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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2019	.	
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	.	
	.	

The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 112.3142, Florida Statutes, is amended
to read:

112.3142 Ethics training for specified constitutional
officers, ~~and~~ elected municipal officers, and commissioners.—

(1) As used in this section, the term "constitutional
officers" includes the Governor, the Lieutenant Governor, the



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11 Attorney General, the Chief Financial Officer, the Commissioner
12 of Agriculture, state attorneys, public defenders, sheriffs, tax
13 collectors, property appraisers, supervisors of elections,
14 clerks of the circuit court, county commissioners, district
15 school board members, and superintendents of schools.

16 (2) (a) All constitutional officers must complete 4 hours of
17 ethics training each calendar year which addresses, at a
18 minimum, s. 8, Art. II of the State Constitution, the Code of
19 Ethics for Public Officers and Employees, and the public records
20 and public meetings laws of this state. This requirement may be
21 satisfied by completion of a continuing legal education class or
22 other continuing professional education class, seminar, or
23 presentation if the required subjects are covered.

24 (b) ~~Beginning January 1, 2015,~~ All elected municipal
25 officers must complete 4 hours of ethics training each calendar
26 year which addresses, at a minimum, s. 8, Art. II of the State
27 Constitution, the Code of Ethics for Public Officers and
28 Employees, and the public records and public meetings laws of
29 this state. This requirement may be satisfied by completion of a
30 continuing legal education class or other continuing
31 professional education class, seminar, or presentation if the
32 required subjects are covered.

33 (c) Beginning January 1, 2020, each commissioner of a
34 community redevelopment agency created under part III of chapter
35 163 must complete 4 hours of ethics training each calendar year
36 which addresses, at a minimum, s. 8, Art. II of the State
37 Constitution, the Code of Ethics for Public Officers and
38 Employees, and the public records and public meetings laws of
39 this state. This requirement may be satisfied by completion of a



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40 continuing legal education class or other continuing
41 professional education class, seminar, or presentation, if the
42 required subject material is covered by the class.

43 (d) The commission shall adopt rules establishing minimum
44 course content for the portion of an ethics training class which
45 addresses s. 8, Art. II of the State Constitution and the Code
46 of Ethics for Public Officers and Employees.

47 (e)~~(d)~~ The Legislature intends that a constitutional
48 officer or elected municipal officer who is required to complete
49 ethics training pursuant to this section receive the required
50 training as close as possible to the date that he or she assumes
51 office. A constitutional officer or elected municipal officer
52 assuming a new office or new term of office on or before March
53 31 must complete the annual training on or before December 31 of
54 the year in which the term of office began. A constitutional
55 officer or elected municipal officer assuming a new office or
56 new term of office after March 31 is not required to complete
57 ethics training for the calendar year in which the term of
58 office began.

59 (3) Each house of the Legislature shall provide for ethics
60 training pursuant to its rules.

61 Section 2. Paragraphs (c) and (d) of subsection (3) of
62 section 163.356, Florida Statutes, are amended to read:

63 163.356 Creation of community redevelopment agency.—

64 (3)

65 (c) The governing body of the county or municipality shall
66 designate a chair and vice chair from among the commissioners.
67 An agency may employ an executive director, technical experts,
68 and such other agents and employees, permanent and temporary, as



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69 it requires, and determine their qualifications, duties, and
70 compensation. For such legal service as it requires, an agency
71 may employ or retain its own counsel and legal staff.

72 (d) An agency authorized to transact business and exercise
73 powers under this part shall file with the governing body the
74 report required pursuant to s. 163.371(1), ~~on or before March 31~~
75 ~~of each year, a report of its activities for the preceding~~
76 ~~fiscal year, which report shall include a complete financial~~
77 ~~statement setting forth its assets, liabilities, income, and~~
78 ~~operating expenses as of the end of such fiscal year. At the~~
79 ~~time of filing the report, the agency shall publish in a~~
80 ~~newspaper of general circulation in the community a notice to~~
81 ~~the effect that such report has been filed with the county or~~
82 ~~municipality and that the report is available for inspection~~
83 ~~during business hours in the office of the clerk of the city or~~
84 ~~county commission and in the office of the agency.~~

85 (e) ~~(d)~~ At any time after the creation of a community
86 redevelopment agency, the governing body of the county or
87 municipality may appropriate to the agency such amounts as the
88 governing body deems necessary for the administrative expenses
89 and overhead of the agency, including the development and
90 implementation of community policing innovations.

91 Section 3. Subsection (1) of section 163.367, Florida
92 Statutes, is amended to read:

93 163.367 Public officials, commissioners, and employees
94 subject to code of ethics.—

95 (1) The officers, commissioners, and employees of a
96 community redevelopment agency created by, or designated
97 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to



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98 ~~the provisions and requirements of part III of chapter 112, and~~
99 ~~commissioners also must comply with the ethics training~~
100 ~~requirements as imposed in s. 112.3142.~~

101 Section 4. Section 163.371, Florida Statutes, is created to
102 read:

103 163.371 Reporting requirements.-

104 (1) By January 1, 2020, each community redevelopment agency
105 shall publish on its website digital maps that depict the
106 geographic boundaries and total acreage of the community
107 redevelopment agency. If any change is made to the boundaries or
108 total acreage, the agency shall post updated map files on its
109 website within 60 days after the date such change takes effect.

110 (2) Beginning March 31, 2020, and not later than March 31
111 of each year thereafter, a community redevelopment agency shall
112 file an annual report with the county or municipality that
113 created the agency and publish the report on the agency's
114 website. The report must include the following information:

115 (a) The most recent complete audit report of the
116 redevelopment trust fund as required in s. 163.387(8). If the
117 audit report for the previous year is not available by March 31,
118 a community redevelopment agency shall publish the audit report
119 on its website within 45 days after completion.

120 (b) The performance data for each plan authorized,
121 administered, or overseen by the community redevelopment agency
122 as of December 31 of the reporting year, including the:

123 1. Total number of projects started and completed and the
124 estimated cost for each project.

125 2. Total expenditures from the redevelopment trust fund.

126 3. Original assessed real property values within the



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127 community redevelopment agency's area of authority as of the day
128 the agency was created.

129 4. Total assessed real property values of property within
130 the boundaries of the community redevelopment agency as of
131 January 1 of the reporting year.

132 5. Total amount expended for affordable housing for low-
133 income and middle-income residents.

134 (c) A summary indicating to what extent, if any, the
135 community redevelopment agency has achieved the goals set out in
136 its community redevelopment plan.

137 Section 5. Section 163.3755, Florida Statutes, is created
138 to read:

139 163.3755 Termination of community redevelopment agencies.-

140 (1) A community redevelopment agency in existence on
141 October 1, 2019, shall terminate on the expiration date provided
142 in the agency's charter on October 1, 2019, or on September 30,
143 2039, whichever is earlier, unless the governing body of the
144 county or municipality that created the community redevelopment
145 agency approves its continued existence by a majority vote of
146 the members of the governing body.

147 (2) (a) If the governing body of the county or municipality
148 that created the community redevelopment agency does not approve
149 its continued existence by a majority vote of the governing body
150 members, a community redevelopment agency with outstanding bonds
151 as of October 1, 2019, that do not mature until after the
152 termination date of the agency or September 30, 2039, whichever
153 is earlier, remains in existence until the date the bonds
154 mature.

155 (b) A community redevelopment agency operating under this



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156 subsection on or after September 30, 2039, may not extend the
157 maturity date of any outstanding bonds.

158 (c) The county or municipality that created the community
159 redevelopment agency must issue a new finding of necessity
160 limited to timely meeting the remaining bond obligations of the
161 community redevelopment agency.

162 Section 6. Section 163.3756, Florida Statutes, is created
163 to read:

164 163.3756 Inactive community redevelopment agencies.—

165 (1) The Legislature finds that a number of community
166 redevelopment agencies continue to exist, but do not report any
167 revenues, expenditures, or debt in the annual reports they file
168 with the Department of Financial Services pursuant to s. 218.32.

169 (2) (a) A community redevelopment agency that has reported
170 no revenue, no expenditures, and no debt under s. 189.016(9) or
171 s. 218.32 for 6 consecutive fiscal years beginning no earlier
172 than October 1, 2016, must be declared inactive by the
173 Department of Economic Opportunity, which shall notify the
174 agency of the declaration. If the agency does not have board
175 members or an agent, the notice of the declaration of inactive
176 status must be delivered to the county or municipal governing
177 board or commission that created the agency.

178 (b) The governing board of a community redevelopment agency
179 that is declared inactive under this section may seek to
180 invalidate the declaration by initiating proceedings under s.
181 189.062(5) within 30 days after the date of the receipt of the
182 notice from the Department of Economic Opportunity.

183 (3) A community redevelopment agency that is declared
184 inactive under this section may expend funds from the



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185 redevelopment trust fund only as necessary to service
186 outstanding bond debt. The agency may not expend other funds in
187 the absence of an ordinance of the local governing body that
188 created the agency which consents to the expenditure of such
189 funds.

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

193 (5) The provisions of this section are cumulative to the
194 provisions of s. 189.062. To the extent the provisions of this
195 section conflict with the provisions of s. 189.062, this section
196 prevails.

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

200 Section 7. Paragraph (a) of subsection (1), subsection (6),
201 paragraph (d) of subsection (7), and subsection (8) of section
202 163.387, Florida Statutes, are amended to read:

203 163.387 Redevelopment trust fund.—

204 (1)(a) After approval of a community redevelopment plan,
205 there may be established for each community redevelopment agency
206 created under s. 163.356 a redevelopment trust fund. Funds
207 allocated to and deposited into this fund shall be used by the
208 agency to finance or refinance any community redevelopment it
209 undertakes pursuant to the approved community redevelopment
210 plan. No community redevelopment agency may receive or spend any
211 increment revenues pursuant to this section unless and until the
212 governing body has, by ordinance, created the trust fund and
213 provided for the funding of the redevelopment trust fund until



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214 the time certain set forth in the community redevelopment plan
215 as required by s. 163.362(10). Such ordinance may be adopted
216 only after the governing body has approved a community
217 redevelopment plan. The annual funding of the redevelopment
218 trust fund shall be in an amount not less than that increment in
219 the income, proceeds, revenues, and funds of each taxing
220 authority derived from or held in connection with the
221 undertaking and carrying out of community redevelopment under
222 this part. Such increment shall be determined annually and shall
223 be that amount equal to 95 percent of the difference between:

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

228 2. The amount of ad valorem taxes which would have been
229 produced by the rate upon which the tax is levied each year by
230 or for each taxing authority, exclusive of any debt service
231 millage, upon the total of the assessed value of the taxable
232 real property in the community redevelopment area as shown upon
233 the most recent assessment roll used in connection with the
234 taxation of such property by each taxing authority prior to the
235 effective date of the ordinance providing for the funding of the
236 trust fund.

237
238 However, the governing body ~~of any county as defined in s.~~
239 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
240 trust fund established with respect to any community
241 redevelopment area ~~created on or after July 1, 1994,~~ determine
242 that the amount to be funded by each taxing authority annually



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243 shall be less than 95 percent of the difference between
244 subparagraphs 1. and 2., but in no event shall such amount be
245 less than 50 percent of such difference.

246 (6) Effective October 1, 2019, moneys in the redevelopment
247 trust fund may be expended ~~from time to time~~ for undertakings of
248 a community redevelopment agency as described in the community
249 redevelopment plan only pursuant to an annual budget adopted by
250 the board of commissioners of the community redevelopment agency
251 and only for the following purposes specified in paragraph (c).~~7~~
252 ~~including, but not limited to:~~

253 (a) Except as otherwise provided in this subsection, a
254 community redevelopment agency shall comply with the
255 requirements of s. 189.016.

256 (b) A community redevelopment agency created by a
257 municipality shall submit its annual budget to the board of
258 county commissioners for the county in which the agency is
259 located within 10 days after the adoption of such budget and
260 submit amendments of its annual budget to the board of county
261 commissioners within 10 days after the adoption date of the
262 amended budget ~~Administrative and overhead expenses necessary or~~
263 ~~incidental to the implementation of a community redevelopment~~
264 ~~plan adopted by the agency.~~

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

267 1. Administrative and overhead expenses directly or
268 indirectly necessary to implement a community redevelopment plan
269 adopted by the agency.

270 2.~~(b)~~ Expenses of redevelopment planning, surveys, and
271 financial analysis, including the reimbursement of the governing



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272 body or the community redevelopment agency for such expenses
273 incurred before the redevelopment plan was approved and adopted.

274 3.~~(e)~~ The acquisition of real property in the redevelopment
275 area.

276 4.~~(d)~~ The clearance and preparation of any redevelopment
277 area for redevelopment and relocation of site occupants within
278 or outside the community redevelopment area as provided in s.
279 163.370.

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

283 6.~~(f)~~ All expenses incidental to or connected with the
284 issuance, sale, redemption, retirement, or purchase of bonds,
285 bond anticipation notes, or other form of indebtedness,
286 including funding of any reserve, redemption, or other fund or
287 account provided for in the ordinance or resolution authorizing
288 such bonds, notes, or other form of indebtedness.

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

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

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

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

298 (d) Appropriated to a specific redevelopment project
299 pursuant to an approved community redevelopment plan. The funds
300 appropriated for such project may not be changed unless the



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301 project is amended, redesigned, or delayed, in which case the
302 funds must be reappropriated pursuant to the next annual budget
303 adopted by the board of commissioners of the community
304 redevelopment agency ~~which project will be completed within 3~~
305 ~~years from the date of such appropriation.~~

306 (8) (a) Each community redevelopment agency with revenues or
307 a total of expenditures and expenses in excess of \$100,000, as
308 reported on the trust fund financial statements, shall provide
309 for a financial ~~an audit of the trust fund~~ each fiscal year ~~and~~
310 ~~a report of such audit to be prepared~~ by an independent
311 certified public accountant or firm. Each financial audit
312 conducted pursuant to this subsection must be conducted in
313 accordance with rules for audits of local governments adopted by
314 the Auditor General.

315 (b) The audit ~~Such~~ report must: ~~shall~~

316 1. Describe the amount and source of deposits into, and the
317 amount and purpose of withdrawals from, the trust fund during
318 such fiscal year and the amount of principal and interest paid
319 during such year on any indebtedness to which increment revenues
320 are pledged and the remaining amount of such indebtedness.

321 2. Include financial statements identifying the assets,
322 liabilities, income, and operating expenses of the community
323 redevelopment agency as of the end of such fiscal year.

324 3. Include a finding by the auditor as to whether the
325 community redevelopment agency is in compliance with subsections
326 (6) and (7).

327 (c) The audit report for the community redevelopment agency
328 must accompany the annual financial report submitted by the
329 county or municipality that created the agency to the Department



330 of Financial Services as provided in s. 218.32, regardless of
331 whether the agency reports separately under that section.

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

334 Section 8. Subsection (3) of section 218.32, Florida
335 Statutes, is amended to read:

336 218.32 Annual financial reports; local governmental
337 entities.—

338 (3) (a) The department shall notify the President of the
339 Senate and the Speaker of the House of Representatives of any
340 municipality that has not reported any financial activity for
341 the last 4 fiscal years. Such notice must be sufficient to
342 initiate dissolution procedures as described in s.
343 165.051(1) (a). Any special law authorizing the incorporation or
344 creation of the municipality must be included within the
345 notification.

346 (b) Failure of a county or municipality required under s.
347 163.387(8) to include with its annual financial report to the
348 department a financial audit report for each community
349 redevelopment agency created by that county or municipality
350 constitutes a failure to report under this section.

351 (c) By November 1 of each year, the department must provide
352 the Special District Accountability Program of the Department of
353 Economic Opportunity with a list of each community redevelopment
354 agency that does not report any revenues, expenditures, or debt
355 for the community redevelopment agency's previous fiscal year.

356 Section 9. This act shall take effect October 1, 2019.

357 ===== T I T L E A M E N D M E N T =====

358 And the title is amended as follows:



359 Delete everything before the enacting clause
360 and insert:

361 A bill to be entitled
362 An act relating to community redevelopment agencies;
363 amending s. 112.3142, F.S.; requiring ethics training
364 for community redevelopment agency commissioners;
365 specifying requirements for such training; amending s.
366 163.356, F.S.; revising reporting requirements;
367 deleting provisions requiring certain annual reports;
368 amending s. 163.367, F.S.; requiring ethics training
369 for community redevelopment agency commissioners;
370 creating s. 163.371, F.S.; requiring a community
371 redevelopment agency to publish certain digital
372 boundary maps on its website; providing annual
373 reporting requirements; requiring a community
374 redevelopment agency to publish the annual reports on
375 its website; creating s. 163.3755, F.S.; providing
376 termination dates for certain community redevelopment
377 agencies; creating s. 163.3756, F.S.; providing
378 legislative findings; requiring the Department of
379 Economic Opportunity to declare inactive community
380 redevelopment agencies that have reported no financial
381 activity for a specified number of years; providing
382 hearing procedures; authorizing certain financial
383 activity by a community redevelopment agency that is
384 declared inactive; providing applicability; providing
385 construction; requiring the department to maintain a
386 list on its website identifying all inactive community
387 redevelopment agencies; amending s. 163.387, F.S.;



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388 specifying the level of tax increment financing that a
389 governing body may establish for funding the
390 redevelopment trust fund; effective on a specified
391 date, revising requirements for the use of
392 redevelopment trust fund proceeds; limiting allowed
393 expenditures; revising requirements for the annual
394 budget of a community redevelopment agency; revising
395 requirements for use of moneys in the redevelopment
396 trust fund for specific redevelopment projects;
397 revising requirements for the annual audit; requiring
398 the audit to be included with the financial report of
399 the county or municipality that created the community
400 redevelopment agency; amending s. 218.32, F.S.;
401 revising criteria for finding that a county or
402 municipality failed to file a report; requiring the
403 Department of Financial Services to provide a report
404 to the Department of Economic Opportunity concerning
405 community redevelopment agencies reporting no
406 revenues, expenditures, or debts; providing an
407 effective date.