

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
11 requiring certain annual reports; amending s. 163.367,
12 F.S.; requiring ethics training for community
13 redevelopment agency commissioners; amending s.
14 163.370, F.S.; establishing procurement procedures;
15 creating s. 163.371, F.S.; providing annual reporting
16 requirements; requiring publication of notices of
17 reports; requiring reports to be available for
18 inspection in designated places; requiring a community
19 redevelopment agency to post annual reports and
20 boundary maps on its website; creating s. 163.3755,
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

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;
34 requiring the Department of Economic Opportunity to
35 maintain a website identifying all inactive community
36 redevelopment agencies; amending s. 163.387, F.S.;
37 specifying the level of tax increment financing that
38 the governing body may establish for funding the
39 redevelopment trust fund; revising requirements for
40 the expenditure of redevelopment trust fund proceeds;
41 revising requirements for the annual budget of a
42 community redevelopment agency; requiring municipal
43 community redevelopment agencies to provide annual
44 budget to county commission; specifying allowed
45 expenditures from the annual budget; revising
46 requirements for use of moneys in the redevelopment
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

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

64 Section 1. Subsection (2) of section 112.3142, Florida

65 Statutes, is amended to read:

66 112.3142 Ethics training for specified constitutional

67 officers and elected municipal officers.—

68 (2) (a) All constitutional officers must complete 4 hours

69 of ethics training each calendar year which addresses, at a

70 minimum, s. 8, Art. II of the State Constitution, the Code of

71 Ethics for Public Officers and Employees, and the public records

72 and public meetings laws of this state. This requirement may be

73 satisfied by completion of a continuing legal education class or

74 other continuing professional education class, seminar, or

75 presentation if the required subjects are covered.

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
82 continuing legal education class or other continuing
83 professional education class, seminar, or presentation if the
84 required subjects are covered.

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
88 which addresses, at a minimum, s. 8, Art. II of the State
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 (d)~~(e)~~ 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

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
 116 community redevelopment agency to function in the county or
 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
 120 politic to be known as a "community redevelopment agency." ~~A~~
 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
 125 constituted as a public instrumentality, and the exercise by a

126 community redevelopment agency of the powers conferred by this
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
138 commissioners of the community redevelopment agency, which shall
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,
141 except that three of the members first appointed shall be
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
145 their appointments. A vacancy occurring during a term shall be
146 filled for the unexpired term. As provided in an interlocal
147 agreement between the governing body that created the agency and
148 one or more taxing authorities, one or more members of the board
149 of commissioners of the agency may be representatives of a
150 taxing authority, including members of that taxing authority's

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
157 commissioner shall hold office until his or her successor has
158 been appointed and has qualified. A certificate of the
159 appointment or reappointment of any commissioner shall be filed
160 with the clerk of the county or municipality, and such
161 certificate is conclusive evidence of the due and proper
162 appointment of such commissioner.

163 (b) The powers of a community redevelopment agency shall
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,
171 which means owning a business, practicing a profession, or
172 performing a service for compensation, or serving as an officer
173 or director of a corporation or other business entity so
174 engaged, within the area of operation of the agency, which shall
175 be coterminous with the area of operation of the county or

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

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

185 (d) An agency authorized to transact business and exercise
 186 powers under this part shall file with the governing body the
 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 (e) ~~(d)~~ 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

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) (a) 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 are ~~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

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.

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 6. Total commercial property vacancy rates within the
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.

264 10. Total number of code enforcement violations within the
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

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.

281 Section 6. Section 163.3755, Florida Statutes, is created
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
297 mature until after the earlier of the termination date of the
298 agency or September 30, 2038, remains in existence until the
299 date the bonds mature.

300 (b) A community redevelopment agency operating under this

301 subsection on or after September 30, 2038, may not extend the
 302 maturity date of any outstanding bonds.

303 (c) The county or municipality that created the community
 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
 309 community redevelopment agency in existence before October 1,
 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 3 consecutive fiscal years beginning on October
 321 1, 2015, 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

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:

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
 359 increment revenues pursuant to this section unless and until the
 360 governing body has, by ordinance, created the trust fund and
 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
 368 authority derived from or held in connection with the
 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

376 2. The amount of ad valorem taxes which would have been
 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
 383 effective date of the ordinance providing for the funding of the
 384 trust fund.

385
 386 However, the governing body ~~of any county as defined in s.~~
 387 ~~125.011(1)~~ 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.

394 (6) Beginning October 1, 2018, moneys in the redevelopment
 395 trust fund may be expended ~~from time to time~~ for undertakings of
 396 a community redevelopment agency as described in the community
 397 redevelopment plan only pursuant to an annual budget adopted by
 398 the board of commissioners of the community redevelopment agency
 399 and only for the following purposes, ~~including, but not limited~~
 400 ~~to:~~

401 (a) Except as provided in this subsection, a community
 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 date such budget is adopted and
 408 submit amendments of its operating budget to the board of county
 409 commissioners within 10 days after the date the amended budget
 410 is adopted. ~~Administrative and overhead expenses necessary or~~
 411 ~~incidental to the implementation of a community redevelopment~~
 412 ~~plan adopted by the agency.~~

413 (c) The annual budget of a community redevelopment agency
 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.

418 2.~~(b)~~ Expenses of redevelopment planning, surveys, and
 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.~~(e)~~ 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

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

428 ~~5.(e)~~ 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 ~~6.(f)~~ 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 ~~7.(g)~~ The development of affordable housing within the
 438 community redevelopment area.

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

440 9. Expenses that are necessary to exercise the powers
 441 granted under s. 163.370, as delegated under s. 163.358.

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

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

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) (a) 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 a financial ~~an~~ audit ~~of the trust fund~~ each fiscal
 458 year and a report of such audit shall ~~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:

465 1. Describe the amount and source of deposits into, and
 466 the amount and purpose of withdrawals from, the trust fund
 467 during the ~~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

476 the community redevelopment agency complied with the
477 requirements of subsections (6) and (7).

478 (c) The audit report for the community redevelopment
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 (d) The agency shall provide ~~by registered mail~~ a copy of
485 the audit report to each taxing authority.

486 Section 9. Subsection (4) is added to section 218.32,
487 Florida Statutes, to read:

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, or as a
494 result of a petition by a reporting entity pursuant to s.
495 163.356(1), shall be deemed to have failed to submit an annual
496 financial report. The department shall report such failure to
497 the Legislative Auditing Committee and the Special District
498 Accountability Program of the Department of Economic
499 Opportunity.

500 (b) By November 1 of each year, the department must

501 provide the Special District Accountability Program with a list
502 of each community redevelopment agency reporting no revenues, no
503 expenditures, and no debt for the community redevelopment
504 agency's previous fiscal year.

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