1 A bill to be entitled 2 An act relating to community redevelopment agencies; 3 amending s. 112.3142, F.S.; specifying ethics training 4 requirements for community redevelopment agency 5 commissioners; amending s. 163.356, F.S.; requiring a 6 county or municipality, by resolution, to petition the 7 Legislature to create a new community redevelopment 8 agency; establishing procedures for appointing members 9 of the board of the community redevelopment agency; 10 providing reporting requirements; deleting provisions requiring certain annual reports; amending s. 163.367, 11 12 F.S.; requiring ethics training for community redevelopment agency commissioners; amending s. 13 14 163.370, F.S.; establishing procurement procedures; creating s. 163.371, F.S.; providing annual reporting 15 requirements; requiring publication of notices of 16 17 reports; requiring reports to be available for inspection in designated places; requiring a community 18 19 redevelopment agency to post annual reports and boundary maps on its website; creating s. 163.3755, 20 21 F.S.; providing termination dates for certain 22 community redevelopment agencies; requiring the 23 creation of new community redevelopment agencies to 24 occur by special act after a date certain; providing a 25 phase-out period for existing community redevelopment

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26 agencies under specified circumstances; creating s. 27 163.3756, F.S.; providing legislative findings; 28 requiring the Department of Economic Opportunity to 29 declare inactive community redevelopment agencies that 30 have reported no financial activity for a specified 31 number of years; providing hearing procedures; 32 authorizing certain financial activity by a community 33 redevelopment agency that is declared inactive; requiring the Department of Economic Opportunity to 34 35 maintain a website identifying all inactive community redevelopment agencies; amending s. 163.387, F.S.; 36 37 specifying the level of tax increment financing that the governing body may establish for funding the 38 39 redevelopment trust fund; revising requirements for the expenditure of redevelopment trust fund proceeds; 40 revising requirements for the annual budget of a 41 42 community redevelopment agency; requiring municipal 43 community redevelopment agencies to provide annual budget to county commission; specifying allowed 44 expenditures from the annual budget; revising 45 requirements for use of moneys in the redevelopment 46 47 trust fund for specific redevelopment projects; 48 revising requirements for the annual audit; requiring 49 the audit to be included with the financial report of 50 the county or municipality that created the community

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51 redevelopment agency; amending s. 218.32, F.S.; 52 requiring county and municipal governments to submit 53 community redevelopment agency annual audit reports as 54 part of an annual report; revising criteria for 55 finding that a county or municipality failed to file a 56 report; requiring the Department of Financial Services 57 to provide to the Department of Economic Opportunity a 58 list of community redevelopment agencies with no 59 revenues, no expenditures, and no debts; providing an 60 effective date. 61 62 Be It Enacted by the Legislature of the State of Florida: 63 Subsection (2) of section 112.3142, Florida 64 Section 1. Statutes, is amended to read: 65 112.3142 Ethics training for specified constitutional 66 67 officers and elected municipal officers.-(2) (a) All constitutional officers must complete 4 hours 68 69 of ethics training each calendar year which addresses, at a 70 minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records 71 72 and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or 73 74 other continuing professional education class, seminar, or 75 presentation if the required subjects are covered.

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76 (b) Beginning January 1, 2015, all elected municipal 77 officers must complete 4 hours of ethics training each calendar 78 year which addresses, at a minimum, s. 8, Art. II of the State 79 Constitution, the Code of Ethics for Public Officers and 80 Employees, and the public records and public meetings laws of 81 this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing 82 83 professional education class, seminar, or presentation if the required subjects are covered. 84

85 (c) Beginning October 1, 2018, each commissioner of a 86 community redevelopment agency under part III of chapter 163 87 must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State 88 89 Constitution, the Code of Ethics for Public Officers and 90 Employees, and the public records and public meetings laws of 91 this state. This requirement may be satisfied by completion of a 92 continuing legal education class or other continuing 93 professional education class, seminar, or presentation if the 94 required subjects are covered.

95 <u>(d)(c)</u> The commission shall adopt rules establishing 96 minimum course content for the portion of an ethics training 97 class which addresses s. 8, Art. II of the State Constitution 98 and the Code of Ethics for Public Officers and Employees.

99 (e) (d) The Legislature intends that a constitutional
 100 officer or elected municipal officer who is required to complete

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101 ethics training pursuant to this section receive the required 102 training as close as possible to the date that he or she assumes 103 office. A constitutional officer or elected municipal officer 104 assuming a new office or new term of office on or before March 105 31 must complete the annual training on or before December 31 of 106 the year in which the term of office began. A constitutional 107 officer or elected municipal officer assuming a new office or 108 new term of office after March 31 is not required to complete 109 ethics training for the calendar year in which the term of 110 office began.

111 Section 2. Subsections (1), (2), and (3) of section 112 163.356, Florida Statutes, are amended to read:

113

163.356 Creation of community redevelopment agency.-

114 (1) Upon a finding of necessity as set forth in s. 115 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or 116 117 municipality to carry out the community redevelopment purposes 118 of this part, any county or municipality may, by resolution, 119 petition the Legislature to create a public body corporate and politic to be known as a "community redevelopment agency." A 120 121 charter county having a population less than or equal to 1.6 122 million may create, by a vote of at least a majority plus one of 123 the entire governing body of the charter county, more than one 124 community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a 125

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community redevelopment agency of the powers conferred by this 126 127 part shall be deemed and held to be the performance of an 128 essential public function. Community redevelopment agencies of a 129 county have the power to function within the corporate limits of 130 a municipality only as, if, and when the governing body of the 131 municipality has by resolution concurred in the community 132 redevelopment plan or plans proposed by the governing body of 133 the county.

134 (2) As of the creation date of a community redevelopment 135 agency, the governing When the governing body adopts a 136 resolution declaring the need for a community redevelopment 137 agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall 138 139 consist of not fewer than five or more than nine commissioners. 140 The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be 141 142 designated to serve terms of 1, 2, and 3 years, respectively, 143 from the date of their appointments, and all other members shall 144 be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be 145 146 filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and 147 one or more taxing authorities, one or more members of the board 148 of commissioners of the agency may be representatives of a 149 taxing authority, including members of that taxing authority's 150

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151 governing body, whose membership on the board of commissioners 152 of the agency would be considered an additional duty of office 153 as a member of the taxing authority governing body.

154 (3) (a) A commissioner shall receive no compensation for 155 services, but is entitled to the necessary expenses, including 156 travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has 157 158 been appointed and has gualified. A certificate of the appointment or reappointment of any commissioner shall be filed 159 with the clerk of the county or municipality, and such 160 certificate is conclusive evidence of the due and proper 161 162 appointment of such commissioner.

The powers of a community redevelopment agency shall 163 (b) 164 be exercised by the commissioners thereof. A majority of the 165 commissioners constitutes a quorum for the purpose of conducting 166 business and exercising the powers of the agency and for all 167 other purposes. Action may be taken by the agency upon a vote of 168 a majority of the commissioners present, unless in any case the 169 bylaws require a larger number. Any person may be appointed as 170 commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or 171 performing a service for compensation, or serving as an officer 172 or director of a corporation or other business entity so 173 174 engaged, within the area of operation of the agency, which shall 175 be coterminous with the area of operation of the county or

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176 municipality, and is otherwise eligible for such appointment 177 under this part.

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

185 (d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the 186 187 report required under s. 163.371(1), on or before March 31 of 188 each year, a report of its activities for the preceding fiscal 189 year, which report shall include a complete financial statement 190 setting forth its assets, liabilities, income, and operating 191 expenses as of the end of such fiscal year. At the time of 192 filing the report, the agency shall publish in a newspaper of 193 general circulation in the community a notice to the effect that 194 such report has been filed with the county or municipality and 195 that the report is available for inspection during business 196 hours in the office of the clerk of the city or county 197 commission and in the office of the agency.

198 <u>(e) (d)</u> At any time after the creation of a community 199 redevelopment agency, the governing body of the county or 200 municipality may appropriate to the agency such amounts as the

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201	governing body deems necessary for the administrative expenses
202	and overhead of the agency, including the development and
203	implementation of community policing innovations.
204	Section 3. Subsection (1) of section 163.367, Florida
205	Statutes, is amended to read:
206	163.367 Public officials, commissioners, and employees
207	subject to code of ethics
208	(1) <u>(a)</u> The officers, commissioners, and employees of a
209	community redevelopment agency created by, or designated
210	pursuant to, s. 163.356 or s. 163.357 <u>are</u> shall be subject to
211	the provisions and requirements of part III of chapter 112.
212	(b) Commissioners of a community redevelopment agency must
213	comply with the ethics training requirements in s. 112.3142.
214	Section 4. Subsection (5) is added to section 163.370,
215	Florida Statutes, to read:
216	163.370 Powers; counties and municipalities; community
217	redevelopment agencies
218	(5) A community redevelopment agency shall procure all
219	commodities and services using the same purchasing processes and
220	requirements that apply to the county or municipality that
221	created the community redevelopment agency.
222	Section 5. Section 163.371, Florida Statutes, is created
223	to read:
224	163.371 Reporting requirements
225	(1) Beginning March 31, 2019, and no later than March 31

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226	of each year thereafter, a community redevelopment agency shall
227	file an annual report with the county or municipality that
228	created the agency and post the report on the agency's website.
229	At the time the report is filed and posted on the website, the
230	agency shall also publish in a newspaper of general circulation
231	in the community a notice that such report has been filed with
232	the county or municipality and that the report is available for
233	inspection during business hours in the office of the clerk of
234	the city or county commission, in the office of the agency, and
235	on the website of the agency. The report must include the
236	following information:
237	(a) The most recent audit report for the community
238	redevelopment agency prepared pursuant to s. 163.387(8).
239	(b) The performance data for each plan authorized,
240	administered, or overseen by the community redevelopment agency
241	as of December 31 of the year being reported, including the:
242	1. Total number of projects started, total number of
243	projects completed, and estimated project cost for each project.
244	2. Total expenditures from the redevelopment trust fund.
245	3. Assessed real property values of property located
246	within the boundaries of the community redevelopment agency as
247	of the day the agency was created.
248	4. Total assessed real property values of property within
249	the boundaries of the community redevelopment agency as of
250	January 1 of the year being reported.
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251 5. Earliest data available as of the date the agency was 252 created, providing total commercial property vacancy rates 253 within the community redevelopment agency. 254 Total commercial property vacancy rates within the 6. 255 boundaries of the community redevelopment agency. 256 7. Assessed real property values for redeveloped 257 properties within the boundaries of the community redevelopment 258 agency as of January 1 of the year being reported. 259 8. Earliest data available as of the day the agency was 260 created, providing total housing vacancy rates within the 261 boundaries of the community redevelopment agency. 262 9. Total housing vacancy rates within the boundaries of 263 the community redevelopment agency. 10. Total number of code enforcement violations within the 264 265 boundaries of the community redevelopment agency. 266 11. Total amount expended for affordable housing for low 267 and middle income residents, if the community redevelopment 268 agency has affordable housing as part of its community 269 redevelopment plan. 270 12. Name of the sponsor or donor and total amount 271 sponsored or donated for sponsorships and donations that were 272 made to the community redevelopment agency. 273 13. Ratio of redevelopment funds to private funds expended 274 within the boundaries of the community redevelopment agency. 275 (2) By January 1, 2019, each community redevelopment

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276 agency shall post on its website digital maps that depict the 277 geographic boundaries and total acreage of the community 278 redevelopment agency. If any change is made to the boundaries or 279 total acreage, the agency shall post updated map files on its 280 website within 60 days after the date such change takes effect. Section 6. Section 163.3755, Florida Statutes, is created 281 282 to read: 283 163.3755 Termination of community redevelopment agencies; 284 prohibition on future creation.-285 (1) A community redevelopment agency in existence on 286 October 1, 2018, shall terminate on the expiration date provided 287 in the agency's charter on October 1, 2018, or on September 30, 288 2038, whichever is earlier, unless the governing body of the 289 county or municipality that created the community redevelopment 290 agency approves its continued existence by a super majority 291 (majority plus one) vote of the members of the governing body. 292 (2) (a) If the governing body of the county or municipality 293 that created the community redevelopment agency does not approve 294 its continued existence by a super majority (majority plus one) 295 vote of the governing body members, a community redevelopment 296 agency with outstanding bonds as of October 1, 2018, that do not mature until after the earlier of the termination date of the 297 agency or September 30, 2038, remains in existence until the 298 299 date the bonds mature. A community redevelopment agency operating under this 300 (b)

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301 subsection on or after September 30, 2038, may not extend the 302 maturity date of any outstanding bonds. 303 The county or municipality that created the community (C) 304 redevelopment agency must issue a new finding of necessity 305 limited to timely meeting the remaining bond obligations of the 306 community redevelopment agency. 307 (3) On or after October 1, 2018, a community redevelopment 308 agency may be created only by special act of the Legislature. A community redevelopment agency in existence before October 1, 309 310 2018, may continue to operate as provided in this part. 311 Section 7. Section 163.3756, Florida Statutes, is created 312 to read: 313 163.3756 Inactive community redevelopment agencies.-314 (1) The Legislature finds that a number of community 315 redevelopment agencies continue to exist but report no revenues, 316 no expenditures, and no outstanding debt in their annual reports 317 to the Department of Financial Services pursuant to s. 218.32. 318 (2) (a) A community redevelopment agency that has reported 319 no revenues, no expenditures, and no debt under s. 218.32 or s. 320 189.016(9), for 4 consecutive fiscal years beginning on October 321 1, 2014, shall be declared inactive by the Department of 322 Economic Opportunity. The department shall notify the agency of 323 the declaration of inactive status under this subsection. If the 324 agency has no board members or no agent, the notice of inactive 325 status must be delivered to the governing board or commission of

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326	the county or municipality that created the agency.
327	(b) The governing board of a community redevelopment
328	agency declared inactive under this subsection may seek to
329	invalidate the declaration by initiating proceedings under s.
330	189.062(5) within 30 days after the date of the receipt of the
331	notice from the department.
332	(3) A community redevelopment agency declared inactive
333	under this section is authorized only to expend funds from the
334	redevelopment trust fund as necessary to service outstanding
335	bond debt. The agency may not expend other funds without an
336	ordinance of the governing body of the local government that
337	created the agency consenting to the expenditure of funds.
338	(4) The provisions of s. 189.062(2) and (4) do not apply
339	to a community redevelopment agency that has been declared
340	inactive under this section.
341	(5) The provisions of this section are cumulative to the
342	provisions of s. 189.062. To the extent the provisions of this
343	section conflict with the provisions of s. 189.062, this section
344	prevails.
345	(6) The Department of Economic Opportunity shall maintain
346	on its website a separate list of community redevelopment
347	agencies declared inactive under this section.
348	Section 8. Paragraph (a) of subsection (1), subsection
349	(6), paragraph (d) of subsection (7), and subsection (8) of
350	section 163.387, Florida Statutes, are amended to read:
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351

163.387 Redevelopment trust fund.-

352 (1) (a) After approval of a community redevelopment plan, 353 there may be established for each community redevelopment agency 354 created under s. 163.356 a redevelopment trust fund. Funds 355 allocated to and deposited into this fund shall be used by the 356 agency to finance or refinance any community redevelopment it 357 undertakes pursuant to the approved community redevelopment 358 plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the 359 governing body has, by ordinance, created the trust fund and 360 361 provided for the funding of the redevelopment trust fund until 362 the time certain set forth in the community redevelopment plan 363 as required by s. 163.362(10). Such ordinance may be adopted 364 only after the governing body has approved a community 365 redevelopment plan. The annual funding of the redevelopment 366 trust fund shall be in an amount not less than that increment in 367 the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the 368 369 undertaking and carrying out of community redevelopment under 370 this part. Such increment shall be determined annually and shall 371 be that amount equal to 95 percent of the difference between:

372 1. The amount of ad valorem taxes levied each year by each 373 taxing authority, exclusive of any amount from any debt service 374 millage, on taxable real property contained within the 375 geographic boundaries of a community redevelopment area; and

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385

The amount of ad valorem taxes which would have been 376 2. 377 produced by the rate upon which the tax is levied each year by 378 or for each taxing authority, exclusive of any debt service 379 millage, upon the total of the assessed value of the taxable 380 real property in the community redevelopment area as shown upon 381 the most recent assessment roll used in connection with the 382 taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the 383 384 trust fund.

386 However, the governing body of any county as defined in s. 387 $\frac{125.011(1)}{100}$ may, in the ordinance providing for the funding of a 388 trust fund established with respect to any community 389 redevelopment area created on or after July 1, 1994, determine 390 that the amount to be funded by each taxing authority annually 391 shall be less than 95 percent of the difference between 392 subparagraphs 1. and 2., but in no event shall such amount be 393 less than 50 percent of such difference.

(6) <u>Beginning October 1, 2018,</u> moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan <u>only pursuant to an annual budget adopted by</u> the board of commissioners of the community redevelopment agency and only for the following purposes, including, but not limited to:

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401 Except as provided in this subsection, a community (a) 402 redevelopment agency shall comply with the requirements of s. 403 189.016. 404 (b) A community redevelopment agency created by a 405 municipality shall submit its operating budget to the board of 406 county commissioners for the county in which the agency is 407 located within 10 days after the adoption of such budget and 408 submit amendments of its operating budget to the board of county 409 commissioners within 10 days after the date the budget is 410 adopted. Administrative and overhead expenses necessary or 411 incidental to the implementation of a community redevelopment 412 plan adopted by the agency. 413 The annual budget of a community redevelopment agency (C) 414 may provide for payment of the following expenses: 415 1. Administrative and overhead expenses directly or 416 indirectly necessary to implement a community redevelopment plan 417 adopted by the agency. 2.(b) Expenses of redevelopment planning, surveys, and 418 419 financial analysis, including the reimbursement of the governing 420 body or the community redevelopment agency for such expenses 421 incurred before the redevelopment plan was approved and adopted. 422 3.(c) The acquisition of real property in the 423 redevelopment area. 424 4.(d) The clearance and preparation of any redevelopment 425 area for redevelopment and relocation of site occupants within Page 17 of 21

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426 or outside the community redevelopment area as provided in s. 427 163.370.

428 <u>5.(e)</u> The repayment of principal and interest or any 429 redemption premium for loans, advances, bonds, bond anticipation 430 notes, and any other form of indebtedness.

431 <u>6.(f)</u> All expenses incidental to or connected with the
432 issuance, sale, redemption, retirement, or purchase of bonds,
433 bond anticipation notes, or other form of indebtedness,
434 including funding of any reserve, redemption, or other fund or
435 account provided for in the ordinance or resolution authorizing
436 such bonds, notes, or other form of indebtedness.

437 <u>7.(g)</u> The development of affordable housing within the
438 community redevelopment area.

439 $\frac{8.(h)}{h}$ The development of community policing innovations.

440 <u>9. Expenses that are necessary to exercise the powers</u>
441 <u>approved under s. 163.370.</u>

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

(d) Appropriated to a specific redevelopment project
pursuant to an approved community redevelopment plan. The funds
<u>appropriated for such project may not be changed unless the</u>
<u>project is amended, redesigned, or delayed, in which case the</u>
funds must be reappropriated pursuant to the next annual budget

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451	adopted by the board of commissioners of the community
452	redevelopment agency which project will be completed within 3
453	years from the date of such appropriation.
454	(8) <u>(a)</u> Each community redevelopment agency with revenues
455	or a total of expenditures and expenses in excess of \$100,000,
456	as reported on the trust fund financial statements, shall
457	provide for <u>a financial</u> an audit of the trust fund each fiscal
458	year and a report of such audit <u>shall</u> to be prepared by an
459	independent certified public accountant or firm. Each financial
460	audit provided pursuant to this subsection shall be conducted in
461	accordance with rules for audits adopted by the Auditor General
462	which are in effect as of the last day of the community
463	redevelopment agency's fiscal year being audited.
464	(b) The audit Such report shall <u>:</u>
465	<u>1.</u> Describe the amount and source of deposits into, and
466	the amount and purpose of withdrawals from, the trust fund
467	during <u>the</u> such fiscal year and the amount of principal and
468	interest paid during such year on any indebtedness to which
469	increment revenues are pledged and the remaining amount of such
470	indebtedness.
471	2. Include a complete financial statement identifying the
472	assets, liabilities, income, and operating expenses of the
473	community redevelopment agency as of the end of such fiscal
474	year.
475	3. Include a finding by the auditor determining whether
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476 the community redevelopment agency complied with the 477 requirements of subsections (6) and (7). 478 The audit report for the community redevelopment (C) 479 agency shall be included with the annual financial report 480 submitted by the county or municipality that created the agency 481 to the Department of Financial Services as provided in s. 482 218.32, regardless of whether the agency reports separately 483 under s. 218.32. 484 The agency shall provide by registered mail a copy of (d) 485 the audit report to each taxing authority. 486 Section 9. Subsection (4) is added to section 218.32, Florida Statutes, to read: 487 488 218.32 Annual financial reports; local governmental 489 entities.-490 (4) (a) A local governmental entity that does not include 491 with its annual financial report submitted to the department the 492 audit report required by s. 163.387(8) for each community 493 redevelopment agency created by the reporting entity shall be 494 deemed to have failed to submit an annual financial report. The 495 department shall report such failure to the Legislative Auditing 496 Committee and the Special District Accountability Program of the 497 Department of Economic Opportunity. (b) By November 1 of each year, the department must 498 499 provide the Special District Accountability Program with a list 500 of each community redevelopment agency reporting no revenues, no

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503	Section	10.	This	act	shall	take	effect	October	1,	2018.

expenditures, and no debt for the community redevelopment

agency's previous fiscal year.

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