

1 A bill to be entitled
2 An act relating to community redevelopment agencies;
3 amending s. 112.3142, F.S.; specifying ethics training
4 requirements for community redevelopment agency
5 commissioners; amending s. 163.356, F.S.; establishing
6 procedures for appointing members of the board of the
7 community redevelopment agency; providing reporting
8 requirements; deleting provisions requiring certain
9 annual reports; requiring a referendum to create a
10 community redevelopment agency; amending s. 163.357,
11 F.S.; revising community redevelopment agency
12 membership; amending s. 163.367, F.S.; requiring
13 ethics training for community redevelopment agency
14 commissioners; amending s. 163.370, F.S.; establishing
15 procurement procedures; creating s. 163.371, F.S.;
16 providing annual reporting requirements; requiring
17 publication of notices of the reports; requiring
18 reports to be available for inspection in designated
19 places; specifying information that must be included
20 in the reports; requiring a community redevelopment
21 agency to post annual reports and boundary maps on its
22 website; requiring updates upon specified changes to a
23 boundary or total acreage; creating s. 163.3755, F.S.;
24 providing termination dates for certain community
25 redevelopment agencies; requiring a referendum to

26 create a community redevelopment agency after a date
27 certain; providing a phase-out period for existing
28 community redevelopment agencies under specified
29 circumstances; creating s. 163.3756, F.S.; providing
30 legislative findings; requiring the Department of
31 Economic Opportunity to declare inactive certain
32 community redevelopment agencies under specified
33 circumstances; providing hearing procedures;
34 authorizing certain financial activity by a community
35 redevelopment agency that is declared inactive;
36 requiring community redevelopment agencies to follow
37 specified provisions applicable to inactive special
38 districts; requiring the Department of Economic
39 Opportunity to maintain a website identifying inactive
40 community redevelopment agencies; amending s. 163.387,
41 F.S.; specifying the level of tax increment financing
42 that the governing body may establish for funding the
43 redevelopment trust fund; revising requirements for
44 the expenditure of redevelopment trust fund proceeds;
45 revising requirements for the annual budget of a
46 community redevelopment agency; requiring municipal
47 community redevelopment agencies to provide annual
48 budget to county commission; specifying allowed
49 expenditures from the annual budget; revising
50 requirements for use of moneys in the redevelopment

51 trust fund for specific redevelopment projects;
52 revising requirements for the annual audit; requiring
53 the audit to be included in specified reports;
54 amending s. 218.32, F.S.; requiring county and
55 municipal governments to submit community
56 redevelopment agency annual audit reports; revising
57 criteria for finding that a county or municipality
58 failed to file a report; requiring the Department of
59 Financial Services to provide to the Department of
60 Economic Opportunity a list of certain community
61 redevelopment agencies; providing an effective date.

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

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65 Section 1. Subsection (2) of section 112.3142, Florida
66 Statutes, is amended to read:

67 112.3142 Ethics training for specified constitutional
68 officers and elected municipal officers.—

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

76 presentation if the required subjects are covered.

77 (b) Beginning January 1, 2015, all elected municipal
78 officers must complete 4 hours of ethics training each calendar
79 year which addresses, at a minimum, s. 8, Art. II of the State
80 Constitution, the Code of Ethics for Public Officers and
81 Employees, and the public records and public meetings laws of
82 this state. This requirement may be satisfied by completion of a
83 continuing legal education class or other continuing
84 professional education class, seminar, or presentation if the
85 required subjects are covered.

86 (c) Beginning October 1, 2019, each commissioner of a
87 community redevelopment agency under part III of chapter 163
88 must complete 4 hours of ethics training each calendar year
89 which addresses, at a minimum, s. 8, Art. II of the State
90 Constitution, the Code of Ethics for Public Officers and
91 Employees, and the public records and public meetings laws of
92 this state. This requirement may be satisfied by completion of a
93 continuing legal education class or other continuing
94 professional education class, seminar, or presentation if the
95 required subjects are covered.

96 (d)~~(e)~~ The commission shall adopt rules establishing
97 minimum course content for the portion of an ethics training
98 class which addresses s. 8, Art. II of the State Constitution
99 and the Code of Ethics for Public Officers and Employees.

100 (e)~~(d)~~ The Legislature intends that a constitutional

officer or elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

Section 2. Subsections (1), (2), and (3) of section 163.356, Florida Statutes, are amended, and a new subsection (5) is added to that section, to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency," subject to approval at a referendum, as set forth in subsection (5). ~~A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing~~

126 ~~body of the charter county, more than one community~~
127 ~~redevelopment agency.~~ Each such agency shall be constituted as a
128 public instrumentality, and the exercise by a community
129 redevelopment agency of the powers conferred by this part shall
130 be deemed and held to be the performance of an essential public
131 function. Community redevelopment agencies of a county have the
132 power to function within the corporate limits of a municipality
133 only as, if, and when the governing body of the municipality has
134 by resolution concurred in the community redevelopment plan or
135 plans proposed by the governing body of the county.

136 (2) As of the creation date of a community redevelopment
137 agency, the governing ~~When the governing body adopts a~~
138 ~~resolution declaring the need for a community redevelopment~~
139 ~~agency, that~~ body shall, by ordinance, appoint a board of
140 commissioners of the community redevelopment agency, which shall
141 consist of not fewer than five or more than nine commissioners.
142 The terms of office of the commissioners shall be for 4 years,
143 except that three of the members first appointed shall be
144 designated to serve terms of 1, 2, and 3 years, respectively,
145 from the date of their appointments, and all other members shall
146 be designated to serve for terms of 4 years from the date of
147 their appointments. A vacancy occurring during a term shall be
148 filled for the unexpired term. As provided in an interlocal
149 agreement between the governing body that created the agency and
150 one or more taxing authorities, one or more members of the board

151 of commissioners of the agency may be representatives of a
152 taxing authority, including members of that taxing authority's
153 governing body, whose membership on the board of commissioners
154 of the agency would be considered an additional duty of office
155 as a member of the taxing authority governing body.

156 (3) (a) A commissioner shall receive no compensation for
157 services, but is entitled to the necessary expenses, including
158 travel expenses, incurred in the discharge of duties. Each
159 commissioner shall hold office until his or her successor has
160 been appointed and has qualified. A certificate of the
161 appointment or reappointment of any commissioner shall be filed
162 with the clerk of the county or municipality, and such
163 certificate is conclusive evidence of the due and proper
164 appointment of such commissioner.

165 (b) The powers of a community redevelopment agency shall
166 be exercised by the commissioners thereof. A majority of the
167 commissioners constitutes a quorum for the purpose of conducting
168 business and exercising the powers of the agency and for all
169 other purposes. Action may be taken by the agency upon a vote of
170 a majority of the commissioners present, unless in any case the
171 bylaws require a larger number. Any person may be appointed as
172 commissioner if he or she resides or is engaged in business,
173 which means owning a business, practicing a profession, or
174 performing a service for compensation, or serving as an officer
175 or director of a corporation or other business entity so

engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(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 of the county or municipality a report as required under 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 county commission and in the office of the~~ agency.

201 (e)~~(d)~~ At any time after the creation of a community
202 redevelopment agency, the governing body of the county or
203 municipality may appropriate to the agency such amounts as the
204 governing body deems necessary for the administrative expenses
205 and overhead of the agency, including the development and
206 implementation of community policing innovations.

207 (5) On or after October 1, 2019, a community redevelopment
208 agency may only be created by a county-wide referendum held
209 during a primary or general election, as defined in s. 97.021,
210 and held in the county in which the agency will be located. The
211 referendum shall require the approval of two-thirds of the
212 qualified electors voting on the ballot question for passage.

213 Section 3. Paragraph (a) of subsection (1) of section
214 163.357, Florida Statutes, is amended to read:

215 163.357 Governing body as the community redevelopment
216 agency.—

217 (1)(a) As an alternative to the appointment of not fewer
218 than five or more than nine ~~seven~~ members of the agency, the
219 governing body may, at the time of the adoption of a resolution
220 under s. 163.355, or at any time thereafter by adoption of a
221 resolution, declare itself to be an agency, in which case all
222 the rights, powers, duties, privileges, and immunities vested by
223 this part in an agency will be vested in the governing body of
224 the county or municipality, subject to all responsibilities and
225 liabilities imposed or incurred.

226 Section 4. Subsection (1) of section 163.367, Florida
227 Statutes, is amended to read:

228 163.367 Public officials, commissioners, and employees
229 subject to code of ethics.—

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

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

236 Section 5. Subsection (5) is added to section 163.370,
237 Florida Statutes, to read:

238 163.370 Powers; counties and municipalities; community
239 redevelopment agencies.—

240 (5) A community redevelopment agency shall procure all
241 commodities and services using the same purchasing processes and
242 requirements that apply to the county or municipality that
243 created the community redevelopment agency.

244 Section 6. Section 163.371, Florida Statutes, is created
245 to read:

246 163.371 Reporting requirements.—

247 (1) Beginning March 31, 2020, and no later than March 31
248 of each year thereafter, each community redevelopment agency
249 shall file an annual report with the county or municipality that
250 created the agency and post the report on the agency's website.

251 At the time the report is filed and posted on the website, the
252 agency shall also publish in a newspaper of general circulation
253 in the community a notice that such report has been filed with
254 the county or municipality and that the report is available for
255 inspection during business hours in the office of the clerk of
256 the county or municipality, in the office of the community
257 redevelopment agency, and on the agency's website. The report
258 must include the following information:

259 (a) The most recent audit report for the community
260 redevelopment agency prepared pursuant to s. 163.387(8).

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

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

266 2. Total expenditures from the redevelopment trust fund.

267 3. Assessed real property values of property located
268 within the boundaries of the community redevelopment agency as
269 of the day the agency was created.

270 4. Total assessed real property values of property within
271 the boundaries of the community redevelopment agency as of
272 January 1 of the year being reported.

273 5. Earliest data available as of the date the agency was
274 created, providing total commercial property vacancy rates
275 within the community redevelopment agency.

276 6. Total commercial property vacancy rates within the
277 boundaries of the community redevelopment agency.

278 7. Assessed real property values for redeveloped
279 properties within the boundaries of the community redevelopment
280 agency as of January 1 of the year being reported.

281 8. Earliest data available as of the day the agency was
282 created, providing total housing vacancy rates within the
283 boundaries of the community redevelopment agency.

284 9. Total housing vacancy rates within the boundaries of
285 the community redevelopment agency.

286 10. Total number of code enforcement violations within the
287 boundaries of the community redevelopment agency.

288 11. Total amount expended for affordable housing for low
289 and middle income residents, if the community redevelopment
290 agency has affordable housing as part of its community
291 redevelopment plan.

292 12. Name of the sponsor or donor and total amount
293 sponsored or donated for sponsorships and donations that were
294 made to the community redevelopment agency.

295 13. Ratio of redevelopment funds to private funds expended
296 within the boundaries of the community redevelopment agency.

297 (2) By January 1, 2020, each community redevelopment
298 agency shall post on its website digital maps that depict the
299 geographic boundaries and total acreage of the community
300 redevelopment agency. If a change is made to the boundaries or

total acreage, the agency shall post updated map files on its website within 60 days after the date such change takes effect.

Section 7. Section 163.3755, Florida Statutes, is created to read:

163.3755 Termination of community redevelopment agencies; prohibition on future creation.—

(1) A community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the agency's charter as of October 1, 2019, or on September 30, 2039, whichever is earlier. However, the governing body of the county or municipality that created the community redevelopment agency may approve the agency's continued existence by a two-thirds vote of the members of the governing body.

(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a two-thirds vote, a community redevelopment agency with outstanding bonds as of October 1, 2019, that do not mature until after the earlier of the termination date of the agency or September 30, 2039, remains in existence until the date the bonds mature.

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

(c) The county or municipality that created the community

326 redevelopment agency must issue a new finding of necessity
327 limited to timely meeting the remaining bond obligations of the
328 community redevelopment agency.

329 (3) On or after October 1, 2019, a community redevelopment
330 agency may be created only pursuant to s. 163.356. A community
331 redevelopment agency in existence before October 1, 2019, may
332 continue to operate as provided in this part.

333 Section 8. Section 163.3756, Florida Statutes, is created
334 to read:

335 163.3756 Inactive community redevelopment agencies.—

336 (1) The Legislature finds that a number of community
337 redevelopment agencies continue to exist but reported no
338 revenues, no expenditures, and no outstanding debt in their
339 annual reports to the Department of Financial Services pursuant
340 to s. 218.32.

341 (2) (a) A community redevelopment agency that reported no
342 revenues, no expenditures, and no debt under s. 218.32 or s.
343 189.016(9), for 3 consecutive fiscal years beginning on October
344 1, 2016, shall be declared inactive by the Department of
345 Economic Opportunity. The department shall notify the agency of
346 the declaration of inactive status under this subsection. If the
347 agency does not have board members or agents, the notice of
348 inactive status must be delivered to the governing board or
349 commission of the county or municipality that created the
350 agency.

351 (b) The governing board of a community redevelopment
352 agency declared inactive under this subsection may seek to
353 invalidate the declaration by initiating proceedings under s.
354 189.062(5)(b) within 30 days after the date of the receipt of
355 the notice from the department.

356 (3) A community redevelopment agency declared inactive
357 under this section is authorized only to expend funds from the
358 redevelopment trust fund as necessary to service outstanding
359 bond debt. The agency may not expend other funds without an
360 ordinance of the governing body of the local government that
361 created the agency consenting to the expenditure of funds.

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

365 (5) The provisions of this section are cumulative to the
366 provisions of s. 189.062. To the extent the provisions of this
367 section conflict with the provisions of s. 189.062, this section
368 prevails.

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

372 Section 9. Paragraph (a) of subsection (1), subsection
373 (6), paragraph (d) of subsection (7), and subsection (8) of
374 section 163.387, Florida Statutes, are amended to read:

375 163.387 Redevelopment trust fund.—

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

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

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

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

(6) Beginning October 1, 2019, moneys in the redevelopment trust fund may be expended only ~~from time to time~~ for undertakings of a community redevelopment agency as described in the community redevelopment plan pursuant to an annual budget adopted by the board of commissioners of the community redevelopment agency and only for the following purposes stated in this subsection. ~~, including, but not limited to:~~

426 (a) Except as provided in this subsection, a community
427 redevelopment agency shall comply with the requirements of s.
428 189.016.

429 (b) A community redevelopment agency created by a
430 municipality shall submit its operating budget to the board of
431 county commissioners for the county in which the agency is
432 located within 10 days after the date such budget is adopted and
433 submit amendments of its operating budget to the board of county
434 commissioners within 10 days after the date the amended budget
435 is adopted. ~~Administrative and overhead expenses necessary or~~
436 ~~incidental to the implementation of a community redevelopment~~
437 ~~plan adopted by the agency.~~

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

440 1. Administrative and overhead expenses directly or
441 indirectly necessary to implement a community redevelopment plan
442 adopted by the agency.

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

447 3.~~(c)~~ The acquisition of real property in the
448 redevelopment area.

449 4.~~(d)~~ The clearance and preparation of any redevelopment
450 area for redevelopment and relocation of site occupants within

451 or outside the community redevelopment area as provided in s.
452 163.370.

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

456 ~~6.(f)~~ All expenses incidental to or connected with the
457 issuance, sale, redemption, retirement, or purchase of bonds,
458 bond anticipation notes, or other form of indebtedness,
459 including funding of any reserve, redemption, or other fund or
460 account provided for in the ordinance or resolution authorizing
461 such bonds, notes, or other form of indebtedness.

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

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

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

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

471 (d) Appropriated to a specific redevelopment project
472 pursuant to an approved community redevelopment plan. The funds
473 appropriated for such project may not be changed unless the
474 project is amended, redesigned, or delayed, in which case the
475 funds must be reappropriated pursuant to the next annual budget

476 adopted by the board of commissioners of the community
477 redevelopment agency ~~which project will be completed within 3~~
478 ~~years from the date of such appropriation.~~

479 (8)(a) Each community redevelopment agency with revenues
480 or a total of expenditures and expenses in excess of \$100,000,
481 as reported on the redevelopment trust fund financial
482 statements, shall provide for a financial ~~an~~ audit ~~of the trust~~
483 ~~fund~~ each fiscal year and a report of such audit shall ~~to~~ be
484 prepared by an independent certified public accountant or firm.
485 Each financial audit provided pursuant to this subsection shall
486 be conducted in accordance with rules for audits adopted by the
487 Auditor General which are in effect as of the last day of the
488 community redevelopment agency's fiscal year being audited.

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

490 1. Describe the amount and source of deposits into, and
491 the amount and purpose of withdrawals from, the trust fund
492 during the ~~such~~ fiscal year and the amount of principal and
493 interest paid during such year on any indebtedness to which
494 increment revenues are pledged and the remaining amount of such
495 indebtedness.

496 2. Include a complete financial statement identifying the
497 assets, liabilities, income, and operating expenses of the
498 community redevelopment agency as of the end of such fiscal
499 year.

500 3. Include a finding by the auditor determining whether

501 the community redevelopment agency complied with the
502 requirements of subsections (6) and (7).

503 (c) The audit report for the community redevelopment
504 agency shall be included with the annual financial report
505 submitted by the county or municipality that created the agency
506 to the Department of Financial Services as provided in s.
507 218.32, regardless of whether the agency reports separately
508 under s. 218.32.

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

511 Section 10. Subsection (4) is added to section 218.32,
512 Florida Statutes, to read:

513 218.32 Annual financial reports; local governmental
514 entities.—

515 (4)(a) A local governmental entity that does not include
516 with its annual financial report submitted to the department the
517 audit report required by s. 163.387(8) for each community
518 redevelopment agency created by the reporting entity shall be
519 deemed to have failed to submit an annual financial report. The
520 department shall report such failure to the Legislative Auditing
521 Committee and the Special District Accountability Program of the
522 Department of Economic Opportunity.

523 (b) By November 1 of each year, the department must
524 provide the Special District Accountability Program with a list
525 of each community redevelopment agency that has reported no

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526 | revenues, no expenditures, and no debt for the community
527 | redevelopment agency's previous fiscal year.

528 | Section 11. This act shall take effect July 1, 2019.