

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Will Allen, Redevelopment Administrator/ (954) 797-2093

PREPARED BY: Will Allen

SUBJECT: Resolution

AFFECTED DISTRICT: District 1 District 2 Townwide

TITLE OF AGENDA ITEM: **A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE LEGISLATURE TO VOTE AGAINST HB 1521 AND SB 2060, IN THAT THIS LEGISLATION WOULD AMEND PART III, CHAPTER 163, FLORIDA STATUTES, WITH THE EFFECT OF SEVERELY REDUCING THE ABILITY OF COMMUNITY REDEVELOPMENT AGENCIES TO ACCOMPLISH THEIR STATUTORY REDEVELOPMENT TASKS; AND PROVIDING FOR AN EFFECTIVE DATE.**

REPORT IN BRIEF: This resolution opposes adoption of legislation which would have an adverse effect on the Davie CRA and other CRA's throughout the State of Florida. Two bills are presently being proposed which enable the amount of funding which a county must contribute to the communities TIF each year to be reduced. The Davie CRA position is that the funds from the increased real estate values within the redevelopment area should be used within the redevelopment area. The CRA track record is good in providing programs and strategies which are proving to be successful. These programs are as varied as helping redevelop a viable Eastside neighborhood through various means such as land acquisition and using the land for affordable housing, providing land for the Potter Park Multi-Purpose facility; providing an incentive for commercial growth through helping pay interest on loans for construction projects, and providing funding for infrastructure improvements. Examples in the last year alone include providing matching funding to the State of Florida and funding for a jobs program to keep Andrx from leaving Florida and in fact expanding its facilities and providing incentives such as funding for infrastructure improvements and planning assistance to enable the Downtown Davie project to be approved. It has taken many years to achieve a position in which the tax increment funds are more substantial and thus the CRA is in a position to invest more significant funds into the redevelopment area. In effect, the counties are requesting to manage the CRA's and keep the tax increment or a portion of it for general government purposes. The proposed legislation is an attempt by counties to have the upper hand on dealing with communities and to make the program be more of a strictly economic development program. CRA disputes can and should be resolved locally rather than through legislation as was shown this past year in dealing with the Children's Services Council of Broward County. The CRA showed its desire to help the people within the community is its main focus. An agreement was made with CSC to forgo receipt of TIF from CSC so long as the children of the redevelopment area benefited from the increased programs in the area. It is imperative to keep the flexibility which allows CRA's to remain flexible and be able to revitalize communities.

PREVIOUS ACTIONS: The Town Council has supported the CRA in previous attempts to change legislation proposed to reduce funding. This is becoming almost an annual occurrence.

CONCURRENCES: The CRA Board approved an identical resolution at their March 28, 2005 meeting.

FISCAL IMPACT: The Town/CRA would most likely receive reduced funding if the legislation was passed in its present form.

RECOMMENDATION(S): Motion to approve Resolution.

Attachment(s): Resolution
Copies of the proposed legislation

RESOLUTION NO. R-2005-

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE LEGISLATURE TO VOTE AGAINST HB 1521 AND SB 2060, IN THAT THIS LEGISLATION WOULD AMEND PART III, CHAPTER 163, FLORIDA STATUTES, WITH THE EFFECT OF SEVERELY REDUCING THE ABILITY OF COMMUNITY REDEVELOPMENT AGENCIES TO ACCOMPLISH THEIR STATUTORY REDEVELOPMENT TASKS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bills would significantly revise the funding mechanisms under which the municipal CRA's fund capital projects, i.e., by automatically reducing current contributions by county government; and

WHEREAS, the best way to resolve a dispute on the part of one local government to address an issue in dispute with another local government is at the local government level; and

WHEREAS, the Bills seek to assist counties in such city-county disputes; but leave little for municipal interests in such disputes; and

WHEREAS, these Bills would alter the course of redevelopment midstream after approval, joint planning and funding commitments by the charter county, prior to the establishment of the CRA, for the full term of the CRA; and

WHEREAS, the Bill not only affects community redevelopment agencies that will be created subsequent to the effective date of the proposed legislation but would also apply to community redevelopment agencies now existing and operating; and

WHEREAS, Section 163.410, Florida Statutes, grants all powers of community redevelopment to charter counties which may then delegate those powers to municipalities within such charter counties; and

WHEREAS, the Bill will lead to existing community agencies being re-created, making new and specific finding for slum and/or blight that will be subject to challenge, and if challenged successfully, void all prior action of a community redevelopment agency; and

WHEREAS, charter counties have delegated powers to municipalities in the past, but now want, through the Bills, to take said powers back; and

WHEREAS, the Bill will undermine the ability of community redevelopment agencies to upgrade their areas and be attractive to developers; and

WHEREAS, the Bill would require community redevelopment agencies to obtain approval from the County for virtually any redevelopment activity; and

WHEREAS, the Bill would result in a limited number of projects with finite time limitations and give the County the ability to negotiate its share of tax increment revenue payments; and

WHEREAS, the Bill effectively turns a community redevelopment program designed to eliminate sum and blight conditions, and enhance lifestyle and business conditions for residents and business owners in a community redevelopment area, into an economic development program designed to impact a limited number of fixed projects with discernable cash returns, benefiting only those project prepared to be immediately undertaken; and

WHEREAS, the Bill would significantly increase the amount of time to get amendment approvals of community redevelopment plans thus destroying the ability of community redevelopment agencies to assist private developers in a timely and opportunistic manner.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing recitals are hereby ratified and confirmed as true and correct by the Town Council of the Town and Davie, Florida, and are incorporated herein.

SECTION 2. The Town Council of the Town of Davie urges each member of the Delegation to vote against these Bills.

SECTION 3. The appropriate Town officials are hereby authorized and directed to cause a copy of this resolution to be delivered to each member of the Delegation.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005.



March 23, 2005

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Senate 2060: Relating to Community Redevelopment Agencies

S2060 GENERAL BILL by Baker (Similar H 1521)

Community Redevelopment Agencies; specifies events that enable modification of amount of tax increment financing that county must, absent an interlocal agreement, provide to community redevelopment agency that was created by municipality outside delegation authority of home rule county; authorizes modification, by interlocal agreement after occurrence of one such event, of amount of such tax increment financing that such county must provide, etc. Amends Ch. 163. EFFECTIVE DATE: 07/01/2005.

03/04/05 SENATE Filed

03/16/05 SENATE Introduced, referred to Community Affairs; Government Efficiency Appropriations -SJ 00203

Bill Text

Version: S 2060

Posted: 03/04/2005

Format: Web Page | PDF

Committee Amendments:

NO COMMITTEE AMENDMENTS AVAILABLE

Filed Floor Amendments:

NO AMENDMENTS AVAILABLE

Staff Analysis:

NO STAFF ANALYSIS AVAILABLE

Vote History - Floor

NO VOTE HISTORY AVAILABLE

Citations - Statute

0163.387
0163.415

Citations - Constitution

NO CONSTITUTION CITATIONS FOUND FOR SENATE BILL 2060.

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19 redevelopment agency that a municipality
20 creates on a specified date absent an
21 interlocal agreement with that municipality;
22 authorizing establishment of tax increment
23 financing for such an agency by the interlocal
24 agreement; specifying the contents of the
25 interlocal agreement; limiting modifications to
26 the size, plan, or financing of a community
27 redevelopment agency created before a specified
28 date in a county that did not have a home rule
29 charter absent an interlocal agreement between
30 the county and the municipality that created
31 the agency; authorizing the interlocal

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1 agreement to establish differing tax increment
2 financing for such an agency and the authority
3 to expand or modify the agency; providing an
4 effective date.

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

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8 Section 1. Subsection (1), paragraph (a) of subsect
9 (2), and subsections (4) through (9) of section 163.387,

10 Florida Statutes, are amended to read:
11 163.387 Redevelopment trust fund.--
12 (1) (a) After approval of a community redevelopment
13 plan, a redevelopment trust fund ~~there~~ shall be established
14 for each community redevelopment agency created under s.
15 ~~163.356 a redevelopment trust fund.~~ The agency shall use fun
16 allocated to and deposited into this fund ~~shall be used by~~
17 ~~agency~~ to finance or refinance any community redevelopment
18 undertakes pursuant to the approved community redevelopment
19 plan. No community redevelopment agency may receive or spen
20 any increment revenues pursuant to this section unless ~~and~~
21 ~~until~~ the governing body has, by ordinance, provided for th
22 funding of the redevelopment trust fund for the duration of
23 community redevelopment plan. Such ordinance may be adopted
24 only after the governing body has approved a community
25 redevelopment plan. The annual funding of the redevelopment
26 trust fund shall be in an amount not less than that increme
27 in the income, proceeds, revenues, and funds of each taxing
28 authority derived from or held in connection with the
29 undertaking and carrying out of community redevelopment und
30 this part. Such increment shall be determined annually and
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1 shall be that amount equal to 95 percent of the difference

2 between:

3 ~~1.(a)~~ The amount of ad valorem taxes levied each ye
4 by each taxing authority, exclusive of any amount from any
5 debt service millage, on taxable real property contained
6 within the geographic boundaries of a community redevelopme
7 area; and

8 ~~2.(b)~~ The amount of ad valorem taxes which would ha
9 been produced by the rate upon which the tax is levied each
10 year by or for each taxing authority, exclusive of any debt
11 service millage, upon the total of the assessed value of th
12 taxable real property in the community redevelopment area a
13 shown upon the most recent assessment roll used in connecti
14 with the taxation of such property by each taxing authority
15 prior to the effective date of the ordinance providing for
16 funding of the trust fund.

17

18 However, the governing body of a ~~any~~ county as defined in s
19 125.011(1) may, in the ordinance providing for the funding o
20 a trust fund established with respect to a ~~any~~ community
21 redevelopment area created on or after July 1, 1994, determ
22 that the amount to be funded by each taxing authority annua
23 shall be less than 95 percent of the difference between
24 subparagraphs 1. and 2. paragraphs (a) and (b), but in no
25 event shall such amount be less than 50 percent of such
26 difference.

27 (b) For a community redevelopment agency that was n
28 created under delegation authority of a county with home ru
29 authority as specified in s. 163.460 or that does not operat
30 subject to an interlocal agreement as specified in subsecti

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1 (4), the amount of tax increment shall be as specified in
2 paragraph (1)(a) until one of the following events occurs:
3 1. The agency has existed for 20 years;
4 2. The amount of ad valorem taxes levied annually b
5 each taxing authority, exclusive of any amount from any deb
6 service millage, on taxable real property contained within
7 geographic boundaries of a community redevelopment area equ
8 twice the amount of ad valorem taxes that would have been
9 produced by the rate upon which the tax is levied each year
10 or for each taxing authority, exclusive of any debt service
11 millage, upon the total of the assessed value of the taxabl
12 real property in the community redevelopment area as shown
13 upon the most recent assessment roll used in connection wit
14 the taxation of such property by each taxing authority prio
15 to the effective date of the ordinance providing for the
16 funding of the trust fund; or
17 3. The county holds a countywide referendum that as
18 the following question: "Should the county continue to
19 contribute an increasing amount to the community redevelopm
20 agency each year?" and a majority of electors of the county
21 vote that the county contributions should not continue to
22 increase, then the tax increment shall be subject to the

23 interlocal agreement requirements of this paragraph.
 24
 25 After the first occurrence of one such event the amount of
 26 tax increment shall be as specified in an interlocal agreem
 27 as provided in subsection (4), but may not be less than the
 28 tax increment amount that the county contributed to the
 29 redevelopment fund before the occurrence of that event.

30 (2) (a) Except for the purpose of funding the trust
 31 fund pursuant to subsection (3), upon the adoption of an

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1 ordinance providing for funding of the redevelopment trust
 2 fund under ~~as provided in~~ this section, each taxing authori
 3 shall, by January 1 of each year, appropriate to the trust
 4 fund for so long as any indebtedness pledging increment
 5 revenues to the payment thereof is outstanding (but not to
 6 exceed 30 years) a sum that is no less than the increment,
 7 ~~defined and determined pursuant to in~~ subsection (1) or
 8 subsection (4), accruing to such taxing authority. If the
 9 community redevelopment plan is amended or modified pursuan
 10 to s. 163.361(1), each such taxing authority shall make the
 11 annual appropriation for a period not to exceed 30 years af
 12 the date the governing body amends the plan. However, for a
 13 agency created on or after July 1, 2002, each taxing author
 14 shall make the annual appropriation for a period not to exc

15 40 years after the fiscal year in which the initial communi
16 redevelopment plan is approved or adopted.

17 (4) Notwithstanding subsection (2), an alternative
18 increment financing arrangement, including, but not limited
19 to, a different tax increment contribution than specified i
20 subsection (1), may be instituted by an interlocal agreemen
21 between the municipality that creates the community
22 redevelopment agency and county. Such an interlocal agreem
23 must include provisions for the tax increment financing met
24 and the contribution requirements to the redevelopment trus
25 fund of the municipality and the county.

26 ~~(5)(4)~~ The revenue bonds and notes of every issue
27 under this part are payable solely out of revenues pledged
28 and received by a community redevelopment agency and deposi
29 to its redevelopment trust fund. The lien created by such
30 bonds or notes shall not attach until the revenues referred
31 herein are deposited in the redevelopment trust fund at the

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1 times, and to the extent that, such revenues accrue. The
2 holders of such bonds or notes have no right to require the
3 imposition of any tax or the establishment of any rate of
4 taxation in order to obtain the amounts necessary to pay an
5 retire such bonds or notes.

6 ~~(6)(5)~~ Revenue bonds issued under ~~the provisions of~~
7 this part shall not be deemed to constitute a debt, liability
8 or obligation of the local governing body or the state or a
9 political subdivision thereof, or a pledge of the faith and
10 credit of the local governing body or the state or any
11 political subdivision thereof, but shall be payable solely
12 from the revenues provided therefor. All such revenue bond
13 shall contain on the face thereof a statement to the effect
14 that the agency shall not be obligated to pay the same or t
15 interest thereon except from the revenues of the community
16 redevelopment agency held for that purpose and that neither
17 the faith and credit nor the taxing power of the local
18 governing body or of the state or of any political subdivis
19 thereof is pledged to the payment of the principal of, or t
20 interest on, such bonds.

21 ~~(7)(6)~~ Moneys in the redevelopment trust fund may b
22 expended from time to time for undertakings of a community
23 redevelopment agency which are directly related to financin
24 or refinancing of redevelopment in a community redevelo
25 area pursuant to an approved community redevelopment plan f
26 purposes that include but are not limited to the following
27 ~~purposes, including, but not limited to:~~

28 (a) Administrative and overhead expenses necessary
29 incidental to the implementation of a community redevelo
30 plan adopted by the agency.

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1 (b) Expenses of redevelopment planning, surveys, an
2 financial analysis, including the reimbursement of the
3 governing body or the community redevelopment agency for su
4 expenses incurred before the redevelopment plan was approve
5 and adopted.

6 (c) The acquisition of real property in the
7 redevelopment area.

8 (d) The clearance and preparation of any redevelopm
9 area for redevelopment and relocation of site occupants as
10 provided in s. 163.370.

11 (e) The repayment of principal and interest or any
12 redemption premium for loans, advances, bonds, bond
13 anticipation notes, and any other form of indebtedness.

14 (f) All expenses incidental to or connected with th
15 issuance, sale, redemption, retirement, or purchase of agen
16 bonds, bond anticipation notes, or other form of indebtedne
17 including funding of any reserve, redemption, or other fund
18 account provided for in the ordinance or resolution
19 authorizing such bonds, notes, or other form of indebtednes

20 (g) The development of affordable housing within th
21 area.

22 (h) The development of community policing innovatio

23 ~~(8)(7)~~ On the last day of the fiscal year of the
24 community redevelopment agency, any money ~~that~~ ~~which~~ remain
25 in the trust fund after the payment of expenses pursuant to
26 subsection ~~(7)~~ ~~(6)~~ for such year shall be:

27 (a) Returned to each taxing authority which paid th

28 increment in the proportion that the amount of the payment
29 such taxing authority bears to the total amount paid into t
30 trust fund by all taxing authorities within the redevelopme
31 area for that year;

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1 (b) Used to reduce the amount of any indebtedness t
2 which increment revenues are pledged;

3 (c) Deposited into an escrow account for the purpos
4 of later reducing any indebtedness to which increment reven
5 are pledged; or

6 (d) Appropriated to a specific redevelopment projec
7 pursuant to an approved community redevelopment plan which
8 project will be completed within 3 years from the date of s
9 appropriation.

10 ~~(9)~~ Each community redevelopment agency shall
11 provide for an independent financial audit of the trust fun
12 each fiscal year and a report of such audit. Such report
13 shall describe the amount and source of deposits into, and
14 amount and purpose of withdrawals from, the trust fund duri
15 such fiscal year and the amount of principal and interest p
16 during such year on any indebtedness to which is pledged
17 increment revenues and the remaining amount of such
18 indebtedness. The agency shall provide a copy of the repor

19 to each taxing authority.

20 Section 2. Section 163.415, Florida Statutes, is
21 amended to read:

22 163.415 Exercise of powers in counties without home
23 rule charters.--

24 (1) The powers conferred by this part upon a county
25 ~~counties~~ not having adopted a home rule charter ~~may shall~~ n
26 be exercised within the boundaries of a municipality within
27 such ~~said~~ county unless the governing body of the municipal
28 expresses its consent by resolution. Such a resolution
29 consenting to the exercise of the powers conferred upon
30 counties by this part ~~must shall~~ specifically enumerate the
31 powers to be exercised by the county within the boundaries

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1 the municipality. Any power not specifically enumerated in
2 such a resolution of consent shall be exercised exclusively
3 the municipality within its boundaries.

4 (2) Beginning July 1, 2005, a county not having
5 adopted a home rule charter is not required to contribute t
6 tax increment financing for a community redevelopment agenc
7 created after July 1, 2005 absent an interlocal agreement,
8 between the county and the municipality creating the agency
9 which agreement governs the operations and financing of the
10 agency. The interlocal agreement may establish a tax

11 increment financing arrangement that differs from the speci
12 requirements of s. 163.387.

13 (3) For a community redevelopment agency created
14 before July 1, 2005 in a county that had not adopted a home
15 rule charter when that agency was created, no action to exp
16 the boundaries of the community development area; or to mod
17 a community redevelopment plan, existing debt service or
18 another financing arrangement that involves tax increment
19 financing, may be done without an interlocal agreement betw
20 the county and the municipality that created the community
21 redevelopment agency. The interlocal agreement may establi
22 the authority to expand or modify the community redevelopme
23 agency, including tax increment financing arrangements that
24 differ from the specific requirements in s. 163.387.

25 Section 3. This act shall take effect July 1, 2005.

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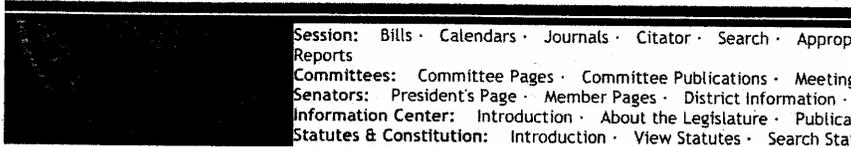
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SENATE SUMMARY

Specifies events that enable modification, by interlocal agreement, of the amount of tax increment financing that a county must provide to a community redevelopment agency that was created by a municipality outside the delegation authority of a home rule county. Limits the amount that the financing may be reduced and specifies the content of the interlocal agreement. Removes the obligation of a county without a home rule charter to provide tax increment financing to a community redevelopment agency that is created by a municipality on or after July 1, 2005 absent an interlocal agreement with the municipality. Authorizes establishment of tax increment financing for such an agency by the interlocal agreement and specifies the contents of the agreement. Limits modifications to the size, plan, or financing of a community redevelopment agency created before July 1, 2005 in a county that did not have a home rule charter absent an interlocal agreement between the county and the municipality that created the agency. Authorizes the interlocal agreement to establish differing tax increment financing for such an agency, and the authority to expand or modify the agency.

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HB 1521 Community Redevelopment Agencies

GENERAL BILL by Sorensen

Community Redevelopment Agencies: Revises provisions relating to the funding of redevelopment trust funds applicable to certain community redevelopment agencies; authorizes alternative tax increment financing arrangements by interlocal agreement between certain municipalities and counties; exempts counties without home rule charters from tax increment financing contribution requirements without an interlocal agreement between the municipality creating the community redevelopment agency and the county; provides restrictions on certain community redevelopment agencies without an interlocal agreement.

Effective Date: July 1, 2005.

Last Action: Now in Finance & Tax Committee on Monday, March 21, 2005 11:39 AM

Referred Committees and Committee Actions:

- Finance & Tax Committee
- Local Government Council
- Fiscal Council

Related Bills:

Bill #	Subject	Relationship
SB.2060	Community Redevelopment Agencies	Similar

Bill Text:

[Original Filed Version](#)

Staff Analysis:

(none available)

Vote History:

(no votes recorded)

Bill History:

Event	Time	Member	Committee
Now in Finance & Tax Committee	Monday, March 21, 2005 11:39 AM		Finance & Tax Committee
Referred to Fiscal Council	Monday, March 21, 2005 11:39 AM		Fiscal Council
Referred to Local Government Council	Monday, March 21, 2005 11:39 AM		Local Government Council
Referred to Finance & Tax Committee	Monday, March 21, 2005 11:39 AM		Finance & Tax Committee
1st Reading	Tuesday, March 08, 2005 10:57 PM		

Filed

Monday, March 07, 2005
4:31 PM

Sorensen

Statutes Referenced by this Bill

163.387

163.415

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29 plan. No community redevelopment agency may receive or spend any
 30 increment revenues pursuant to this section unless and until the
 31 governing body has, by ordinance, provided for the funding of
 32 the redevelopment trust fund for the duration of a community
 33 redevelopment plan. Such ordinance may be adopted only after the
 34 governing body has approved a community redevelopment plan. The
 35 annual funding of the redevelopment trust fund shall be in an
 36 amount not less than that increment in the income, proceeds,
 37 revenues, and funds of each taxing authority derived from or
 38 held in connection with the undertaking and carrying out of
 39 community redevelopment under this part. Such increment shall be
 40 determined annually and shall be that amount equal to 95 percent
 41 of the difference between:

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

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

55
 56 However, the governing body of any county as defined in s.

57 125.011(1) may, in the ordinance providing for the funding of a
 58 trust fund established with respect to any community
 59 redevelopment area created on or after July 1, 1994, determine
 60 that the amount to be funded by each taxing authority annually
 61 shall be less than 95 percent of the difference between
 62 subparagraphs 1. and 2. paragraphs (a) and (b), but in no event
 63 shall such amount be less than 50 percent of such difference.

64 (b) For those community redevelopment agencies that were
 65 not created under delegation authority of counties with home
 66 rule authority as specified in s. 163.410 or do not operate
 67 subject to an interlocal agreement as specified under subsection
 68 (4), the amount of tax increment shall be as specified in
 69 paragraph (a) until one of the following events occurs:

- 70 1. The 20th year of the agency's existence;
- 71 2. The amount of ad valorem taxes levied each year by each
 72 taxing authority, exclusive of any amount from any debt service
 73 millage, on taxable real property contained within the
 74 geographic boundaries of a community redevelopment area equals
 75 twice the amount of ad valorem taxes which would have been
 76 produced by the rate upon which the tax is levied each year by
 77 or for each taxing authority, exclusive of any debt service
 78 millage, upon the total of the assessed value of the taxable
 79 real property in the community redevelopment area as shown upon
 80 the most recent assessment roll used in connection with the
 81 taxation of such property by each taxing authority prior to the
 82 effective date of the ordinance providing for the funding of the
 83 trust fund; or

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2005

84 3. The county holds a countywide referendum that asks if
 85 the county should continue to contribute an increasing amount to
 86 the community redevelopment agency each year. If a majority of
 87 electors of the county vote to continue increasing county
 88 contributions, the increment shall continue to be calculated as
 89 specified in paragraph (a). If a majority of electors of the
 90 county vote that the county contributions should not continue to
 91 increase, the tax increment shall be subject to the interlocal
 92 agreement requirements of this paragraph. For future years, the
 93 tax increment shall be as specified in an interlocal agreement
 94 as provided in subsection (4) but not less than the amount
 95 contributed by the county to the redevelopment trust fund prior
 96 to any of the events specified in this paragraph.

97
 98 For future years, the tax increment shall be as specified in an
 99 interlocal agreement as provided in subsection (4) but not less
 100 than the amount contributed by the county to the redevelopment
 101 trust fund prior to any of the events specified in this
 102 paragraph.

103 (2) (a) Except for the purpose of funding the trust fund
 104 pursuant to subsection (3), upon the adoption of an ordinance
 105 providing for funding of the redevelopment trust fund as
 106 provided in this section, each taxing authority shall, by
 107 January 1 of each year, appropriate to the trust fund for so
 108 long as any indebtedness pledging increment revenues to the
 109 payment thereof is outstanding (but not to exceed 30 years) a
 110 sum that is no less than the increment as defined and determined
 111 in subsection (1) or subsection (4) accruing to such taxing

112 authority. If the community redevelopment plan is amended or
 113 modified pursuant to s. 163.361(1), each such taxing authority
 114 shall make the annual appropriation for a period not to exceed
 115 30 years after the date the governing body amends the plan.
 116 However, for any agency created on or after July 1, 2002, each
 117 taxing authority shall make the annual appropriation for a
 118 period not to exceed 40 years after the fiscal year in which the
 119 initial community redevelopment plan is approved or adopted.

120 (b) Any taxing authority that does not pay the increment
 121 to the trust fund by January 1 shall pay to the trust fund an
 122 amount equal to 5 percent of the amount of the increment and
 123 shall pay interest on the amount of the increment equal to 1
 124 percent for each month the increment is outstanding.

125 (c) The following public bodies or taxing authorities are
 126 exempt from paragraph (a):

127 1. A special district that levies ad valorem taxes on
 128 taxable real property in more than one county.

129 2. A special district for which the sole available source
 130 of revenue the district has the authority to levy is ad valorem
 131 taxes at the time an ordinance is adopted under this section.
 132 However, revenues or aid that may be dispensed or appropriated
 133 to a district as defined in s. 388.011 at the discretion of an
 134 entity other than such district shall not be deemed available.

135 3. A library district, except a library district in a
 136 jurisdiction where the community redevelopment agency had
 137 validated bonds as of April 30, 1984.

138 4. A neighborhood improvement district created under the
 139 Safe Neighborhoods Act.

- 140 5. A metropolitan transportation authority.
- 141 6. A water management district created under s. 373.069.
- 142 (d)1. A local governing body that creates a community
- 143 redevelopment agency under s. 163.356 may exempt from paragraph
- 144 (a) a special district that levies ad valorem taxes within that
- 145 community redevelopment area. The local governing body may grant
- 146 the exemption either in its sole discretion or in response to
- 147 the request of the special district. The local governing body
- 148 must establish procedures by which a special district may submit
- 149 a written request to be exempted from paragraph (a).
- 150 2. In deciding whether to deny or grant a special
- 151 district's request for exemption from paragraph (a), the local
- 152 governing body must consider:
- 153 a. Any additional revenue sources of the community
- 154 redevelopment agency which could be used in lieu of the special
- 155 district's tax increment.
- 156 b. The fiscal and operational impact on the community
- 157 redevelopment agency.
- 158 c. The fiscal and operational impact on the special
- 159 district.
- 160 d. The benefit to the specific purpose for which the
- 161 special district was created. The benefit to the special
- 162 district must be based on specific projects contained in the
- 163 approved community redevelopment plan for the designated
- 164 community redevelopment area.
- 165 e. The impact of the exemption on incurred debt and
- 166 whether such exemption will impair any outstanding bonds that

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167 have pledged tax increment revenues to the repayment of the
 168 bonds.

169 f. The benefit of the activities of the special district
 170 to the approved community redevelopment plan.

171 g. The benefit of the activities of the special district
 172 to the area of operation of the local governing body that
 173 created the community redevelopment agency.

174 3. The local governing body must hold a public hearing on
 175 a special district's request for exemption after public notice
 176 of the hearing is published in a newspaper having a general
 177 circulation in the county or municipality that created the
 178 community redevelopment area. The notice must describe the time,
 179 date, place, and purpose of the hearing and must identify
 180 generally the community redevelopment area covered by the plan
 181 and the impact of the plan on the special district that
 182 requested the exemption.

183 4. If a local governing body grants an exemption to a
 184 special district under this paragraph, the local governing body
 185 and the special district must enter into an interlocal agreement
 186 that establishes the conditions of the exemption, including, but
 187 not limited to, the period of time for which the exemption is
 188 granted.

189 5. If a local governing body denies a request for
 190 exemption by a special district, the local governing body shall
 191 provide the special district with a written analysis specifying
 192 the rationale for such denial. This written analysis must
 193 include, but is not limited to, the following information:

194 a. A separate, detailed examination of each consideration
195 listed in subparagraph 2.

196 b. Specific examples of how the approved community
197 redevelopment plan will benefit, and has already benefited, the
198 purpose for which the special district was created.

199 6. The decision to either deny or grant an exemption must
200 be made by the local governing body within 120 days after the
201 date the written request was submitted to the local governing
202 body pursuant to the procedures established by such local
203 governing body.

204 (3) Notwithstanding the provisions of subsection (2), the
205 obligation of the governing body which established the community
206 redevelopment agency to fund the redevelopment trust fund
207 annually shall continue until all loans, advances, and
208 indebtedness, if any, and interest thereon, of a community
209 redevelopment agency incurred as a result of redevelopment in a
210 community redevelopment area have been paid.

211 (4) Notwithstanding the provisions of subsection (2),
212 alternative tax increment financing arrangements, including, but
213 not limited to, different tax increment contributions other than
214 those specified in subsection (1), may be enacted by interlocal
215 agreements between the municipality that creates the community
216 redevelopment agency and the county. Such interlocal agreements
217 must include provisions for the tax increment financing method
218 and the contribution requirements to the redevelopment trust
219 fund of the municipality and the county.

220 ~~(5)-(4)~~ The revenue bonds and notes of every issue under
221 this part are payable solely out of revenues pledged to and

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222 received by a community redevelopment agency and deposited to
 223 its redevelopment trust fund. The lien created by such bonds or
 224 notes shall not attach until the revenues referred to herein are
 225 deposited in the redevelopment trust fund at the times, and to
 226 the extent that, such revenues accrue. The holders of such bonds
 227 or notes have no right to require the imposition of any tax or
 228 the establishment of any rate of taxation in order to obtain the
 229 amounts necessary to pay and retire such bonds or notes.

230 (6)~~(5)~~ Revenue bonds issued under the provisions of this
 231 part shall not be deemed to constitute a debt, liability, or
 232 obligation of the local governing body or the state or any
 233 political subdivision thereof, or a pledge of the faith and
 234 credit of the local governing body or the state or any political
 235 subdivision thereof, but shall be payable solely from the
 236 revenues provided therefor. All such revenue bonds shall contain
 237 on the face thereof a statement to the effect that the agency
 238 shall not be obligated to pay the same or the interest thereon
 239 except from the revenues of the community redevelopment agency
 240 held for that purpose and that neither the faith and credit nor
 241 the taxing power of the local governing body or of the state or
 242 of any political subdivision thereof is pledged to the payment
 243 of the principal of, or the interest on, such bonds.

244 (7)~~(6)~~ Moneys in the redevelopment trust fund may be
 245 expended from time to time for undertakings of a community
 246 redevelopment agency which are directly related to financing or
 247 refinancing of redevelopment in a community redevelopment area
 248 pursuant to an approved community redevelopment plan for the
 249 following purposes, including, but not limited to:

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- 250 (a) Administrative and overhead expenses necessary or
 251 incidental to the implementation of a community redevelopment
 252 plan adopted by the agency.
- 253 (b) Expenses of redevelopment planning, surveys, and
 254 financial analysis, including the reimbursement of the governing
 255 body or the community redevelopment agency for such expenses
 256 incurred before the redevelopment plan was approved and adopted.
- 257 (c) The acquisition of real property in the redevelopment
 258 area.
- 259 (d) The clearance and preparation of any redevelopment
 260 area for redevelopment and relocation of site occupants as
 261 provided in s. 163.370.
- 262 (e) The repayment of principal and interest or any
 263 redemption premium for loans, advances, bonds, bond anticipation
 264 notes, and any other form of indebtedness.
- 265 (f) All expenses incidental to or connected with the
 266 issuance, sale, redemption, retirement, or purchase of agency
 267 bonds, bond anticipation notes, or other form of indebtedness,
 268 including funding of any reserve, redemption, or other fund or
 269 account provided for in the ordinance or resolution authorizing
 270 such bonds, notes, or other form of indebtedness.
- 271 (g) The development of affordable housing within the area.
- 272 (h) The development of community policing innovations.
- 273 (8)~~(7)~~ On the last day of the fiscal year of the community
 274 redevelopment agency, any money which remains in the trust fund
 275 after the payment of expenses pursuant to subsection (7)~~(6)~~ for
 276 such year shall be:

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277 (a) Returned to each taxing authority which paid the
 278 increment in the proportion that the amount of the payment of
 279 such taxing authority bears to the total amount paid into the
 280 trust fund by all taxing authorities within the redevelopment
 281 area for that year;

282 (b) Used to reduce the amount of any indebtedness to which
 283 increment revenues are pledged;

284 (c) Deposited into an escrow account for the purpose of
 285 later reducing any indebtedness to which increment revenues are
 286 pledged; or

287 (d) Appropriated to a specific redevelopment project
 288 pursuant to an approved community redevelopment plan which
 289 project will be completed within 3 years from the date of such
 290 appropriation.

291 (9)~~(8)~~ Each community redevelopment agency shall provide
 292 for an independent financial audit of the trust fund each fiscal
 293 year and a report of such audit. Such report shall describe the
 294 amount and source of deposits into, and the amount and purpose
 295 of withdrawals from, the trust fund during such fiscal year and
 296 the amount of principal and interest paid during such year on
 297 any indebtedness to which is pledged increment revenues and the
 298 remaining amount of such indebtedness. The agency shall provide
 299 a copy of the report to each taxing authority.

300 Section 2. Section 163.415, Florida Statutes, is amended
 301 to read:

302 163.415 Exercise of powers in counties without home rule
 303 charters.--

304 (1) The powers conferred by this part upon counties not
305 having adopted a home rule charter shall not be exercised within
306 the boundaries of a municipality within said county unless the
307 governing body of the municipality expresses its consent by
308 resolution. Such a resolution consenting to the exercise of the
309 powers conferred upon counties by this part shall specifically
310 enumerate the powers to be exercised by the county within the
311 boundaries of the municipality. Any power not specifically
312 enumerated in such a resolution of consent shall be exercised
313 exclusively by the municipality within its boundaries.

314 (2) Beginning July 1, 2005, counties without home rule
315 charters shall not be required to contribute to tax increment
316 financing without an interlocal agreement between the county and
317 the municipality creating the community redevelopment agency
318 that governs the operations and financing for community
319 redevelopment agencies created after July 1, 2005. The
320 interlocal agreement may establish tax increment financing
321 arrangements that differ from the specific requirements of s.
322 163.387.

323 (3) For community redevelopment agencies created prior to
324 July 1, 2005, in a county that did not have a home rule charter
325 at the time the community redevelopment agency was created, no
326 action to expand boundaries, modify a redevelopment plan, or
327 modify existing debt service or other financing arrangements
328 involving tax increment financing may be done without an
329 interlocal agreement between the county and the municipality
330 that created the community redevelopment agency. The interlocal
331 agreement may establish the authority to expand or modify the

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332 community redevelopment agency, including tax increment
333 financing arrangements that differ from the specific
334 requirements of s. 163.387.

335 Section 3. This act shall take effect July 1, 2005.

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