

By Senator Lee

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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 a
10 community redevelopment agency to publish annual
11 reports and boundary maps on its website; creating s.
12 163.3755, F.S.; providing a phase-out period for
13 existing community redevelopment agencies; providing a
14 limited exception for community redevelopment agencies
15 with certain outstanding bond obligations; providing
16 that a governing body of a county or municipality may
17 create a community redevelopment agency only by a
18 super majority vote on or after a specified date;
19 creating s. 163.3756, F.S.; providing legislative
20 findings; requiring the Department of Economic
21 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
26 declared inactive; requiring the department to
27 maintain a website identifying all inactive community
28 redevelopment agencies; amending s. 163.387, F.S.;
29 revising requirements for the use of the redevelopment

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

49 Be It Enacted by the Legislature of the State of Florida:
50

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

53 163.356 Creation of community redevelopment agency.—

54 (3)(c) The governing body of the county or municipality
55 shall designate a chair and vice chair from among the
56 commissioners. An agency may employ an executive director,
57 technical experts, and such other agents and employees,
58 permanent and temporary, as it requires, and determine their

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59 qualifications, duties, and compensation. For such legal service
60 as it requires, an agency may employ or retain its own counsel
61 and legal staff.

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

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

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

83 163.367 Public officials, commissioners, and employees
84 subject to code of ethics.—

85 (1)(a) The officers, commissioners, and employees of a
86 community redevelopment agency created by, or designated
87 pursuant to, s. 163.356 or s. 163.357 are ~~shall be~~ subject to

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88 the provisions and requirements of part III of chapter 112.

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

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

93 163.370 Powers; counties and municipalities; community
94 redevelopment agencies.—

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

99 Section 4. Section 163.371, Florida Statutes, is created to
100 read:

101 163.371 Reporting requirements.—

102 (1) Beginning March 31, 2018, and no later than March 31 of
103 each year thereafter, a community redevelopment agency shall
104 file an annual report with the county or municipality that
105 created the agency and publish the information on the agency's
106 website. The report must include the following information:

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

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

112 1. Total number of projects started and completed and the
113 estimated project cost for each project.

114 2. Total expenditures from the redevelopment trust fund.

115 3. Number of jobs created within the community
116 redevelopment agency's area of authority.

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

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

120 6. Original assessed real property values within the
121 community redevelopment agency's area of authority as of the day
122 the agency was created.

123 7. Total assessed real property values of property within
124 the boundaries of the community redevelopment agency as of
125 January 1 of the year being reported.

126 8. Total amount expended for affordable housing for low-
127 income and middle-income residents.

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

134 Section 5. Section 163.3755, Florida Statutes, is created
135 to read:

136 163.3755 Termination of community redevelopment agencies;
137 future creation.-

138 (1) A community redevelopment agency in existence on July
139 1, 2017, shall terminate on the expiration date provided in the
140 community redevelopment agency's charter as it exists on July 1,
141 2017, or on September 30, 2037, whichever is earlier.

142 (2) (a) Notwithstanding subsection (1), a community
143 redevelopment agency with outstanding bonds as of July 1, 2017,
144 which do not mature until after the earlier of the termination
145 date of the agency or September 30, 2037, remains in existence

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146 until the date the bonds mature.

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

150 (c) The county or municipality that created the community
151 redevelopment agency must issue a new finding of necessity
152 limited to timely meeting the remaining bond obligations of the
153 community redevelopment agency.

154 (3) On or after July 1, 2017, the governing body of a
155 county or municipality may create a community redevelopment
156 agency only by a super majority vote of the members of the
157 governing body of the county or municipality. A community
158 redevelopment agency in existence before July 1, 2017, may
159 continue to operate as provided in this part.

160 Section 6. Section 163.3756, Florida Statutes, is created
161 to read:

162 163.3756 Inactive community redevelopment agencies.—

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

167 (2) (a) A community redevelopment agency that has reported
168 no revenues, expenditures, or debt under s. 218.32 or s.
169 189.016(9) for 3 consecutive fiscal years calculated from no
170 earlier than October 1, 2014, shall be declared inactive by the
171 Department of Economic Opportunity. The department shall notify
172 the agency of the declaration of inactive status under this
173 subsection. If the agency has no board members or no agent, the
174 notice of inactive status must be delivered to the governing

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175 board or commission of the county or municipality which created
176 the agency.

177 (b) The governing board of a community redevelopment agency
178 declared inactive under this subsection may seek to invalidate
179 the declaration by initiating proceedings under s. 189.062(5)
180 within 30 days after the date of the receipt of the notice from
181 the department.

182 (3) A community redevelopment agency declared inactive
183 under this section is authorized only to expend funds from the
184 redevelopment trust fund as necessary to service outstanding
185 bond debt. The agency may not expend other funds without an
186 ordinance of the governing body of the local government which
187 created the agency consenting to the expenditure of funds.

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

191 (5) The provisions of this section are cumulative to the
192 provisions of s. 189.062. To the extent the provisions of this
193 section conflict with the provisions of s. 189.062, this section
194 prevails.

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

198 Section 7. Subsections (6) and (8) of section 163.387,
199 Florida Statutes, are amended to read:

200 163.387 Redevelopment trust fund.—

201 (6) Beginning July 1, 2017, moneys in the redevelopment
202 trust fund may be expended ~~from time to time~~ for undertakings of
203 a community redevelopment agency as described in the community

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204 redevelopment plan only pursuant to an annual budget adopted by
205 the board of commissioners of the community redevelopment agency
206 and only for the following purposes stated in this subsection.~~7~~
207 ~~including, but not limited to:~~

208 (a) Except as provided in this subsection, a community
209 redevelopment agency shall comply with the requirements of s.
210 189.016.

211 (b) A community redevelopment agency created by a
212 municipality shall:

213 1. Adopt its proposed budget within 90 days before the
214 beginning of its fiscal year.

215 2. Submit its proposed budget and projections for the next
216 fiscal year to the board of county commissioners for the county
217 in which the community redevelopment agency is located within 60
218 days before the start of the agency's fiscal year.

219 3. Submit amendments to its operating budget to the board
220 of county commissioners of the county in which the community
221 redevelopment agency is located within 10 days after the date of
222 adoption of the amended budget ~~Administrative and overhead~~
223 ~~expenses necessary or incidental to the implementation of a~~
224 ~~community redevelopment plan adopted by the agency.~~

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

227 1. Administrative and overhead expenses directly or
228 indirectly necessary to implement a community redevelopment plan
229 adopted by the agency.

230 2.~~(b)~~ Expenses of redevelopment planning, surveys, and
231 financial analysis, including the reimbursement of the governing
232 body or the community redevelopment agency for such expenses

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233 incurred before the redevelopment plan was approved and adopted.

234 3.~~(e)~~ The acquisition of real property in the redevelopment
235 area.

236 4.~~(d)~~ The clearance and preparation of any redevelopment
237 area for redevelopment and relocation of site occupants within
238 or outside the community redevelopment area as provided in s.
239 163.370.

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

243 6.~~(f)~~ All expenses incidental to or connected with the
244 issuance, sale, redemption, retirement, or purchase of bonds,
245 bond anticipation notes, or other form of indebtedness,
246 including funding of any reserve, redemption, or other fund or
247 account provided for in the ordinance or resolution authorizing
248 such bonds, notes, or other form of indebtedness.

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

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

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

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

257 1. Describe the amount and source of deposits into, and the
258 amount and purpose of withdrawals from, the trust fund during
259 such fiscal year and the amount of principal and interest paid
260 during such year on any indebtedness to which increment revenues
261 are pledged and the remaining amount of such indebtedness.

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262 2. Include a complete financial statement identifying the
263 assets, liabilities, income, and operating expenses of the
264 community redevelopment agency as of the end of such fiscal
265 year.

266 3. Include a finding by the auditor determining whether the
267 community redevelopment agency complies with the requirements of
268 subsection (7).

269 (c) The audit report for the community redevelopment agency
270 shall be included with the annual financial report submitted by
271 the county or municipality that created the agency to the
272 Department of Financial Services as provided in s. 218.32,
273 regardless of whether the agency reports separately under s.
274 218.32.

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

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

279 218.32 Annual financial reports; local governmental
280 entities.—

281 (3)(a) The department shall notify the President of the
282 Senate and the Speaker of the House of Representatives of any
283 municipality that has not reported any financial activity for
284 the last 4 fiscal years. Such notice must be sufficient to
285 initiate dissolution procedures as described in s.
286 165.051(1)(a). Any special law authorizing the incorporation or
287 creation of the municipality must be included within the
288 notification.

289 (b) Failure of a county or municipality to include in its
290 annual report to the department the full audit required by s.

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291 163.387(8) for each community redevelopment agency created by
292 that county or municipality constitutes a failure to report
293 under this section.

294 (c) By November 1 of each year, the department must provide
295 the Special District Accountability Program of the Department of
296 Economic Opportunity with a list of each community redevelopment
297 agency reporting no revenues, expenditures, or debt for the
298 community redevelopment agency's previous fiscal year.

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