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HB 1583, Engrossed 1

2006 Legislature

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

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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.

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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:

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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

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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

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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

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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

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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.

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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:

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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.

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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.

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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.

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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.

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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

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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:

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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

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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

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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

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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

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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.

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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

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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.

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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.

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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

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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.