

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 post
13 annual reports and boundary maps on its website;
14 creating s. 163.3755, F.S.; requiring the creation of
15 new community redevelopment agencies to occur by
16 special act after a date certain; providing a phase-
17 out period for existing community redevelopment
18 agencies under specified circumstances; creating s.
19 163.3756, F.S.; providing legislative findings;
20 requiring the Department of Economic Opportunity to
21 declare inactive community redevelopment agencies that
22 have reported no financial activity for a specified
23 number of years; providing hearing procedures;
24 authorizing certain financial activity by a community
25 redevelopment agency that is declared inactive;

26 | requiring the Department of Economic Opportunity to
27 | maintain a website identifying all inactive community
28 | redevelopment agencies; amending s. 163.387, F.S.;
29 | authorizing the county or municipality that created
30 | the community redevelopment agency to determine the
31 | level of tax increment financing for the agency;
32 | revising requirements for the expenditure of the
33 | redevelopment trust fund proceeds; revising
34 | requirements for the annual budget of a community
35 | redevelopment agency; requiring municipal community
36 | redevelopment agencies to provide annual budget to
37 | county commission; specifying allowed expenditures
38 | from the annual budget; revising requirements for use
39 | of moneys in the redevelopment trust fund for specific
40 | redevelopment projects; revising requirements for the
41 | annual audit; requiring the audit to be included with
42 | the financial report of the county or municipality
43 | that created the community redevelopment agency;
44 | amending s. 218.32, F.S.; requiring county and
45 | municipal governments to submit community
46 | redevelopment agency annual audit reports as part of
47 | an annual report; revising criteria for finding that a
48 | county or municipality failed to file a report;
49 | requiring the Department of Financial Services to
50 | provide to the Department of Economic Opportunity a

51 list of community redevelopment agencies with no
 52 revenues, no expenditures, and no debts; providing an
 53 effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Paragraphs (c) and (d) of subsection (3) of
 58 section 163.356, Florida Statutes, are amended to read:

59 163.356 Creation of community redevelopment agency.—

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

68 (d) An agency authorized to transact business and exercise
 69 powers under this part shall file with the governing body the
 70 report required pursuant to s. 163.371(1), ~~on or before March 31~~
 71 ~~of each year, a report of its activities for the preceding~~
 72 ~~fiscal year, which report shall include a complete financial~~
 73 ~~statement setting forth its assets, liabilities, income, and~~
 74 ~~operating expenses as of the end of such fiscal year. At the~~
 75 ~~time of filing the report, the agency shall publish in a~~

76 ~~newspaper of general circulation in the community a notice to~~
 77 ~~the effect that such report has been filed with the county or~~
 78 ~~municipality and that the report is available for inspection~~
 79 ~~during business hours in the office of the clerk of the city or~~
 80 ~~county commission and in the office of the agency.~~

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

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

89 163.367 Public officials, commissioners, and employees
 90 subject to code of ethics.—

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

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

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

99 163.370 Powers; counties and municipalities; community
 100 redevelopment agencies.—

101 (5) A community redevelopment agency shall procure all
102 commodities and services under the same purchasing processes and
103 requirements that apply to the county or municipality that
104 created the agency.

105 Section 4. Section 163.371, Florida Statutes, is created
106 to read:

107 163.371 Reporting requirements.—

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

120 (a) The most recent audit report for the redevelopment
121 agency prepared pursuant to s. 163.387(8).

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

125 1. Total number of projects started, total number of

- 126 projects completed, and estimated project cost for each project.
- 127 2. Total expenditures from the redevelopment trust fund.
- 128 3. Assessed real property values of property located
129 within the boundaries of the community redevelopment agency as
130 of the day the agency was created.
- 131 4. Total assessed real property values of property within
132 the boundaries of the community redevelopment agency as of
133 January 1 of the year being reported.
- 134 5. Earliest data available as of the date the agency was
135 created, providing total commercial property vacancy rates
136 within the community redevelopment agency.
- 137 6. Total commercial property vacancy rates within the
138 boundaries of the community redevelopment agency.
- 139 7. Assessed real property values for redeveloped
140 properties within the boundaries of the community redevelopment
141 agency as of January 1 of the year being reported.
- 142 8. Earliest data available as of the day the agency was
143 created, providing total housing vacancy rates within the
144 boundaries of the community redevelopment agency.
- 145 9. Total housing vacancy rates within the boundaries of
146 the community redevelopment agency.
- 147 10. Total number of code enforcement violations within the
148 boundaries of the community redevelopment agency.
- 149 11. Total amount expended for affordable housing for low
150 and middle income residents, if the community redevelopment

151 agency has affordable housing as part of its community
152 redevelopment plan.

153 12. Name of the sponsor or donor and total amount
154 sponsored or donated for sponsorships and donations that were
155 made to the community redevelopment agency.

156 13. Ratio of redevelopment funds to private funds expended
157 within the boundaries of the community redevelopment agency.

158 (2) By January 1, 2018, each community redevelopment
159 agency shall post on its website digital maps that depict the
160 geographic boundaries and total acreage of the community
161 redevelopment agency. If any change is made to the boundaries or
162 total acreage, the agency shall post updated map files on its
163 website within 60 days after the date such change takes effect.

164 Section 5. Section 163.3755, Florida Statutes, is created
165 to read:

166 163.3755 Termination of community redevelopment agencies;
167 prohibition on future creation.-

168 (1) Unless the governing body of the county or
169 municipality that created the community redevelopment agency
170 approves its continued existence by a super majority (majority
171 plus one) vote of the governing body members, a community
172 redevelopment agency in existence on October 1, 2017, shall
173 terminate on the expiration date provided in the community
174 redevelopment agency's charter on October 1, 2017, or on
175 September 30, 2037, whichever is earlier.

176 (2) (a) If the governing body of the county or municipality
177 that created the community redevelopment agency does not approve
178 its continued existence by a super majority (majority plus one)
179 vote of the governing body members, a community redevelopment
180 agency with outstanding bonds as of October 1, 2017, that do not
181 mature until after the earlier of the termination date of the
182 agency or September 30, 2037, remains in existence until the
183 date the bonds mature.

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

187 (c) The county or municipality that created the community
188 redevelopment agency must issue a new finding of necessity
189 limited to timely meeting the remaining bond obligations of the
190 community redevelopment agency.

191 (3) On or after October 1, 2017, a community redevelopment
192 agency may be created only by special act of the Legislature. A
193 community redevelopment agency in existence before October 1,
194 2017, may continue to operate as provided in this part.

195 Section 6. Section 163.3756, Florida Statutes, is created
196 to read:

197 163.3756 Inactive community redevelopment agencies.—

198 (1) The Legislature finds that a number of community
199 redevelopment agencies continue to exist but report no revenues,
200 no expenditures, and no outstanding debt in their annual report

201 to the Department of Financial Services pursuant to s. 218.32.
202 (2) (a) Beginning October 1, 2014, a community
203 redevelopment agency that has reported no revenues, no
204 expenditures, and no debt under s. 218.32 or s. 189.016(9), for
205 3 consecutive fiscal years shall be declared inactive by the
206 Department of Economic Opportunity. The department shall notify
207 the agency of the declaration of inactive status under this
208 subsection. If the agency has no board members or no agent, the
209 notice of inactive status must be delivered to the governing
210 board or commission of the county or municipality that created
211 the agency.

212 (b) The governing board of a community redevelopment
213 agency declared inactive under this subsection may seek to
214 invalidate the declaration by initiating proceedings under s.
215 189.062(5) within 30 days after the date of the receipt of the
216 notice from the department.

217 (3) A community redevelopment agency declared inactive
218 under this section is authorized only to expend funds from the
219 redevelopment trust fund as necessary to service outstanding
220 bond debt. The agency may not expend other funds without an
221 ordinance of the governing body of the local government that
222 created the agency consenting to the expenditure of funds.

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

226 (5) The provisions of this section are cumulative to the
227 provisions of s. 189.062. To the extent the provisions of this
228 section conflict with the provisions of s. 189.062, this section
229 prevails.

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

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

236 163.387 Redevelopment trust fund.—

237 (1)(a) After approval of a community redevelopment plan,
238 there may be established for each community redevelopment agency
239 created under s. 163.356 a redevelopment trust fund. Funds
240 allocated to and deposited into this fund shall be used by the
241 agency to finance or refinance any community redevelopment it
242 undertakes pursuant to the approved community redevelopment
243 plan. No community redevelopment agency may receive or spend any
244 increment revenues pursuant to this section unless and until the
245 governing body has, by ordinance, created the trust fund and
246 provided for the funding of the redevelopment trust fund until
247 the time certain set forth in the community redevelopment plan
248 as required by s. 163.362(10). Such ordinance may be adopted
249 only after the governing body has approved a community
250 redevelopment plan. The annual funding of the redevelopment

251 trust fund shall be in an amount not less than that increment in
 252 the income, proceeds, revenues, and funds of each taxing
 253 authority derived from or held in connection with the
 254 undertaking and carrying out of community redevelopment under
 255 this part. Such increment shall be determined annually and shall
 256 be that amount equal to 95 percent of the difference between:

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

261 2. The amount of ad valorem taxes which would have been
 262 produced by the rate upon which the tax is levied each year by
 263 or for each taxing authority, exclusive of any debt service
 264 millage, upon the total of the assessed value of the taxable
 265 real property in the community redevelopment area as shown upon
 266 the most recent assessment roll used in connection with the
 267 taxation of such property by each taxing authority prior to the
 268 effective date of the ordinance providing for the funding of the
 269 trust fund.

270
 271 However, the governing body ~~of any county as defined in s.~~
 272 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
 273 trust fund established with respect to any community
 274 redevelopment area ~~created on or after July 1, 1994,~~ determine
 275 that the amount to be funded by each taxing authority annually

276 shall be less than 95 percent of the difference between
 277 subparagraphs 1. and 2., but in no event shall such amount be
 278 less than 50 percent of such difference.

279 (6) Beginning October 1, 2017, moneys in the redevelopment
 280 trust fund may be expended ~~from time to time~~ for undertakings of
 281 a community redevelopment agency as described in the community
 282 redevelopment plan only pursuant to an annual budget adopted by
 283 the board of commissioners of the community redevelopment agency
 284 and only for the following purposes stated in this subsection.~~7~~
 285 ~~including, but not limited to:~~

286 (a) Except as provided in this subsection, a community
 287 redevelopment agency shall comply with the requirements of s.
 288 189.016.

289 (b) A community redevelopment agency created by a
 290 municipality shall submit its operating budget to the board of
 291 county commissioners for the county in which the community
 292 redevelopment agency is located within 10 days after the date of
 293 adoption of such budget and submit amendments to its operating
 294 budget to the board of county commissioners within 10 days after
 295 the date of adoption of the amended budget. ~~Administrative and~~
 296 ~~overhead expenses necessary or incidental to the implementation~~
 297 ~~of a community redevelopment plan adopted by the agency.~~

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

300 1. Administrative and overhead expenses directly or

301 indirectly necessary to implement a community redevelopment plan
302 adopted by the agency.

303 2.(b) Expenses of redevelopment planning, surveys, and
304 financial analysis, including the reimbursement of the governing
305 body or the community redevelopment agency for such expenses
306 incurred before the redevelopment plan was approved and adopted.

307 3.(e) The acquisition of real property in the
308 redevelopment area.

309 4.(d) The clearance and preparation of any redevelopment
310 area for redevelopment and relocation of site occupants within
311 or outside the community redevelopment area as provided in s.
312 163.370.

313 5.(e) The repayment of principal and interest or any
314 redemption premium for loans, advances, bonds, bond anticipation
315 notes, and any other form of indebtedness.

316 6.(f) All expenses incidental to or connected with the
317 issuance, sale, redemption, retirement, or purchase of bonds,
318 bond anticipation notes, or other form of indebtedness,
319 including funding of any reserve, redemption, or other fund or
320 account provided for in the ordinance or resolution authorizing
321 such bonds, notes, or other form of indebtedness.

322 7.(g) The development of affordable housing within the
323 community redevelopment area.

324 8.(h) The development of community policing innovations.

325 (7) On the last day of the fiscal year of the community

326 redevelopment agency, any money which remains in the trust fund
 327 after the payment of expenses pursuant to subsection (6) for
 328 such year shall be:

329 (d) Appropriated to a specific redevelopment project
 330 pursuant to an approved community redevelopment plan. The
 331 specific redevelopment project for which funds are appropriated
 332 under this subsection may not be changed at a later date ~~which~~
 333 ~~project will be completed within 3 years from the date of such~~
 334 ~~appropriation.~~

335 (8) (a) Each community redevelopment agency with revenues
 336 or the total of expenditures and expenses in excess of \$100,000,
 337 as reported on the fund financial statements, shall provide for
 338 a financial ~~an~~ audit ~~of the trust fund~~ each fiscal year and a
 339 report of such audit shall ~~to~~ be prepared by an independent
 340 certified public accountant or firm. Each financial audit
 341 provided pursuant to this subsection shall be conducted
 342 according to the rules for audits adopted by the Auditor General
 343 and in effect as of the last day of the community redevelopment
 344 agency's fiscal year being audited.

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

346 1. Describe the amount and source of deposits into, and
 347 the amount and purpose of withdrawals from, the trust fund
 348 during such fiscal year and the amount of principal and interest
 349 paid during such year on any indebtedness to which increment
 350 revenues are pledged and the remaining amount of such

351 indebtedness.

352 2. Include a complete financial statement identifying the
353 assets, liabilities, income, and operating expenses of the
354 community redevelopment agency as of the end of such fiscal
355 year.

356 3. Include a finding by the auditor determining whether
357 the community redevelopment agency complied with the
358 requirements of subsections (6) and (7).

359 (c) The audit report for the community redevelopment
360 agency shall be included with the annual financial report
361 submitted by the county or municipality that created the agency
362 to the Department of Financial Services as provided in s.
363 218.32, regardless of whether the agency reports separately
364 under s. 218.32.

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

367 Section 8. Subsection (4) is added to section 218.32,
368 Florida Statutes, to read:

369 218.32 Annual financial reports; local governmental
370 entities.—

371 (4) (a) A county or municipality that does not include with
372 its annual financial report submitted to the department the
373 audit report required by s. 163.387(8) for each community
374 redevelopment agency created by that county or municipality
375 shall be deemed to have failed to submit an annual financial

376 | report. The department shall report such failure to the
377 | Legislative Auditing Committee and the Special District
378 | Accountability Program of the Department of Economic
379 | Opportunity.

380 | (b) By November 1 of each year, the department must
381 | provide the Special District Accountability Program of the
382 | Department of Economic Opportunity with a list of each community
383 | redevelopment agency reporting no revenues, no expenditures, and
384 | no debt for the community redevelopment agency's previous fiscal
385 | year.

386 | Section 9. This act shall take effect October 1, 2017.