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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

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

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

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

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

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

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

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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

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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.

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

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

163.356 Creation of community redevelopment agency.—

(3)

(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 the report required pursuant to 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~~

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~~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.~~

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

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

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

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

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

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

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

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

163.371 Reporting requirements.—

(1) By January 1, 2020, each community redevelopment agency shall publish on its website digital maps that depict the geographic boundaries and total acreage of the community redevelopment agency. If any 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.

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

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

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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

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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 redemption 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 redemption 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

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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

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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

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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

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less than 50 percent of such difference.

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

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

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

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

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

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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

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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

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revenues are pledged and the remaining amount of such indebtedness.

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

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

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

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

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

218.32 Annual financial reports; local governmental entities.—

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

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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.