

By Senator Baker

20-1200A-06

1 A bill to be entitled
 2 An act relating to community redevelopment;
 3 amending s. 163.340, F.S.; deleting a
 4 definition and defining the term "taxing
 5 authority" for purposes of part III of ch. 163,
 6 F.S., relating to community redevelopment;
 7 amending s. 163.346, F.S.; requiring a
 8 governing body to provide public notice before
 9 it establishes a study area; creating s.
 10 163.354, F.S.; authorizing a governing body to
 11 adopt a resolution that establishes a slum and
 12 blight study area; amending s. 163.360, F.S.;
 13 requiring additional procedures before a
 14 governing body adopts a community redevelopment
 15 plan; providing for dispute resolution;
 16 amending s. 163.361, F.S.; requiring additional
 17 procedures before a governing body adopts a
 18 modification to a community redevelopment plan;
 19 providing for dispute resolution; amending s.
 20 163.387, F.S.; providing limitations on the
 21 amount of tax increment revenue contributed by
 22 a taxing authority in the funding of a
 23 redevelopment trust fund; authorizing any other
 24 taxing authority and the governing body to
 25 enact an agreement for an alternative method of
 26 determining the amount and times of payment of
 27 tax increment revenue contributed to a
 28 redevelopment trust fund; amending s. 163.410,
 29 F.S.; requiring a governing body of a county to
 30 approve or deny a request for delegation of
 31 powers by a municipality; requiring a request

1 for additional documentation to be in writing;
2 providing an effective date.

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

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

9 163.340 Definitions.--The following terms, wherever
10 used or referred to in this part, have the following meanings:

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

15 (24) "Taxing authority" means a local government that
16 levies ad valorem millage against a property within a
17 community redevelopment area, except a school district.

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

20 163.346 Notice to taxing authorities.--Before the
21 governing body adopts any resolution or enacts any ordinance
22 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,
23 or s. 163.387; establishes a study area; creates a community
24 redevelopment agency; approves, adopts, or amends a community
25 redevelopment plan; or issues redevelopment revenue bonds
26 under s. 163.385, the governing body must provide public
27 notice of such proposed action pursuant to s. 125.66(2) or s.
28 166.041(3)(a) and, at least 15 days before such proposed
29 action, mail by registered mail a notice to each taxing
30 authority which levies ad valorem taxes on taxable real
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1 property contained within the geographic boundaries of the
2 redevelopment area.

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

5 163.354 Development of study area.--Before adopting a
6 finding of necessity under s. 163.355, the governing body may
7 adopt a resolution establishing a slum and blight study area.

8 Section 4. Subsection (6) of section 163.360, Florida
9 Statutes, is amended to read:

10 163.360 Community redevelopment plans.--

11 (6) The governing body shall hold a public hearing on
12 a community redevelopment plan after public notice thereof by
13 publication in a newspaper having a general circulation in the
14 area of operation of the county or municipality. The notice
15 shall describe the time, date, place, and purpose of the
16 hearing, identify generally the community redevelopment area
17 covered by the plan, and outline the general scope of the
18 community redevelopment plan under consideration.

19 (a) For any community redevelopment agency created
20 after January 1, 2006, which was not created pursuant to the
21 delegation of authority under s. 163.410 by a county that has
22 adopted a home rule charter, the following additional
23 procedures are required before the governing body adopts a
24 community redevelopment plan under subsection (7):

25 1. Within 30 days after receiving any community
26 redevelopment plan recommended by the community redevelopment
27 agency under subsection (5), the county may provide written
28 notice to the governing body of the municipality that the
29 county has competing policy goals and plans for the public
30 funds that the county would be required to contribute to the
31 tax increment under the proposed community redevelopment plan.

1 2. If the notice described in subparagraph 1. is
2 timely given, the board of county commissioners and the
3 governing body of the municipality that created the community
4 redevelopment agency shall schedule and hold a joint hearing
5 chaired by the county chair, at which time the competing
6 policy goals for the public funds shall be discussed. Any such
7 hearing must be held within 90 days after receipt of the
8 recommended community redevelopment plan by the county. Before
9 the joint public hearing, the county may propose an
10 alternative redevelopment plan to address the conditions
11 identified in the finding of necessity required by s. 163.355.

12 3. If the notice described in subparagraph 1. is
13 timely given, the municipality may not proceed with the
14 adoption of the plan under subsection (7) until 45 days after
15 the joint hearing, unless the board of county commissioners
16 failed to schedule and attend the joint hearing within the
17 required 90-day period.

18 (b) Notwithstanding the timeframes established in
19 subparagraphs (a)2. and 3., the county and the municipality
20 may at any time voluntarily use the dispute-resolution process
21 established in chapter 164 to attempt to resolve any competing
22 policy goals between them which are related to the community
23 redevelopment agency. The county or the municipality may not
24 require the other to participate in the dispute-resolution
25 process.

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

28 163.361 Modification of community redevelopment
29 plans.--

30 (3) In addition to the requirements of s. 163.346, and
31 before ~~prior to~~ the adoption of any modification to a

1 community redevelopment plan that expands the boundaries of
2 the community redevelopment area or extends the time certain
3 set forth in the redevelopment plan as required by s.
4 163.362(10), the agency shall report such proposed
5 modification to each taxing authority in writing or by an oral
6 presentation, or both, regarding such proposed modification.

7 (a) For any community redevelopment agency that was
8 not created pursuant to the delegation of authority under s.
9 163.410 by a county that has adopted a home rule charter, and
10 that modifies its adopted community redevelopment plan in a
11 manner that expands the boundaries of the redevelopment area,
12 the following additional procedures are required before a
13 governing body adopts a modified community redevelopment plan:

14 1. Within 30 days after receiving a report of a
15 proposed modification that expands the boundaries of a
16 redevelopment area, the county may provide notice to the
17 governing body of the municipality that the county has
18 competing policy goals and plans for the public funds that the
19 county would be required to contribute to the tax increment
20 under the proposed community redevelopment plan.

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

1 3. If the notice described in subparagraph 1. is
2 timely given, the municipality may not proceed with the
3 adoption of the plan until 45 days after the joint hearing,
4 unless the board of county commissioners failed to schedule
5 and attend the joint hearing within the required 90-day
6 period.

7 (b) Notwithstanding the timeframes established in
8 subparagraphs (a)2. and 3., the county and the municipality
9 may at any time voluntarily use the dispute-resolution process
10 established in chapter 164 to attempt to resolve any competing
11 policy goals between them which are related to the community
12 redevelopment agency. The county or the municipality may not
13 require the other to participate in the dispute-resolution
14 process.

15 Section 6. Section 163.387, Florida Statutes, is
16 amended to read:

17 163.387 Redevelopment trust fund.--

18 (1)(a) After approval of a community redevelopment
19 plan, there shall be established for each community
20 redevelopment agency created under s. 163.356 a redevelopment
21 trust fund. Funds allocated to and deposited into this fund
22 shall be used by the agency to finance or refinance any
23 community redevelopment it undertakes pursuant to the approved
24 community redevelopment plan. ~~A No~~ community redevelopment
25 agency may not receive or spend any increment revenues
26 pursuant to this section ~~unless and~~ until the governing body
27 has, by ordinance, provided for the funding of the
28 redevelopment trust fund for the duration of a community
29 redevelopment plan. Such ordinance may be adopted only after
30 the governing body has approved a community redevelopment
31 plan. The annual funding of the redevelopment trust fund shall

1 be in an amount not less than that increment in the income,
2 proceeds, revenues, and funds of each taxing authority derived
3 from or held in connection with the undertaking and carrying
4 out of community redevelopment under this part. Such increment
5 shall be determined annually and shall be that amount equal to
6 95 percent of the difference between:

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

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

21
22 However, the governing body of any county as defined in s.
23 125.011(1) may, in the ordinance providing for the funding of
24 a trust fund established with respect to any community
25 redevelopment area created on or after July 1, 1994, determine
26 that the amount to be funded by each taxing authority annually
27 shall be less than 95 percent of the difference between
28 subparagraphs 1. and 2. paragraphs (a) and (b), but ~~in no~~
29 ~~event shall~~ such amount may not be less than 50 percent of
30 such difference.

31 (b) Moreover, for any community redevelopment agency:

1 1. Created after July 1, 2006, which was not created
2 pursuant to the delegation of authority to a county having a
3 home rule charter as specified in s. 163.410; or

4 2. That extends the time certain set forth in the
5 redevelopment plan, as required by s. 163.362(10), beyond 40
6 years after the latter of the fiscal year in which the initial
7 redevelopment plan is adopted or the most recent amendment to
8 the redevelopment plan is adopted, the amount of increment to
9 be contributed by any taxing authority shall be limited in the
10 following manner:

11 a. In those instances where a taxing authority has a
12 millage rate that exceeds the millage rate of the governing
13 body that created the trust fund, the increment to be
14 contributed by the taxing authority having the higher millage
15 rate shall be calculated using the millage rate of the
16 governing body that created the trust fund if any taxing
17 authority voluntarily contributes at a higher rate for a
18 period of time as specified by interlocal agreement between
19 the taxing authority and the community redevelopment agency.

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

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

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

29 (2)(a) Except for the purpose of funding the trust
30 fund pursuant to subsection (3), upon the adoption of an
31 ordinance providing for funding of the redevelopment trust

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

16 (b) Any taxing authority that does not pay the
17 increment to the trust fund by January 1 shall pay to the
18 trust fund an amount equal to 5 percent of the amount of the
19 increment and shall pay interest on the amount of the
20 increment equal to 1 percent for each month the increment is
21 outstanding.

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

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

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

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

6 4. A neighborhood improvement district created under
7 the Safe Neighborhoods Act.

8 5. A metropolitan transportation authority.

9 6. A water management district created under s.
10 373.069.

11 (d)1. A local governing body that creates a community
12 redevelopment agency under s. 163.356 may exempt from
13 paragraph (a) a special district that levies ad valorem taxes
14 within that community redevelopment area. The local governing
15 body may grant the exemption either in its sole discretion or
16 in response to the request of the special district. The local
17 governing body must establish procedures by which a special
18 district may submit a written request to be exempted from
19 paragraph (a).

20 2. In deciding whether to deny or grant a special
21 district's request for exemption from paragraph (a), the local
22 governing body must consider:

23 a. Any additional revenue sources of the community
24 redevelopment agency which could be used in lieu of the
25 special district's tax increment.

26 b. The fiscal and operational impact on the community
27 redevelopment agency.

28 c. The fiscal and operational impact on the special
29 district.

30 d. The benefit to the specific purpose for which the
31 special district was created. The benefit to the special

1 district must be based on specific projects contained in the
2 approved community redevelopment plan for the designated
3 community redevelopment area.

4 e. The impact of the exemption on incurred debt and
5 whether such exemption will impair any outstanding bonds that
6 have pledged tax increment revenues to the repayment of the
7 bonds.

8 f. The benefit of the activities of the special
9 district to the approved community redevelopment plan.

10 g. The benefit of the activities of the special
11 district to the area of operation of the local governing body
12 that created the community redevelopment agency.

13 3. The local governing body must hold a public hearing
14 on a special district's request for exemption after public
15 notice of the hearing is published in a newspaper having a
16 general circulation in the county or municipality that created
17 the community redevelopment area. The notice must describe
18 the time, date, place, and purpose of the hearing and must
19 identify generally the community redevelopment area covered by
20 the plan and the impact of the plan on the special district
21 that requested the exemption.

22 4. If a local governing body grants an exemption to a
23 special district under this paragraph, the local governing
24 body and the special district must enter into an interlocal
25 agreement that establishes the conditions of the exemption,
26 including, but not limited to, the period of time for which
27 the exemption is granted.

28 5. If a local governing body denies a request for
29 exemption by a special district, the local governing body
30 shall provide the special district with a written analysis
31 specifying the rationale for such denial. This written

1 analysis must include, but is not limited to, the following
2 information:

3 a. A separate, detailed examination of each
4 consideration listed in subparagraph 2.

5 b. Specific examples of how the approved community
6 redevelopment plan will benefit, and has already benefited,
7 the purpose for which the special district was created.

8 6. The decision to either deny or grant an exemption
9 must be made by the local governing body within 120 days after
10 the date the written request was submitted to the local
11 governing body pursuant to the procedures established by such
12 local governing body.

13 (3) Notwithstanding ~~the provisions of~~ subsection (2),
14 the obligation of the governing body which established the
15 community redevelopment agency to fund the redevelopment trust
16 fund annually shall continue until all loans, advances, and
17 indebtedness, if any, and interest thereon, of a community
18 redevelopment agency incurred as a result of redevelopment in
19 a community redevelopment area have been paid.

20 (4) Notwithstanding subsections (1) and (2), an
21 alternative method of determining the amount and the times of
22 payment of, and rate of interest upon, increment revenues
23 contributed to the trust fund, including formulas and limits
24 different than those specified in subsection (1), may be
25 enacted by interlocal agreement between any of the other
26 taxing authorities required to contribute increment revenues
27 to the trust fund and the governing body that created the
28 community redevelopment agency.

29 ~~(5)(4)~~ The revenue bonds and notes of every issue
30 under this part are payable solely out of revenues pledged to
31 and received by a community redevelopment agency and deposited

1 | to its redevelopment trust fund. The lien created by such
2 | bonds or notes shall not attach until the revenues referred to
3 | herein are deposited in the redevelopment trust fund at the
4 | times, and to the extent that, such revenues accrue. The
5 | holders of such bonds or notes have no right to require the
6 | imposition of any tax or the establishment of any rate of
7 | taxation in order to obtain the amounts necessary to pay and
8 | retire such bonds or notes.

9 | ~~(6)~~~~(5)~~ Revenue bonds issued under the provisions of
10 | this part shall not be deemed to constitute a debt, liability,
11 | or obligation of the local governing body or the state or any
12 | political subdivision thereof, or a pledge of the faith and
13 | credit of the local governing body or the state or any
14 | political subdivision thereof, but shall be payable solely
15 | from the revenues provided therefor. All such revenue bonds
16 | shall contain on the face thereof a statement to the effect
17 | that the agency shall not be obligated to pay the same or the
18 | interest thereon except from the revenues of the community
19 | redevelopment agency held for that purpose and that neither
20 | the faith and credit nor the taxing power of the local
21 | governing body or of the state or of any political subdivision
22 | thereof is pledged to the payment of the principal of, or the
23 | interest on, such bonds.

24 | ~~(7)~~~~(6)~~ Moneys in the redevelopment trust fund may be
25 | expended from time to time for undertakings of a community
26 | redevelopment agency which are directly related to financing
27 | or refinancing of redevelopment in a community redevelopment
28 | area pursuant to an approved community redevelopment plan for
29 | the following purposes, including, but not limited to:

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1 (a) Administrative and overhead expenses necessary or
2 incidental to the implementation of a community redevelopment
3 plan adopted by the agency.

4 (b) Expenses of redevelopment planning, surveys, and
5 financial analysis, including the reimbursement of the
6 governing body or the community redevelopment agency for such
7 expenses incurred before the redevelopment plan was approved
8 and adopted.

9 (c) The acquisition of real property in the
10 redevelopment area.

11 (d) The clearance and preparation of any redevelopment
12 area for redevelopment and relocation of site occupants as
13 provided in s. 163.370.

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

17 (f) All expenses incidental to or connected with the
18 issuance, sale, redemption, retirement, or purchase of agency
19 bonds, bond anticipation notes, or other form of indebtedness,
20 including funding of any reserve, redemption, or other fund or
21 account provided for in the ordinance or resolution
22 authorizing such bonds, notes, or other form of indebtedness.

23 (g) The development of affordable housing within the
24 area.

25 (h) The development of community policing innovations.

26 ~~(8)(7)~~ On the last day of the fiscal year of the
27 community redevelopment agency, any money which remains in the
28 trust fund after the payment of expenses pursuant to
29 subsection ~~(7)(6)~~ for such year shall be:

30 (a) Returned to each taxing authority which paid the
31 increment in the proportion that the amount of the payment of

1 such taxing authority bears to the total amount paid into the
2 trust fund by all taxing authorities within the redevelopment
3 area for that year;

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

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

9 (d) Appropriated to a specific redevelopment project
10 pursuant to an approved community redevelopment plan which
11 project will be completed within 3 years from the date of such
12 appropriation.

13 ~~(9)(8)~~ Each community redevelopment agency shall
14 provide for an independent financial audit of the trust fund
15 each fiscal year and a report of such audit. Such report
16 shall describe the amount and source of deposits into, and the
17 amount and purpose of withdrawals from, the trust fund during
18 such fiscal year and the amount of principal and interest paid
19 during such year on any indebtedness to which is pledged
20 increment revenues and the remaining amount of such
21 indebtedness. The agency shall provide a copy of the report
22 to each taxing authority.

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

25 163.410 Exercise of powers in counties with home rule
26 charters.--In any county which has adopted a home rule
27 charter, the powers conferred by this part shall be exercised
28 exclusively by the governing body of such county. However, the
29 governing body of any such county which has adopted a home
30 rule charter may, in its discretion, by resolution delegate
31 the exercise of the powers conferred upon the county by this

1 part within the boundaries of a municipality to the governing
2 body of such a municipality. Such a delegation to a
3 municipality shall confer only such powers upon a municipality
4 as shall be specifically enumerated in the delegating
5 resolution. Any power not specifically delegated shall be
6 reserved exclusively to the governing body of the county.
7 This section does not affect any community redevelopment
8 agency created by a municipality before ~~prior to~~ the adoption
9 of a county home rule charter. Unless otherwise provided by an
10 existing ordinance, resolution, or interlocal agreement
11 between any such county and a municipality, the governing body
12 of the county that has adopted a home rule charter shall
13 approve or deny ~~act on~~ any request from a municipality for a
14 delegation of powers or a change in an existing delegation of
15 powers within 120 days after the receipt of all required
16 documentation or such request shall be deemed approved. Any
17 request by the county for additional documentation or other
18 information must be in writing to the municipality. The county
19 shall notify the municipality in writing within 30 days after
20 receipt of all required documentation and other requested
21 information. If the meeting of the county commission at which
22 the request for a delegation of powers or a change in an
23 existing delegation of powers is not held due to events beyond
24 the control of the county, the request may be acted upon at
25 the next regularly scheduled meeting of the county commission
26 without regard to the 120-day timeline established in this
27 section immediately sent to the governing body for
28 consideration.

29 Section 8. This act shall take effect upon becoming a
30 law.
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SENATE SUMMARY

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3 Requires a governing body to provide public notice before
4 it establishes a study area. Authorizes a governing body
5 to adopt a resolution that establishes a certain study
6 area. Requires additional procedures before a governing
7 body adopts a community redevelopment plan. Requires
8 additional procedures before a governing body adopts a
9 modification to a community redevelopment plan. Provides
10 limitations on the amount of tax increment contributed by
11 a taxing authority in the funding of a redevelopment
12 trust fund. Authorizes a county and governing body to
13 enact an agreement for an alternative method of
14 determining the amount and times of payment of tax
15 increment revenues contributed to a redevelopment trust
16 fund. Requires a governing body of a county to approve or
17 deny a request for delegation of powers by a
18 municipality.
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