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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/30/2019 03:09 PM

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Senator Lee moved 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
Attorney General, the Chief Financial Officer, the Commissioner



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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
40 continuing legal education class or other continuing



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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
69 it requires, and determine their qualifications, duties, and



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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
98 ~~the provisions and requirements of part III of chapter 112, and~~



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99 commissioners also must comply with the ethics training
100 requirements as imposed in s. 112.3142.

101 Section 4. Subsection (5) is added to section 163.370,
102 Florida Statutes, to read:

103 163.370 Powers; counties and municipalities; community
104 redevelopment agencies.—

105 (5) A community redevelopment agency shall procure all
106 commodities and services under the same purchasing processes and
107 requirements that apply to the county or municipality that
108 created the agency.

109 Section 5. Section 163.371, Florida Statutes, is created to
110 read:

111 163.371 Reporting requirements.—

112 (1) By January 1, 2020, each community redevelopment agency
113 shall publish on its website digital maps that depict the
114 geographic boundaries and total acreage of the community
115 redevelopment agency. If any change is made to the boundaries or
116 total acreage, the agency shall post updated map files on its
117 website within 60 days after the date such change takes effect.

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

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



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

131 1. Total number of projects started and completed and the
132 estimated cost for each project.

133 2. Total expenditures from the redevelopment trust fund.

134 3. Original assessed real property values within the
135 community redevelopment agency's area of authority as of the day
136 the agency was created.

137 4. Total assessed real property values of property within
138 the boundaries of the community redevelopment agency as of
139 January 1 of the reporting year.

140 5. Total amount expended for affordable housing for low-
141 income and middle-income residents.

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

145 Section 6. Section 163.3755, Florida Statutes, is created
146 to read:

147 163.3755 Termination of community redevelopment agencies.—

148 (1) A community redevelopment agency in existence on
149 October 1, 2019, shall terminate on the expiration date provided
150 in the agency's charter on October 1, 2019, or on September 30,
151 2039, whichever is earlier, unless the governing body of the
152 county or municipality that created the community redevelopment
153 agency approves its continued existence by a majority vote of
154 the members of the governing body.

155 (2) (a) If the governing body of the county or municipality
156 that created the community redevelopment agency does not approve



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157 its continued existence by a majority vote of the governing body
158 members, a community redevelopment agency with outstanding bonds
159 as of October 1, 2019, that do not mature until after the
160 termination date of the agency or September 30, 2039, whichever
161 is earlier, remains in existence until the date the bonds
162 mature.

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

166 (c) The county or municipality that created the community
167 redevelopment agency must issue a new finding of necessity
168 limited to timely meeting the remaining bond obligations of the
169 community redevelopment agency.

170 Section 7. Section 163.3756, Florida Statutes, is created
171 to read:

172 163.3756 Inactive community redevelopment agencies.-

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

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



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186 (b) The governing board of a community redevelopment agency
187 that is declared inactive under this section may seek to
188 invalidate the declaration by initiating proceedings under s.
189 189.062(5) within 30 days after the date of the receipt of the
190 notice from the Department of Economic Opportunity.

191 (3) A community redevelopment agency that is declared
192 inactive under this section may expend funds from the
193 redevelopment trust fund only as necessary to service
194 outstanding bond debt. The agency may not expend other funds in
195 the absence of an ordinance of the local governing body that
196 created the agency which consents to the expenditure of such
197 funds.

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

201 (5) The provisions of this section are cumulative to the
202 provisions of s. 189.062. To the extent the provisions of this
203 section conflict with the provisions of s. 189.062, this section
204 prevails.

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

208 Section 8. Paragraph (a) of subsection (1), subsection (6),
209 paragraph (d) of subsection (7), and subsection (8) of section
210 163.387, Florida Statutes, are amended to read:

211 163.387 Redevelopment trust fund.—

212 (1)(a) After approval of a community redevelopment plan,
213 there may be established for each community redevelopment agency
214 created under s. 163.356 a redevelopment trust fund. Funds



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215 allocated to and deposited into this fund shall be used by the
216 agency to finance or refinance any community redevelopment it
217 undertakes pursuant to the approved community redevelopment
218 plan. No community redevelopment agency may receive or spend any
219 increment revenues pursuant to this section unless and until the
220 governing body has, by ordinance, created the trust fund and
221 provided for the funding of the redevelopment trust fund until
222 the time certain set forth in the community redevelopment plan
223 as required by s. 163.362(10). Such ordinance may be adopted
224 only after the governing body has approved a community
225 redevelopment plan. The annual funding of the redevelopment
226 trust fund shall be in an amount not less than that increment in
227 the income, proceeds, revenues, and funds of each taxing
228 authority derived from or held in connection with the
229 undertaking and carrying out of community redevelopment under
230 this part. Such increment shall be determined annually and shall
231 be that amount equal to 95 percent of the difference between:

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

236 2. The amount of ad valorem taxes which would have been
237 produced by the rate upon which the tax is levied each year by
238 or for each taxing authority, exclusive of any debt service
239 millage, upon the total of the assessed value of the taxable
240 real property in the community redevelopment area as shown upon
241 the most recent assessment roll used in connection with the
242 taxation of such property by each taxing authority prior to the
243 effective date of the ordinance providing for the funding of the



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244 trust fund.

245

246 However, the governing body ~~of any county as defined in s.~~
247 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
248 trust fund established with respect to any community
249 redevelopment area ~~created on or after July 1, 1994,~~ determine
250 that the amount to be funded by each taxing authority annually
251 shall be less than 95 percent of the difference between
252 subparagraphs 1. and 2., but in no event shall such amount be
253 less than 50 percent of such difference.

254 (6) Effective October 1, 2019, moneys in the redevelopment
255 trust fund may be expended ~~from time to time~~ for undertakings of
256 a community redevelopment agency as described in the community
257 redevelopment plan only pursuant to an annual budget adopted by
258 the board of commissioners of the community redevelopment agency
259 and only for the following purposes specified in paragraph (c).~~7~~
260 ~~including, but not limited to:~~

261 (a) Except as otherwise provided in this subsection, a
262 community redevelopment agency shall comply with the
263 requirements of s. 189.016.

264 (b) A community redevelopment agency created by a
265 municipality shall submit its annual budget to the board of
266 county commissioners for the county in which the agency is
267 located within 10 days after the adoption of such budget and
268 submit amendments of its annual budget to the board of county
269 commissioners within 10 days after the adoption date of the
270 amended budget ~~Administrative and overhead expenses necessary or~~
271 ~~incidental to the implementation of a community redevelopment~~
272 ~~plan adopted by the agency.~~



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

275 1. Administrative and overhead expenses directly or
276 indirectly necessary to implement a community redevelopment plan
277 adopted by the agency.

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

282 ~~3.(e)~~ The acquisition of real property in the redevelopment
283 area.

284 ~~4.(d)~~ The clearance and preparation of any redevelopment
285 area for redevelopment and relocation of site occupants within
286 or outside the community redevelopment area as provided in s.
287 163.370.

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

291 ~~6.(f)~~ All expenses incidental to or connected with the
292 issuance, sale, redemption, retirement, or purchase of bonds,
293 bond anticipation notes, or other form of indebtedness,
294 including funding of any reserve, redemption, or other fund or
295 account provided for in the ordinance or resolution authorizing
296 such bonds, notes, or other form of indebtedness.

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

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

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



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

306 (d) Appropriated to a specific redevelopment project
307 pursuant to an approved community redevelopment plan. The funds
308 appropriated for such project may not be changed unless the
309 project is amended, redesigned, or delayed, in which case the
310 funds must be reappropriated pursuant to the next annual budget
311 adopted by the board of commissioners of the community
312 redevelopment agency which project will be completed within 3
313 years from the date of such appropriation.

314 (8) (a) Each community redevelopment agency with revenues or
315 a total of expenditures and expenses in excess of \$100,000, as
316 reported on the trust fund financial statements, shall provide
317 for a financial an audit of the trust fund each fiscal year and
318 a report of such audit to be prepared by an independent
319 certified public accountant or firm. Each financial audit
320 conducted pursuant to this subsection must be conducted in
321 accordance with rules for audits of local governments adopted by
322 the Auditor General.

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

324 1. Describe the amount and source of deposits into, and the
325 amount and purpose of withdrawals from, the trust fund during
326 such fiscal year and the amount of principal and interest paid
327 during such year on any indebtedness to which increment revenues
328 are pledged and the remaining amount of such indebtedness.

329 2. Include financial statements identifying the assets,
330 liabilities, income, and operating expenses of the community



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331 redevelopment agency as of the end of such fiscal year.

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

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

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

342 Section 9. Subsection (3) of section 218.32, Florida
343 Statutes, is amended to read:

344 218.32 Annual financial reports; local governmental
345 entities.—

346 (3) (a) The department shall notify the President of the
347 Senate and the Speaker of the House of Representatives of any
348 municipality that has not reported any financial activity for
349 the last 4 fiscal years. Such notice must be sufficient to
350 initiate dissolution procedures as described in s.
351 165.051(1) (a). Any special law authorizing the incorporation or
352 creation of the municipality must be included within the
353 notification.

354 (b) Failure of a county or municipality required under s.
355 163.387(8) to include with its annual financial report to the
356 department a financial audit report for each community
357 redevelopment agency created by that county or municipality
358 constitutes a failure to report under this section.

359 (c) By November 1 of each year, the department must provide



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360 the Special District Accountability Program of the Department of
361 Economic Opportunity with a list of each community redevelopment
362 agency that does not report any revenues, expenditures, or debt
363 for the community redevelopment agency's previous fiscal year.

364 Section 10. This act shall take effect October 1, 2019.

365
366 ===== T I T L E A M E N D M E N T =====

367 And the title is amended as follows:

368 Delete everything before the enacting clause
369 and insert:

370 A bill to be entitled
371 An act relating to community redevelopment agencies;
372 amending s. 112.3142, F.S.; requiring ethics training
373 for community redevelopment agency commissioners;
374 specifying requirements for such training; amending s.
375 163.356, F.S.; revising reporting requirements;
376 deleting provisions requiring certain annual reports;
377 amending s. 163.367, F.S.; requiring ethics training
378 for community redevelopment agency commissioners;
379 amending s. 163.370, F.S.; requiring a community
380 redevelopment agency to follow certain procurement
381 procedures; creating s. 163.371, F.S.; requiring a
382 community redevelopment agency to publish certain
383 digital boundary maps on its website; providing annual
384 reporting requirements; requiring a community
385 redevelopment agency to publish the annual reports on
386 its website; creating s. 163.3755, F.S.; providing
387 termination dates for certain community redevelopment
388 agencies; creating s. 163.3756, F.S.; providing



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389 legislative findings; requiring the Department of
390 Economic Opportunity to declare inactive community
391 redevelopment agencies that have reported no financial
392 activity for a specified number of years; providing
393 hearing procedures; authorizing certain financial
394 activity by a community redevelopment agency that is
395 declared inactive; providing applicability; providing
396 construction; requiring the department to maintain a
397 list on its website identifying all inactive community
398 redevelopment agencies; amending s. 163.387, F.S.;

399 specifying the level of tax increment financing that a
400 governing body may establish for funding the
401 redevelopment trust fund; effective on a specified
402 date, revising requirements for the use of
403 redevelopment trust fund proceeds; limiting allowed
404 expenditures; revising requirements for the annual
405 budget of a community redevelopment agency; revising
406 requirements for use of moneys in the redevelopment
407 trust fund for specific redevelopment projects;
408 revising requirements for the annual audit; requiring
409 the audit to be included with the financial report of
410 the county or municipality that created the community
411 redevelopment agency; amending s. 218.32, F.S.;

412 revising criteria for finding that a county or
413 municipality failed to file a report; requiring the
414 Department of Financial Services to provide a report
415 to the Department of Economic Opportunity concerning
416 community redevelopment agencies reporting no
417 revenues, expenditures, or debts; providing an



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effective date.