

By the Committee on Community Affairs; and Senator Lee

578-03518-19

20191054c1

1 A bill to be entitled
2 An act relating to community redevelopment agencies;
3 amending s. 112.3142, F.S.; requiring ethics training
4 for community redevelopment agency commissioners;
5 specifying requirements for such training; amending s.
6 163.356, F.S.; revising reporting requirements;
7 deleting provisions requiring certain annual reports;
8 amending s. 163.367, F.S.; requiring ethics training
9 for community redevelopment agency commissioners;
10 creating s. 163.371, F.S.; requiring a community
11 redevelopment agency to publish certain digital
12 boundary maps on its website; providing annual
13 reporting requirements; requiring a community
14 redevelopment agency to publish the annual reports on
15 its website; creating s. 163.3755, F.S.; providing
16 termination dates for certain community redevelopment
17 agencies; creating s. 163.3756, F.S.; providing
18 legislative findings; requiring the Department of
19 Economic Opportunity to declare inactive community
20 redevelopment agencies that have reported no financial
21 activity for a specified number of years; providing
22 hearing procedures; authorizing certain financial
23 activity by a community redevelopment agency that is
24 declared inactive; providing applicability; providing
25 construction; requiring the department to maintain a
26 list on its website identifying all inactive community
27 redevelopment agencies; amending s. 163.387, F.S.;
28 specifying the level of tax increment financing that a
29 governing body may establish for funding the

578-03518-19

20191054c1

30 redevelopment trust fund; effective on a specified
31 date, revising requirements for the use of
32 redevelopment trust fund proceeds; limiting allowed
33 expenditures; revising requirements for the annual
34 budget of a community redevelopment agency; revising
35 requirements for use of moneys in the redevelopment
36 trust fund for specific redevelopment projects;
37 revising requirements for the annual audit; requiring
38 the audit to be included with the financial report of
39 the county or municipality that created the community
40 redevelopment agency; amending s. 218.32, F.S.;
41 revising criteria for finding that a county or
42 municipality failed to file a report; requiring the
43 Department of Financial Services to provide a report
44 to the Department of Economic Opportunity concerning
45 community redevelopment agencies reporting no
46 revenues, expenditures, or debts; providing an
47 effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 112.3142, Florida Statutes, is amended
52 to read:

53 112.3142 Ethics training for specified constitutional
54 officers, and elected municipal officers, and commissioners.-

55 (1) As used in this section, the term "constitutional
56 officers" includes the Governor, the Lieutenant Governor, the
57 Attorney General, the Chief Financial Officer, the Commissioner
58 of Agriculture, state attorneys, public defenders, sheriffs, tax

578-03518-19

20191054c1

59 collectors, property appraisers, supervisors of elections,
60 clerks of the circuit court, county commissioners, district
61 school board members, and superintendents of schools.

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

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

79 (c) Beginning January 1, 2020, each commissioner of a
80 community redevelopment agency created under part III of chapter
81 163 must complete 4 hours of ethics training each calendar year
82 which addresses, at a minimum, s. 8, Art. II of the State
83 Constitution, the Code of Ethics for Public Officers and
84 Employees, and the public records and public meetings laws of
85 this state. This requirement may be satisfied by completion of a
86 continuing legal education class or other continuing
87 professional education class, seminar, or presentation, if the

578-03518-19

20191054c1

88 required subject material is covered by the class.

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

93 (e)~~(d)~~ The Legislature intends that a constitutional
94 officer or elected municipal officer who is required to complete
95 ethics training pursuant to this section receive the required
96 training as close as possible to the date that he or she assumes
97 office. A constitutional officer or elected municipal officer
98 assuming a new office or new term of office on or before March
99 31 must complete the annual training on or before December 31 of
100 the year in which the term of office began. A constitutional
101 officer or elected municipal officer assuming a new office or
102 new term of office after March 31 is not required to complete
103 ethics training for the calendar year in which the term of
104 office began.

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

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

109 163.356 Creation of community redevelopment agency.—

110 (3)

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

578-03518-19

20191054c1

117 may employ or retain its own counsel and legal staff.

118 (d) An agency authorized to transact business and exercise
119 powers under this part shall file with the governing body the
120 report required pursuant to s. 163.371(1), ~~on or before March 31~~
121 ~~of each year, a report of its activities for the preceding~~
122 ~~fiscal year, which report shall include a complete financial~~
123 ~~statement setting forth its assets, liabilities, income, and~~
124 ~~operating expenses as of the end of such fiscal year. At the~~
125 ~~time of filing the report, the agency shall publish in a~~
126 ~~newspaper of general circulation in the community a notice to~~
127 ~~the effect that such report has been filed with the county or~~
128 ~~municipality and that the report is available for inspection~~
129 ~~during business hours in the office of the clerk of the city or~~
130 ~~county commission and in the office of the agency.~~

131 (e) ~~(d)~~ At any time after the creation of a community
132 redevelopment agency, the governing body of the county or
133 municipality may appropriate to the agency such amounts as the
134 governing body deems necessary for the administrative expenses
135 and overhead of the agency, including the development and
136 implementation of community policing innovations.

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

139 163.367 Public officials, commissioners, and employees
140 subject to code of ethics.—

141 (1) The officers, commissioners, and employees of a
142 community redevelopment agency created by, or designated
143 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to
144 ~~the provisions and requirements of part III of chapter 112,~~ and
145 commissioners also must comply with the ethics training

578-03518-19

20191054c1

146 requirements as imposed in s. 112.3142.

147 Section 4. Section 163.371, Florida Statutes, is created to
148 read:

149 163.371 Reporting requirements.-

150 (1) By January 1, 2020, each community redevelopment agency
151 shall publish on its website digital maps that depict the
152 geographic boundaries and total acreage of the community
153 redevelopment agency. If any change is made to the boundaries or
154 total acreage, the agency shall post updated map files on its
155 website within 60 days after the date such change takes effect.

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

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

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

169 1. Total number of projects started and completed and the
170 estimated cost for each project.

171 2. Total expenditures from the redevelopment trust fund.

172 3. Original assessed real property values within the
173 community redevelopment agency's area of authority as of the day
174 the agency was created.

578-03518-19

20191054c1

175 4. Total assessed real property values of property within
176 the boundaries of the community redevelopment agency as of
177 January 1 of the reporting year.

178 5. Total amount expended for affordable housing for low-
179 income and middle-income residents.

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

183 Section 5. Section 163.3755, Florida Statutes, is created
184 to read:

185 163.3755 Termination of community redevelopment agencies.-

186 (1) A community redevelopment agency in existence on
187 October 1, 2019, shall terminate on the expiration date provided
188 in the agency's charter on October 1, 2019, or on September 30,
189 2039, whichever is earlier, unless the governing body of the
190 county or municipality that created the community redevelopment
191 agency approves its continued existence by a majority vote of
192 the members of the governing body.

193 (2) (a) If the governing body of the county or municipality
194 that created the community redevelopment agency does not approve
195 its continued existence by a majority vote of the governing body
196 members, a community redevelopment agency with outstanding bonds
197 as of October 1, 2019, that do not mature until after the
198 termination date of the agency or September 30, 2039, whichever
199 is earlier, remains in existence until the date the bonds
200 mature.

201 (b) A community redevelopment agency operating under this
202 subsection on or after September 30, 2039, may not extend the
203 maturity date of any outstanding bonds.

578-03518-19

20191054c1

204 (c) The county or municipality that created the community
205 redevelopment agency must issue a new finding of necessity
206 limited to timely meeting the remaining bond obligations of the
207 community redevelopment agency.

208 Section 6. Section 163.3756, Florida Statutes, is created
209 to read:

210 163.3756 Inactive community redevelopment agencies.-

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

215 (2) (a) A community redevelopment agency that has reported
216 no revenue, no expenditures, and no debt under s. 189.016(9) or
217 s. 218.32 for 6 consecutive fiscal years beginning no earlier
218 than October 1, 2016, must be declared inactive by the
219 Department of Economic Opportunity, which shall notify the
220 agency of the declaration. If the agency does not have board
221 members or an agent, the notice of the declaration of inactive
222 status must be delivered to the county or municipal governing
223 board or commission that created the agency.

224 (b) The governing board of a community redevelopment agency
225 that is declared inactive under this section may seek to
226 invalidate the declaration by initiating proceedings under s.
227 189.062(5) within 30 days after the date of the receipt of the
228 notice from the Department of Economic Opportunity.

229 (3) A community redevelopment agency that is declared
230 inactive under this section may expend funds from the
231 redevelopment trust fund only as necessary to service
232 outstanding bond debt. The agency may not expend other funds in

578-03518-19

20191054c1

233 the absence of an ordinance of the local governing body that
234 created the agency which consents to the expenditure of such
235 funds.

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

239 (5) The provisions of this section are cumulative to the
240 provisions of s. 189.062. To the extent the provisions of this
241 section conflict with the provisions of s. 189.062, this section
242 prevails.

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

246 Section 7. Paragraph (a) of subsection (1), subsection (6),
247 paragraph (d) of subsection (7), and subsection (8) of section
248 163.387, Florida Statutes, are amended to read:

249 163.387 Redevelopment trust fund.—

250 (1)(a) After approval of a community redevelopment plan,
251 there may be established for each community redevelopment agency
252 created under s. 163.356 a redevelopment trust fund. Funds
253 allocated to and deposited into this fund shall be used by the
254 agency to finance or refinance any community redevelopment it
255 undertakes pursuant to the approved community redevelopment
256 plan. No community redevelopment agency may receive or spend any
257 increment revenues pursuant to this section unless and until the
258 governing body has, by ordinance, created the trust fund and
259 provided for the funding of the redevelopment trust fund until
260 the time certain set forth in the community redevelopment plan
261 as required by s. 163.362(10). Such ordinance may be adopted

578-03518-19

20191054c1

262 only after the governing body has approved a community
263 redevelopment plan. The annual funding of the redevelopment
264 trust fund shall be in an amount not less than that increment in
265 the income, proceeds, revenues, and funds of each taxing
266 authority derived from or held in connection with the
267 undertaking and carrying out of community redevelopment under
268 this part. Such increment shall be determined annually and shall
269 be that amount equal to 95 percent of the difference between:

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

274 2. The amount of ad valorem taxes which would have been
275 produced by the rate upon which the tax is levied each year by
276 or for each taxing authority, exclusive of any debt service
277 millage, upon the total of the assessed value of the taxable
278 real property in the community redevelopment area as shown upon
279 the most recent assessment roll used in connection with the
280 taxation of such property by each taxing authority prior to the
281 effective date of the ordinance providing for the funding of the
282 trust fund.

283

284 However, the governing body ~~of any county as defined in s.~~
285 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
286 trust fund established with respect to any community
287 redevelopment area ~~created on or after July 1, 1994~~, determine
288 that the amount to be funded by each taxing authority annually
289 shall be less than 95 percent of the difference between
290 subparagraphs 1. and 2., but in no event shall such amount be

578-03518-19

20191054c1

291 less than 50 percent of such difference.

292 (6) Effective October 1, 2019, moneys in the redevelopment
293 trust fund may be expended ~~from time to time~~ for undertakings of
294 a community redevelopment agency as described in the community
295 redevelopment plan only pursuant to an annual budget adopted by
296 the board of commissioners of the community redevelopment agency
297 and only for the following purposes specified in paragraph (c).~~7~~
298 ~~including, but not limited to:~~

299 (a) Except as otherwise provided in this subsection, a
300 community redevelopment agency shall comply with the
301 requirements of s. 189.016.

302 (b) A community redevelopment agency created by a
303 municipality shall submit its annual budget to the board of
304 county commissioners for the county in which the agency is
305 located within 10 days after the adoption of such budget and
306 submit amendments of its annual budget to the board of county
307 commissioners within 10 days after the adoption date of the
308 amended budget ~~Administrative and overhead expenses necessary or~~
309 ~~incidental to the implementation of a community redevelopment~~
310 ~~plan adopted by the agency.~~

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

313 1. Administrative and overhead expenses directly or
314 indirectly necessary to implement a community redevelopment plan
315 adopted by the agency.

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

578-03518-19

20191054c1

320 ~~3.(e)~~ The acquisition of real property in the redevelopment
321 area.

322 ~~4.(d)~~ The clearance and preparation of any redevelopment
323 area for redevelopment and relocation of site occupants within
324 or outside the community redevelopment area as provided in s.
325 163.370.

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

329 ~~6.(f)~~ All expenses incidental to or connected with the
330 issuance, sale, redemption, retirement, or purchase of bonds,
331 bond anticipation notes, or other form of indebtedness,
332 including funding of any reserve, redemption, or other fund or
333 account provided for in the ordinance or resolution authorizing
334 such bonds, notes, or other form of indebtedness.

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

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

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

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

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

578-03518-19

20191054c1

349 adopted by the board of commissioners of the community
350 redevelopment agency ~~which project will be completed within 3~~
351 ~~years from the date of such appropriation.~~

352 (8) (a) Each community redevelopment agency with revenues or
353 a total of expenditures and expenses in excess of \$100,000, as
354 reported on the trust fund financial statements, shall provide
355 for a financial ~~an~~ audit of the trust fund each fiscal year and
356 ~~a report of such audit to be prepared by an independent~~
357 certified public accountant or firm. Each financial audit
358 conducted pursuant to this subsection must be conducted in
359 accordance with rules for audits of local governments adopted by
360 the Auditor General.

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

362 1. Describe the amount and source of deposits into, and the
363 amount and purpose of withdrawals from, the trust fund during
364 such fiscal year and the amount of principal and interest paid
365 during such year on any indebtedness to which increment revenues
366 are pledged and the remaining amount of such indebtedness.

367 2. Include financial statements identifying the assets,
368 liabilities, income, and operating expenses of the community
369 redevelopment agency as of the end of such fiscal year.

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

373 (c) The audit report for the community redevelopment agency
374 must accompany the annual financial report submitted by the
375 county or municipality that created the agency to the Department
376 of Financial Services as provided in s. 218.32, regardless of
377 whether the agency reports separately under that section.

578-03518-19

20191054c1

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

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

382 218.32 Annual financial reports; local governmental
383 entities.—

384 (3)(a) The department shall notify the President of the
385 Senate and the Speaker of the House of Representatives of any
386 municipality that has not reported any financial activity for
387 the last 4 fiscal years. Such notice must be sufficient to
388 initiate dissolution procedures as described in s.
389 165.051(1)(a). Any special law authorizing the incorporation or
390 creation of the municipality must be included within the
391 notification.

392 (b) Failure of a county or municipality required under s.
393 163.387(8) to include with its annual financial report to the
394 department a financial audit report for each community
395 redevelopment agency created by that county or municipality
396 constitutes a failure to report under this section.

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

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