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CS/HB 9, Engrossed 1

2019 Legislature

1
2 An act relating to community redevelopment agencies;
3 amending s. 112.3142, F.S.; requiring ethics training
4 for community redevelopment agency commissioners;
5 specifying requirements for such training; amending s.
6 163.356, F.S.; revising reporting requirements;
7 deleting provisions requiring certain annual reports;
8 amending s. 163.367, F.S.; requiring ethics training
9 for community redevelopment agency commissioners;
10 amending s. 163.370, F.S.; requiring a community
11 redevelopment agency to follow certain procurement
12 procedures; creating s. 163.371, F.S.; requiring a
13 community redevelopment agency to publish certain
14 digital boundary maps on its website; providing annual
15 reporting requirements; requiring a community
16 redevelopment agency to publish the annual reports on
17 its website; creating s. 163.3755, F.S.; providing
18 termination dates for certain community redevelopment
19 agencies; creating s. 163.3756, F.S.; providing
20 legislative findings; requiring the Department of
21 Economic Opportunity to declare inactive community
22 redevelopment agencies that have reported no financial
23 activity for a specified number of years; providing
24 hearing procedures; authorizing certain financial
25 activity by a community redevelopment agency that is

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

26 | declared inactive; providing applicability; providing
27 | construction; requiring the department to maintain a
28 | list on its website identifying all inactive community
29 | redevelopment agencies; amending s. 163.387, F.S.;
30 | specifying the level of tax increment financing that a
31 | governing body may establish for funding the
32 | redevelopment trust fund; effective on a specified
33 | date, revising requirements for the use of
34 | redevelopment trust fund proceeds; limiting allowed
35 | expenditures; revising requirements for the annual
36 | budget of a community redevelopment agency; revising
37 | requirements for use of moneys in the redevelopment
38 | trust fund for specific redevelopment projects;
39 | revising requirements for the annual audit; requiring
40 | the audit to be included with the financial report of
41 | the county or municipality that created the community
42 | redevelopment agency; amending s. 218.32, F.S.;
43 | revising criteria for finding that a county or
44 | municipality failed to file a report; requiring the
45 | Department of Financial Services to provide a report
46 | to the Department of Economic Opportunity concerning
47 | community redevelopment agencies reporting no
48 | revenues, expenditures, or debts; providing an
49 | effective date.

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ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

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

52

53 Section 1. Section 112.3142, Florida Statutes, is amended
54 to read:

55 112.3142 Ethics training for specified constitutional
56 officers, and elected municipal officers, and commissioners.—

57 (1) As used in this section, the term "constitutional
58 officers" includes the Governor, the Lieutenant Governor, the
59 Attorney General, the Chief Financial Officer, the Commissioner
60 of Agriculture, state attorneys, public defenders, sheriffs, tax
61 collectors, property appraisers, supervisors of elections,
62 clerks of the circuit court, county commissioners, district
63 school board members, and superintendents of schools.

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

72 (b) ~~Beginning January 1, 2015,~~ All elected municipal
73 officers must complete 4 hours of ethics training each calendar
74 year which addresses, at a minimum, s. 8, Art. II of the State
75 Constitution, the Code of Ethics for Public Officers and

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

76 Employees, and the public records and public meetings laws of
77 this state. This requirement may be satisfied by completion of a
78 continuing legal education class or other continuing
79 professional education class, seminar, or presentation if the
80 required subjects are covered.

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

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

95 (e) ~~(d)~~ The Legislature intends that a constitutional
96 officer or elected municipal officer who is required to complete
97 ethics training pursuant to this section receive the required
98 training as close as possible to the date that he or she assumes
99 office. A constitutional officer or elected municipal officer
100 assuming a new office or new term of office on or before March

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

101 31 must complete the annual training on or before December 31 of
 102 the year in which the term of office began. A constitutional
 103 officer or elected municipal officer assuming a new office or
 104 new term of office after March 31 is not required to complete
 105 ethics training for the calendar year in which the term of
 106 office began.

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

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

111 163.356 Creation of community redevelopment agency.-

112 (3)

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

120 (d) An agency authorized to transact business and exercise
 121 powers under this part shall file with the governing body the
 122 report required pursuant to s. 163.371(1), ~~on or before March 31~~
 123 ~~of each year, a report of its activities for the preceding~~
 124 ~~fiscal year, which report shall include a complete financial~~
 125 ~~statement setting forth its assets, liabilities, income, and~~

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

126 | ~~operating expenses as of the end of such fiscal year. At the~~
 127 | ~~time of filing the report, the agency shall publish in a~~
 128 | ~~newspaper of general circulation in the community a notice to~~
 129 | ~~the effect that such report has been filed with the county or~~
 130 | ~~municipality and that the report is available for inspection~~
 131 | ~~during business hours in the office of the clerk of the city or~~
 132 | ~~county commission and in the office of the agency.~~

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

139 | Section 3. Subsection (1) of section 163.367, Florida
 140 | Statutes, is amended to read:

141 | 163.367 Public officials, commissioners, and employees
 142 | subject to code of ethics.—

143 | (1) The officers, commissioners, and employees of a
 144 | community redevelopment agency created by, or designated
 145 | pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to
 146 | ~~the provisions and requirements of part III of chapter 112, and~~
 147 | commissioners also must comply with the ethics training
 148 | requirements as imposed in s. 112.3142.

149 | Section 4. Subsection (5) is added to section 163.370,
 150 | Florida Statutes, to read:

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

151 163.370 Powers; counties and municipalities; community
152 redevelopment agencies.—

153 (5) A community redevelopment agency shall procure all
154 commodities and services under the same purchasing processes and
155 requirements that apply to the county or municipality that
156 created the agency.

157 Section 5. Section 163.371, Florida Statutes, is created
158 to read:

159 163.371 Reporting requirements.—

160 (1) By January 1, 2020, each community redevelopment
161 agency shall publish on its website digital maps that depict the
162 geographic boundaries and total acreage of the community
163 redevelopment agency. If any change is made to the boundaries or
164 total acreage, the agency shall post updated map files on its
165 website within 60 days after the date such change takes effect.

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

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

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

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

179 1. Total number of projects started and completed and the
 180 estimated cost for each project.

181 2. Total expenditures from the redevelopment trust fund.

182 3. Original assessed real property values within the
 183 community redevelopment agency's area of authority as of the day
 184 the agency was created.

185 4. Total assessed real property values of property within
 186 the boundaries of the community redevelopment agency as of
 187 January 1 of the reporting year.

188 5. Total amount expended for affordable housing for low-
 189 income and middle-income residents.

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

193 Section 6. Section 163.3755, Florida Statutes, is created
 194 to read:

195 163.3755 Termination of community redevelopment agencies.—

196 (1) A community redevelopment agency in existence on
 197 October 1, 2019, shall terminate on the expiration date provided
 198 in the agency's charter on October 1, 2019, or on September 30,
 199 2039, whichever is earlier, unless the governing body of the
 200 county or municipality that created the community redevelopment

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

201 agency approves its continued existence by a majority vote of
 202 the members of the governing body.

203 (2) (a) If the governing body of the county or municipality
 204 that created the community redevelopment agency does not approve
 205 its continued existence by a majority vote of the governing body
 206 members, a community redevelopment agency with outstanding bonds
 207 as of October 1, 2019, that do not mature until after the
 208 termination date of the agency or September 30, 2039, whichever
 209 is earlier, remains in existence until the date the bonds
 210 mature.

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

214 (c) The county or municipality that created the community
 215 redevelopment agency must issue a new finding of necessity
 216 limited to timely meeting the remaining bond obligations of the
 217 community redevelopment agency.

218 Section 7. Section 163.3756, Florida Statutes, is created
 219 to read:

220 163.3756 Inactive community redevelopment agencies.—

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

225 (2) (a) A community redevelopment agency that has reported

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

226 no revenue, no expenditures, and no debt under s. 189.016(9) or
 227 s. 218.32 for 6 consecutive fiscal years beginning no earlier
 228 than October 1, 2016, must be declared inactive by the
 229 Department of Economic Opportunity, which shall notify the
 230 agency of the declaration. If the agency does not have board
 231 members or an agent, the notice of the declaration of inactive
 232 status must be delivered to the county or municipal governing
 233 board or commission that created the agency.

234 (b) The governing board of a community redevelopment
 235 agency that is declared inactive under this section may seek to
 236 invalidate the declaration by initiating proceedings under s.
 237 189.062(5) within 30 days after the date of the receipt of the
 238 notice from the Department of Economic Opportunity.

239 (3) A community redevelopment agency that is declared
 240 inactive under this section may expend funds from the
 241 redevelopment trust fund only as necessary to service
 242 outstanding bond debt. The agency may not expend other funds in
 243 the absence of an ordinance of the local governing body that
 244 created the agency which consents to the expenditure of such
 245 funds.

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

249 (5) The provisions of this section are cumulative to the
 250 provisions of s. 189.062. To the extent the provisions of this

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

251 section conflict with the provisions of s. 189.062, this section
 252 prevails.

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

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

259 163.387 Redevelopment trust fund.—

260 (1)(a) After approval of a community redevelopment plan,
 261 there may be established for each community redevelopment agency
 262 created under s. 163.356 a redevelopment trust fund. Funds
 263 allocated to and deposited into this fund shall be used by the
 264 agency to finance or refinance any community redevelopment it
 265 undertakes pursuant to the approved community redevelopment
 266 plan. No community redevelopment agency may receive or spend any
 267 increment revenues pursuant to this section unless and until the
 268 governing body has, by ordinance, created the trust fund and
 269 provided for the funding of the redevelopment trust fund until
 270 the time certain set forth in the community redevelopment plan
 271 as required by s. 163.362(10). Such ordinance may be adopted
 272 only after the governing body has approved a community
 273 redevelopment plan. The annual funding of the redevelopment
 274 trust fund shall be in an amount not less than that increment in
 275 the income, proceeds, revenues, and funds of each taxing

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

276 authority derived from or held in connection with the
 277 undertaking and carrying out of community redevelopment under
 278 this part. Such increment shall be determined annually and shall
 279 be that amount equal to 95 percent of the difference between:

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

284 2. The amount of ad valorem taxes which would have been
 285 produced by the rate upon which the tax is levied each year by
 286 or for each taxing authority, exclusive of any debt service
 287 millage, upon the total of the assessed value of the taxable
 288 real property in the community redevelopment area as shown upon
 289 the most recent assessment roll used in connection with the
 290 taxation of such property by each taxing authority prior to the
 291 effective date of the ordinance providing for the funding of the
 292 trust fund.

293
 294 However, the governing body ~~of any county as defined in s.~~
 295 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
 296 trust fund established with respect to any community
 297 redevelopment area ~~created on or after July 1, 1994,~~ determine
 298 that the amount to be funded by each taxing authority annually
 299 shall be less than 95 percent of the difference between
 300 subparagraphs 1. and 2., but in no event shall such amount be

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

301 less than 50 percent of such difference.

302 (6) Effective October 1, 2019, moneys in the redevelopment
 303 trust fund may be expended ~~from time to time~~ for undertakings of
 304 a community redevelopment agency as described in the community
 305 redevelopment plan only pursuant to an annual budget adopted by
 306 the board of commissioners of the community redevelopment agency
 307 and only for the following purposes specified in paragraph (c).~~7~~
 308 ~~including, but not limited to:~~

309 (a) Except as otherwise provided in this subsection, a
 310 community redevelopment agency shall comply with the
 311 requirements of s. 189.016.

312 (b) A community redevelopment agency created by a
 313 municipality shall submit its annual budget to the board of
 314 county commissioners for the county in which the agency is
 315 located within 10 days after the adoption of such budget and
 316 submit amendments of its annual budget to the board of county
 317 commissioners within 10 days after the adoption date of the
 318 amended budget ~~Administrative and overhead expenses necessary or~~
 319 ~~incidental to the implementation of a community redevelopment~~
 320 ~~plan adopted by the agency.~~

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

323 1. Administrative and overhead expenses directly or
 324 indirectly necessary to implement a community redevelopment plan
 325 adopted by the agency.

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

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

330 ~~3.(e)~~ The acquisition of real property in the
 331 redevelopment area.

332 ~~4.(d)~~ The clearance and preparation of any redevelopment
 333 area for redevelopment and relocation of site occupants within
 334 or outside the community redevelopment area as provided in s.
 335 163.370.

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

339 ~~6.(f)~~ All expenses incidental to or connected with the
 340 issuance, sale, redemption, retirement, or purchase of bonds,
 341 bond anticipation notes, or other form of indebtedness,
 342 including funding of any reserve, redemption, or other fund or
 343 account provided for in the ordinance or resolution authorizing
 344 such bonds, notes, or other form of indebtedness.

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

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

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

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

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

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

354 (d) Appropriated to a specific redevelopment project
 355 pursuant to an approved community redevelopment plan. The funds
 356 appropriated for such project may not be changed unless the
 357 project is amended, redesigned, or delayed, in which case the
 358 funds must be reappropriated pursuant to the next annual budget
 359 adopted by the board of commissioners of the community
 360 redevelopment agency ~~which project will be completed within 3~~
 361 ~~years from the date of such appropriation.~~

362 (8)(a) Each community redevelopment agency with revenues
 363 or a total of expenditures and expenses in excess of \$100,000,
 364 as reported on the trust fund financial statements, shall
 365 provide for a financial ~~an~~ audit ~~of the trust fund~~ each fiscal
 366 year ~~and a report of such audit to be prepared~~ by an independent
 367 certified public accountant or firm. Each financial audit
 368 conducted pursuant to this subsection must be conducted in
 369 accordance with rules for audits of local governments adopted by
 370 the Auditor General.

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

372 1. Describe the amount and source of deposits into, and
 373 the amount and purpose of withdrawals from, the trust fund
 374 during such fiscal year and the amount of principal and interest
 375 paid during such year on any indebtedness to which increment

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

376 revenues are pledged and the remaining amount of such
 377 indebtedness.

378 2. Include financial statements identifying the assets,
 379 liabilities, income, and operating expenses of the community
 380 redevelopment agency as of the end of such fiscal year.

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

384 (c) The audit report for the community redevelopment
 385 agency must accompany the annual financial report submitted by
 386 the county or municipality that created the agency to the
 387 Department of Financial Services as provided in s. 218.32,
 388 regardless of whether the agency reports separately under that
 389 section.

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

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

394 218.32 Annual financial reports; local governmental
 395 entities.—

396 (3)(a) The department shall notify the President of the
 397 Senate and the Speaker of the House of Representatives of any
 398 municipality that has not reported any financial activity for
 399 the last 4 fiscal years. Such notice must be sufficient to
 400 initiate dissolution procedures as described in s.

ENROLLED

CS/HB 9, Engrossed 1

2019 Legislature

401 165.051(1) (a). Any special law authorizing the incorporation or
 402 creation of the municipality must be included within the
 403 notification.

404 (b) Failure of a county or municipality required under s.
 405 163.387(8) to include with its annual financial report to the
 406 department a financial audit report for each community
 407 redevelopment agency created by that county or municipality
 408 constitutes a failure to report under this section.

409 (c) By November 1 of each year, the department must
 410 provide the Special District Accountability Program of the
 411 Department of Economic Opportunity with a list of each community
 412 redevelopment agency that does not report any revenues,
 413 expenditures, or debt for the community redevelopment agency's
 414 previous fiscal year.

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