



1 A bill to be entitled
2 An act relating to community redevelopment agencies;
3 amending s. 163.356, F.S.; requiring a county or
4 municipality, by resolution, to petition the
5 Legislature to create a new community redevelopment
6 agency; establishing procedures for selecting the
7 community redevelopment agency governing body;
8 providing reporting requirements; deleting provisions
9 requiring certain annual reports; amending s. 163.367,
10 F.S.; requiring ethics training for community
11 redevelopment agency commissioners; amending s.
12 163.370, F.S.; establishing procurement procedures;
13 creating s. 163.371, F.S.; providing annual reporting
14 requirements; requiring publication of notices of
15 reports; requiring reports to be available for
16 inspection in designated places; requiring a community
17 redevelopment agency to post annual reports and
18 boundary maps on its website; creating s. 163.3755,
19 F.S.; requiring the creation of new community
20 redevelopment agencies to occur by special act after a
21 date certain; providing a phase-out period for
22 existing community redevelopment agencies under
23 specified circumstances; creating s. 163.3756, F.S.;
24 providing legislative findings; requiring the
25 Department of Economic Opportunity to declare inactive



26 | community redevelopment agencies that have reported no
27 | financial activity for a specified number of years;
28 | providing hearing procedures; authorizing certain
29 | financial activity by a community redevelopment agency
30 | that is declared inactive; requiring the Department of
31 | Economic Opportunity to maintain a website identifying
32 | all inactive community redevelopment agencies;
33 | amending s. 163.387, F.S.; authorizing the county or
34 | municipality that created the community redevelopment
35 | agency to determine the level of tax increment
36 | financing for the agency; revising requirements for
37 | the expenditure of the redevelopment trust fund
38 | proceeds; revising requirements for the annual budget
39 | of a community redevelopment agency; requiring
40 | municipal community redevelopment agencies to provide
41 | annual budget to county commission; specifying allowed
42 | expenditures from the annual budget; revising
43 | requirements for use of moneys in the redevelopment
44 | trust fund for specific redevelopment projects;
45 | revising requirements for the annual audit; requiring
46 | the audit to be included with the financial report of
47 | the county or municipality that created the community
48 | redevelopment agency; amending s. 218.32, F.S.;
49 | requiring county and municipal governments to submit
50 | community redevelopment agency annual audit reports as



51 part of an annual report; revising criteria for
52 finding that a county or municipality failed to file a
53 report; requiring the Department of Financial Services
54 to provide to the Department of Economic Opportunity a
55 list of community redevelopment agencies with no
56 revenues, no expenditures, and no debts; providing an
57 effective date.
58

59 Be It Enacted by the Legislature of the State of Florida:
60

61 Section 1. Subsections (1), (2), and (3) of section
62 163.356, Florida Statutes, are amended to read:

63 163.356 Creation of community redevelopment agency.—

64 (1) Upon a finding of necessity as set forth in s.
65 163.355, and upon a further finding that there is a need for a
66 community redevelopment agency to function in the county or
67 municipality to carry out the community redevelopment purposes
68 of this part, any county or municipality may, by resolution,
69 petition the Legislature to create a public body corporate and
70 politic to be known as a "community redevelopment agency." ~~A~~
71 ~~charter county having a population less than or equal to 1.6~~
72 ~~million may create, by a vote of at least a majority plus one of~~
73 ~~the entire governing body of the charter county, more than one~~
74 ~~community redevelopment agency.~~ Each such agency shall be
75 constituted as a public instrumentality, and the exercise by a



76 | community redevelopment agency of the powers conferred by this
77 | part shall be deemed and held to be the performance of an
78 | essential public function. Community redevelopment agencies of a
79 | county have the power to function within the corporate limits of
80 | a municipality only as, if, and when the governing body of the
81 | municipality has by resolution concurred in the community
82 | redevelopment plan or plans proposed by the governing body of
83 | the county.

84 | (2) As of the creation date of a community redevelopment
85 | agency, the governing ~~When the governing body adopts a~~
86 | ~~resolution declaring the need for a community redevelopment~~
87 | ~~agency, that~~ body shall, by ordinance, appoint a board of
88 | commissioners of the community redevelopment agency, which shall
89 | consist of not fewer than five or more than nine commissioners.
90 | The terms of office of the commissioners shall be for 4 years,
91 | except that three of the members first appointed shall be
92 | designated to serve terms of 1, 2, and 3 years, respectively,
93 | from the date of their appointments, and all other members shall
94 | be designated to serve for terms of 4 years from the date of
95 | their appointments. A vacancy occurring during a term shall be
96 | filled for the unexpired term. As provided in an interlocal
97 | agreement between the governing body that created the agency and
98 | one or more taxing authorities, one or more members of the board
99 | of commissioners of the agency may be representatives of a
100 | taxing authority, including members of that taxing authority's



101 governing body, whose membership on the board of commissioners
102 of the agency would be considered an additional duty of office
103 as a member of the taxing authority governing body.

104 (3) (a) A commissioner shall receive no compensation for
105 services, but is entitled to the necessary expenses, including
106 travel expenses, incurred in the discharge of duties. Each
107 commissioner shall hold office until his or her successor has
108 been appointed and has qualified. A certificate of the
109 appointment or reappointment of any commissioner shall be filed
110 with the clerk of the county or municipality, and such
111 certificate is conclusive evidence of the due and proper
112 appointment of such commissioner.

113 (b) The powers of a community redevelopment agency shall
114 be exercised by the commissioners thereof. A majority of the
115 commissioners constitutes a quorum for the purpose of conducting
116 business and exercising the powers of the agency and for all
117 other purposes. Action may be taken by the agency upon a vote of
118 a majority of the commissioners present, unless in any case the
119 bylaws require a larger number. Any person may be appointed as
120 commissioner if he or she resides or is engaged in business,
121 which means owning a business, practicing a profession, or
122 performing a service for compensation, or serving as an officer
123 or director of a corporation or other business entity so
124 engaged, within the area of operation of the agency, which shall
125 be coterminous with the area of operation of the county or



126 municipality, and is otherwise eligible for such appointment
127 under this part.

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

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

148 (e) ~~(d)~~ At any time after the creation of a community
149 redevelopment agency, the governing body of the county or
150 municipality may appropriate to the agency such amounts as the



151 governing body deems necessary for the administrative expenses
152 and overhead of the agency, including the development and
153 implementation of community policing innovations.

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

156 163.367 Public officials, commissioners, and employees
157 subject to code of ethics.—

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

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

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

166 163.370 Powers; counties and municipalities; community
167 redevelopment agencies.—

168 (5) A community redevelopment agency shall procure all
169 commodities and services under the same purchasing processes and
170 requirements that apply to the county or municipality that
171 created the agency.

172 Section 4. Section 163.371, Florida Statutes, is created
173 to read:

174 163.371 Reporting requirements.—

175 (1) Beginning March 31, 2018, and no later than March 31



176 of each year thereafter, a community redevelopment agency shall
177 file an annual report with the county or municipality that
178 created the agency and post the report on the agency's website.
179 At the time the report is filed and posted on the website, the
180 agency shall also publish in a newspaper of general circulation
181 in the community a notice to the effect that such report has
182 been filed with the county or municipality and that the report
183 is available for inspection during business hours in the office
184 of the clerk of the city or county commission and in the office
185 of the agency or on the website of the agency. The report must
186 include the following information:

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

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

192 1. Total number of projects started, total number of
193 projects completed, and estimated project cost for each project.

194 2. Total expenditures from the redevelopment trust fund.

195 3. Assessed real property values of property located
196 within the boundaries of the community redevelopment agency as
197 of the day the agency was created.

198 4. Total assessed real property values of property within
199 the boundaries of the community redevelopment agency as of
200 January 1 of the year being reported.



201 5. Earliest data available as of the date the agency was
202 created, providing total commercial property vacancy rates
203 within the community redevelopment agency.

204 6. Total commercial property vacancy rates within the
205 boundaries of the community redevelopment agency.

206 7. Assessed real property values for redeveloped
207 properties within the boundaries of the community redevelopment
208 agency as of January 1 of the year being reported.

209 8. Earliest data available as of the day the agency was
210 created, providing total housing vacancy rates within the
211 boundaries of the community redevelopment agency.

212 9. Total housing vacancy rates within the boundaries of
213 the community redevelopment agency.

214 10. Total number of code enforcement violations within the
215 boundaries of the community redevelopment agency.

216 11. Total amount expended for affordable housing for low
217 and middle income residents, if the community redevelopment
218 agency has affordable housing as part of its community
219 redevelopment plan.

220 12. Name of the sponsor or donor and total amount
221 sponsored or donated for sponsorships and donations that were
222 made to the community redevelopment agency.

223 13. Ratio of redevelopment funds to private funds expended
224 within the boundaries of the community redevelopment agency.

225 (2) By January 1, 2018, each community redevelopment



226 agency shall post on its website digital maps that depict the
227 geographic boundaries and total acreage of the community
228 redevelopment agency. If any change is made to the boundaries or
229 total acreage, the agency shall post updated map files on its
230 website within 60 days after the date such change takes effect.

231 Section 5. Section 163.3755, Florida Statutes, is created
232 to read:

233 163.3755 Termination of community redevelopment agencies;
234 prohibition on future creation.-

235 (1) Unless the governing body of the county or
236 municipality that created the community redevelopment agency
237 approves its continued existence by a super majority (majority
238 plus one) vote of the governing body members, a community
239 redevelopment agency in existence on October 1, 2017, shall
240 terminate on the expiration date provided in the community
241 redevelopment agency's charter on October 1, 2017, or on
242 September 30, 2037, whichever is earlier.

243 (2) (a) If the governing body of the county or municipality
244 that created the community redevelopment agency does not approve
245 its continued existence by a super majority (majority plus one)
246 vote of the governing body members, a community redevelopment
247 agency with outstanding bonds as of October 1, 2017, that do not
248 mature until after the earlier of the termination date of the
249 agency or September 30, 2037, remains in existence until the
250 date the bonds mature.



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

254 (c) The county or municipality that created the community
255 redevelopment agency must issue a new finding of necessity
256 limited to timely meeting the remaining bond obligations of the
257 community redevelopment agency.

258 (3) On or after October 1, 2017, a community redevelopment
259 agency may be created only by special act of the Legislature. A
260 community redevelopment agency in existence before October 1,
261 2017, may continue to operate as provided in this part.

262 Section 6. Section 163.3756, Florida Statutes, is created
263 to read:

264 163.3756 Inactive community redevelopment agencies.—

265 (1) The Legislature finds that a number of community
266 redevelopment agencies continue to exist but report no revenues,
267 no expenditures, and no outstanding debt in their annual report
268 to the Department of Financial Services pursuant to s. 218.32.

269 (2) (a) Beginning October 1, 2014, a community
270 redevelopment agency that has reported no revenues, no
271 expenditures, and no debt under s. 218.32 or s. 189.016(9), for
272 3 consecutive fiscal years shall be declared inactive by the
273 Department of Economic Opportunity. The department shall notify
274 the agency of the declaration of inactive status under this
275 subsection. If the agency has no board members or no agent, the



276 notice of inactive status must be delivered to the governing
277 board or commission of the county or municipality that created
278 the agency.

279 (b) The governing board of a community redevelopment
280 agency declared inactive under this subsection may seek to
281 invalidate the declaration by initiating proceedings under s.
282 189.062(5) within 30 days after the date of the receipt of the
283 notice from the department.

284 (3) A community redevelopment agency declared inactive
285 under this section is authorized only to expend funds from the
286 redevelopment trust fund as necessary to service outstanding
287 bond debt. The agency may not expend other funds without an
288 ordinance of the governing body of the local government that
289 created the agency consenting to the expenditure of funds.

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

293 (5) The provisions of this section are cumulative to the
294 provisions of s. 189.062. To the extent the provisions of this
295 section conflict with the provisions of s. 189.062, this section
296 prevails.

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

300 Section 7. Paragraph (a) of subsection (1), subsection



301 (6), paragraph (d) of subsection (7), and subsection (8) of
302 section 163.387, Florida Statutes, are amended to read:

303 163.387 Redevelopment trust fund.—

304 (1)(a) After approval of a community redevelopment plan,
305 there may be established for each community redevelopment agency
306 created under s. 163.356 a redevelopment trust fund. Funds
307 allocated to and deposited into this fund shall be used by the
308 agency to finance or refinance any community redevelopment it
309 undertakes pursuant to the approved community redevelopment
310 plan. No community redevelopment agency may receive or spend any
311 increment revenues pursuant to this section unless and until the
312 governing body has, by ordinance, created the trust fund and
313 provided for the funding of the redevelopment trust fund until
314 the time certain set forth in the community redevelopment plan
315 as required by s. 163.362(10). Such ordinance may be adopted
316 only after the governing body has approved a community
317 redevelopment plan. The annual funding of the redevelopment
318 trust fund shall be in an amount not less than that increment in
319 the income, proceeds, revenues, and funds of each taxing
320 authority derived from or held in connection with the
321 undertaking and carrying out of community redevelopment under
322 this part. Such increment shall be determined annually and shall
323 be that amount equal to 95 percent of the difference between:

324 1. The amount of ad valorem taxes levied each year by each
325 taxing authority, exclusive of any amount from any debt service



326 millage, on taxable real property contained within the
327 geographic boundaries of a community redevelopment area; and
328 2. The amount of ad valorem taxes which would have been
329 produced by the rate upon which the tax is levied each year by
330 or for each taxing authority, exclusive of any debt service
331 millage, upon the total of the assessed value of the taxable
332 real property in the community redevelopment area as shown upon
333 the most recent assessment roll used in connection with the
334 taxation of such property by each taxing authority prior to the
335 effective date of the ordinance providing for the funding of the
336 trust fund.

337
338 However, the governing body ~~of any county as defined in s.~~
339 ~~125.011(1)~~ may, in the ordinance providing for the funding of a
340 trust fund established with respect to any community
341 redevelopment area ~~created on or after July 1, 1994,~~ determine
342 that the amount to be funded by each taxing authority annually
343 shall be less than 95 percent of the difference between
344 subparagraphs 1. and 2., but in no event shall such amount be
345 less than 50 percent of such difference.

346 (6) Beginning October 1, 2017, moneys in the redevelopment
347 trust fund may be expended ~~from time to time~~ for undertakings of
348 a community redevelopment agency as described in the community
349 redevelopment plan only pursuant to an annual budget adopted by
350 the board of commissioners of the community redevelopment agency



351 and only for the following purposes stated in this subsection.~~7~~
352 ~~including, but not limited to:~~

353 (a) Except as provided in this subsection, a community
354 redevelopment agency shall comply with the requirements of s.
355 189.016.

356 (b) A community redevelopment agency created by a
357 municipality shall submit its operating budget to the board of
358 county commissioners for the county in which the community
359 redevelopment agency is located within 10 days after the date of
360 adoption of such budget and submit amendments to its operating
361 budget to the board of county commissioners within 10 days after
362 the date of adoption of the amended budget. ~~Administrative and~~
363 ~~overhead expenses necessary or incidental to the implementation~~
364 ~~of a community redevelopment plan adopted by the agency.~~

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

367 1. Administrative and overhead expenses directly or
368 indirectly necessary to implement a community redevelopment plan
369 adopted by the agency.

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

374 3. ~~(e)~~ The acquisition of real property in the
375 redevelopment area.



376 ~~4.(d)~~ The clearance and preparation of any redevelopment
377 area for redevelopment and relocation of site occupants within
378 or outside the community redevelopment area as provided in s.
379 163.370.

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

383 ~~6.(f)~~ All expenses incidental to or connected with the
384 issuance, sale, redemption, retirement, or purchase of bonds,
385 bond anticipation notes, or other form of indebtedness,
386 including funding of any reserve, redemption, or other fund or
387 account provided for in the ordinance or resolution authorizing
388 such bonds, notes, or other form of indebtedness.

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

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

392 9. Expenses that are necessary to exercise the powers
393 granted under s. 163.370, as delegated pursuant to s. 163.358.

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

398 (d) Appropriated to a specific redevelopment project
399 pursuant to an approved community redevelopment plan. The
400 appropriated funds for such a project may not be changed unless



401 the project is amended, redesigned, or delayed, in which case
402 the funds must be reappropriated pursuant to the next annual
403 budget adopted by the board of commissioners of the community
404 redevelopment agency ~~which project will be completed within 3~~
405 ~~years from the date of such appropriation.~~

406 (8) (a) Each community redevelopment agency with revenues
407 or the total of expenditures and expenses in excess of \$100,000,
408 as reported on the fund financial statements, shall provide for
409 a financial ~~an~~ audit ~~of the trust fund~~ each fiscal year and a
410 report of such audit shall ~~to~~ be prepared by an independent
411 certified public accountant or firm. Each financial audit
412 provided pursuant to this subsection shall be conducted
413 according to the rules for audits adopted by the Auditor General
414 and in effect as of the last day of the community redevelopment
415 agency's fiscal year being audited.

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

417 1. Describe the amount and source of deposits into, and
418 the amount and purpose of withdrawals from, the trust fund
419 during such fiscal year and the amount of principal and interest
420 paid during such year on any indebtedness to which increment
421 revenues are pledged and the remaining amount of such
422 indebtedness.

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



426 year.

427 3. Include a finding by the auditor determining whether
428 the community redevelopment agency complied with the
429 requirements of subsections (6) and (7).

430 (c) The audit report for the community redevelopment
431 agency shall be included with the annual financial report
432 submitted by the county or municipality that created the agency
433 to the Department of Financial Services as provided in s.
434 218.32, regardless of whether the agency reports separately
435 under s. 218.32.

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

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

440 218.32 Annual financial reports; local governmental
441 entities.—

442 (4) (a) A county or municipality that does not include with
443 its annual financial report submitted to the department the
444 audit report required by s. 163.387(8) for each community
445 redevelopment agency created by that county or municipality
446 shall be deemed to have failed to submit an annual financial
447 report. The department shall report such failure to the
448 Legislative Auditing Committee and the Special District
449 Accountability Program of the Department of Economic
450 Opportunity.



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451 (b) By November 1 of each year, the department must
452 provide the Special District Accountability Program of the
453 Department of Economic Opportunity with a list of each community
454 redevelopment agency reporting no revenues, no expenditures, and
455 no debt for the community redevelopment agency's previous fiscal
456 year.

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