

1                                   A bill to be entitled  
 2       An act relating to community redevelopment agencies;  
 3       amending s. 163.356, F.S.; providing reporting  
 4       requirements for certain community redevelopment  
 5       agencies; providing for the termination of community  
 6       redevelopment agencies by the board of county  
 7       commissioners of certain counties; providing public  
 8       hearing and notice and termination plan requirements;  
 9       providing that consent from certain entities is not  
 10      required for such termination; amending s. 163.362,  
 11      F.S.; providing additional redevelopment plan  
 12      requirements for certain counties; amending s.  
 13      163.387, F.S.; providing requirements for the  
 14      expenditure of moneys from redevelopment trust funds  
 15      in certain counties; exempting payment of debt service  
 16      in such counties from certain approval; providing  
 17      requirements for the appropriation of certain trust  
 18      fund moneys in such counties; requiring a forensic  
 19      audit of agencies in such counties at least every 5  
 20      years for certain purposes; providing an effective  
 21      date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Paragraph (c) of subsection (3) of section  
 26   163.356, Florida Statutes, is amended, and subsection (5) is  
 27   added to that section, to read:

28           163.356   Creation and termination of a community

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29 redevelopment agency.-

30 (3)

31 (c) The governing body of the county or municipality shall  
32 designate a chair and vice chair from among the commissioners.  
33 An agency may employ an executive director, technical experts,  
34 and such other agents and employees, permanent and temporary, as  
35 it requires, and determine their qualifications, duties, and  
36 compensation. For such legal service as it requires, an agency  
37 may employ or retain its own counsel and legal staff. An agency  
38 authorized to transact business and exercise powers under this  
39 part shall file with the governing body, on or before March 31  
40 of each year, a report of its activities for the preceding  
41 fiscal year, which report shall include a complete financial  
42 statement setting forth its assets, liabilities, income, and  
43 operating expenses as of the end of such fiscal year. At the  
44 time of filing the report, the agency shall publish in a  
45 newspaper of general circulation in the community a notice to  
46 the effect that such report has been filed with the county or  
47 municipality and that the report is available for inspection  
48 during business hours in the office of the clerk of the city or  
49 county commission and in the office of the agency. Agencies  
50 operating within a county as defined in s. 125.011(1) are  
51 required to submit to annual performance reviews conducted by  
52 and at the discretion of the board of county commissioners.

53 (5) (a) In any county as defined in s. 125.011(1) that has  
54 created a community redevelopment agency or has delegated the  
55 creation of a community redevelopment agency to a municipality  
56 pursuant to s. 163.410, the board of county commissioners may

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57 terminate the agency operating or located in its boundaries, if  
58 the board finds:

59 1. The agency has been inefficient in removing slum and  
60 blight within the community redevelopment area;

61 2. The agency has neglected its duties and  
62 responsibilities under the approved redevelopment plan or under  
63 any interlocal agreement between the governing body of the  
64 county or any taxing authority and the agency under this part;

65 3. The agency has engaged in financial misconduct or  
66 wasteful activities as evidenced by any forensic audit required  
67 by s. 163.387(9), any annual performance review, or any annual  
68 report of the agency's activities for the previous fiscal year,  
69 including the complete financial statement required in paragraph  
70 (3) (c); or

71 4. There is no longer a need for the agency.

72 (b)1. After a public hearing on the proposed termination  
73 of an agency under this subsection, the board of county  
74 commissioners may effectuate the termination of the agency by  
75 adopting a resolution that approves termination of the agency  
76 pursuant to a termination plan consistent with the provisions of  
77 subparagraph 3.

78 2. The board of county commissioners must notify the  
79 agency of the proposed termination and the grounds for  
80 termination in writing at least 30 days before the public  
81 hearing on the termination of the agency. After the agency has  
82 been given notice pursuant to this subparagraph, the agency may  
83 not issue bonds, incur further indebtedness, or enter into any  
84 contract, unless approved by the board. The agency must respond

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85 to the notice of proposed termination and the grounds for  
86 termination in writing at least 5 days before the public  
87 hearing.

88 3. A termination plan approved by the board of county  
89 commissioners:

90 a. Shall, if the agency has outstanding debt, including  
91 debt that pledges increment revenues as a source of repayment,  
92 require repayment of the debt, or make provision for the  
93 repayment, on or before it is due and may require taxing  
94 authorities to continue making required contributions until the  
95 repayment is paid;

96 b. May require the governing body of the county to assume  
97 the powers of the agency and act as the board of commissioners  
98 for the agency for purposes of overseeing the continued payment  
99 of outstanding debt or the completion of projects begun before  
100 the date of the notice of termination;

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

104 d. Shall provide that after termination of the agency the  
105 obligation of a taxing authority to contribute to the trust fund  
106 pursuant to s. 163.387 is automatically terminated by operation  
107 of law and any funds remaining in the trust fund shall be  
108 disbursed to the taxing authorities in proportion to the amounts  
109 contributed by such taxing authorities.

110 (c) Notwithstanding any provision of law to the contrary,  
111 consent to termination under this subsection is not required  
112 from the agency, from the governing body of a municipality

113 within which the agency operates or which was delegated the  
 114 authority to create the agency, from the taxing authorities that  
 115 contribute to the redevelopment trust fund of the agency, or  
 116 from any other person or entity.

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

119 163.362 Contents of community redevelopment plan.—Every  
 120 community redevelopment plan shall:

121 (10) Provide a time certain for completing all  
 122 redevelopment financed by increment revenues. Such time certain  
 123 shall occur no later than 30 years after the fiscal year in  
 124 which the plan is approved, adopted, or amended pursuant to s.  
 125 163.361(1). However, for any agency created after July 1, 2002,  
 126 the time certain for completing all redevelopment financed by  
 127 increment revenues must occur within 40 years after the fiscal  
 128 year in which the plan is approved or adopted. In any county as  
 129 defined in s. 125.011(1), any redevelopment plan that is  
 130 approved or amended on or after July 1, 2012, must also provide  
 131 a specific date by which each redevelopment activity that is a  
 132 part of a redevelopment project proposed to be funded by the  
 133 increment fund is scheduled to be completed.

134 Section 3. Subsections (6) and (7) of section 163.387,  
 135 Florida Statutes, are amended, and subsection (9) is added to  
 136 that section, to read:

137 163.387 Redevelopment trust fund.—

138 (6) (a) Moneys in the redevelopment trust fund may be  
 139 expended from time to time for undertakings of a community  
 140 redevelopment agency as described in the community redevelopment

141 plan for the following purposes, including, but not limited to:

142 1.~~(a)~~ Administrative and overhead expenses necessary or  
 143 incidental to the implementation of a community redevelopment  
 144 plan adopted by the agency.

145 2.~~(b)~~ Expenses of redevelopment planning, surveys, and  
 146 financial analysis, including the reimbursement of the governing  
 147 body or the community redevelopment agency for such expenses  
 148 incurred before the redevelopment plan was approved and adopted.

149 3.~~(c)~~ The acquisition of real property in the  
 150 redevelopment area.

151 4.~~(d)~~ The clearance and preparation of any redevelopment  
 152 area for redevelopment and relocation of site occupants within  
 153 or outside the community redevelopment area as provided in s.  
 154 163.370.

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

158 6.~~(f)~~ All expenses incidental to or connected with the  
 159 issuance, sale, redemption, retirement, or purchase of bonds,  
 160 bond anticipation notes, or other form of indebtedness,  
 161 including funding of any reserve, redemption, or other fund or  
 162 account provided for in the ordinance or resolution authorizing  
 163 such bonds, notes, or other form of indebtedness.

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

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

167 (b) For the purpose of the expenditure of moneys in  
 168 redevelopment trust funds in counties as defined in s.

169 125.011(1), the following apply:

170 1. An agency operating in the county must submit an annual  
 171 budget indicating any proposed expenditures of increment  
 172 revenues by August 15 of each year.

173 2. The board of county commissioners may approve the  
 174 budget by resolution.

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

179 4. Existing debts or contractual obligations, as described  
 180 in paragraph 3., include only such debt incurred pursuant to s.  
 181 163.385 and moneys owed from contracts entered into before the  
 182 date of a notice of termination as authorized by s. 163.356(5).  
 183 Existing debts or contractual obligations may not include  
 184 salaries of at-will employees whose duties are directly  
 185 associated with the provision of administrative or other  
 186 services and who are employed by an agency or a municipality  
 187 that provides administrative or other services to an agency.  
 188 Existing debts or contractual obligations may not include  
 189 contracts that are terminable at will.

190 5. The agency may not seek permission to issue bonds,  
 191 incur further indebtedness, or enter into contracts until the  
 192 governing body of the county has approved the agency's annual  
 193 budget.

194 (c) Notwithstanding any provision in this section, in a  
 195 county as defined in s. 125.011(1), if the agency's issuance of  
 196 debt has been approved pursuant to s. 163.385, the agency's

197 payment of debt service for debt secured by increment revenues  
 198 does not require the approval of the board of county  
 199 commissioners as a part of the annual agency budgetary approval  
 200 process.

201 (7) On the last day of the fiscal year of the community  
 202 redevelopment agency, any money that ~~which~~ remains in the trust  
 203 fund after the payment of expenses pursuant to subsection (6)  
 204 for such year shall be:

205 (a) Returned to each taxing authority that ~~which~~ paid the  
 206 increment in the proportion that the amount of the payment of  
 207 such taxing authority bears to the total amount paid into the  
 208 trust fund by all taxing authorities for that year;

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

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

214 (d) Appropriated to a specific redevelopment project  
 215 pursuant to an approved community redevelopment plan. However,  
 216 in a county as defined in s. 125.011(1), such funds may only be  
 217 appropriated in accordance with this paragraph if:

218 1. The ~~which~~ project will be completed within 3 years  
 219 after ~~from~~ the date of such appropriation.

220 2. Before the appropriation, an acceptable construction  
 221 timeline and budget for the project is submitted to and approved  
 222 by the board of county commissioners.

223 (9) In addition to the audit required by subsection (8),  
 224 an agency located and operating in a county as defined in s.



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225 125.011(1) shall submit to a forensic audit performed by a  
226 licensed and independent forensic accountant at least every 5  
227 years, as requested by the board of county commissioners. The  
228 forensic audit shall include, but is not limited to, a review of  
229 an agency's assets, liabilities, income, and operating expenses  
230 to ensure that the agency has not engaged in financial  
231 misconduct or wasteful activity.

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