

Amendment No.

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WITHDRAWN _____ (Y/N)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: Government Accountability
2 Committee

3 Representative Raburn offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (c) and (d) of subsection (3) of
8 section 163.356, Florida Statutes, are amended to read:

9 163.356 Creation of community redevelopment agency.—

10 (3) (c) The governing body of the county or municipality
11 shall designate a chair and vice chair from among the
12 commissioners. An agency may employ an executive director,
13 technical experts, and such other agents and employees,
14 permanent and temporary, as it requires, and determine their
15 qualifications, duties, and compensation. For such legal service

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16 as it requires, an agency may employ or retain its own counsel
17 and legal staff.

18 (d) An agency authorized to transact business and exercise
19 powers under this part shall file with the governing body the
20 report required pursuant to s. 163.371(1)., ~~on or before March~~
21 ~~31 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.~~

31 (e) (d) At any time after the creation of a community
32 redevelopment agency, the governing body of the county or
33 municipality may appropriate to the agency such amounts as the
34 governing body deems necessary for the administrative expenses
35 and overhead of the agency, including the development and
36 implementation of community policing innovations.

37 Section 2. Subsection (1) of section 163.367, Florida
38 Statutes, is amended to read:

39 163.367 Public officials, commissioners, and employees
40 subject to code of ethics.—

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41 (1) (a) The officers, commissioners, and employees of a
42 community redevelopment agency created by, or designated
43 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to
44 the provisions and requirements of part III of chapter 112.

45 (b) Commissioners of a community redevelopment agency must
46 comply with the ethics training requirements in s. 112.3142.

47 Section 3. Subsection (5) is added to section 163.370,
48 Florida Statutes, to read:

49 163.370 Powers; counties and municipalities; community
50 redevelopment agencies.—

51 (5) A community redevelopment agency shall procure all
52 commodities and services under the same purchasing processes and
53 requirements that apply to the county or municipality that
54 created the agency.

55 Section 4. Section 163.371, Florida Statutes, is created
56 to read:

57 163.371 Reporting requirements.—

58 (1) Beginning March 31, 2018, and no later than March 31
59 of each year thereafter, a community redevelopment agency shall
60 file an annual report with the county or municipality that
61 created the agency and publish the information on the agency's
62 website. At the time the report is filed and the information is
63 published on the website, the agency shall also publish in a
64 newspaper of general circulation in the community a notice to
65 the effect that such report has been filed with the county or

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66 municipality and that the report is available for inspection
67 during business hours in the office of the clerk of the city or
68 county commission and in the office of the agency or on the
69 website of the agency. The report must include the following
70 information:

71 (a) The most recent audit report for the redevelopment
72 agency prepared pursuant to s. 163.387(8).

73 (b) The performance data for each plan authorized,
74 administered, or overseen by the community redevelopment agency
75 as of December 31 of the year being reported, including the:

76 1. Total number of projects started, total number of
77 projects completed, and estimated project cost for each project.

78 2. Total expenditures from the redevelopment trust fund.

79 3. Assessed real property values of property located
80 within the boundaries of the community redevelopment agency as
81 of the day the agency was created.

82 4. Total assessed real property values of property within
83 the boundaries of the community redevelopment agency as of
84 January 1 of the year being reported.

85 5. Earliest data available as of the date the agency was
86 created, providing total commercial property vacancy rates
87 within the community redevelopment agency.

88 6. Total commercial property vacancy rates within the
89 boundaries of the community redevelopment agency.

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90 7. Assessed real property values for redeveloped
91 properties within the boundaries of the community redevelopment
92 agency as of January 1 of the year being reported.

93 8. Earliest data available as of the day the agency was
94 created, providing total housing vacancy rates within the
95 community redevelopment agency's area of authority.

96 9. Total housing vacancy rates within the boundaries of
97 the community redevelopment agency.

98 10. Total number of code enforcement violations within the
99 boundaries of the community redevelopment agency.

100 11. Total amount expended for affordable housing for low
101 and middle income residents, if the community redevelopment
102 agency has affordable housing as part of its community
103 redevelopment plan.

104 12. Name of the sponsor or donor and total amount
105 sponsored or donated for sponsorships and donations that were
106 made to the community redevelopment agency.

107 13. Ratio of redevelopment funds to private funds expended
108 within the boundaries of the community redevelopment agency.

109 (2) By January 1, 2018, each community redevelopment
110 agency shall publish on its website digital maps that depict the
111 geographic boundaries and total acreage of the community
112 redevelopment agency. If any change is made to the boundaries or
113 total acreage, the agency shall post updated map files on its
114 website within 60 days after the date such change takes effect.

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115 Section 5. Section 163.3755, Florida Statutes, is created
116 to read:

117 163.3755 Termination of community redevelopment agencies;
118 prohibition on future creation.-

119 (1) Unless the governing body of the county or
120 municipality that created the community redevelopment agency
121 approves its continued existence by a super majority vote of the
122 governing body members, a community redevelopment agency in
123 existence on October 1, 2017, shall terminate on the expiration
124 date provided in the community redevelopment agency's charter on
125 October 1, 2017, or on September 30, 2037, whichever is earlier.

126 (2) (a) If the governing body of the county or municipality
127 that created the community redevelopment agency does not approve
128 its continued existence by a super majority (majority plus one)
129 vote of the governing body members, a community redevelopment
130 agency with outstanding bonds as of October 1, 2017, and that do
131 not mature until after the earlier of the termination date of
132 the agency or September 30, 2037, remains in existence until the
133 date the bonds mature.

134 (b) A community redevelopment agency operating under this
135 subsection on or after September 30, 2037, may not extend the
136 maturity date of any outstanding bonds.

137 (c) The county or municipality that created the community
138 redevelopment agency must issue a new finding of necessity

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139 limited to timely meeting the remaining bond obligations of the
140 community redevelopment agency.

141 (3) On or after October 1, 2017, a community redevelopment
142 agency may be created only by special act of the Legislature. A
143 community redevelopment agency in existence before October 1,
144 2017, may continue to operate as provided in this part.

145 Section 6. Section 163.3756, Florida Statutes, is created
146 to read:

147 163.3756 Inactive community redevelopment agencies.-

148 (1) The Legislature finds that a number of community
149 redevelopment agencies continue to exist but report no revenues,
150 no expenditures, and no outstanding debt in their annual report
151 to the Department of Financial Services pursuant to s. 218.32.

152 (2) (a) Beginning October 1, 2014, a community
153 redevelopment agency that has reported no revenues, no
154 expenditures, and no debt under s. 218.32 or s. 189.016(9), for
155 3 consecutive fiscal years shall be declared inactive by the
156 Department of Economic Opportunity. The department shall notify
157 the agency of the declaration of inactive status under this
158 subsection. If the agency has no board members or no agent, the
159 notice of inactive status must be delivered to the governing
160 board or commission of the county or municipality that created
161 the agency.

162 (b) The governing board of a community redevelopment
163 agency declared inactive under this subsection may seek to

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164 invalidate the declaration by initiating proceedings under s.
165 189.062(5) within 30 days after the date of the receipt of the
166 notice from the department.

167 (3) A community redevelopment agency declared inactive
168 under this section is authorized only to expend funds from the
169 redevelopment trust fund as necessary to service outstanding
170 bond debt. The agency may not expend other funds without an
171 ordinance of the governing body of the local government that
172 created the agency consenting to the expenditure of funds.

173 (4) The provisions of s. 189.062(2) and (4) do not apply
174 to a community redevelopment agency that has been declared
175 inactive under this section.

176 (5) The provisions of this section are cumulative to the
177 provisions of s. 189.062. To the extent the provisions of this
178 section conflict with the provisions of s. 189.062, this section
179 prevails.

180 (6) The Department of Economic Opportunity shall maintain
181 on its website a separate list of community redevelopment
182 agencies declared inactive under this section.

183 Section 7. Paragraph (a) of subsection (1), subsection
184 (6), paragraph (d) of subsection (7), and subsection (8) of
185 section 163.387, Florida Statutes, are amended to read:

186 163.387 Redevelopment trust fund.—

187 (1)(a) After approval of a community redevelopment plan,
188 there may be established for each community redevelopment agency

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189 created under s. 163.356 a redevelopment trust fund. Funds
190 allocated to and deposited into this fund shall be used by the
191 agency to finance or refinance any community redevelopment it
192 undertakes pursuant to the approved community redevelopment
193 plan. No community redevelopment agency may receive or spend any
194 increment revenues pursuant to this section unless and until the
195 governing body has, by ordinance, created the trust fund and
196 provided for the funding of the redevelopment trust fund until
197 the time certain set forth in the community redevelopment plan
198 as required by s. 163.362(10). Such ordinance may be adopted
199 only after the governing body has approved a community
200 redevelopment plan. The annual funding of the redevelopment
201 trust fund shall be in an amount not less than that increment in
202 the income, proceeds, revenues, and funds of each taxing
203 authority derived from or held in connection with the
204 undertaking and carrying out of community redevelopment under
205 this part. Such increment shall be determined annually and shall
206 be that amount equal to 95 percent of the difference between:

207 1. The amount of ad valorem taxes levied each year by each
208 taxing authority, exclusive of any amount from any debt service
209 millage, on taxable real property contained within the
210 geographic boundaries of a community redevelopment area; and

211 2. The amount of ad valorem taxes which would have been
212 produced by the rate upon which the tax is levied each year by
213 or for each taxing authority, exclusive of any debt service

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214 millage, upon the total of the assessed value of the taxable
215 real property in the community redevelopment area as shown upon
216 the most recent assessment roll used in connection with the
217 taxation of such property by each taxing authority prior to the
218 effective date of the ordinance providing for the funding of the
219 trust fund.

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221 However, the governing body ~~of any county as defined in s.~~
222 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
223 trust fund established with respect to any community
224 redevelopment area ~~created on or after July 1, 1994,~~ determine
225 that the amount to be funded by each taxing authority annually
226 shall be less than 95 percent of the difference between
227 subparagraphs 1. and 2., but in no event shall such amount be
228 less than 50 percent of such difference.

229 (6) Beginning October 1, 2017, moneys in the redevelopment
230 trust fund may be expended ~~from time to time~~ for undertakings of
231 a community redevelopment agency as described in the community
232 redevelopment plan only pursuant to an annual budget adopted by
233 the board of commissioners of the community redevelopment agency
234 and only for the following purposes stated in this subsection.
235 ~~including, but not limited to:~~

236 (a) Except as provided in this subsection, a community
237 redevelopment agency shall comply with the requirements of s.
238 189.016.

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239 (b) A community redevelopment agency created by a
240 municipality shall submit its operating budget to the board of
241 county commissioners for the county in which the community
242 redevelopment agency is located within 10 days after the date of
243 adoption of such budget and submit amendments to its operating
244 budget to the board of county commissioners within 10 days after
245 the date of adoption of the amended budget. Administrative and
246 overhead expenses necessary or incidental to the implementation
247 of a community redevelopment plan adopted by the agency.

248 (c) The annual budget of a community redevelopment agency
249 may provide for payment of the following expenses:

250 1. Administrative and overhead expenses directly or
251 indirectly necessary to implement a community redevelopment plan
252 adopted by the agency.

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

257 3. ~~(e)~~ The acquisition of real property in the
258 redevelopment area.

259 4. ~~(d)~~ The clearance and preparation of any redevelopment
260 area for redevelopment and relocation of site occupants within
261 or outside the community redevelopment area as provided in s.
262 163.370.

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

266 ~~6.(f)~~ All expenses incidental to or connected with the
267 issuance, sale, redemption, retirement, or purchase of bonds,
268 bond anticipation notes, or other form of indebtedness,
269 including funding of any reserve, redemption, or other fund or
270 account provided for in the ordinance or resolution authorizing
271 such bonds, notes, or other form of indebtedness.

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

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

275 (7) On the last day of the fiscal year of the community
276 redevelopment agency, any money which remains in the trust fund
277 after the payment of expenses pursuant to subsection (6) for
278 such year shall be:

279 (d) Appropriated to a specific redevelopment project
280 pursuant to an approved community redevelopment plan. The
281 specific redevelopment project for which funds are appropriated
282 under this subsection may not be changed at a later date ~~which~~
283 ~~project will be completed within 3 years from the date of such~~
284 ~~appropriation.~~

285 (8) (a) Each community redevelopment agency with revenues
286 or the total of expenditures and expenses in excess of \$100,000,
287 as reported on the fund financial statements, shall provide for

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288 an a financial audit ~~of the trust fund~~ each fiscal year and a
289 report of such audit ~~to~~ shall be prepared by an independent
290 certified public accountant or firm. Each audit conducted
291 pursuant to this subsection shall be conducted according to the
292 rules for audits adopted by the Auditor General and in effect as
293 of the last day of the community redevelopment agency's fiscal
294 year being audited.

295 (b) The audit ~~Such~~ report shall:

296 1. Describe the amount and source of deposits into, and
297 the amount and purpose of withdrawals from, the trust fund
298 during such fiscal year and the amount of principal and interest
299 paid during such year on any indebtedness to which increment
300 revenues are pledged and the remaining amount of such
301 indebtedness.

302 2. Include a complete financial statement identifying the
303 assets, liabilities, income, and operating expenses of the
304 community redevelopment agency as of the end of such fiscal
305 year.

306 3. Include a finding by the auditor determining whether
307 the community redevelopment agency complied with the
308 requirements of subsections (6) and (7).

309 (c) The audit report for the community redevelopment
310 agency shall be included with the annual financial report
311 submitted by the county or municipality that created the agency
312 to the Department of Financial Services as provided in s.

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313 218.32, regardless of whether the agency reports separately
314 under s. 218.32.

315 (d) The agency shall provide ~~by registered mail~~ a copy of
316 the audit report to each taxing authority.

317 Section 8. Subsection (4) is added to section 218.32,
318 Florida Statutes, to read:

319 218.32 Annual financial reports; local governmental
320 entities.—

321 (4) (a) If a county or municipality does not include with
322 its annual financial report submitted to the department the
323 audit report required by s. 163.387(8) for each community
324 redevelopment agency created by that county or municipality,
325 that county or municipality shall be deemed to have failed to
326 submit an annual financial report. The department shall report
327 such failure to the Legislative Auditing Committee and the
328 Special District Accountability Program of the Department of
329 Economic Opportunity.

330 (b) By November 1 of each year, the department must
331 provide the Special District Accountability Program of the
332 Department of Economic Opportunity with a list of each community
333 redevelopment agency reporting no revenues, no expenditures, and
334 no debt for the community redevelopment agency's previous fiscal
335 year.

336 Section 9. This act shall take effect October 1, 2017.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to community redevelopment agencies; amending s.
163.356, F.S.; providing reporting requirements; deleting
provisions requiring certain annual reports; amending s.
163.367, F.S.; requiring ethics training for community
redevelopment agency commissioners; amending s. 163.370, F.S.;
establishing procurement procedures; creating s. 163.371, F.S.;
providing annual reporting requirements; requiring publication
of notices of reports; requiring reports to be available for
inspection in designated places; requiring a community
redevelopment agency to publish annual reports and boundary maps
on its website; creating s. 163.3755, F.S.; requiring the
creation of new community redevelopment agencies to occur by
special act after a date certain; providing a phase-out period
for existing community redevelopment agencies under specified
circumstances; creating s. 163.3756, F.S.; providing legislative
findings; requiring the Department of Economic Opportunity to
declare inactive community redevelopment agencies that have
reported no financial activity for a specified number of years;
providing hearing procedures; authorizing certain financial
activity by a community redevelopment agency that is declared
inactive; requiring the Department of Economic Opportunity to
maintain a website identifying all inactive community

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 13 (2017)

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363 redevelopment agencies; amending s. 163.387, F.S.; authorizing a
364 county or municipal governing body to determine the level of tax
365 increment financing for a community redevelopment agency;
366 revising requirements for the expenditure of the redevelopment
367 trust fund proceeds; revising requirements for the annual budget
368 of a community redevelopment agency; requiring municipal
369 community redevelopment agencies to provide annual budget to
370 county commission; specifying allowed expenditures from the
371 annual budget; revising requirements for use of moneys in the
372 redevelopment trust fund for specific redevelopment projects;
373 revising requirements for the annual audit; requiring the audit
374 to be included with the financial report of the county or
375 municipality that created the community redevelopment agency;
376 amending s. 218.32, F.S.; requiring county and municipal
377 governments to report community redevelopment agency annual
378 audit reports as part of the county or municipal annual report;
379 revising criteria for finding that a county or municipality
380 failed to file report; requiring the Department of Financial
381 Services to provide a report to the Department of Economic
382 Opportunity concerning community redevelopment agencies with no
383 revenues, no expenditures, and no debts; providing an effective
384 date.