

1 redevelopment agencies; authorizing a community
2 redevelopment agency to waive certain increment
3 payment penalties; authorizing alternate
4 provisions in certain interlocal agreements to
5 supersede certain provisions of law; amending
6 s. 163.410, F.S.; providing additional
7 requirements for requests for information
8 relating to requests for delegation of certain
9 powers; providing an effective date.

10

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

12

13 Section 1. Subsections (2) and (10) of section
14 163.340, Florida Statutes, are amended, and subsection (24) is
15 added to that section, to read:

16 163.340 Definitions.--The following terms, wherever
17 used or referred to in this part, have the following meanings:

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

22 (10) "Community redevelopment area" means a slum area,
23 a blighted area, or an area in which there is a shortage of
24 housing that is affordable to residents of low or moderate
25 income, including the elderly, or a coastal and tourist area
26 that is deteriorating and economically distressed due to
27 outdated building density patterns, inadequate transportation
28 and parking facilities, faulty lot layout or inadequate street
29 layout, or a combination thereof which the governing body
30 designates as appropriate for community redevelopment. For
31 community redevelopment agencies created after July 1, 2006, a

1 community redevelopment area may not consist of more than 80
2 percent of the municipality.

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

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

8 163.356 Creation of community redevelopment agency.--

9 (2) When the governing body adopts a resolution
10 declaring the need for a community redevelopment agency, that
11 body shall, by ordinance, appoint a board of commissioners of
12 the community redevelopment agency, which shall consist of not
13 fewer than five or more than nine commissioners. The terms of
14 office of the commissioners shall be for 4 years, except that
15 three of the members first appointed shall be designated to
16 serve terms of 1, 2, and 3 years, respectively, from the date
17 of their appointments, and all other members shall be
18 designated to serve for terms of 4 years from the date of
19 their appointments. A vacancy occurring during a term shall be
20 filled for the unexpired term. As provided in an interlocal
21 agreement between the governing body that created the agency
22 and one or more taxing authorities, one or more members of the
23 board of commissioners of the agency may be representatives of
24 a taxing authority, including members of that taxing
25 authority's governing body, whose membership on the board of
26 commissioners of the agency would be considered an additional
27 duty of office as a member of the taxing authority governing
28 body.

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

1 163.357 Governing body as the community redevelopment
2 agency.--

3 (1)

4 (d) As provided in an interlocal agreement between the
5 governing body that created the agency and one or more taxing
6 authorities, one or more members of the board of commissioners
7 of the agency may be representatives of a taxing authority,
8 including members of that taxing authority's governing body,
9 whose membership on the board of commissioners of the agency
10 would be considered an additional duty of office as a member
11 of the taxing authority governing body.

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

14 163.360 Community redevelopment plans.--

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

23 (b) For any governing body that has not authorized by
24 June 5, 2006, a study to consider whether a
25 finding-of-necessity resolution pursuant to s. 163.355 should
26 be adopted, has not adopted a finding-of-necessity resolution
27 pursuant to s. 163.355 by March 31, 2007, has not adopted a
28 community redevelopment plan by June 7, 2007, and was not
29 authorized to exercise redevelopment powers pursuant to a
30 delegation of authority under s. 163.410 by a county that has
31 adopted a home rule charter, the following additional

1 procedures are required prior to adoption by that governing
2 body of a community redevelopment plan under subsection (7):
3 1. Within 30 days after receipt of any community
4 redevelopment plan recommended by a community redevelopment
5 agency under subsection (5), the county may provide written
6 notice by registered mail to the governing body of the
7 municipality and to the community redevelopment agency that
8 the county has competing policy goals and plans for the public
9 funds the county would be required to deposit into the
10 community redevelopment trust fund under the proposed
11 community redevelopment plan.
12 2. If the notice required in subparagraph 1. is timely
13 provided, the governing body of the county and the governing
14 body of the municipality that created the community
15 redevelopment agency shall schedule and hold a joint hearing
16 co-chaired by the chair of the governing body of the county
17 and the mayor of the municipality, with the agenda to be set
18 by the chair of the governing body of the county, at which the
19 competing policy goals for the public funds shall be
20 discussed. For those community redevelopment agencies for
21 which the board of commissioners of the community
22 redevelopment agency are comprised as specified in s.
23 163.356(2), a designee of the community redevelopment agency
24 shall participate in the joint meeting as an ex officio. Any
25 such 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 that meets the requirements of
29 s. 163.360 to address the conditions identified in the
30 resolution making a finding of necessity required by s.
31 163.355. If such an alternative modified redevelopment plan is

1 proposed by the county, such plan shall be delivered to the
2 governing body of the municipality that created the community
3 redevelopment agency and to the executive director or other
4 officer of the community redevelopment agency by registered
5 mail at least 30 days prior to holding the joint meeting.

6 3. If the notice required in subparagraph 1. is timely
7 provided, the municipality may not proceed with the adoption
8 of the plan under subsection (7) until 30 days after the joint
9 hearing unless the governing body of the county has failed to
10 schedule or a majority of the members of the governing body of
11 the county have failed to attend the joint hearing within the
12 required 90-day period.

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

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

24 163.361 Modification of community redevelopment
25 plans.--

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

1 taxing authority in writing or by an oral presentation, or
2 both, regarding such proposed modification.

3 (b) For any community redevelopment agency that was
4 not created pursuant to a delegation of authority under s.
5 163.410 by a county that has adopted a home rule charter and
6 that modifies its adopted community redevelopment plan in a
7 manner that expands the boundaries of the redevelopment area
8 after October 1, 2006, the following additional procedures are
9 required prior to adoption by the governing body of a modified
10 community redevelopment plan:

11 1. Within 30 days after receipt of any report of a
12 proposed modification that expands the boundaries of the
13 redevelopment area, the county may provide notice by
14 registered mail to the governing body of the municipality and
15 to the community redevelopment agency that the county has
16 competing policy goals and plans for the public funds the
17 county would be required to deposit into the community
18 redevelopment trust fund under the proposed modification to
19 the community redevelopment plan.

20 2. If the notice required in subparagraph 1. is timely
21 provided, the governing body of the county and the governing
22 body of the municipality that created the community
23 redevelopment agency shall schedule and hold a joint hearing
24 co-chaired by the chair of the governing body of the county
25 and the mayor of the municipality, with the agenda to be set
26 by the chair of the governing body of the county, at which the
27 competing policy goals for the public funds shall be
28 discussed. For those community redevelopment agencies for
29 which the board of commissioners of the community
30 redevelopment agency are comprised as specified in s.
31 163.356(2), a designee of the community redevelopment agency

1 shall participate in the joint meeting as an ex officio. Any
2 such hearing shall be held within 90 days after receipt by the
3 county of the recommended modification of the adopted
4 community redevelopment plan. Prior to the joint public
5 hearing, the county may propose an alternative modified
6 community redevelopment plan that meets the requirements of s.
7 163.360 to address the conditions identified in the resolution
8 making a finding of necessity required under s. 163.355. If
9 such an alternative modified redevelopment plan is proposed by
10 the county, such plan shall be delivered to the governing body
11 of the municipality that created the community redevelopment
12 agency and to the executive director or other officer of the
13 community redevelopment agency by registered mail at least 30
14 days prior to holding the joint meeting.

15 3. If the notice required in subparagraph 1. is timely
16 provided, the municipality may not proceed with the adoption
17 of a modified plan until 30 days after the joint hearing
18 unless the governing body of the county has failed to schedule
19 or a majority of the members of the governing body of the
20 county have failed to attend the joint hearing within the
21 required 90-day period.

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

31

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

5 163.370 Powers; counties and municipalities; community
6 redevelopment agencies.--

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

11 (c) To undertake and carry out community redevelopment
12 and related activities within the community redevelopment
13 area, which ~~redevelopment~~ may include:

14 1. Acquisition of a slum area or a blighted area or
15 portion thereof.

16 2. Demolition and removal of buildings and
17 improvements.

18 3. Installation, construction, or reconstruction of
19 streets, utilities, parks, playgrounds, public areas of major
20 hotels that are constructed in support of convention centers,
21 including meeting rooms, banquet facilities, parking garages,
22 lobbies, and passageways, and other improvements necessary for
23 carrying out in the community redevelopment area the community
24 redevelopment objectives of this part in accordance with the
25 community redevelopment plan.

26 4. Disposition of any property acquired in the
27 community redevelopment area at its fair value, as provided in
28 s. 163.380, for uses in accordance with the community
29 redevelopment plan.

30 5. Carrying out plans for a program of voluntary or
31 compulsory repair and rehabilitation of buildings or other

1 improvements in accordance with the community redevelopment
2 plan.

3 6. Acquisition of real property in the community
4 redevelopment area which, under the community redevelopment
5 plan, is to be repaired or rehabilitated for dwelling use or
6 related facilities, repair or rehabilitation of the structures
7 for guidance purposes, and resale of the property.

8 7. Acquisition of any other real property in the
9 community redevelopment area when necessary to eliminate
10 unhealthful, unsanitary, or unsafe conditions; lessen density;
11 eliminate obsolete or other uses detrimental to the public
12 welfare; or otherwise to remove or prevent the spread of
13 blight or deterioration or to provide land for needed public
14 facilities.

15 8. Acquisition, without regard to any requirement that
16 the area be a slum or blighted area, of air rights in an area
17 consisting principally of land in highways, railway or subway
18 tracks, bridge or tunnel entrances, or other similar
19 facilities which have a blighting influence on the surrounding
20 area and over which air rights sites are to be developed for
21 the elimination of such blighting influences and for the
22 provision of housing (and related facilities and uses)
23 designed specifically for, and limited to, families and
24 individuals of low or moderate income.

25 9. Construction of foundations and platforms necessary
26 for the provision of air rights sites of housing (and related
27 facilities and uses) designed specifically for, and limited
28 to, families and individuals of low or moderate income.

29 (e) Within the community redevelopment area:

30 1. To enter into any building or property in any
31 community redevelopment area in order to make inspections,

1 surveys, appraisals, soundings, or test borings and to obtain
2 an order for this purpose from a court of competent
3 jurisdiction in the event entry is denied or resisted.

4 2. To acquire by purchase, lease, option, gift, grant,
5 bequest, devise, eminent domain, or otherwise any personal or
6 real property~~(or personal property for its administrative~~
7 ~~purposes)~~, together with any improvements thereon; except that
8 a community redevelopment agency may not exercise any power of
9 eminent domain unless the exercise has been specifically
10 approved by the governing body of the county or municipality
11 which established the agency.

12 3. To hold, improve, clear, or prepare for
13 redevelopment any such property.

14 4. To mortgage, pledge, hypothecate, or otherwise
15 encumber or dispose of any real property.

16 5. To insure or provide for the insurance of any real
17 or personal property or operations of the county or
18 municipality against any risks or hazards, including the power
19 to pay premiums on any such insurance.

20 6. To enter into any contracts necessary to effectuate
21 the purposes of this part.

22 7. To solicit requests for proposals for redevelopment
23 of parcels of real property contemplated by a community
24 redevelopment plan to be acquired for redevelopment purposes
25 by a community redevelopment agency and, as a result of such
26 requests for proposals, to advertise for the disposition of
27 such real property to private persons pursuant to s. 163.380
28 prior to acquisition of such real property by the community
29 redevelopment agency.

30 (h) ~~Within its area of operation,~~ To make or have made
31 all surveys and plans necessary to the carrying out of the

1 purposes of this part; to contract with any person, public or
2 private, in making and carrying out such plans; and to adopt
3 or approve, modify, and amend such plans, which plans may
4 include, but are not limited to:

5 1. Plans for carrying out a program of voluntary or
6 compulsory repair and rehabilitation of buildings and
7 improvements.

8 2. Plans for the enforcement of state and local laws,
9 codes, and regulations relating to the use of land and the use
10 and occupancy of buildings and improvements and to the
11 compulsory repair, rehabilitation, demolition, or removal of
12 buildings and improvements.

13 3. Appraisals, title searches, surveys, studies, and
14 other plans and work necessary to prepare for the undertaking
15 of community redevelopment and related activities.

16 (n) ~~Within its area of operation,~~ To organize,
17 coordinate, and direct the administration of the provisions of
18 this part, as they may apply to such county or municipality,
19 in order that the objective of remedying slum and blighted
20 areas and preventing the causes thereof within such county or
21 municipality may be most effectively promoted and achieved and
22 to establish such new office or offices of the county or
23 municipality or to reorganize existing offices in order to
24 carry out such purpose most effectively.

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

27 (b) Installation, construction, reconstruction,
28 repair, or alteration of any publicly owned capital
29 improvements or projects ~~which are not an integral part of or~~
30 ~~necessary for carrying out the community redevelopment plan if~~
31 ~~such projects or improvements are normally financed by the~~

1 ~~governing body with user fees or~~ if such projects or
2 improvements were scheduled to ~~would~~ be installed,
3 constructed, reconstructed, repaired, or altered within 3
4 years of the approval of the community redevelopment plan by
5 the governing body pursuant to a previously approved public
6 capital improvement or project schedule or plan of the
7 governing body which approved the community redevelopment plan
8 unless and until such projects or improvements have been
9 removed from such schedule or plan of the governing body and 3
10 years have elapsed since such removal or such projects or
11 improvements were identified in such schedule or plan to be
12 funded, in whole or in part, with funds on deposit within the
13 community redevelopment trust fund.

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

16 (a) Prior to approval of a community redevelopment
17 plan or approval of any modifications of the plan, acquire
18 real property in a community redevelopment area, demolish and
19 remove any structures on the property, and pay all costs
20 related to the acquisition, demolition, or removal, including
21 any administrative or relocation expenses, provided such
22 acquisition is not pursuant to s. 163.375.

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

26 163.387 Redevelopment trust fund.--

27 (1)(a) After approval of a community redevelopment
28 plan, there ~~may shall~~ be established for each community
29 redevelopment agency created under s. 163.356 a redevelopment
30 trust fund. Funds allocated to and deposited into this fund
31 shall be used by the agency to finance or refinance any

1 community redevelopment it undertakes pursuant to the approved
2 community redevelopment plan. No community redevelopment
3 agency may receive or spend any increment revenues pursuant to
4 this section unless and until the governing body has, by
5 ordinance, created the trust fund and provided for the funding
6 of the redevelopment trust fund until the time certain set
7 forth in the ~~for the duration of a~~ community redevelopment
8 plan as required by s. 163.362(10). Such ordinance may be
9 adopted only after the governing body has approved a community
10 redevelopment plan. The annual funding of the redevelopment
11 trust fund shall be in an amount not less than that increment
12 in the income, proceeds, revenues, and funds of each taxing
13 authority derived from or held in connection with the
14 undertaking and carrying out of community redevelopment under
15 this part. Such increment shall be determined annually and
16 shall be that amount equal to 95 percent of the difference
17 between:

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

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

1
2 However, the governing body of any county as defined in s.
3 125.011(1) may, in the ordinance providing for the funding of
4 a trust fund established with respect to any community
5 redevelopment area created on or after July 1, 1994, determine
6 that the amount to be funded by each taxing authority annually
7 shall be less than 95 percent of the difference between
8 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no
9 event shall such amount be less than 50 percent of such
10 difference.

11 (b)1. For any governing body that has not authorized
12 by June 5, 2006, a study to consider whether a
13 finding-of-necessity resolution pursuant to s. 163.355 should
14 be adopted, has not adopted a finding-of-necessity resolution
15 pursuant to s. 163.355 by March 31, 2007, has not adopted a
16 community redevelopment plan by June 7, 2007, and was not
17 authorized to exercise redevelopment powers pursuant to a
18 delegation of authority under s. 163.410 by a county that has
19 adopted a home rule charter, the amount of tax increment to be
20 contributed by any taxing authority shall be limited as
21 follows:

22 a. If a taxing authority imposes a millage rate that
23 exceeds the millage rate imposed by the governing body that
24 created the trust fund, the amount of tax increment to be
25 contributed by the taxing authority imposing the higher
26 millage rate shall be calculated using the millage rate
27 imposed by the governing body that created the trust fund.
28 Nothing shall prohibit any taxing authority from voluntarily
29 contributing a tax increment at a higher rate for a period of
30 time as specified by interlocal agreement between the taxing
31 authority and the community redevelopment agency.

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

1 as provided in this sub-subparagraph shall cease when the
2 amount specified in the area reinvestment agreement as
3 necessary to provide the projects or services, or both,
4 including any applicable debt service, have been invested.

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

14 (2)(a) Except for the purpose of funding the trust
15 fund pursuant to subsection (3), upon the adoption of an
16 ordinance providing for funding of the redevelopment trust
17 fund as provided in this section, each taxing authority shall,
18 by January 1 of each year, appropriate to the trust fund for
19 so long as any indebtedness pledging increment revenues to the
20 payment thereof is outstanding (but not to exceed 30 years) a
21 sum that is no less than the increment as defined and
22 determined in subsection (1) or paragraph (3)(b) accruing to
23 such taxing authority. If the community redevelopment plan is
24 amended or modified pursuant to s. 163.361(1), each such
25 taxing authority shall make the annual appropriation for a
26 period not to exceed 30 years after the date the governing
27 body amends the plan but no later than 60 years after the
28 fiscal year in which the plan was initially approved or
29 adopted. However, for any agency created on or after July 1,
30 2002, each taxing authority shall make the annual
31 appropriation for a period not to exceed 40 years after the

1 fiscal year in which the initial community redevelopment plan
2 is approved or adopted.

3 (b) Any taxing authority that does not pay the
4 increment revenues to the trust fund by January 1 shall pay to
5 the trust fund an amount equal to 5 percent of the amount of
6 the increment revenues and shall pay interest on the amount of
7 the unpaid increment revenues equal to 1 percent for each
8 month the increment is outstanding, provided the agency may
9 waive such penalty payments in whole or in part.

10 (c) The following public bodies ~~or taxing authorities~~
11 are exempt from paragraph (a):

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

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

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

24 4. A neighborhood improvement district created under
25 the Safe Neighborhoods Act.

26 5. A metropolitan transportation authority.

27 6. A water management district created under s.
28 373.069.

29 (3)(a) Notwithstanding the provisions of subsection
30 (2), the obligation of the governing body which established
31 the community redevelopment agency to fund the redevelopment

1 trust fund annually shall continue until all loans, advances,
2 and indebtedness, if any, and interest thereon, of a community
3 redevelopment agency incurred as a result of redevelopment in
4 a community redevelopment area have been paid.

5 (b) Alternate provisions contained in an interlocal
6 agreement between a taxing authority and the governing body
7 that created the community redevelopment agency may supersede
8 the provisions of this section with respect to that taxing
9 authority. The community redevelopment agency may be an
10 additional party to any such agreement.

11 (4) The revenue bonds and notes of every issue under
12 this part are payable solely out of revenues pledged to and
13 received by a community redevelopment agency and deposited to
14 its redevelopment trust fund. The lien created by such bonds
15 or notes shall not attach until the increment revenues
16 referred to herein are deposited in the redevelopment trust
17 fund at the times, and to the extent that, such increment
18 revenues accrue. The holders of such bonds or notes have no
19 right to require the imposition of any tax or the
20 establishment of any rate of taxation in order to obtain the
21 amounts necessary to pay and retire such bonds or notes.

22 (5) Revenue bonds issued under the provisions of this
23 part shall not be deemed to constitute a debt, liability, or
24 obligation of the ~~local~~ governing body or the state or any
25 political subdivision thereof, or a pledge of the faith and
26 credit of the ~~local~~ governing body or the state or any
27 political subdivision thereof, but shall be payable solely
28 from the revenues provided therefor. All such revenue bonds
29 shall contain on the face thereof a statement to the effect
30 that the agency shall not be obligated to pay the same or the
31 interest thereon except from the revenues of the community

1 redevelopment agency held for that purpose and that neither
2 the faith and credit nor the taxing power of the ~~local~~
3 governing body or of the state or of any political subdivision
4 thereof is pledged to the payment of the principal of, or the
5 interest on, such bonds.

6 (6) Moneys in the redevelopment trust fund may be
7 expended from time to time for undertakings of a community
8 redevelopment agency as described in the ~~which are directly~~
9 ~~related to financing or refinancing of redevelopment in a~~
10 ~~community redevelopment area pursuant to an approved~~ community
11 redevelopment plan for the following purposes, including, but
12 not limited to:

13 (a) Administrative and overhead expenses necessary or
14 incidental to the implementation of a community redevelopment
15 plan adopted by the agency.

16 (b) Expenses of redevelopment planning, surveys, and
17 financial analysis, including the reimbursement of the
18 governing body or the community redevelopment agency for such
19 expenses incurred before the redevelopment plan was approved
20 and adopted.

21 (c) The acquisition of real property in the
22 redevelopment area.

23 (d) The clearance and preparation of any redevelopment
24 area for redevelopment and relocation of site occupants within
25 or outside the community redevelopment area as provided in s.
26 163.370.

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

30 (f) All expenses incidental to or connected with the
31 issuance, sale, redemption, retirement, or purchase of ~~agency~~

1 | bonds, bond anticipation notes, or other form of indebtedness,
2 | including funding of any reserve, redemption, or other fund or
3 | account provided for in the ordinance or resolution
4 | authorizing such bonds, notes, or other form of indebtedness.

5 | (g) The development of affordable housing within the
6 | community redevelopment area.

7 | (h) The development of community policing innovations.

8 | (7) On the last day of the fiscal year of the
9 | community redevelopment agency, any money which remains in the
10 | trust fund after the payment of expenses pursuant to
11 | subsection (6) for such year shall be:

12 | (a) Returned to each taxing authority which paid the
13 | increment in the proportion that the amount of the payment of
14 | such taxing authority bears to the total amount paid into the
15 | trust fund by all taxing authorities ~~within the redevelopment~~
16 | ~~area~~ for that year;

17 | (b) Used to reduce the amount of any indebtedness to
18 | which increment revenues are pledged;

19 | (c) Deposited into an escrow account for the purpose
20 | of later reducing any indebtedness to which increment revenues
21 | are pledged; or

22 | (d) Appropriated to a specific redevelopment project
23 | pursuant to an approved community redevelopment plan which
24 | project will be completed within 3 years from the date of such
25 | appropriation.

26 | (8) Each community redevelopment agency shall provide
27 | for an ~~independent financial~~ audit of the trust fund each
28 | fiscal year and a report of such audit to be prepared by an
29 | independent certified public accountant or firm. Such report
30 | shall describe the amount and source of deposits into, and the
31 | amount and purpose of withdrawals from, the trust fund during

1 such fiscal year and the amount of principal and interest paid
2 during such year on any indebtedness to which ~~is pledged~~
3 increment revenues are pledged and the remaining amount of
4 such indebtedness. The agency shall provide by registered mail
5 a copy of the report to each taxing authority.

6 Section 8. 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 grant in
27 whole or in part or deny ~~act on~~ any request from a
28 municipality for a delegation of powers or a change in an
29 existing delegation of powers within 120 days after the
30 receipt of all required documentation or such request shall be
31 deemed granted unless this period is extended by mutual

1 consent in writing of the municipality and the county. Within
2 30 days after receipt of the request, the county shall notify
3 the municipality by registered mail whether the request is
4 complete or if additional information is required. The county
5 shall notify the municipality by registered mail within 30
6 days after receiving the additional information whether such
7 additional documentation is complete. Any request by the
8 county for additional documentation shall specify the
9 deficiencies in the submitted documentation, if any. The
10 county shall notify the municipality by registered mail within
11 30 days after receiving the additional documentation whether
12 such information is complete. If the meeting of the county
13 commission at which the request for a delegation of powers or
14 a change in an existing delegation of powers is unable to be
15 held due to events beyond the control of the county, the
16 request shall be acted upon at the next regularly scheduled
17 meeting of the county commission without regard to the 120-day
18 limitation. If the county does not act upon the request at the
19 next regularly scheduled meeting, the request shall be deemed
20 granted immediately sent to the governing body for
21 consideration.

22 Section 9. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2364

4 This committee substitute for committee substitute for SB
5 2364:

- 6 1) Revises the definitions for "community redevelopment
7 area" and "taxing authority."
- 8 2) Eliminates the option of a study area to be created prior
9 to the creation of a CRA.
- 10 3) Provides that elected officials of other jurisdictions
11 may serve on the board of a CRA as an additional duty of
12 office.
- 13 4) Removes the provision authorizing a CRA to contract with
14 qualified nonprofit organizations, faith-based
15 organizations, or other entities to provide affordable
16 and workforce housing in the redevelopment area.
- 17 5) Specifically identifies those CRA's that would be
18 grandfathered under existing law (pipeline provision)
19 when creating a community redevelopment plan or modifying
20 an existing CRA plan (after October 1, 2006) in a fashion
21 that extends its boundaries.
- 22 6) Provides that a designee of the CRA shall participate as
23 an ex officio at the joint hearings for new or modified
24 CRA's in non-charter counties and that an alternate
25 redevelopment plan proposed by the county must be
26 delivered to the municipality that created the CRA at
27 least 30 days rather than 20 days before the joint
28 meeting.
- 29 7) Provides technical and clarifying language.
- 30 8) Strikes language basing increment payments on preliminary
31 assessment rolls.
- 9) Specifically identifies those CRA's that would be
grandfathered under existing law (pipeline provision) for
applicability of equalized millage and ability of the
county to cap contributions.
- 10) Revises the cap that counties can place on the growth in
increment to the 25th year rather than the 20th year, and
the limits on the amount of increment contributed to the
contribution to the fiscal year immediately preceding the
adoption of the resolution rather than a three year
average.
- 11) Revises language allowing for interlocal agreements to
provide for alternative financing arrangements to provide
that interlocal agreements could supercede statute.
- 12) Clarifies that the obligation for a taxing authority to
contribute to tax increment ends at sixty years; that
funds can be spent according to the redevelopment plan;

1 | that expenses that can be paid from tax increment
2 | includes services from another body; and that funds can
3 | be used to relocate residents either within or outside
4 | the CRA.
5 | 13) Requires a charter county to use registered mail to
6 | request additional documentation or information from a
7 | municipality when considering a request to delegate the
8 | powers of the CRA to a municipality.
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