

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee  
2 Representative Fresen offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (c) of subsection (3) of section  
7 163.356, Florida Statutes, is amended, and subsection (5) is  
8 added to that section, to read:

9 163.356 Creation and termination of a community  
10 redevelopment agency.—

11 (3)

12 (c) The governing body of the county or municipality shall  
13 designate a chair and vice chair from among the commissioners.  
14 An agency may employ an executive director, technical experts,  
15 and such other agents and employees, permanent and temporary, as  
16 it requires, and determine their qualifications, duties, and  
17 compensation. For such legal service as it requires, an agency  
18 may employ or retain its own counsel and legal staff. An agency  
19 authorized to transact business and exercise powers under this

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20 part shall file with the governing body, on or before March 31  
21 of each year, a report of its activities for the preceding  
22 fiscal year, which report shall include a complete financial  
23 statement setting forth its assets, liabilities, income, and  
24 operating expenses as of the end of such fiscal year. At the  
25 time of filing the report, the agency shall publish in a  
26 newspaper of general circulation in the community a notice to  
27 the effect that such report has been filed with the county or  
28 municipality and that the report is available for inspection  
29 during business hours in the office of the clerk of the city or  
30 county commission and in the office of the agency. Agencies  
31 operating within a county as defined in s. 125.011(1) are  
32 required to submit to annual performance reviews conducted by  
33 and at the discretion of the board of county commissioners.

34 (5) (a) In any county as defined in s. 125.011(1) that has  
35 created a community redevelopment agency or has delegated the  
36 creation of a community redevelopment agency to a municipality  
37 pursuant to s. 163.410, the board of county commissioners may  
38 terminate the agency operating or located in its boundaries, if  
39 the board finds pursuant to a forensic audit conducted under s.  
40 163.387(8):

41 1. The agency has neglected its duties and  
42 responsibilities under the approved redevelopment plan or under  
43 any interlocal agreement between the governing body of the  
44 county or any taxing authority and the agency under this part;  
45 or

46 2. The agency has engaged in financial misconduct.

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47           (b)1. After a public hearing on the proposed  
48 termination of an agency under this subsection, the board of  
49 county commissioners may effectuate the termination of the  
50 agency by adopting a resolution that approves termination of the  
51 agency pursuant to a termination plan consistent with the  
52 provisions of subparagraph 3.

53           2. The board of county commissioners must notify the  
54 agency of the proposed termination and the grounds for  
55 termination in writing at least 30 days before the public  
56 hearing on the termination of the agency. After the agency has  
57 been given notice pursuant to this subparagraph, the agency may  
58 not issue bonds, incur further indebtedness, or enter into any  
59 contract, unless approved by the board. The agency must respond  
60 to the notice of proposed termination and the grounds for  
61 termination in writing at least 5 days before the public  
62 hearing.

63           3. A termination plan approved by the board of county  
64 commissioners:

65           a. Shall, if the agency has outstanding debt, including  
66 debt that pledges increment revenues as a source of repayment,  
67 require repayment of the debt, or make provision for the  
68 repayment, on or before it is due and may require taxing  
69 authorities to continue making required contributions until the  
70 repayment is paid;

71           b. May require the governing body of the county to assume  
72 the powers of the agency and act as the board of commissioners  
73 for the agency for purposes of overseeing the continued payment

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74 of outstanding debt or the completion of projects begun before  
75 the date of the notice of termination;

76 c. Shall provide an effective date of termination of the  
77 agency, which shall be a date after payment or provision for  
78 payment of all outstanding debt of the agency; and

79 d. Shall provide that after termination of the agency the  
80 obligation of a taxing authority to contribute to the trust fund  
81 pursuant to s. 163.387 is automatically terminated by operation  
82 of law and any funds remaining in the trust fund shall be  
83 disbursed to the taxing authorities in proportion to the amounts  
84 contributed by such taxing authorities.

85 (c) Notwithstanding any provision of law to the contrary,  
86 consent to termination under this subsection is not required  
87 from the agency, from the governing body of a municipality  
88 within which the agency operates or which was delegated the  
89 authority to create the agency, from the taxing authorities that  
90 contribute to the redevelopment trust fund of the agency, or  
91 from any other person or entity.

92 Section 2. Subsection (10) of section 163.362, Florida  
93 Statutes, is amended, to read:

94 163.362 Contents of community redevelopment plan.—Every  
95 community redevelopment plan shall:

96 (10) Provide a time certain for completing all  
97 redevelopment financed by increment revenues. Such time certain  
98 shall occur no later than 30 years after the fiscal year in  
99 which the plan is approved, adopted, or amended pursuant to s.  
100 163.361(1). However, for any agency created after July 1, 2002,  
101 the time certain for completing all redevelopment financed by

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102 increment revenues must occur within 40 years after the fiscal  
103 year in which the plan is approved or adopted. In any county as  
104 defined in s. 125.011(1), any redevelopment plan that is  
105 approved or amended on or after July 1, 2012, must also provide  
106 a specific date by which each redevelopment activity that is a  
107 part of a redevelopment project proposed to be funded by the  
108 increment fund is scheduled to be completed.

109 Section 3. Subsections (6) and (8) of section 163.387,  
110 Florida Statutes, are amended to read:

111 163.387 Redevelopment trust fund.—

112 (6) (a) Moneys in the redevelopment trust fund may be  
113 expended from time to time for undertakings of a community  
114 redevelopment agency as described in the community redevelopment  
115 plan for the following purposes, including, but not limited to:

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

119 2.(b) Expenses of redevelopment planning, surveys, and  
120 financial analysis, including the reimbursement of the governing  
121 body or the community redevelopment agency for such expenses  
122 incurred before the redevelopment plan was approved and adopted.

123 3.(e) The acquisition of real property in the  
124 redevelopment area.

125 4.(d) The clearance and preparation of any redevelopment  
126 area for redevelopment and relocation of site occupants within  
127 or outside the community redevelopment area as provided in s.  
128 163.370.

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129 ~~5.(e)~~ The repayment of principal and interest or any  
130 redemption premium for loans, advances, bonds, bond anticipation  
131 notes, and any other form of indebtedness.

132 ~~6.(f)~~ All expenses incidental to or connected with the  
133 issuance, sale, redemption, retirement, or purchase of bonds,  
134 bond anticipation notes, or other form of indebtedness,  
135 including funding of any reserve, redemption, or other fund or  
136 account provided for in the ordinance or resolution authorizing  
137 such bonds, notes, or other form of indebtedness.

138 ~~7.(g)~~ The development of affordable housing within the  
139 community redevelopment area.

140 ~~8.(h)~~ The development of community policing innovations.

141 (b) For the purpose of the expenditure of moneys in  
142 redevelopment trust funds in counties as defined in s.  
143 125.011(1), the following apply in addition to any requirement  
144 imposed by interlocal agreement:

145 1. An agency operating in the county must submit an annual  
146 budget indicating any proposed expenditures of increment  
147 revenues attributable to the county share of revenues by August  
148 15 of each year.

149 2. The board of county commissioners may, within 90 days  
150 of receipt approve the budget by resolution or reject the budget  
151 and return it to the agency. If the board of county  
152 commissioners does not act within 90 days, the budget shall be  
153 deemed approved. The agency may then revise the budget within 30  
154 days and resubmit it to the board of county commissioners, which  
155 would then have 90 days to act on it.

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156 3. Increment revenues contributed by the county may not be  
157 expended for redevelopment activities without the approval of  
158 the board of county commissioners, unless such expenditures are  
159 to pay existing debts and contractual obligations of the agency.

160 4. Existing debts or contractual obligations, as described  
161 in paragraph 3., include only such debt incurred pursuant to s.  
162 163.385 and moneys owed from contracts entered into before the  
163 date of a notice of termination as authorized by s. 163.356(5).  
164 Existing debts or contractual obligations may not include  
165 salaries of at-will employees whose duties are directly  
166 associated with the provision of administrative or other  
167 services and who are employed by an agency or a municipality  
168 that provides administrative or other services to an agency.  
169 Existing debts or contractual obligations may not include  
170 contracts that are terminable at will.

171 5. The agency may not seek permission to issue bonds,  
172 incur further indebtedness, or enter into contracts until the  
173 governing body of the county has approved the agency's annual  
174 budget.

175 (c) Notwithstanding any provision in this section, in a  
176 county as defined in s. 125.011(1), if the agency's issuance of  
177 debt has been approved pursuant to s. 163.385, the agency's  
178 payment of debt service for debt secured by increment revenues  
179 does not require the approval of the board of county  
180 commissioners as a part of the annual agency budgetary approval  
181 process.

182 (8) Each community redevelopment agency shall provide for  
183 an external audit of the trust fund each fiscal year a report of

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184 such audit to be prepared by an independent certified public  
185 accountant or firm. Such report shall describe the amount and  
186 source of deposits into, and the amount and purpose of  
187 withdrawals from, the trust fund during such fiscal year and the  
188 amount of principle and interest paid during such year on any  
189 indebtedness to which increment revenues are pledged and the  
190 remaining amount of such indebtedness. The agency shall provide  
191 by registered mail a copy of the report to each taxing  
192 authority. If the external audit finds evidence of financial  
193 misconduct related to expenditure of tax increment revenues  
194 attributable to funds derived from the county taxes, then the  
195 board of county commissioners may require a forensic audit.

196 Section 4. This act shall take effect July 1, 2012.

197  
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199 -----  
200 **T I T L E A M E N D M E N T**

201 Remove lines 7-21 and insert:  
202 commissioners of certain counties pursuant to a  
203 forensic audit; providing public hearing and notice  
204 and termination plan requirements; providing that  
205 consent from certain entities is not required for such  
206 termination; amending s. 163.362, F.S.; providing  
207 additional redevelopment plan requirements for certain  
208 counties; amending s. 163.387, F.S.; providing  
209 requirements for the expenditure of moneys from  
210 redevelopment trust funds in certain counties in  
211 addition to any requirements imposed by interlocal



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212 agreements; providing protocol for the approval of  
213 agency budgets by resolution; exempting payment of  
214 debt service in such counties from certain approval;  
215 providing for an annual external audit of the agency  
216 trust fund; provides that a forensic audit may be  
217 required under certain circumstances; providing an  
218 effective date.  
219  
220