

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

4 163.340 Definitions.--The following terms, wherever
5 used or referred to in this part, have the following meanings:

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

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

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

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

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

30 163.354 Development of study area.--Prior to adopting
31 a resolution making a finding of necessity required by s.

1 163.355, the governing body may adopt a resolution
2 establishing a slum and blight study area.

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

5 163.360 Community redevelopment plans.--

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

7 ~~1.(a)~~ Conform to the comprehensive plan for the county
8 or municipality as prepared by the local planning agency under
9 the Local Government Comprehensive Planning and Land
10 Development Regulation Act.

11 ~~2.(b)~~ Be sufficiently complete to indicate such land
12 acquisition, demolition and removal of structures,
13 redevelopment, improvements, and rehabilitation as may be
14 proposed to be carried out in the community redevelopment
15 area; zoning and planning changes, if any; land uses; maximum
16 densities; and building requirements.

17 ~~3.(c)~~ Provide for the development of affordable
18 housing in the area, or state the reasons for not addressing
19 in the plan the development of affordable housing in the area.
20 The county, municipality, or community redevelopment agency
21 shall coordinate with each housing authority or other
22 affordable housing entities functioning within the geographic
23 boundaries of the redevelopment area, concerning the
24 development of affordable housing in the area.

25 (b) The agency may contract with qualified nonprofit
26 organizations, faith-based organizations, or other entities to
27 develop and provide affordable and workforce housing in the
28 redevelopment area and use tax increment dollars to offer
29 incentives for such development, including, but not limited
30 to, low interest or no interest loans through qualified
31 lenders or the agency itself; revolving loans; facade

1 improvement loans or grants; matching, seed, or leverage
2 dollars for loans or grants; developer subsidies; and any
3 other incentives determined to be needed by the agency. For
4 purposes of this paragraph, the term "affordable housing"
5 means housing that meets the definition of affordable under s.
6 420.0004(3) and the term "workforce housing" means housing for
7 which the monthly rents or monthly mortgage payments,
8 including taxes, insurance, and utilities, do not exceed 30
9 percent of that amount which represents the percentage of the
10 median adjusted gross annual income for the households whose
11 income is 150 percent of the median income of the area.

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

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

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

3 2. If the notice required in subparagraph 1. is timely
4 provided, the board of county commissioners and the governing
5 body of the municipality that created the community
6 redevelopment agency shall schedule and hold a joint hearing
7 chaired by the county commission chair at which the competing
8 policy goals for the public funds shall be discussed. Any such
9 hearing must be held within 90 days after receipt by the
10 county of the recommended community redevelopment plan. Prior
11 to the joint public hearing, the county may propose an
12 alternative redevelopment plan to address the conditions
13 identified in the resolution making a finding of necessity
14 required by s. 163.355. If such an alternative modified
15 redevelopment plan is proposed by the county, such plan shall
16 be delivered to the governing body of the municipality that
17 created the community redevelopment agency at least 20 days
18 prior to holding the joint meeting.

19 3. If the notice required in subparagraph 1. is timely
20 provided, the municipality may not proceed with the adoption
21 of the plan under subsection (7) until 30 days after the joint
22 hearing unless the board of county commissioners has failed to
23 schedule and attend the joint hearing within the required
24 90-day period.

25 4. Notwithstanding the time requirements established
26 in subparagraphs 2. and 3., the county and the municipality
27 may at any time voluntarily use the dispute resolution process
28 established in chapter 164 to attempt to resolve any competing
29 policy goals between the county and municipality related to
30 the community redevelopment agency. Nothing in this
31 subparagraph grants the county or the municipality the

1 authority to require the other local government to participate
2 in the dispute resolution process.

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

5 163.361 Modification of community redevelopment
6 plans.--

7 (3)(a) In addition to the requirements of s. 163.346,
8 and prior to the adoption of any modification to a community
9 redevelopment plan that expands the boundaries of the
10 community redevelopment area or extends the time certain set
11 forth in the redevelopment plan as required by s. 163.362(10),
12 the agency shall report such proposed modification to each
13 taxing authority in writing or by an oral presentation, or
14 both, regarding such proposed modification.

15 (b) For any community redevelopment agency that was
16 not created pursuant to a delegation of authority under s.
17 163.410 by a county that has adopted a home rule charter and
18 that modifies its adopted community redevelopment plan in a
19 manner that expands the boundaries of the redevelopment area,
20 the following additional procedures are required prior to
21 adoption by the governing body of a modified community
22 redevelopment plan:

23 1. Within 30 days after receipt of any report of a
24 proposed modification that expands the boundaries of the
25 redevelopment area, the county may provide notice to the
26 governing body of the municipality that the county has
27 competing policy goals and plans for the public funds the
28 county would be required to contribute to the tax increment
29 under the proposed modification to the community redevelopment
30 plan.

1 2. If the notice required in subparagraph 1. is timely
2 provided, the board of county commissioners and the governing
3 body of the municipality that created the community
4 redevelopment agency shall schedule and hold a joint hearing
5 chaired by the county commission chair at which the competing
6 policy goals for the public funds shall be discussed. Any such
7 hearing shall be held within 90 days after receipt by the
8 county of the recommended modification of the adopted
9 community redevelopment plan. Prior to the joint public
10 hearing, the county may propose an alternative modified
11 community redevelopment plan to address the conditions
12 identified in the resolution making a finding of necessity
13 required under s. 163.355. If such an alternative modified
14 redevelopment plan is proposed by the county, such plan shall
15 be delivered to the governing body of the municipality that
16 created the community redevelopment agency at least 20 days
17 prior to holding the joint meeting.

18 3. If the notice required in subparagraph 1. is timely
19 provided, the municipality may not proceed with the adoption
20 of the plan under s. 163.360(7) until 30 days after the joint
21 hearing unless the board of county commissioners has failed to
22 schedule and attend the joint hearing within the required
23 90-day period.

24 4. Notwithstanding the time requirements established
25 in subparagraphs 2. and 3., the county and the municipality
26 may at any time voluntarily use the dispute resolution process
27 established in chapter 164 to attempt to resolve any competing
28 policy goals between the county and municipality related to
29 the expansion of the boundaries of the community redevelopment
30 agency. Nothing in this subparagraph grants the county or the
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1 municipality the authority to require the other local
2 government to participate in the dispute resolution process.

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

6 163.387 Redevelopment trust fund.--

7 (1)(a) After approval of a community redevelopment
8 plan, there shall be established for each community
9 redevelopment agency created under s. 163.356 a redevelopment
10 trust fund. Funds allocated to and deposited into this fund
11 shall be used by the agency to finance or refinance any
12 community redevelopment it undertakes pursuant to the approved
13 community redevelopment plan. No community redevelopment
14 agency may receive or spend any increment revenues pursuant to
15 this section unless and until the governing body has, by
16 ordinance, provided for the funding of the redevelopment trust
17 fund for the duration of a community redevelopment plan. Such
18 ordinance may be adopted only after the governing body has
19 approved a community redevelopment plan. The annual funding of
20 the redevelopment trust fund shall be in an amount not less
21 than that increment in the income, proceeds, revenues, and
22 funds of each taxing authority derived from or held in
23 connection with the undertaking and carrying out of community
24 redevelopment under this part. Such increment shall be
25 determined annually and shall be that amount equal to 95
26 percent of the difference between:

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

1 ~~2.(b)~~ The amount of ad valorem taxes which would have
2 been produced by the rate upon which the tax is levied each
3 year by or for each taxing authority, exclusive of any debt
4 service millage, upon the total of the assessed value of the
5 taxable real property in the community redevelopment area as
6 shown upon the most recent assessment roll used in connection
7 with the taxation of such property by each taxing authority
8 prior to the effective date of the ordinance providing for the
9 funding of the trust fund.

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11 However, the governing body of any county as defined in s.
12 125.011(1) may, in the ordinance providing for the funding of
13 a trust fund established with respect to any community
14 redevelopment area created on or after July 1, 1994, determine
15 that the amount to be funded by each taxing authority annually
16 shall be less than 95 percent of the difference between
17 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no
18 event shall such amount be less than 50 percent of such
19 difference.

20 (b)1. For any community redevelopment agency created
21 after October 1, 2006, that was not created pursuant to a
22 delegation of authority under s. 163.410 by a county that has
23 adopted a home rule charter, the amount of tax increment to be
24 contributed by any taxing authority shall be limited as
25 follows:

26 a. If a taxing authority imposes a millage rate that
27 exceeds the millage rate imposed by the governing body that
28 created the trust fund, the amount of tax increment to be
29 contributed by the taxing authority imposing the higher
30 millage rate shall be calculated using the millage rate
31 imposed by the governing body that created the trust fund.

1 Nothing shall prohibit any taxing authority from voluntarily
2 contributing a tax increment at a higher rate for a period of
3 time as specified by interlocal agreement between the taxing
4 authority and the community redevelopment agency.

5 b. At any time more than 19 years after the fiscal
6 year in which a taxing authority made its first contribution
7 to a redevelopment trust fund, by resolution effective no
8 sooner than the next fiscal year and adopted by majority vote
9 of the taxing authority's governing body at a public hearing
10 held not less than 30 or more than 45 days after written
11 notice delivered to the community redevelopment agency and
12 published in a newspaper of general circulation in the
13 redevelopment area, the taxing authority may limit the amount
14 of increment contributed by the taxing authority to the
15 redevelopment trust fund to the average annual amount the
16 taxing authority was obligated to contribute to the
17 redevelopment trust fund in the 3 fiscal years immediately
18 preceding the adoption of such resolution, plus any increase
19 in the increment after the adoption of the resolution computed
20 using the taxable values of any area which is subject to an
21 area reinvestment agreement. As used in this subparagraph, the
22 term "area reinvestment agreement" means an agreement between
23 the community redevelopment agency and a private party, with
24 or without additional parties, which provides that the
25 increment computed for a specific area shall be reinvested in
26 public infrastructure or services, or both, including debt
27 service, supporting one or more projects consistent with the
28 community redevelopment plan that is identified in the
29 agreement to be constructed within that area. Any such
30 reinvestment agreement must specify the estimated total amount
31 of public investment necessary to provide the public

1 infrastructure or services, or both, including any applicable
2 debt service. The contribution to the redevelopment trust fund
3 of the increase in the increment of any area that is subject
4 to an area reinvestment agreement following the passage of a
5 resolution as provided in this sub-subparagraph shall cease
6 when the amount specified in the area reinvestment agreement
7 as necessary to provide the public infrastructure or services,
8 or both, including any applicable debt service, have been
9 invested.

10 2. For any community redevelopment agency that was not
11 created pursuant to a delegation of authority under s. 163.410
12 by a county that has adopted a home rule charter and that
13 modifies its adopted community redevelopment plan after
14 October 1, 2006, in a manner that expands the boundaries of
15 the redevelopment area, the amount of increment to be
16 contributed by any taxing authority with respect to the
17 expanded area shall be limited as set forth in
18 sub-subparagraphs 1.a. and b.

19 (2)(a) Except for the purpose of funding the trust
20 fund pursuant to subsection (3), upon the adoption of an
21 ordinance providing for funding of the redevelopment trust
22 fund as provided in this section, each taxing authority shall,
23 by January 1 of each year, appropriate to the trust fund for
24 so long as any indebtedness pledging increment revenues to the
25 payment thereof is outstanding (but not to exceed 30 years) a
26 sum that is no less than the increment as defined and
27 determined in subsection (1) or paragraph (3)(b) accruing to
28 such taxing authority. If the community redevelopment plan is
29 amended or modified pursuant to s. 163.361(1), each such
30 taxing authority shall make the annual appropriation for a
31 period not to exceed 30 years after the date the governing

1 body amends the plan. However, for any agency created on or
2 after July 1, 2002, each taxing authority shall make the
3 annual appropriation for a period not to exceed 40 years after
4 the fiscal year in which the initial community redevelopment
5 plan is approved or adopted.

6 (3)~~(a)~~ Notwithstanding the provisions of subsection
7 (2), the obligation of the governing body which established
8 the community redevelopment agency to fund the redevelopment
9 trust fund annually shall continue until all loans, advances,
10 and indebtedness, if any, and interest thereon, of a community
11 redevelopment agency incurred as a result of redevelopment in
12 a community redevelopment area have been paid.

13 (b) Notwithstanding the provisions of subsections (1)
14 and (2), an alternative method of determining the amount and
15 time or times of payment of, and rate of interest upon, tax
16 increments contributed to the redevelopment trust fund,
17 including formulae and limits different than those specified
18 in subsection (1), may be enacted by interlocal agreement
19 between any of the other taxing authorities required to
20 contribute a tax increment to the redevelopment trust fund and
21 the governing body that created the community redevelopment
22 agency.

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. This
7 section does not affect any community redevelopment agency
8 created by a municipality prior to the adoption of a county
9 home rule charter. Unless otherwise provided by an existing
10 ordinance, resolution, or interlocal agreement between any
11 such county and a municipality, the governing body of the
12 county that has adopted a home rule charter shall approve or
13 deny ~~act on~~ any request from a municipality for a delegation
14 of powers or a change in an existing delegation of powers
15 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 shall be made in writing to the municipality. The
19 county shall notify the municipality in writing within 30 days
20 after receiving all the required documentation and other
21 requested information that such information is complete. If
22 the meeting of the county commission at which the request for
23 a delegation of powers or a change in an existing delegation
24 of powers is unable to be held due to events beyond the
25 control of the county, the request shall be acted upon at the
26 next regularly scheduled meeting of the county commission
27 without regard to the 120-day limitation. If the county does
28 not act upon the request at the next regularly scheduled
29 meeting, the request shall be deemed approved ~~immediately sent~~
30 ~~to the governing body for consideration.~~

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

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2364

4 The committee substitute (CS) authorizes a community
5 redevelopment agency (CRA) to contract with qualified
6 nonprofit corporations to develop and provide affordable
7 housing and workforce housing in the redevelopment area. It
8 also extends the date that determines which CRAs are subject
9 to certain provisions of this bill. The CS specifies that a
10 county proposing an alternative redevelopment plan must send
11 the plan to a municipality at least 20 days before their joint
12 public hearing.

13 This CS also reduces the waiting period for adopting a
14 redevelopment plan after the required joint public hearing to
15 30 days. It deletes language affecting CRAs that extend their
16 redevelopment plan beyond a certain time frame. The CS extends
17 the effective date of the bill to October 1, 2006.

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