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CS/HB 9, Engrossed 1

2019 Legislature

1 An act relating to community redevelopment agencies;
 2 amending s. 112.3142, F.S.; requiring ethics training
 3 for community redevelopment agency commissioners;
 4 specifying requirements for such training; amending s.
 5 163.356, F.S.; revising reporting requirements;
 6 deleting provisions requiring certain annual reports;
 7 amending s. 163.367, F.S.; requiring ethics training
 8 for community redevelopment agency commissioners;
 9 amending s. 163.370, F.S.; requiring a community
 10 redevelopment agency to follow certain procurement
 11 procedures; creating s. 163.371, F.S.; requiring a
 12 community redevelopment agency to publish certain
 13 digital boundary maps on its website; providing annual
 14 reporting requirements; requiring a community
 15 redevelopment agency to publish the annual reports on
 16 its website; creating s. 163.3755, F.S.; providing
 17 termination dates for certain community redevelopment
 18 agencies; creating s. 163.3756, F.S.; providing
 19 legislative findings; requiring the Department of
 20 Economic Opportunity to declare inactive community
 21 redevelopment agencies that have reported no financial
 22 activity for a specified number of years; providing
 23 hearing procedures; authorizing certain financial
 24 activity by a community redevelopment agency that is
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declared inactive; providing applicability; providing construction; requiring the department to maintain a list on its website identifying all inactive community redevelopment agencies; amending s. 163.387, F.S.; specifying the level of tax increment financing that a governing body may establish for funding the redevelopment trust fund; effective on a specified date, revising requirements for the use of redevelopment trust fund proceeds; limiting allowed expenditures; revising requirements for the annual budget of a community redevelopment agency; revising requirements for use of moneys in the redevelopment trust fund for specific redevelopment projects; revising requirements for the annual audit; requiring the audit to be included with the financial report of the county or municipality that created the community redevelopment agency; amending s. 218.32, F.S.; revising criteria for finding that a county or municipality failed to file a report; requiring the Department of Financial Services to provide a report to the Department of Economic Opportunity concerning community redevelopment agencies reporting no revenues, expenditures, or debts; providing an 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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126 ~~operating expenses as of the end of such fiscal year. At the~~
 127 ~~time of filing the report, the agency shall publish in a~~
 128 ~~newspaper of general circulation in the community a notice to~~
 129 ~~the effect that such report has been filed with the county or~~
 130 ~~municipality and that the report is available for inspection~~
 131 ~~during business hours in the office of the clerk of the city or~~
 132 ~~county commission and in the office of the agency.~~

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

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

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

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

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

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

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

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

159 163.371 Reporting requirements.—

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

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

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

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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 redevelopment agency must issue a new finding of necessity
216 limited to timely meeting the remaining bond obligations of the
217 community redevelopment agency.

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

220 163.3756 Inactive community redevelopment agencies.—

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

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

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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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301 less than 50 percent of such difference.

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.