  
274 deterioration or to provide land for needed public facilities.

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

285           9. Construction of foundations and platforms necessary for  
286 the provision of air rights sites of housing (and related  
287 facilities and uses) designed specifically for, and limited to,  
288 families and individuals of low or moderate income.

289           (e) Within the community redevelopment area:

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

295           2. To acquire by purchase, lease, option, gift, grant,  
 296 bequest, devise, eminent domain, or otherwise any personal or  
 297 real property ~~(or personal property for its administrative~~  
 298 ~~purposes)~~, together with any improvements thereon; except that a  
 299 community redevelopment agency may not exercise any power of  
 300 eminent domain unless the exercise has been specifically  
 301 approved by the governing body of the county or municipality  
 302 which established the agency.

303           3. To hold, improve, clear, or prepare for redevelopment  
 304 any such property.

305           4. To mortgage, pledge, hypothecate, or otherwise encumber  
 306 or dispose of any real property.

307           5. To insure or provide for the insurance of any real or  
 308 personal property or operations of the county or municipality  
 309 against any risks or hazards, including the power to pay  
 310 premiums on any such insurance.

311           6. To enter into any contracts necessary to effectuate the  
 312 purposes of this part.

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

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

327           1. Plans for carrying out a program of voluntary or  
328 compulsory repair and rehabilitation of buildings and  
329 improvements.

330           2. Plans for the enforcement of state and local laws,  
331 codes, and regulations relating to the use of land and the use  
332 and occupancy of buildings and improvements and to the  
333 compulsory repair, rehabilitation, demolition, or removal of  
334 buildings and improvements.

335           3. Appraisals, title searches, surveys, studies, and other  
336 plans and work necessary to prepare for the undertaking of  
337 community redevelopment and related activities.

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

347 (2) The following projects may not be paid for or financed  
348 by increment revenues:

349 (b) Installation, construction, reconstruction, repair, or  
350 alteration of any publicly owned capital improvements or  
351 projects ~~which are not an integral part of or necessary for~~  
352 ~~carrying out the community redevelopment plan if such projects~~  
353 ~~or improvements are normally financed by the governing body with~~  
354 ~~user fees or~~ if such projects or improvements were scheduled to  
355 would be installed, constructed, reconstructed, repaired, or  
356 altered within 3 years of the approval of the community  
357 redevelopment plan by the governing body pursuant to a  
358 previously approved public capital improvement or project  
359 schedule or plan of the governing body which approved the  
360 community redevelopment plan unless and until such projects or  
361 improvements have been removed from such schedule or plan of the  
362 governing body and 3 years have elapsed since such removal or  
363 such projects or improvements were identified in such schedule  
364 or plan to be funded, in whole or in part, with funds on deposit  
365 within the community redevelopment trust fund.

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

368 (a) Prior to approval of a community redevelopment plan or  
369 approval of any modifications of the plan, acquire real property  
370 in a community redevelopment area, demolish and remove any  
371 structures on the property, and pay all costs related to the  
372 acquisition, demolition, or removal, including any

373 administrative or relocation expenses, provided such acquisition  
374 is not pursuant to s. 163.375.

375 Section 7. Subsection (1), paragraphs (a), (b), and (c) of  
376 subsection (2), and subsections (3) through (8) of section  
377 163.387, Florida Statutes, are amended to read:

378 163.387 Redevelopment trust fund.--

379 (1) (a) After approval of a community redevelopment plan,  
380 there may ~~shall~~ be established for each community redevelopment  
381 agency created under s. 163.356 a redevelopment trust fund.  
382 Funds allocated to and deposited into this fund shall be used by  
383 the agency to finance or refinance any community redevelopment  
384 it undertakes pursuant to the approved community redevelopment  
385 plan. No community redevelopment agency may receive or spend any  
386 increment revenues pursuant to this section unless and until the  
387 governing body has, by ordinance, created the trust fund and  
388 provided for the funding of the redevelopment trust fund until  
389 the time certain set forth in the ~~for the duration of a~~  
390 community redevelopment plan as required by s. 163.362(10). Such  
391 ordinance may be adopted only after the governing body has  
392 approved a community redevelopment plan. The annual funding of  
393 the redevelopment trust fund shall be in an amount not less than  
394 that increment in the income, proceeds, revenues, and funds of  
395 each taxing authority derived from or held in connection with  
396 the undertaking and carrying out of community redevelopment  
397 under this part. Such increment shall be determined annually and  
398 shall be that amount equal to 95 percent of the difference  
399 between:

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

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

413  
 414 However, the governing body of any county as defined in s.  
 415 125.011(1) may, in the ordinance providing for the funding of a  
 416 trust fund established with respect to any community  
 417 redevelopment area created on or after July 1, 1994, determine  
 418 that the amount to be funded by each taxing authority annually  
 419 shall be less than 95 percent of the difference between  
 420 subparagraphs 1. and 2. paragraphs (a) and (b), but in no event  
 421 shall such amount be less than 50 percent of such difference.

422        (b)1. For any governing body that has not authorized by  
 423 June 5, 2006, a study to consider whether a finding of necessity  
 424 resolution pursuant to s. 163.355 should be adopted, has not  
 425 adopted a finding of necessity resolution pursuant to s. 163.355  
 426 by March 31, 2007, has not adopted a community redevelopment



427 plan by June 7, 2007, and was not authorized to exercise  
428 community redevelopment powers pursuant to a delegation of  
429 authority under s. 163.410 by a county that has adopted a home  
430 rule charter, the amount of tax increment to be contributed by  
431 any taxing authority shall be limited as follows:

432 a. If a taxing authority imposes a millage rate that  
433 exceeds the millage rate imposed by the governing body that  
434 created the trust fund, the amount of tax increment to be  
435 contributed by the taxing authority imposing the higher millage  
436 rate shall be calculated using the millage rate imposed by the  
437 governing body that created the trust fund. Nothing shall  
438 prohibit any taxing authority from voluntarily contributing a  
439 tax increment at a higher rate for a period of time as specified  
440 by interlocal agreement between the taxing authority and the  
441 community redevelopment agency.

442 b. At any time more than 24 years after the fiscal year in  
443 which a taxing authority made its first contribution to a  
444 redevelopment trust fund, by resolution effective no sooner than  
445 the next fiscal year and adopted by majority vote of the taxing  
446 authority's governing body at a public hearing held not less  
447 than 30 or more than 45 days after written notice by registered  
448 mail to the community redevelopment agency and published in a  
449 newspaper of general circulation in the redevelopment area, the  
450 taxing authority may limit the amount of increment contributed  
451 by the taxing authority to the redevelopment trust fund to the  
452 amount of increment the taxing authority was obligated to  
453 contribute to the redevelopment trust fund in the fiscal year

454 immediately preceding the adoption of such resolution, plus any  
455 increase in the increment after the adoption of the resolution  
456 computed using the taxable values of any area which is subject  
457 to an area reinvestment agreement. As used in this subparagraph,  
458 the term "area reinvestment agreement" means an agreement  
459 between the community redevelopment agency and a private party,  
460 with or without additional parties, which provides that the  
461 increment computed for a specific area shall be reinvested in  
462 services or public or private projects, or both, including debt  
463 service, supporting one or more projects consistent with the  
464 community redevelopment plan that is identified in the agreement  
465 to be constructed within that area. Any such reinvestment  
466 agreement must specify the estimated total amount of public  
467 investment necessary to provide the projects or services, or  
468 both, including any applicable debt service. The contribution to  
469 the redevelopment trust fund of the increase in the increment of  
470 any area that is subject to an area reinvestment agreement  
471 following the passage of a resolution as provided in this sub-  
472 subparagraph shall cease when the amount specified in the area  
473 reinvestment agreement as necessary to provide the projects or  
474 services, or both, including any applicable debt service, have  
475 been invested.

476 2. For any community redevelopment agency that was not  
477 created pursuant to a delegation of authority under s. 163.410  
478 by a county that has adopted a home rule charter and that  
479 modifies its adopted community redevelopment plan after October  
480 1, 2006, in a manner that expands the boundaries of the

481 redevelopment area, the amount of increment to be contributed by  
 482 any taxing authority with respect to the expanded area shall be  
 483 limited as set forth in sub-subparagraphs 1.a. and b.

484 (2) (a) Except for the purpose of funding the trust fund  
 485 pursuant to subsection (3), upon the adoption of an ordinance  
 486 providing for funding of the redevelopment trust fund as  
 487 provided in this section, each taxing authority shall, by  
 488 January 1 of each year, appropriate to the trust fund for so  
 489 long as any indebtedness pledging increment revenues to the  
 490 payment thereof is outstanding (but not to exceed 30 years) a  
 491 sum that is no less than the increment as defined and determined  
 492 in subsection (1) or paragraph (3) (b) accruing to such taxing  
 493 authority. If the community redevelopment plan is amended or  
 494 modified pursuant to s. 163.361(1), each such taxing authority  
 495 shall make the annual appropriation for a period not to exceed  
 496 30 years after the date the governing body amends the plan but  
 497 no later than 60 years after the fiscal year in which the plan  
 498 was initially approved or adopted. However, for any agency  
 499 created on or after July 1, 2002, each taxing authority shall  
 500 make the annual appropriation for a period not to exceed 40  
 501 years after the fiscal year in which the initial community  
 502 redevelopment plan is approved or adopted.

503 (b) Any taxing authority that does not pay the increment  
 504 revenues to the trust fund by January 1 shall pay to the trust  
 505 fund an amount equal to 5 percent of the amount of the increment  
 506 revenues and shall pay interest on the amount of the unpaid  
 507 increment revenues equal to 1 percent for each month the

508 | increment is outstanding, provided the agency may waive such  
 509 | penalty payments in whole or in part.

510 | (c) The following public bodies or taxing authorities are  
 511 | exempt from paragraph (a):

512 | 1. A special district that levies ad valorem taxes on  
 513 | taxable real property in more than one county.

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

520 | 3. A library district, except a library district in a  
 521 | jurisdiction where the community redevelopment agency had  
 522 | validated bonds as of April 30, 1984.

523 | 4. A neighborhood improvement district created under the  
 524 | Safe Neighborhoods Act.

525 | 5. A metropolitan transportation authority.

526 | 6. A water management district created under s. 373.069.

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

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

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

551        (5) Revenue bonds issued under the provisions of this part  
552 shall not be deemed to constitute a debt, liability, or  
553 obligation of the public ~~local governing~~ body or the state or  
554 any political subdivision thereof, or a pledge of the faith and  
555 credit of the public ~~local governing~~ body or the state or any  
556 political subdivision thereof, but shall be payable solely from  
557 the revenues provided therefor. All such revenue bonds shall  
558 contain on the face thereof a statement to the effect that the  
559 agency shall not be obligated to pay the same or the interest  
560 thereon except from the revenues of the community redevelopment

561 | agency held for that purpose and that neither the faith and  
 562 | credit nor the taxing power of the ~~local~~ governing body or of  
 563 | the state or of any political subdivision thereof is pledged to  
 564 | the payment of the principal of, or the interest on, such bonds.

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

572 |       (a) Administrative and overhead expenses necessary or  
 573 | incidental to the implementation of a community redevelopment  
 574 | plan adopted by the agency.

575 |       (b) Expenses of redevelopment planning, surveys, and  
 576 | financial analysis, including the reimbursement of the governing  
 577 | body or the community redevelopment agency for such expenses  
 578 | incurred before the redevelopment plan was approved and adopted.

579 |       (c) The acquisition of real property in the redevelopment  
 580 | area.

581 |       (d) The clearance and preparation of any redevelopment  
 582 | area for redevelopment and relocation of site occupants within  
 583 | or outside the community redevelopment area as provided in s.  
 584 | 163.370.

585 |       (e) The repayment of principal and interest or any  
 586 | redemption premium for loans, advances, bonds, bond anticipation  
 587 | notes, and any other form of indebtedness.

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

594 (g) The development of affordable housing within the  
 595 community redevelopment area.

596 (h) The development of community policing innovations.

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

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

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

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

611 (d) Appropriated to a specific redevelopment project  
 612 pursuant to an approved community redevelopment plan which  
 613 project will be completed within 3 years from the date of such  
 614 appropriation.

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

626 Section 8. Section 163.410, Florida Statutes, is amended  
627 to read:

628 163.410 Exercise of powers in counties with home rule  
629 charters.--In any county which has adopted a home rule charter,  
630 the powers conferred by this part shall be exercised exclusively  
631 by the governing body of such county. However, the governing  
632 body of any such county which has adopted a home rule charter  
633 may, in its discretion, by resolution delegate the exercise of  
634 the powers conferred upon the county by this part within the  
635 boundaries of a municipality to the governing body of such a  
636 municipality. Such a delegation to a municipality shall confer  
637 only such powers upon a municipality as shall be specifically  
638 enumerated in the delegating resolution. Any power not  
639 specifically delegated shall be reserved exclusively to the  
640 governing body of the county. This section does not affect any  
641 community redevelopment agency created by a municipality prior



642 to the adoption of a county home rule charter. Unless otherwise  
643 provided by an existing ordinance, resolution, or interlocal  
644 agreement between any such county and a municipality, the  
645 governing body of the county that has adopted a home rule  
646 charter shall grant in whole or in part or deny ~~act on~~ any  
647 request from a municipality for a delegation of powers or a  
648 change in an existing delegation of powers within 120 days after  
649 the receipt of all required documentation or such request shall  
650 be deemed granted unless this period is extended by mutual  
651 consent in writing by the municipality and county. Within 30  
652 days after receipt of the request, the county shall notify the  
653 municipality by registered mail whether the request is complete  
654 or if additional information is required. Any request by the  
655 county for additional documentation shall specify the  
656 deficiencies in the submitted documentation, if any. The county  
657 shall notify the municipality by registered mail within 30 days  
658 after receiving the additional information whether such  
659 additional documentation is complete. If the meeting of the  
660 county commission at which the request for a delegation of  
661 powers or a change in an existing delegation of powers is unable  
662 to be held due to events beyond the control of the county, the  
663 request shall be acted upon at the next regularly scheduled  
664 meeting of the county commission without regard to the 120-day  
665 limitation. If the county does not act upon the request at the  
666 next regularly scheduled meeting, the request shall be deemed  
667 granted ~~immediately sent to the governing body for~~  
668 ~~consideration.~~

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