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.; establishing 6 procedures for appointing members of the board of the 7 community redevelopment agency; providing reporting 8 requirements; deleting provisions requiring certain 9 annual reports; requiring a referendum to create a 10 community redevelopment agency; amending s. 163.357, F.S.; revising community redevelopment agency 11 12 membership; amending s. 163.367, F.S.; requiring ethics training for community redevelopment agency 13 14 commissioners; amending s. 163.370, F.S.; establishing procurement procedures; creating s. 163.371, F.S.; 15 providing annual reporting requirements; requiring 16 17 publication of notices of the reports; requiring reports to be available for inspection in designated 18 19 places; specifying information that must be included in the reports; requiring a community redevelopment 20 21 agency to post annual reports and boundary maps on its website; requiring updates upon specified changes to a 22 23 boundary or total acreage; creating s. 163.3755, F.S.; providing termination dates for certain community 24 25 redevelopment agencies; requiring a referendum to

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26 create a community redevelopment agency after a date 27 certain; providing a phase-out period for existing 28 community redevelopment agencies under specified 29 circumstances; creating s. 163.3756, F.S.; providing 30 legislative findings; requiring the Department of 31 Economic Opportunity to declare inactive certain 32 community redevelopment agencies under specified 33 circumstances; providing hearing procedures; authorizing certain financial activity by a community 34 35 redevelopment agency that is declared inactive; 36 requiring community redevelopment agencies to follow 37 specified provisions applicable to inactive special districts; requiring the Department of Economic 38 39 Opportunity to maintain a website identifying inactive community redevelopment agencies; amending s. 163.387, 40 F.S.; specifying the level of tax increment financing 41 42 that the governing body may establish for funding the 43 redevelopment trust fund; revising requirements for the expenditure of redevelopment trust fund proceeds; 44 revising requirements for the annual budget of a 45 community redevelopment agency; requiring municipal 46 community redevelopment agencies to provide annual 47 48 budget to county commission; specifying allowed 49 expenditures from the annual budget; revising 50 requirements for use of moneys in the redevelopment

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trust fund for specific redevelopment projects;

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revising requirements for the annual audit; requiring the audit to be included in specified reports; amending s. 218.32, F.S.; requiring county and municipal governments to submit community redevelopment agency annual audit reports; revising criteria for finding that a county or municipality failed to file a report; requiring the Department of Financial Services to provide to the Department of Economic Opportunity a list of certain community redevelopment agencies; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Subsection (2) of section 112.3142, Florida Section 1. Statutes, is amended to read: 112.3142 Ethics training for specified constitutional officers and elected municipal officers.-(2) (a) All constitutional officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or

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76 presentation if the required subjects are covered.

77 (b) Beginning January 1, 2015, all elected municipal 78 officers must complete 4 hours of ethics training each calendar 79 year which addresses, at a minimum, s. 8, Art. II of the State 80 Constitution, the Code of Ethics for Public Officers and 81 Employees, and the public records and public meetings laws of 82 this state. This requirement may be satisfied by completion of a 83 continuing legal education class or other continuing professional education class, seminar, or presentation if the 84 85 required subjects are covered.

(c) Beginning January 1, 2020, each commissioner of a 86 87 community redevelopment agency under part III of chapter 163 must complete 4 hours of ethics training each calendar year 88 89 which addresses, at a minimum, s. 8, Art. II of the State 90 Constitution, the Code of Ethics for Public Officers and 91 Employees, and the public records and public meetings laws of 92 this state. This requirement may be satisfied by completion of a 93 continuing legal education class or other continuing professional education class, seminar, or presentation if the 94 95 required subjects are covered.

96 <u>(d) (c)</u> The commission shall adopt rules establishing 97 minimum course content for the portion of an ethics training 98 class which addresses s. 8, Art. II of the State Constitution 99 and the Code of Ethics for Public Officers and Employees.

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(e) (d) The Legislature intends that a constitutional

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officer or elected municipal officer who is required to complete 101 ethics training pursuant to this section receive the required 102 103 training as close as possible to the date that he or she assumes 104 office. A constitutional officer or elected municipal officer 105 assuming a new office or new term of office on or before March 106 31 must complete the annual training on or before December 31 of 107 the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or 108 new term of office after March 31 is not required to complete 109 110 ethics training for the calendar year in which the term of 111 office began.

Section 2. Subsections (1), (2), and (3) of section 113 163.356, Florida Statutes, are amended, and a new subsection (5) 114 is added to that section, to read:

163.356 Creation of community redevelopment agency.-

Upon a finding of necessity as set forth in s. 116 (1)117 163.355, and upon a further finding that there is a need for a 118 community redevelopment agency to function in the county or 119 municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public 120 body corporate and politic to be known as a "community 121 122 redevelopment agency, -" subject to approval at a referendum, as set forth in subsection (5). A charter county having a 123 124 population less than or equal to 1.6 million may create, by a 125 vote of at least a majority plus one of the entire governing

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126	body of the charter county, more than one community
127	redevelopment agency. Each such agency shall be constituted as a
128	public instrumentality, and the exercise by a community
129	redevelopment agency of the powers conferred by this part shall
130	be deemed and held to be the performance of an essential public
131	function. Community redevelopment agencies of a county have the
132	power to function within the corporate limits of a municipality
133	only as, if, and when the governing body of the municipality has
134	by resolution concurred in the community redevelopment plan or
135	plans proposed by the governing body of the county.
136	(2) As of the creation date of a community redevelopment
137	agency, the governing When the governing body adopts a
138	resolution declaring the need for a community redevelopment
139	agency, that body shall, by ordinance, appoint a board of
140	commissioners of the community redevelopment agency, which shall
141	consist of not fewer than five or more than nine commissioners.
142	The terms of office of the commissioners shall be for 4 years,
143	except that three of the members first appointed shall be
144	designated to serve terms of 1, 2, and 3 years, respectively,
145	from the date of their appointments, and all other members shall
146	be designated to serve for terms of 4 years from the date of
147	their appointments. A vacancy occurring during a term shall be
148	filled for the unexpired term. As provided in an interlocal
149	agreement between the governing body that created the agency and
150	one or more taxing authorities, one or more members of the board
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of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

156 (3) (a) A commissioner shall receive no compensation for 157 services, but is entitled to the necessary expenses, including 158 travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has 159 been appointed and has qualified. A certificate of the 160 appointment or reappointment of any commissioner shall be filed 161 162 with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper 163 164 appointment of such commissioner.

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

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engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

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

187 (d) An agency authorized to transact business and exercise powers under this part shall file with the governing body of the 188 189 county or municipality a report as required under s. $163.371(1)_{\tau}$ 190 on or before March 31 of each year, a report of its activities 191 for the preceding fiscal year, which report shall include a 192 complete financial statement setting forth its assets, 193 liabilities, income, and operating expenses as of the end of 194 such fiscal year. At the time of filing the report, the agency 195 shall publish in a newspaper of general circulation in the 196 community a notice to the effect that such report has been filed 197 with the county or municipality and that the report is available 198 for inspection during business hours in the office of the clerk of the city or county commission and in the office of the 199 200 agency.

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201 (e) (d) At any time after the creation of a community 202 redevelopment agency, the governing body of the county or 203 municipality may appropriate to the agency such amounts as the 204 governing body deems necessary for the administrative expenses 205 and overhead of the agency, including the development and 206 implementation of community policing innovations. 207 (5) On or after October 1, 2019, a community redevelopment 208 agency may only be created by a county-wide referendum held 209 during a primary or general election, as defined in s. 97.021, 210 and held in the county in which the agency will be located. The 211 referendum shall require the approval of two-thirds of the 212 qualified electors voting on the ballot question for passage. Section 3. Paragraph (a) of subsection (1) of section 213 214 163.357, Florida Statutes, is amended to read: 215 163.357 Governing body as the community redevelopment 216 agency.-217 (1) (a) As an alternative to the appointment of not fewer 218 than five or more than nine seven members of the agency, the

225 liabilities imposed or incurred.

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governing body may, at the time of the adoption of a resolution

under s. 163.355, or at any time thereafter by adoption of a

resolution, declare itself to be an agency, in which case all

the rights, powers, duties, privileges, and immunities vested by

this part in an agency will be vested in the governing body of

the county or municipality, subject to all responsibilities and

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226 Section 4. Subsection (1) of section 163.367, Florida 227 Statutes, is amended to read: 228 163.367 Public officials, commissioners, and employees 229 subject to code of ethics.-230 (1) (a) The officers, commissioners, and employees of a 231 community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 are shall be subject to 232 233 the provisions and requirements of part III of chapter 112. Commissioners of a community redevelopment agency must 234 (b) 235 comply with the ethics training requirements in s. 112.3142. 236 Section 5. Subsection (5) is added to section 163.370, 237 Florida Statutes, to read: 238 163.370 Powers; counties and municipalities; community 239 redevelopment agencies.-240 (5) A community redevelopment agency shall procure all 241 commodities and services using the same purchasing processes and 242 requirements that apply to the county or municipality that 243 created the community redevelopment agency. 244 Section 6. Section 163.371, Florida Statutes, is created 245 to read: 246 163.371 Reporting requirements.-247 (1) Beginning March 31, 2020, and no later than March 31 of each year thereafter, each community redevelopment agency 248 249 shall file an annual report with the county or municipality that 250 created the agency and post the report on the agency's website. Page 10 of 22

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251 At the time the report is filed and posted on the website, the 252 agency shall also publish in a newspaper of general circulation 253 in the community a notice that such report has been filed with 254 the county or municipality and that the report is available for 255 inspection during business hours in the office of the clerk of 256 the county or municipality, in the office of the community 257 redevelopment agency, and on the agency's website. The report 258 must include the following information: 259 (a) The most recent audit report for the community redevelopment agency prepared pursuant to s. 163.387(8). 260 261 The performance data for each plan authorized, (b) 262 administered, or overseen by the community redevelopment agency 263 as of December 31 of the year being reported, including the: 264 Total number of projects started, total number of 1. 265 projects completed, and estimated project cost for each project. 266 2. Total expenditures from the redevelopment trust fund. 267 Assessed real property values of property located 3. 268 within the boundaries of the community redevelopment agency as 269 of the day the agency was created. 270 Total assessed real property values of property within 4. the boundaries of the community redevelopment agency as of 271 272 January 1 of the year being reported. 273 5. Earliest data available as of the date the agency was 274 created, providing total commercial property vacancy rates 275 within the community redevelopment agency.

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276	6. Total commercial property vacancy rates within the
277	boundaries of the community redevelopment agency.
278	7. Assessed real property values for redeveloped
279	properties within the boundaries of the community redevelopment
280	agency as of January 1 of the year being reported.
281	8. Earliest data available as of the day the agency was
282	created, providing total housing vacancy rates within the
283	boundaries of the community redevelopment agency.
284	9. Total housing vacancy rates within the boundaries of
285	the community redevelopment agency.
286	10. Total number of code enforcement violations within the
287	boundaries of the community redevelopment agency.
288	11. Total amount expended for affordable housing for low
289	and middle income residents, if the community redevelopment
290	agency has affordable housing as part of its community
291	redevelopment plan.
292	12. Name of the sponsor or donor and total amount
293	sponsored or donated for sponsorships and donations that were
294	made to the community redevelopment agency.
295	13. Ratio of redevelopment funds to private funds expended
296	within the boundaries of the community redevelopment agency.
297	(2) By January 1, 2020, each community redevelopment
298	agency shall post on its website digital maps that depict the
299	geographic boundaries and total acreage of the community
300	redevelopment agency. If a change is made to the boundaries or

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301 total acreage, the agency shall post updated map files on its 302 website within 60 days after the date such change takes effect. 303 Section 7. Section 163.3755, Florida Statutes, is created 304 to read: 305 163.3755 Termination of community redevelopment agencies; 306 prohibition on future creation.-307 (1) A community redevelopment agency in existence on 308 October 1, 2019, shall terminate on the expiration date provided in the agency's charter as of October 1, 2019, or on September 309 310 30, 2039, whichever is earlier. However, the governing body of 311 the county or municipality that created the community 312 redevelopment agency may approve the agency's continued 313 existence by a two-thirds vote of the members of the governing 314 body. 315 (2) (a) If the governing body of the county or municipality 316 that created the community redevelopment agency does not approve 317 its continued existence by a two-thirds vote, a community 318 redevelopment agency with outstanding bonds as of October 1, 319 2019, that do not mature until after the earlier of the 320 termination date of the agency or September 30, 2039, remains in 321 existence until the date the bonds mature. 322 (b) A community redevelopment agency operating under this subsection on or after September 30, 2039, may not extend the 323 324 maturity date of any outstanding bonds. 325 The county or municipality that created the community (C)

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326	redevelopment agency must issue a new finding of necessity
327	limited to timely meeting the remaining bond obligations of the
328	community redevelopment agency.
329	(3) On or after October 1, 2019, a community redevelopment
330	agency may be created only pursuant to s. 163.356. A community
331	redevelopment agency in existence before October 1, 2019, may
332	continue to operate as provided in this part.
333	Section 8. Section 163.3756, Florida Statutes, is created
334	to read:
335	163.3756 Inactive community redevelopment agencies
336	(1) The Legislature finds that a number of community
337	redevelopment agencies continue to exist but reported no
338	revenues, no expenditures, and no outstanding debt in their
339	annual reports to the Department of Financial Services pursuant
340	<u>to s. 218.32.</u>
341	(2)(a) A community redevelopment agency that reported no
342	revenues, no expenditures, and no debt under s. 218.32 or s.
343	189.016(9), for 3 consecutive fiscal years beginning on October
344	1, 2016, shall be declared inactive by the Department of
345	Economic Opportunity. The department shall notify the agency of
346	the declaration of inactive status under this subsection. If the
347	agency does not have board members or agents, the notice of
348	inactive status must be delivered to the governing board or
349	commission of the county or municipality that created the
350	agency.

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351	(b) The governing board of a community redevelopment
352	agency declared inactive under this subsection may seek to
353	invalidate the declaration by initiating proceedings under s.
354	189.062(5)(b) within 30 days after the date of the receipt of
355	the notice from the department.
356	(3) A community redevelopment agency declared inactive
357	under this section is authorized only to expend funds from the
358	redevelopment trust fund as necessary to service outstanding
359	bond debt. The agency may not expend other funds without an
360	ordinance of the governing body of the local government that
361	created the agency consenting to the expenditure of funds.
362	(4) The provisions of s. 189.062(2) and (4) do not apply
363	to a community redevelopment agency that has been declared
364	inactive under this section.
365	(5) The provisions of this section are cumulative to the
366	provisions of s. 189.062. To the extent the provisions of this
367	section conflict with the provisions of s. 189.062, this section
368	prevails.
369	(6) The Department of Economic Opportunity shall maintain
370	on its website a separate list of community redevelopment
371	agencies declared inactive under this section.
372	Section 9. Paragraph (a) of subsection (1), subsection
373	(6), paragraph (d) of subsection (7), and subsection (8) of
374	section 163.387, Florida Statutes, are amended to read:
375	163.387 Redevelopment trust fund
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376 (1) (a) After approval of a community redevelopment plan, 377 there may be established for each community redevelopment agency 378 created under s. 163.356 a redevelopment trust fund. Funds 379 allocated to and deposited into this fund shall be used by the 380 agency to finance or refinance any community redevelopment it 381 undertakes pursuant to the approved community redevelopment 382 plan. A No community redevelopment agency may not receive or 383 spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the 384 385 redevelopment trust fund and provided for the funding of the 386 redevelopment trust fund until the time certain set forth in the 387 community redevelopment plan as required by s. 163.362(10). Such 388 ordinance may be adopted only after the governing body has 389 approved a community redevelopment plan. The annual funding of 390 the redevelopment trust fund shall be in an amount not less than 391 that increment in the income, proceeds, revenues, and funds of 392 each taxing authority derived from or held in connection with 393 the undertaking and carrying out of community redevelopment 394 under this part. Such increment shall be determined annually and 395 shall be that amount equal to 95 percent of the difference 396 between:

397 1. The amount of ad valorem taxes levied each year by each 398 taxing authority, exclusive of any amount from any debt service 399 millage, on taxable real property contained within the 400 geographic boundaries of a community redevelopment area; and

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410

401 The amount of ad valorem taxes which would have been 2. 402 produced by the rate upon which the tax is levied each year by 403 or for each taxing authority, exclusive of any debt service 404 millage, upon the total of the assessed value of the taxable 405 real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the 406 taxation of such property by each taxing authority prior to the 407 effective date of the ordinance providing for the funding of the 408 409 trust fund.

However, the governing body of any county as defined in s. 411 412 $\frac{125.011(1)}{100}$ may, in the ordinance providing for the funding of a 413 trust fund established with respect to any community 414 redevelopment area created on or after July 1, 1994, determine 415 that the amount to be funded by each taxing authority annually 416 shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be 417 less than 50 percent of such difference. 418

(6) <u>Beginning October 1, 2019</u>, moneys in the redevelopment
trust fund may be expended <u>only from time to time</u> for
undertakings of a community redevelopment agency as described in
the community redevelopment plan <u>pursuant to an annual budget</u>
adopted by the board of commissioners of the community
redevelopment agency and only for the following purposes <u>stated</u>
in this subsection., including, but not limited to:

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426 Except as provided in this subsection, a community (a) 427 redevelopment agency shall comply with the requirements of s. 428 189.016. 429 (b) A community redevelopment agency created by a 430 municipality shall submit its operating budget to the board of 431 county commissioners for the county in which the agency is 432 located within 10 days after the date such budget is adopted and 433 submit amendments of its operating budget to the board of county 434 commissioners within 10 days after the date the amended budget 435 is adopted. Administrative and overhead expenses necessary or 436 incidental to the implementation of a community redevelopment 437 plan adopted by the agency. The annual budget of a community redevelopment agency 438 (C) 439 may provide for payment of the following expenses: 440 1. Administrative and overhead expenses directly or 441 indirectly necessary to implement a community redevelopment plan 442 adopted by the agency. 2.(b) Expenses of redevelopment planning, surveys, and 443 444 financial analysis, including the reimbursement of the governing 445 body or the community redevelopment agency for such expenses 446 incurred before the redevelopment plan was approved and adopted. 447 3.(c) The acquisition of real property in the 448 redevelopment area. 4.(d) The clearance and preparation of any redevelopment 449 450 area for redevelopment and relocation of site occupants within Page 18 of 22

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451 or outside the community redevelopment area as provided in s. 452 163.370.

453 <u>5.(e)</u> The repayment of principal and interest or any 454 redemption premium for loans, advances, bonds, bond anticipation 455 notes, and any other form of indebtedness.

456 <u>6.(f)</u> All expenses incidental to or connected with the
457 issuance, sale, redemption, retirement, or purchase of bonds,
458 bond anticipation notes, or other form of indebtedness,
459 including funding of any reserve, redemption, or other fund or
460 account provided for in the ordinance or resolution authorizing
461 such bonds, notes, or other form of indebtedness.

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

464 <u>8. (h)</u> The development of community policing innovations.
465 <u>9. Expenses that are necessary to exercise the powers</u>
466 granted under s. 163.370, as delegated under s. 163.358.

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

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

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476	adopted by the board of commissioners of the community
477	redevelopment agency which project will be completed within 3
478	years from the date of such appropriation.
479	(8) (a) Each community redevelopment agency with revenues
480	or a total of expenditures and expenses in excess of \$100,000,
481	as reported on the redevelopment trust fund financial
482	<u>statements,</u> shall provide for <u>a financial</u> an audit of the trust
483	fund each fiscal year and a report of such audit <u>shall</u> to be
484	prepared by an independent certified public accountant or firm.
485	Each financial audit provided pursuant to this subsection shall
486	be conducted in accordance with rules for audits adopted by the
487	Auditor General which are in effect as of the last day of the
488	community redevelopment agency's fiscal year being audited.
489	(b) The audit Such report shall <u>:</u>
490	1. Describe the amount and source of deposits into, and
491	the amount and purpose of withdrawals from, the trust fund
492	during <u>the</u> such fiscal year and the amount of principal and
493	interest paid during such year on any indebtedness to which
494	increment revenues are pledged and the remaining amount of such
495	indebtedness.
496	2. Include a complete financial statement identifying the
497	assets, liabilities, income, and operating expenses of the
498	community redevelopment agency as of the end of such fiscal
499	year.
500	3. Include a finding by the auditor determining whether
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501 the community redevelopment agency complied with the 502 requirements of subsections (6) and (7). 503 (C) The audit report for the community redevelopment 504 agency shall be included with the annual financial report 505 submitted by the county or municipality that created the agency 506 to the Department of Financial Services as provided in s. 507 218.32, regardless of whether the agency reports separately 508 under s. 218.32. 509 The agency shall provide by registered mail a copy of (d) 510 the audit report to each taxing authority. 511 Section 10. Subsection (4) is added to section 218.32, 512 Florida Statutes, to read: 513 218.32 Annual financial reports; local governmental 514 entities.-515 (4) (a) A local governmental entity that does not include 516 with its annual financial report submitted to the department the 517 audit report required by s. 163.387(8) for each community 518 redevelopment agency created by the reporting entity shall be 519 deemed to have failed to submit an annual financial report. The 520 department shall report such failure to the Legislative Auditing 521 Committee and the Special District Accountability Program of the 522 Department of Economic Opportunity. 523 (b) By November 1 of each year, the department must 524 provide the Special District Accountability Program with a list 525 of each community redevelopment agency that has reported no

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