

Bill No. SB 2364

Barcode 085338

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: RCS  
04/05/2006 09:05 AM

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Community Affairs (Haridopolos) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

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

Bill No. SB 2364

Barcode 085338

1           163.346 Notice to taxing authorities.--Before the  
 2 governing body adopts any resolution or enacts any ordinance  
 3 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,  
 4 or s. 163.387; establishes a study area; creates a community  
 5 redevelopment agency; approves, adopts, or amends a community  
 6 redevelopment plan; or issues redevelopment revenue bonds  
 7 under s. 163.385, the governing body must provide public  
 8 notice of such proposed action pursuant to s. 125.66(2) or s.  
 9 166.041(3)(a) and, at least 15 days before such proposed  
 10 action, mail by registered mail a notice to each taxing  
 11 authority which levies ad valorem taxes on taxable real  
 12 property contained within the geographic boundaries of the  
 13 redevelopment area.

14           Section 3. Section 163.354, Florida Statutes, is  
 15 created to read:

16           163.354 Development of study area.--Prior to adopting  
 17 a resolution making a finding of necessity required by s.  
 18 163.355, the governing body may adopt a resolution  
 19 establishing a slum and blight study area.

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

22           163.360 Community redevelopment plans.--

23           (2)(a) The community redevelopment plan shall:

24           1.(a) Conform to the comprehensive plan for the county  
 25 or municipality as prepared by the local planning agency under  
 26 the Local Government Comprehensive Planning and Land  
 27 Development Regulation Act.

28           2.(b) Be sufficiently complete to indicate such land  
 29 acquisition, demolition and removal of structures,  
 30 redevelopment, improvements, and rehabilitation as may be  
 31 proposed to be carried out in the community redevelopment

Bill No. SB 2364

Barcode 085338

1 area; zoning and planning changes, if any; land uses; maximum  
2 densities; and building requirements.

3 3.(c) Provide for the development of affordable  
4 housing in the area, or state the reasons for not addressing  
5 in the plan the development of affordable housing in the area.  
6 The county, municipality, or community redevelopment agency  
7 shall coordinate with each housing authority or other  
8 affordable housing entities functioning within the geographic  
9 boundaries of the redevelopment area, concerning the  
10 development of affordable housing in the area.

11 (b) The agency may contract with qualified nonprofit  
12 organizations, faith-based organizations, or other entities to  
13 develop and provide affordable and workforce housing in the  
14 redevelopment area and use tax increment dollars to offer  
15 incentives for such development, including, but not limited  
16 to, low interest or no interest loans through qualified  
17 lenders or the agency itself; revolving loans; fa ade  
18 improvement loans or grants; matching, seed, or leverage  
19 dollars for loans or grants; developer subsidies; and any  
20 other incentives determined to be needed by the agency. For  
21 purposes of this paragraph, the term "affordable housing"  
22 means housing that meets the definition of affordable under s.  
23 420.0004(3) and the term "workforce housing" means housing for  
24 which the monthly rents or monthly mortgage payments,  
25 including taxes, insurance, and utilities, do not exceed 30  
26 percent of that amount which represents the percentage of the  
27 median adjusted gross annual income for the households whose  
28 income is 150 percent of the median income of the area.

29 (6)(a) The governing body shall hold a public hearing  
30 on a community redevelopment plan after public notice thereof  
31 by publication in a newspaper having a general circulation in

Bill No. SB 2364

Barcode 085338

1 the area of operation of the county or municipality. The  
 2 notice shall describe the time, date, place, and purpose of  
 3 the hearing, identify generally the community redevelopment  
 4 area covered by the plan, and outline the general scope of the  
 5 community redevelopment plan under consideration.

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

12 1. Within 30 days after receipt of any community  
 13 redevelopment plan recommended by a community redevelopment  
 14 agency under subsection (5), the county may provide written  
 15 notice to the governing body of the municipality that the  
 16 county has competing policy goals and plans for the public  
 17 funds the county would be required to contribute to the tax  
 18 increment under the proposed community redevelopment plan.

19 2. If the notice required in subparagraph 1. is timely  
 20 provided, the board of county commissioners and the governing  
 21 body of the municipality that created the community  
 22 redevelopment agency shall schedule and hold a joint hearing  
 23 chaired by the county commission chair at which the competing  
 24 policy goals for the public funds shall be discussed. Any such  
 25 hearing must be held within 90 days after receipt by the  
 26 county of the recommended community redevelopment plan. Prior  
 27 to the joint public hearing, the county may propose an  
 28 alternative redevelopment plan to address the conditions  
 29 identified in the resolution making a finding of necessity  
 30 required by s. 163.355. If such an alternative modified  
 31 redevelopment plan is proposed by the county, such plan shall

Bill No. SB 2364

Barcode 085338

1 be delivered to the governing body of the municipality that  
2 created the community redevelopment agency at least 20 days  
3 prior to holding the joint meeting.

4 3. If the notice required in subparagraph 1. is timely  
5 provided, the municipality may not proceed with the adoption  
6 of the plan under subsection (7) until 30 days after the joint  
7 hearing unless the board of county commissioners has failed to  
8 schedule and attend the joint hearing within the required  
9 90-day period.

10 4. Notwithstanding the time requirements established  
11 in subparagraphs 2. and 3., the county and the municipality  
12 may at any time voluntarily use the dispute resolution process  
13 established in chapter 164 to attempt to resolve any competing  
14 policy goals between the county and municipality related to  
15 the community redevelopment agency. Nothing in this  
16 subparagraph grants the county or the municipality the  
17 authority to require the other local government to participate  
18 in the dispute resolution process.

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

21 163.361 Modification of community redevelopment  
22 plans.--

23 (3)(a) In addition to the requirements of s. 163.346,  
24 and prior to the adoption of any modification to a community  
25 redevelopment plan that expands the boundaries of the  
26 community redevelopment area or extends the time certain set  
27 forth in the redevelopment plan as required by s. 163.362(10),  
28 the agency shall report such proposed modification to each  
29 taxing authority in writing or by an oral presentation, or  
30 both, regarding such proposed modification.

31 (b) For any community redevelopment agency that was

Bill No. SB 2364

Barcode 085338

1 not created pursuant to a delegation of authority under s.  
 2 163.410 by a county that has adopted a home rule charter and  
 3 that modifies its adopted community redevelopment plan in a  
 4 manner that expands the boundaries of the redevelopment area,  
 5 the following additional procedures are required prior to  
 6 adoption by the governing body of a modified community  
 7 redevelopment plan:

8       1. Within 30 days after receipt of any report of a  
 9 proposed modification that expands the boundaries of the  
 10 redevelopment area, the county may provide notice to the  
 11 governing body of the municipality that the county has  
 12 competing policy goals and plans for the public funds the  
 13 county would be required to contribute to the tax increment  
 14 under the proposed modification to the community redevelopment  
 15 plan.

16       2. If the notice required in subparagraph 1. is timely  
 17 provided, the board of county commissioners and the governing  
 18 body of the municipality that created the community  
 19 redevelopment agency shall schedule and hold a joint hearing  
 20 chaired by the county commission chair at which the competing  
 21 policy goals for the public funds shall be discussed. Any such  
 22 hearing shall be held within 90 days after receipt by the  
 23 county of the recommended modification of the adopted  
 24 community redevelopment plan. Prior to the joint public  
 25 hearing, the county may propose an alternative modified  
 26 community redevelopment plan to address the conditions  
 27 identified in the resolution making a finding of necessity  
 28 required under s. 163.355. If such an alternative modified  
 29 redevelopment plan is proposed by the county, such plan shall  
 30 be delivered to the governing body of the municipality that  
 31 created the community redevelopment agency at least 20 days

Bill No. SB 2364

Barcode 085338

1 prior to holding the joint meeting.

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

8 4. Notwithstanding the time requirements established  
9 in subparagraphs 2. and 3., the county and the municipality  
10 may at any time voluntarily use the dispute resolution process  
11 established in chapter 164 to attempt to resolve any competing  
12 policy goals between the county and municipality related to  
13 the expansion of the boundaries of the community redevelopment  
14 agency. Nothing in this subparagraph grants the county or the  
15 municipality the authority to require the other local  
16 government to participate in the dispute resolution process.

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

20 163.387 Redevelopment trust fund.--

21 (1)(a) After approval of a community redevelopment  
22 plan, there shall be established for each community  
23 redevelopment agency created under s. 163.356 a redevelopment  
24 trust fund. Funds allocated to and deposited into this fund  
25 shall be used by the agency to finance or refinance any  
26 community redevelopment it undertakes pursuant to the approved  
27 community redevelopment plan. No community redevelopment  
28 agency may receive or spend any increment revenues pursuant to  
29 this section unless and until the governing body has, by  
30 ordinance, provided for the funding of the redevelopment trust  
31 fund for the duration of a community redevelopment plan. Such

Bill No. SB 2364

Barcode 085338

1 ordinance may be adopted only after the governing body has  
 2 approved a community redevelopment plan. The annual funding of  
 3 the redevelopment trust fund shall be in an amount not less  
 4 than that increment in the income, proceeds, revenues, and  
 5 funds of each taxing authority derived from or held in  
 6 connection with the undertaking and carrying out of community  
 7 redevelopment under this part. Such increment shall be  
 8 determined annually and shall be that amount equal to 95  
 9 percent of the difference between:

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

15       ~~2.(b)~~ The amount of ad valorem taxes which would have  
 16 been produced by the rate upon which the tax is levied each  
 17 year by or for each taxing authority, exclusive of any debt  
 18 service millage, upon the total of the assessed value of the  
 19 taxable real property in the community redevelopment area as  
 20 shown upon the most recent assessment roll used in connection  
 21 with the taxation of such property by each taxing authority  
 22 prior to the effective date of the ordinance providing for the  
 23 funding of the trust fund.

24  
 25 However, the governing body of any county as defined in s.  
 26 125.011(1) may, in the ordinance providing for the funding of  
 27 a trust fund established with respect to any community  
 28 redevelopment area created on or after July 1, 1994, determine  
 29 that the amount to be funded by each taxing authority annually  
 30 shall be less than 95 percent of the difference between

31 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no



Bill No. SB 2364

Barcode 085338

1 event shall such amount be less than 50 percent of such  
2 difference.

3 (b)1. For any community redevelopment agency created  
4 after October 1, 2006, that was not created pursuant to a  
5 delegation of authority under s. 163.410 by a county that has  
6 adopted a home rule charter, the amount of tax increment to be  
7 contributed by any taxing authority shall be limited as  
8 follows:

9 a. If a taxing authority imposes a millage rate that  
10 exceeds the millage rate imposed by the governing body that  
11 created the trust fund, the amount of tax increment to be  
12 contributed by the taxing authority imposing the higher  
13 millage rate shall be calculated using the millage rate  
14 imposed by the governing body that created the trust fund.  
15 Nothing shall prohibit any taxing authority from voluntarily  
16 contributing a tax increment at a higher rate for a period of  
17 time as specified by interlocal agreement between the taxing  
18 authority and the community redevelopment agency.

19 b. At any time more than 19 years after the fiscal  
20 year in which a taxing authority made its first contribution  
21 to a redevelopment trust fund, by resolution effective no  
22 sooner than the next fiscal year and adopted by majority vote  
23 of the taxing authority's governing body at a public hearing  
24 held not less than 30 or more than 45 days after written  
25 notice delivered to the community redevelopment agency and  
26 published in a newspaper of general circulation in the  
27 redevelopment area, the taxing authority may limit the amount  
28 of increment contributed by the taxing authority to the  
29 redevelopment trust fund to the average annual amount the  
30 taxing authority was obligated to contribute to the  
31 redevelopment trust fund in the 3 fiscal years immediately

Bill No. SB 2364

Barcode 085338

1 preceding the adoption of such resolution, plus any increase  
2 in the increment after the adoption of the resolution computed  
3 using the taxable values of any area which is subject to an  
4 area reinvestment agreement. As used in this subparagraph, the  
5 term "area reinvestment agreement" means an agreement between  
6 the community redevelopment agency and a private party, with  
7 or without additional parties, which provides that the  
8 increment computed for a specific area shall be reinvested in  
9 public infrastructure or services, or both, including debt  
10 service, supporting one or more projects consistent with the  
11 community redevelopment plan that is identified in the  
12 agreement to be constructed within that area. Any such  
13 reinvestment agreement must specify the estimated total amount  
14 of public investment necessary to provide the public  
15 infrastructure or services, or both, including any applicable  
16 debt service. The contribution to the redevelopment trust fund  
17 of the increase in the increment of any area that is subject  
18 to an area reinvestment agreement following the passage of a  
19 resolution as provided in this sub-subparagraph shall cease  
20 when the amount specified in the area reinvestment agreement  
21 as necessary to provide the public infrastructure or services,  
22 or both, including any applicable debt service, have been  
23 invested.

24 2. For any community redevelopment agency that was not  
25 created pursuant to a delegation of authority under s. 163.410  
26 by a county that has adopted a home rule charter and that  
27 modifies its adopted community redevelopment plan after  
28 October 1, 2006, in a manner that expands the boundaries of  
29 the redevelopment area, the amount of increment to be  
30 contributed by any taxing authority with respect to the  
31 expanded area shall be limited as set forth in

Bill No. SB 2364

Barcode 085338

1 sub-subparagraphs 1.a. and b.

2           (2)(a) Except for the purpose of funding the trust  
3 fund pursuant to subsection (3), upon the adoption of an  
4 ordinance providing for funding of the redevelopment trust  
5 fund as provided in this section, each taxing authority shall,  
6 by January 1 of each year, appropriate to the trust fund for  
7 so long as any indebtedness pledging increment revenues to the  
8 payment thereof is outstanding (but not to exceed 30 years) a  
9 sum that is no less than the increment as defined and  
10 determined in subsection (1) or paragraph (3)(b) accruing to  
11 such taxing authority. If the community redevelopment plan is  
12 amended or modified pursuant to s. 163.361(1), each such  
13 taxing authority shall make the annual appropriation for a  
14 period not to exceed 30 years after the date the governing  
15 body amends the plan. However, for any agency created on or  
16 after July 1, 2002, each taxing authority shall make the  
17 annual appropriation for a period not to exceed 40 years after  
18 the fiscal year in which the initial community redevelopment  
19 plan is approved or adopted.

20           (3)(a) Notwithstanding the provisions of subsection  
21 (2), the obligation of the governing body which established  
22 the community redevelopment agency to fund the redevelopment  
23 trust fund annually shall continue until all loans, advances,  
24 and indebtedness, if any, and interest thereon, of a community  
25 redevelopment agency incurred as a result of redevelopment in  
26 a community redevelopment area have been paid.

27           (b) Notwithstanding the provisions of subsections (1)  
28 and (2), an alternative method of determining the amount and  
29 time or times of payment of, and rate of interest upon, tax  
30 increments contributed to the redevelopment trust fund,  
31 including formulae and limits different than those specified

Bill No. SB 2364

Barcode 085338

1 in subsection (1), may be enacted by interlocal agreement  
 2 between any of the other taxing authorities required to  
 3 contribute a tax increment to the redevelopment trust fund and  
 4 the governing body that created the community redevelopment  
 5 agency.

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

8 163.410 Exercise of powers in counties with home rule  
 9 charters.--In any county which has adopted a home rule  
 10 charter, the powers conferred by this part shall be exercised  
 11 exclusively by the governing body of such county. However, the  
 12 governing body of any such county which has adopted a home  
 13 rule charter may, in its discretion, by resolution delegate  
 14 the exercise of the powers conferred upon the county by this  
 15 part within the boundaries of a municipality to the governing  
 16 body of such a municipality. Such a delegation to a  
 17 municipality shall confer only such powers upon a municipality  
 18 as shall be specifically enumerated in the delegating  
 19 resolution. Any power not specifically delegated shall be  
 20 reserved exclusively to the governing body of the county. This  
 21 section does not affect any community redevelopment agency  
 22 created by a municipality prior to the adoption of a county  
 23 home rule charter. Unless otherwise provided by an existing  
 24 ordinance, resolution, or interlocal agreement between any  
 25 such county and a municipality, the governing body of the  
 26 county that has adopted a home rule charter shall approve or  
 27 deny ~~act on~~ any request from a municipality for a delegation  
 28 of powers or a change in an existing delegation of powers  
 29 within 120 days after the receipt of all required  
 30 documentation or such request shall be deemed approved. Any  
 31 request by the county for additional documentation or other

Bill No. SB 2364

Barcode 085338

1 information shall be made in writing to the municipality. The  
2 county shall notify the municipality in writing within 30 days  
3 after receiving all the required documentation and other  
4 requested information that such information is complete. If  
5 the meeting of the county commission at which the request for  
6 a delegation of powers or a change in an existing delegation  
7 of powers is unable to be held due to events beyond the  
8 control of the county, the request shall be acted upon at the  
9 next regularly scheduled meeting of the county commission  
10 without regard to the 120-day limitation. If the county does  
11 not act upon the request at the next regularly scheduled  
12 meeting, the request shall be deemed approved ~~immediately sent~~  
13 ~~to the governing body for consideration.~~

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to community redevelopment;  
amending s. 163.340, F.S.; revising a  
definition; defining the term "taxing  
authority"; amending s. 163.346, F.S.; revising  
criteria for a notice to taxing authorities;  
creating s. 163.354, F.S.; authorizing a local  
governing body to adopt a resolution  
establishing a slum and blight study area under  
certain circumstances; amending s. 163.360,

Bill No. SB 2364

Barcode 085338

1 F.S.; specifying additional procedures required  
2 for adoption of community redevelopment plans  
3 by the governing body of certain counties for  
4 certain community redevelopment agencies;  
5 amending s. 163.361, F.S.; specifying  
6 additional procedures required for adoption of  
7 a modified community redevelopment plan by a  
8 governing body of certain counties for certain  
9 community redevelopment agencies; amending s.  
10 163.387, F.S.; revising provisions relating to  
11 redevelopment trust funds; providing  
12 limitations on the amount of tax increment  
13 contributions by a taxing authority; providing  
14 for alternative methods for determining tax  
15 increment requirements by interlocal agreement;  
16 amending s. 163.410, F.S.; providing additional  
17 requirements for requests for information  
18 relating to requests for delegation of certain  
19 powers; providing an effective date.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31