

1                   A bill to be entitled  
2           An act relating to community redevelopment agencies;  
3           amending s. 163.356, F.S.; providing reporting  
4           requirements; deleting provisions requiring certain  
5           annual reports; amending s. 163.367, F.S.; requiring  
6           ethics training for community redevelopment agency  
7           commissioners; amending s. 163.370, F.S.; establishing  
8           procurement procedures; creating s. 163.371, F.S.;  
9           providing annual reporting requirements; requiring  
10          publication of notices of reports; requiring reports  
11          to be available for inspection in designated places;  
12          requiring a community redevelopment agency to publish  
13          annual reports and boundary maps on its website;  
14          creating s. 163.3755, F.S.; prohibiting the creation  
15          of new community redevelopment agencies after a date  
16          certain; providing a phase-out period for existing  
17          community redevelopment agencies; providing a limited  
18          exception for community redevelopment agencies with  
19          certain outstanding bond obligations; creating s.  
20          163.3756, F.S.; providing legislative findings;  
21          requiring the Department of Economic Opportunity to  
22          declare inactive community redevelopment agencies that  
23          have reported no financial activity for a specified  
24          number of years; providing hearing procedures;  
25          authorizing certain financial activity by a community

26 redevelopment agency that is declared inactive;  
27 requiring the Department of Economic Opportunity to  
28 maintain a website identifying all inactive community  
29 redevelopment agencies; amending s. 163.387, F.S.;  
30 revising requirements for the use of the redevelopment  
31 trust fund proceeds; limiting allowed expenditures;  
32 revising requirements for the annual budget of a  
33 community redevelopment agency; requiring municipal  
34 community redevelopment agencies to provide annual  
35 budget to county commission; revising requirements for  
36 the annual audit; requiring the audit to be included  
37 with the financial report of the county or  
38 municipality that created the community redevelopment  
39 agency; amending s. 218.32, F.S.; requiring county and  
40 municipal governments to report community  
41 redevelopment agency annual audit reports as part of  
42 the county or municipal annual report; revising  
43 criteria for finding that a county or municipality  
44 failed to file report; requiring the Department of  
45 Financial Services to provide a report to the  
46 Department of Economic Opportunity concerning  
47 community redevelopment agencies with no revenues, no  
48 expenditures, and no debts; providing an effective  
49 date.

50

51 Be It Enacted by the Legislature of the State of Florida:

52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

Section 1. Paragraphs (c) and (d) of subsection (3) of section 163.356, Florida Statutes, are amended to read:

163.356 Creation of community redevelopment agency.—

(3) (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.

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

76 ~~county commission and in the office of the agency.~~

77 (e)~~(d)~~ At any time after the creation of a community  
 78 redevelopment agency, the governing body of the county or  
 79 municipality may appropriate to the agency such amounts as the  
 80 governing body deems necessary for the administrative expenses  
 81 and overhead of the agency, including the development and  
 82 implementation of community policing innovations.

83 Section 2. Subsection (1) of section 163.367, Florida  
 84 Statutes, is amended to read:

85 163.367 Public officials, commissioners, and employees  
 86 subject to code of ethics.—

87 (1) (a) The officers, commissioners, and employees of a  
 88 community redevelopment agency created by, or designated  
 89 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to  
 90 the provisions and requirements of part III of chapter 112.

91 (b) Commissioners of a community redevelopment agency must  
 92 comply with the ethics training requirements in s. 112.3142.

93 Section 3. Subsection (5) is added to section 163.370,  
 94 Florida Statutes, to read:

95 163.370 Powers; counties and municipalities; community  
 96 redevelopment agencies.—

97 (5) A community redevelopment agency shall procure all  
 98 commodities and services under the same purchasing processes and  
 99 requirements that apply to the county or municipality that  
 100 created the agency.

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

103 163.371 Reporting requirements.-

104 (1) Beginning March 31, 2018, and no later than March 31  
105 of each year thereafter, a community redevelopment agency shall  
106 file an annual report with the county or municipality that  
107 created the agency and publish the information on the agency's  
108 website. At the time the report is filed and the information is  
109 published on the website, the agency shall also publish in a  
110 newspaper of general circulation in the community a notice to  
111 the effect that such report has been filed with the county or  
112 municipality and that the report is available for inspection  
113 during business hours in the office of the clerk of the city or  
114 county commission and in the office of the agency or on the  
115 website of the agency. The report must include the following  
116 information:

117 (a) A complete audit report of the redevelopment trust  
118 fund pursuant to s. 163.387(8).

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

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

124 2. Total expenditures from the redevelopment trust fund.

125 3. Number of jobs created within the community

126 redevelopment agency's area of authority.

127 4. Sector of the economy to which the new jobs pertain.

128 5. Number of jobs retained in the area within the  
129 community redevelopment agency's authority.

130 6. Original assessed real property values within the  
131 community redevelopment agency's area of authority as of the day  
132 the agency was created.

133 7. Total assessed real property values of property within  
134 the boundaries of the community redevelopment agency as of  
135 January 1 of the year being reported.

136 8. Total amount expended for affordable housing for low  
137 and middle income residents.

138 (2) By January 1, 2018, each community redevelopment  
139 agency shall publish on its website digital maps that depict the  
140 geographic boundaries and total acreage of the community  
141 redevelopment agency. If any change is made to the boundaries or  
142 total acreage, the agency shall post updated map files on its  
143 website within 60 days after the date such change takes effect.

144 Section 5. Section 163.3755, Florida Statutes, is created  
145 to read:

146 163.3755 Termination of community redevelopment agencies;  
147 prohibition on future creation.-

148 (1) A community redevelopment agency in existence on July  
149 1, 2017, shall terminate on the expiration date provided in the  
150 community redevelopment agency's charter on July 1, 2017, or on

151 September 30, 2037, whichever is earlier.

152 (2) A community redevelopment agency may not initiate any  
153 new projects or issue any new debt on or after October 1, 2017.

154 (3) (a) Notwithstanding subsection (1), a community  
155 redevelopment agency with outstanding bonds as of July 1, 2017  
156 and that do not mature until after the earlier of the  
157 termination date of the agency or September 30, 2037, remains in  
158 existence until the date the bonds mature.

159 (b) A community redevelopment agency operating under this  
160 subsection on or after September 30, 2037, may not extend the  
161 maturity date of any outstanding bonds.

162 (c) The county or municipality that created the community  
163 redevelopment agency must issue a new finding of necessity  
164 limited to timely meeting the remaining bond obligations of the  
165 community redevelopment agency.

166 (4) A community redevelopment agency may not be created on  
167 or after July 1, 2017. A community redevelopment agency in  
168 existence before July 1, 2017, may continue to operate as  
169 provided in this part.

170 Section 6. 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 report no revenues,  
175 no expenditures, and no outstanding debt in their annual report

176 to the Department of Financial Services pursuant to s. 218.32.

177 (2) (a) Beginning October 1, 2014, a community  
178 redevelopment agency that has reported no revenues, no  
179 expenditures, and no debt under s. 218.32 or s. 189.016(9), for  
180 3 consecutive fiscal years shall be declared inactive by the  
181 Department of Economic Opportunity. The department shall notify  
182 the agency of the declaration of inactive status under this  
183 subsection. If the agency has no board members or no agent, the  
184 notice of inactive status must be delivered to the governing  
185 board or commission of the county or municipality that created  
186 the agency.

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

192 (3) A community redevelopment agency declared inactive  
193 under this section is authorized only to expend funds from the  
194 redevelopment trust fund as necessary to service outstanding  
195 bond debt. The agency may not expend other funds without an  
196 ordinance of the governing body of the local government that  
197 created the agency consenting to the expenditure of funds.

198 (4) The provisions of s. 189.062(2) and (4) do not apply  
199 to a community redevelopment agency that has been declared  
200 inactive 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 7. Subsections (6) and (8) of section 163.387,  
 209 Florida Statutes, are amended to read:

210       163.387 Redevelopment trust fund.—

211       (6) Beginning October 1, 2017, moneys in the redevelopment  
 212 trust fund may be expended ~~from time to time~~ for undertakings of  
 213 a community redevelopment agency as described in the community  
 214 redevelopment plan only pursuant to an annual budget adopted by  
 215 the board of commissioners of the community redevelopment agency  
 216 and only for the ~~following~~ purposes stated in this subsection.  
 217 including, but not limited to:

218       (a) Except as provided in this subsection, a community  
 219 redevelopment agency shall comply with the requirements of s.  
 220 189.016.

221       (b) A community redevelopment agency created by a  
 222 municipality shall:

223       1. Adopt its proposed budget within 90 days before the  
 224 beginning of its fiscal year.

225       2. Submit its proposed budget and projections for the next

226 fiscal year to the board of county commissioners for the county  
 227 in which the community redevelopment agency is located within 60  
 228 days before the start of the agency's fiscal year.

229 3. Submit amendments to its operating budget to the board  
 230 of county commissioners of the county in which the community  
 231 redevelopment agency is located within 10 days after the date of  
 232 adoption of the amended budget. ~~Administrative and overhead~~  
 233 ~~expenses necessary or incidental to the implementation of a~~  
 234 ~~community redevelopment plan adopted by the agency.~~

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

237 1. Administrative and overhead expenses directly or  
 238 indirectly necessary to implement a community redevelopment plan  
 239 adopted by the agency.

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

244 3.~~(c)~~ The acquisition of real property in the  
 245 redevelopment area.

246 4.~~(d)~~ The clearance and preparation of any redevelopment  
 247 area for redevelopment and relocation of site occupants within  
 248 or outside the community redevelopment area as provided in s.  
 249 163.370.

250 5.~~(e)~~ The repayment of principal and interest or any

251 redemption premium for loans, advances, bonds, bond anticipation  
 252 notes, and any other form of indebtedness.

253 6.~~(f)~~ All expenses incidental to or connected with the  
 254 issuance, sale, redemption, retirement, or purchase of bonds,  
 255 bond anticipation notes, or other form of indebtedness,  
 256 including funding of any reserve, redemption, or other fund or  
 257 account provided for in the ordinance or resolution authorizing  
 258 such bonds, notes, or other form of indebtedness.

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

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

262 (8) (a) Each community redevelopment agency shall provide  
 263 for an audit of the trust fund each fiscal year and a report of  
 264 such audit to be prepared by an independent certified public  
 265 accountant or firm.

266 (b) The audit ~~Such~~ report shall:

267 1. Describe the amount and source of deposits into, and  
 268 the amount and purpose of withdrawals from, the trust fund  
 269 during such fiscal year and the amount of principal and interest  
 270 paid during such year on any indebtedness to which increment  
 271 revenues are pledged and the remaining amount of such  
 272 indebtedness.

273 2. Include a complete financial statement identifying the  
 274 assets, liabilities, income, and operating expenses of the  
 275 community redevelopment agency as of the end of such fiscal

276 year.

277 3. Include a finding by the auditor determining whether  
 278 the community redevelopment agency complies with the  
 279 requirements of subsection (7).

280 (c) The audit report for the community redevelopment  
 281 agency shall be included with the annual financial report  
 282 submitted by the county or municipality that created the agency  
 283 to the Department of Financial Services as provided in s.  
 284 218.32, regardless of whether the agency reports separately  
 285 under s. 218.32.

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

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

290 218.32 Annual financial reports; local governmental  
 291 entities.—

292 (3)(a) The department shall notify the President of the  
 293 Senate and the Speaker of the House of Representatives of any  
 294 municipality that has not reported any financial activity for  
 295 the last 4 fiscal years. Such notice must be sufficient to  
 296 initiate dissolution procedures as described in s.  
 297 165.051(1)(a). Any special law authorizing the incorporation or  
 298 creation of the municipality must be included within the  
 299 notification.

300 (b) Failure of a county or municipality to include in its

301 annual report to the department the full audit required by s.  
302 163.387(8) for each community redevelopment agency created by  
303 that county or municipality constitutes a failure to report  
304 under this section.

305 (c) By November 1 of each year, the department must  
306 provide the Special District Accountability Program of the  
307 Department of Economic Affairs with a list of each community  
308 redevelopment agency reporting no revenues, no expenditures, and  
309 no debt for the community redevelopment agency's previous fiscal  
310 year.

311 Section 9. This act shall take effect July 1, 2017.