1983

Session Law 83-231

Florida Senate & House of Representatives

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**NOTES**

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A bill to be entitled

An act relating to community redevelopment,
amending s. 163.340(1), (2), (9), Florida Statutes; providing definitions; amending s
163.345, Florida Statutes; providing that
consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives
in community redevelopment areas; amending s
163.360(3)-(6), Florida Statutes; providing
procedures for the consideration of community redevelopment plans; amending ss 163.361(1),
(3), 163.362(1), (3), (4), (7), (8), Florida Statutes; providing that community redevelopment plans apply to redevelopment areas rather than to project areas; amending s
163.367, Florida Statutes; providing that
officers, commissioners, and employees of community redevelopment agencies are subject to
the code of ethics provided in part III,
chapter 112, Florida Statutes; amending ss
163.387(1), Florida Statutes, and adding
subsection (6) to said section, providing that the measurement of the tax increment occur in
the geographic boundaries of the community redevelopment area; providing for uses of funds in community redevelopment trust fund; amending s 163.410, Florida Statutes, providing an exemption from certain provisions applicable to community redevelopment agencies for existing municipal redevelopment agencies in counties

CODING. Words in small type are deletions from existing law, words underlined are additions.
which adopt home rule charters; providing an
effective date.

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

Section 1. Subsections (1), (2), and (9) of section
163.340, Florida Statutes, are amended to read:

163.340 Definitions.—The following terms, wherever
used or referred to in this part, shall have the following
meanings:

(1) "Agency" or "community redevelopment agency" means
a public agency created by or designated pursuant to a.
163.356 or s. 163.357

(2) "Public body" or "taxing authority" means the
state or any county, municipality, authority, special
district, or any other public body of the state.

(9) "Community redevelopment project" means
undertakings and activities of a county, municipality, or
community redevelopment agency in a community redevelopment
area for the elimination and prevention of the development or
spread of slums and blight and may include slum clearance and
redevelopment in a community redevelopment area,
rehabilitation or conservation in a community redevelopment
area, or any combination or part thereof in accordance with a
community redevelopment plan including the preparation of such
a plan.

Section 2. Section 163.345, Florida Statutes, is
amended to read:

163.345 Encouragement of private enterprise.—

(1) Any county or municipality, to the greatest extent
it determines to be feasible in carrying out the provisions of
this part, shall afford maximum opportunity, consistent with
the sound needs of the county or municipality as a whole, to
the rehabilitation or redevelopment of the community
redevelopment area by private enterprise. Any county or
municipality shall give consideration to this objective in
exercising its powers under this part, including the
formulation of a workable program, the approval of community
redevelopment plans, communitywide plans or programs for
redevelopment, and general neighborhood
redevelopment plans (consistent with the general plan of the
county or municipality), the exercise of its zoning powers,
the enforcement of other laws, codes and regulations relating
to the use of land and the use and occupancy of buildings and
improvements, the disposition of any property acquired, and
the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined
in subsection (1), the county or municipality shall consider
making available the incentives provided under the Florida
Enterprise Zone Act of 1982.

Section 3 Subsections (3), (4), (5), and (6) of
section 163.360, Florida Statutes, are amended to read

163.360 Community redevelopment plans —

(3) The county, municipality, or community
redevelopment agency may itself prepare or cause to be
prepared a community redevelopment plan, or any person or
agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the

development of the county or municipality as a whole. The
local planning agency shall submit its written recommendations
with respect to the conformity of the proposed community
redevelopment plan to the community redevelopment agency
within 60 days after receipt of the plan for review. Upon
receipt of the recommendations of the local planning agency,
or, if no recommendations are received within said 60 days,
then without such recommendations, the community redevelopment
agency may proceed with its consideration of the proposed
community redevelopment plan for.

(4) The community redevelopment agency shall submit
any community redevelopment plan it recommends for approval,
together with its written recommendations, to the governing
body. The governing body shall then proceed with the hearing
on the proposed community redevelopment plan as
prescribed by subsection (5).

(5) The governing body shall hold a public hearing on
a community redevelopment plan after public notice
thereof by publication in a newspaper having a general
circulation in the area of operation of the county or
municipality. The notice shall describe the time, date,
place, and purpose of the hearing, identify generally the
community redevelopment area covered by the plan, and outline
the general scope of the community redevelopment plan under consideration.

(6) Following such hearing, the governing body may
approve a community redevelopment plan and the plan
thereof if it finds that:

(a) A feasible method exists for the location of
families who will be displaced from the community
redevelopment area in decent, safe, and sanitary dwelling
accommodations within their means and without undue hardship
to such families;

(b) The community redevelopment plan conforms to the
general plan of the county or municipality as a whole,
(c) The community redevelopment plan gives due
consideration to the provision of adequate park and
recreational areas and facilities that may be desirable for
neighborhood improvement, with special consideration for the
health, safety, and welfare of children residing in the
general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford
maximum opportunity, consistent with the sound needs of the
county or municipality as a whole, for the rehabilitation or
redevelopment of the community redevelopment area by private
enterprise.

Section 4. Subsections (1) and (3) of section 163.361,
Florida Statutes, are amended to read:

163.361 Modification of community redevelopment
plans.--

(1) If at any time after the approval of a community
redevelopment plan by the governing body it becomes necessary
or desirable to amend or modify such plan, the governing body
may amend such plan upon the recommendation of the agency
The agency recommendation to amend or modify a redevelopment
plan may include a change in the boundaries of the
redevelopment plan area to add land to or exclude land from
the redevelopment plan area.

(3) If a community redevelopment plan is modified by
the county or municipality after the lease or sale of real
property in the community redevelopment plan area, such
modification may be conditioned upon such approval of the
owner, lessee, or successor in interest as the county or
municipality may deem advisable and, in any event, shall be
subject to such rights at law or in equity as a lessee or
purchaser, or his successor or successors in interest, may be
entitled to assert.

Section 5 Subsections (1), (3), (4), (7), and (8) of
section 163 362, Florida Statutes, are amended to read:

163 362 Contents of community redevelopment plan --

Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of
the community redevelopment project area

(3) If the redevelopment project area contains low or
moderate income housing, contain a neighborhood impact
element, which describes in detail the impact of the project
upon the residents of the project area and the surrounding
areas, in terms of relocation, traffic circulation,
environmental quality, availability of community facilities
and services, effect on school population, and other matters
affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of
financing the redevelopment of the redevelopment project area

(7) Provide assurances that there will be replacement
housing for the relocation of persons temporarily or
permanently displaced from housing facilities within the
community redevelopment project area.

(8) Provide an element of residential use in the
redevelopment project area if such use exists in the area
prior to the adoption of the plan

Section 6 Section 163 367, Florida Statutes, is
amended to read:

163 367 Public officials, commissioners, and employees
subject to code of ethics prohibited from acquiring an
interest.--The officers, commissioners, and employees of a
community redevelopment agency created or designated pursuant
to s. 163 356 or s. 163 357 shall be subject to the provisions
and requirements of chapter 112, part III.

(a) No public official or employee of a county or
municipality; or board or commission thereof; and no
commissioner or employee of a community redevelopment agency
which has been vested by any county or municipality with
community redevelopment powers under s. 163-356 or s. 163-357;
shall voluntarily or involuntarily acquire any personal
interest; direct or indirect; in any community redevelopment
project; or any property included or planned to be included in
any community redevelopment project of such county or
municipality; or in any contract or proposed contract in
connection with such community redevelopment projects;

(b) In the event of involuntary acquisition, the
interest acquired shall be immediately disclosed in writing to
the governing body; and such disclosure shall be entered upon
the minutes of the governing body; if any such official;
commissioner; or employee presently owns or controls; or owned
or controlled within the preceding 2 years; any interest;
direct or indirect; in any property which he knows to be included
or planned to be included in a community redevelopment
project; he shall immediately disclose this fact in writing to
the governing body; and such disclosure shall be entered upon
the minutes of the governing body; and any such official;
commissioner; or employee shall not participate in any action
by the county or municipality; or board or commission thereof;
or community redevelopment agency affecting such property.
Any disclosure required to be made by this section to the
governing body shall concurrently be made to a community
redevelopment agency which has been vested with community
redevelopment powers by the county or municipality pursuant to
the provisions of s. 163.356 or s. 163.357.

(4) No commissioner or other officer of any community
redevelopment agency; board; or commission exercising powers
pursuant to this part shall hold any other public office under
the county or municipality other than his commissionership or
office with respect to such community redevelopment agency;
board; or commission.

(4) Any violation of the provisions of this section
shall constitute misconduct in office.

Section 7. Subsection (1) of section 163.387, Florida
Statutes, is amended, and subsection (6) is added to said
section to read.

163.387 Redevelopment trust fund.--

(1) There shall be established for each community
redevelopment agency created under s. 163.356 a redevelopment
trust fund. Funds allocated to and deposited into this fund
shall be used by the agency to finance or refinance each
redevelopment project it undertakes. No community
redevelopment agency shall exercise any community
redevelopment powers under this section unless and until the
governing body has, by ordinance, provided for the funding of
the redevelopment trust fund for the duration of a community
redevelopment project. The annual funding of the
redevelopment trust fund shall be in an amount not less than
that increment in the income, proceeds, revenues, and funds of
the county or municipality derived from or held in connection
with its undertaking and carrying out of community

CODING: Words in italics through type are deletions from existing law, words underlined are additions.
(f) All expenses incidental to or connected with the
issuance, sale, redemption, retirement, or purchase of agency
bonds.

Section 8. Section 163.410, Florida Statutes, is
amended to read

163.410 Exercise of powers in counties with home rule
charters -- In counties which have adopted home rule charters,
the powers conferred by this part shall be exercised
exclusively by the governing body of such county. However,
the governing body of any such county which has adopted a home
rule charter may, in its discretion, by resolution delegate
the exercise of the powers conferred upon said county by this
part within the boundaries of a municipality to the governing
body of such a municipality. Such a delegation to a
municipality shall confer only such powers upon a municipality
as shall be specifically enumerated in the delegating
resolution. Any power not specifically delegated shall be
reserved exclusively to the governing body of the county.

This section shall not affect any community redevelopment
agency created by a municipality prior to the adoption of a
county home rule charter.

Section 9. This act shall take effect October 1, 1983.
A bill to be entitled
An act relating to community redevelopment;
amending s. 163.340(1), (2) and (9), Florida Statutes, redefining the terms "agency," "public body" and "community redevelopment project"; amending s. 163.345, Florida Statutes, providing that consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives in community redevelopment areas; amending s. 163.360(3), (4), (5) and (6), Florida Statutes, eliminating reference to community redevelopment project and substituting therefor community redevelopment plan; amending s. 163.361(1) and (3), Florida Statutes, relating to modification of community redevelopment plans; amending s. 163.362(1), (3), (4), (7) and (8), Florida Statutes, providing that community redevelopment plans apply to redevelopment areas rather than to project areas; amending s. 163.367(1), (2) and (4), Florida Statutes, providing that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of the law governing the code of ethics for public officers and employees; amending s 163.387(1), Florida Statutes, and adding subsection (6) thereto; providing that the measurement of the tax increment occur in the geographic boundaries of the community redevelopment area; providing for the uses of funds in community redevelopment areas.
redevelopment trust funds, amending s. 163.410, Florida Statutes, providing an exemption from certain provisions applicable to community redevelopment agencies in home rule charter counties for existing municipal redevelopment agencies in counties which adopt home rule charters; providing an effective date.

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

Section 1 Subsections (1), (2), and (9) of section 163.340, Florida Statutes, are amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, shall have the following meanings.

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan including the preparation of such a plan.

Section 2. Section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise --

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 3. Subsections (3), (4), (5) and (6) of section 163.360, Florida Statutes, are amended to read:

163.360 Community redevelopment plans.--

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the
development of the county or municipality as a whole. The
local planning agency shall submit its written recommendations
with respect to the conformity of the proposed community
redevelopment plan to the community redevelopment agency
within 60 days after receipt of the plan for review. Upon
receipt of the recommendations of the local planning agency,
or, if no recommendations are received within said 60 days,
then without such recommendations, the community redevelopment
agency may proceed with its consideration of the proposed
community redevelopment plan.

(4) The community redevelopment agency shall submit
any community redevelopment plan it recommends for approval,
including its written recommendations, to the governing
body. The governing body shall then proceed with the hearing
on the proposed community redevelopment plan as
prescribed by subsection (5).

(5) The governing body shall hold a public hearing on
a community redevelopment plan after public notice
thereof by publication in a newspaper having a general
circulation in the area of operation of the county or
municipality. The notice shall describe the time, date,
place, and purpose of the hearing, identify generally the
community redevelopment area covered by the plan, and outline
the general scope of the community redevelopment plan
under consideration.

(6) Following such hearing, the governing body may
approve a community redevelopment project and the plan
therefor if it finds that:

(a) A feasible method exists for the location of
families who will be displaced from the community
redevelopment area in decent, safe, and sanitary dwelling
accommodations within their means and without undue hardship
to such families;

(b) The community redevelopment plan conforms to the
general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due
consideration to the provision of adequate park and
recreational areas and facilities that may be desirable for
neighborhood improvement, with special consideration for the
health, safety, and welfare of children residing in the
general vicinity of the site covered by the plan; and

(d) The community redevelopment plan will afford
maximum opportunity, consistent with the sound needs of the
county or municipality as a whole, for the rehabilitation or
redevelopment of the community redevelopment area by private
enterprise.

Section 4 Subsections (1) and (3) of section 163.361,
Florida Statutes, are amended to read.

163.361 Modification of community redevelopment
plans.--

(1) If at any time after the approval of a community
redevelopment plan by the governing body it becomes necessary
or desirable to amend or modify such plan, the governing body
may amend such plan upon the recommendation of the agency.
The agency recommendation to amend or modify a redevelopment
plan may include a change in the boundaries of the

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redevelopment project area to add land to or exclude land from
the redevelopment project area

(3) If a community redevelopment plan is modified by
the county or municipality after the lease or sale of real
property in the community redevelopment project area, such
modification may be conditioned upon such approval of the
owner, lessee, or successor in interest as the county or
municipality may deem advisable and, in any event, shall be
subject to such rights at law or in equity as a lessee or
purchaser, or his successor or successors in interest, may be
entitled to assert.

Section 5. Subsections (1), (3), (4), (7) and (8) of
section 163.362, Florida Statutes, are amended to read
163.362 Contents of community redevelopment plan --
Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of
the community redevelopment project area

(3) If the redevelopment project area contains low or
moderate income housing, contain a neighborhood impact
element, which describes in detail the impact of the project
upon the residents of the project area and the surrounding
areas, in terms of relocation, traffic circulation,
environmental quality, availability of community facilities
and services, effect on school population, and other matters
affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of
financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement
housing for the relocation of persons temporarily or
permanently displaced from housing facilities within the
community redevelopment project area.

(8) Provide an element of residential use in the
redevelopment project area if such use exists in the area
prior to the adoption of the plan.

Section 6. Subsections (1), (2) and (4) of section
163.367, Florida Statutes, are amended to read
163.367 Public officials, commissioners, and employees
subject to code of ethics prohibited from acquiring an
interest --

(1) The officers, commissioners, and employees of a
community redevelopment agency created by, or designated
pursuant to, § 163.356 or § 163.357 shall be subject to the
provisions and requirements of part III of chapter 112. No
public official, or employee of a county or municipality, or
board or commission thereof; and no commissioner or employee
of a community redevelopment agency which has been vested by
any county or municipality with community redevelopment powers
under § 163.356 or § 163.357 shall voluntarily or
involuntarily acquire any personal interest; direct or
indirect, in any community redevelopment project; in any
property included or planned to be included in any community
redevelopment project of such county or municipality; or in
any contract or proposed contract in connection with such
community redevelopment project.

(2) In the event of involuntary acquisition; the
interest acquired shall be immediately disclosed in writing to
the governing body; and such disclosure shall be entered upon
the minutes of the governing body. If any such official,
commissioner, or employee presently owns or controls, or owned
or controlled within the preceding 2 years, any interest,
direct or indirect, in any property which he knows is included
or planned to be included in a community redevelopment area.
the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between:

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment area project, and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment area project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

(6) Moneys in the redevelopment trust fund may be expended from time to time for purposes including, but not limited to:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan approved by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis, and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants, and preparation of any redevelopment area for redevelopment.
(e) Repayment of principal and interest for loans, advances, bond anticipation notes, and other forms of indebtedness, and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other forms of indebtedness.

Section 9. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters. -- In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section shall not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

Section 9. This act shall take effect October 1, 1983.
or other operating and maintenance expenses of the facility or of the owner, operator, employee, or any other person for the payment of mortgages or liens. The owner shall retain the right to sell or mortgage any facility under receivership, subject to approval of the court which ordered the receivership. Receivership imposed under the provisions of this chapter shall be subject to the Patient Protection Trust Fund which is established pursuant to s. 400.063. The owner of a facility placed in receivership by the court shall be liable for all expenses and costs incurred by the Patient Protection Trust Fund which occur as a result of the receivership.

Section 14 Subsection (1) of section 400.063, Florida Statutes, is amended to read:

400.063 Patient Protection Trust Fund --

(1) The Department of Administration shall establish a Patient Protection Trust Fund for the purpose of collecting and disbursing funds generated from the license fees and administrative fines as provided for in ss. 393.0671(2), 400.062(3)(b), 400.121(2), and 400.23(4). Such funds shall be directed to the Department of Health and Rehabilitative Services to pay for the appropriate alternate placement, care, and treatment of patients who are removed from a nursing home facility licensed under this part or a facility specified in s. 393.0671(1) in which the department determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the nursing home patients. If the department determines that it is in the best interest of the patients, the department may utilize such funds to maintain and care for the patients in the facility pending removal and alternative placement. The maintenance and care of the patients shall be under the direction and control of a receiver appointed pursuant to s. 400.126(1) or s. 393.0673(1).

Section 15 Sections 1 through 3 of this act shall take effect October 1, 1983, and sections 4 through 9 and section 15 of this act shall take effect July 1, 1983.

Approved by the Governor June 24, 1983

Filed in Office Secretary of State June 24, 1983
CHAPTER 83-231

Section 3. Subsections (1), (2) and (9) of section 163.340, Florida Statutes, are amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, shall have the following meanings:

1. "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

2. "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

9. "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan including the preparation of such a plan.

Section 4. Section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise.--

1. Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

2. In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 5. Subsections (3), (4), (5) and (6) of section 163.360, Florida Statutes, are amended to read:

163.360 Community redevelopment plans.--

3. The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within said 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan project.

4. The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing body shall then proceed with the hearing on the proposed community redevelopment plan project as prescribed by subsection (5).

5. The governing body shall hold a public hearing on a community redevelopment plan project after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan project under consideration.

6. Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families.

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole.

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans, and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 6. Subsections (1) and (3) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.--

1. If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a
change in the boundaries of the redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 7 Subsections (1), (3), (4), (7) and (8) of section 163.362, Florida Statutes, are amended to read:

163.362 Contents of community redevelopment plan.--Every community redevelopment plan shall

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood

(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.

(8) Provide an element of residential use in the redevelopment project area if such use exists in the area prior to the adoption of the plan

Section 8 Subsections (1), (2) and (4) of section 163.367, Florida Statutes, are amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics prohibited from acquiring an interest.--

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, §163.356 or §163.357 shall be subject to the provisions and requirements of part III of chapter 112. No public official or employee of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency which has been vested by any county or municipality with community redevelopment powers under §163.356 or §163.357, shall voluntarily or involuntarily acquire any personal interest; direct or indirect; in any community redevelopment project; in any property included or planned to be included in any community redevelopment project of such county or municipality; or in any contract or proposed contract in connection with such community redevelopment project.

(2) in the event of involuntary acquisition, the interest acquired shall be immediately disclosed in writing to the governing body: and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is intended or planned to be included in a community redevelopment area project, he shall immediately disclose this fact in the manner provided in part III of chapter 112 in writing to the governing body; and such disclosure shall be entered upon the minutes of the governing body. Any community redevelopment agency exercising such property. Any disclosure required to be made by this section to the governing body shall concurrently be made prior to taking any official action pursuant to this section to a community redevelopment agency which has been vested with community redevelopment powers by the county or municipality pursuant to the provisions of §163.356 or §163.357.

(4) Any violation of the provisions of this section shall constitute misconduct in office.

Section 9 Subsections (1) and (4) of section 163.387, Florida Statutes, are amended and subsection (6) is added to said section to read:

163.387 Redevelopment trust fund.--

(1) There shall be established for each community redevelopment agency created under §163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each community redevelopment project it undertakes. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between

(4) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment project; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable real property in the community redevelopment project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.
(6) The revenue bonds and notes of every issue under this part shall be payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes shall have no right to impose any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. The redevelopment trust fund shall receive the tax increment described in this section only as it is received and collected.

(7) Moneys in the redevelopment trust fund may be expended from time to time for the following purposes, when directly related to the financing or refinancing of a community redevelopment project:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, and financial analysis;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in § 163.370;

(e) Repayment of principal and interest for loans, advances, bond anticipation notes, and other forms of indebtedness, and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other forms of indebtedness.

Section 10. This act shall take effect upon becoming a law.

Approved by the Governor June 24, 1983.

Filed in Office Secretary of State June 24, 1983.

An act relating to the Department of Transportation, amending § 334.21(9), Florida Statutes, 1982 Supplement, authorizing the department to amend its final annual program budget and 5-year construction plan during the fiscal year by adding certain projects, and by deleting from, or rescheduling certain projects in said plan, requiring notification to legislative committees and members under certain circumstances, amending § 334.2105, Florida Statutes, providing for a single cash control account for charges incurred by certain budget entities to other budget entities: requiring adequate records and reports, providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Subsection (9) of section 334.21, Florida Statutes, 1982 Supplement, is amended to read:

(9) AMENDMENT OF THE FINAL ANNUAL PROGRAM BUDGET.--The department shall have the authority to amend its final annual program budget and 5-year construction plan at any time during the fiscal year as follows:

(a) Transfer within the same fund any unencumbered budget item, or any portion thereof, from one activity to another;

(b) Transfer between the state road fund and the restricted funds or between restricted funds, within the provisions of the restrictions by law or by agreement as to the expenditure of such funds, any unencumbered funds;

(c) Budget in the proper fund and expend any receipts not anticipated in the adoption of the budget or receipts in excess of the total anticipated receipts in the adopted budget, and

(d) Substitute a project in the funded 5-year construction plan for any other project in the 5-year construction plan, however, when any such substitution results in the delay of the right-of-way or construction phases of a project estimated to cost in excess of $500,000, the department shall notify the legislative appropriations committees and transportation committees. The transportation committees shall notify each member of the Legislature who represents the district or districts affected by the substitution. Such notification shall include the name, location, and estimated costs of any project that is advanced in the 5-year construction plan as a result of the delay of another project.

(e) Add a project as approved by the department within funds available where the project is less than $150,000 in cost and where the addition would not cause a delay of existing projects, or add a project as approved by the department where the project is not funded with state transportation trust fund money.

(f) Add to, delete from, or reschedule in the funded 5-year construction plan projects implemented from aid to local governments-public transportation matching grants in order to reflect local government decisions, however, when any such addition, deletion, or rescheduling results in the delay of the right-of-way or construction phases of a project estimated to cost in excess of $500,000, the notification process required in paragraph (d) shall be observed.

Section 2. Section 334.2105, Florida Statutes, is amended to read:

(1) There is hereby created a Working Capital Trust Fund, into which fund shall be deposited an amount deemed necessary by the Department of Transportation and approved by the Executive Office of the Governor for the efficient operation of the Department of Transportation.
Florida Legislature

History of Legislation
1983 Regular Session
1983 Special Sessions A, B, C
1982 Special Session H

prepared by:
Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826—488-4371
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(Bills underlined have passed both houses)
(Citator includes committee sub & amended bills)
A bill to be entitled
An act relating to community redevelopment;
amending s. 163.340(1), (2) and (9), Florida Statutes, redefining the terms "agency," "public body" and "community redevelopment project"; amending s. 163.345, Florida Statutes, providing that consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives in community redevelopment areas; amending s. 163.360(3), (4), (5) and (6), Florida Statutes, eliminating reference to community redevelopment project and substituting therefor community redevelopment plan; amending s. 163.361(1) and (3), Florida Statutes, relating to modification of community redevelopment plans; amending s. 163.362(1), (3), (4), (7) and (8), Florida Statutes, providing that community redevelopment plans apply to redevelopment areas rather than to project areas; amending s. 163.367(1), (2) and (4), Florida Statutes, providing that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of the law governing the code of ethics for public officers and employees; amending s. 163.387(1), Florida Statutes, and adding subsection (6) thereto; providing that the measurement of the tax increment occur in the geographic boundaries of the community redevelopment area; providing for the uses of funds in community

CODING: Words in struck through type are deletions from existing law, words underlined are additions
redevelopment trust funds; amending s. 163.410, Florida Statutes, providing an exemption from certain provisions applicable to community redevelopment agencies in home rule charter counties for existing municipal redevelopment agencies in counties which adopt home rule charters; providing an effective date.

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

Section 1. Subsections (1), (2) and (9) of section 163.340, Florida Statutes, are amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by or designated pursuant to s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan including the preparation of such a plan.

Section 2. Section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise.--

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 3. Subsections (3), (4), (5) and (6) of section 163.360, Florida Statutes, are amended to read:

163.360 Community redevelopment plans.--

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within said 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan project.

(4) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing body shall then proceed with the hearing on the proposed community redevelopment plan project as prescribed by subsection (5).

(5) The governing body shall hold a public hearing on a community redevelopment plan project after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan project under consideration.

(6) Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 4. Subsections (1) and (3) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.--

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the
redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 5. Subsections (1), (3), (4), (7) and (8) of section 163.362, Florida Statutes, are amended to read:

Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.

(8) Provide an element of residential use in the redevelopment project area if such use exists in the area prior to the adoption of the plan.

Section 6. Subsections (1), (2) and (4) of section 163.367, Florida Statutes, are amended to read:

Public officials, commissioners, and employees subject to code of ethics prohibited from acquiring an interest.--

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of part III of chapter 112. No public official or employee of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency which has been vested by any county or municipality with community redevelopment powers under s. 163.356 or s. 163.357 shall voluntarily or involuntarily acquire any personal interest, direct or indirect, in any community redevelopment project in any property included or planned to be included in any community redevelopment project of such county or municipality, or in any contract or proposed contract in connection with such community redevelopment project.

(2) In the event of involuntary acquisition the interest acquired shall be immediately disclosed in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment area.
the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between:

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment area project; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment area project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

Moneys in the redevelopment trust fund may be expended from time to time for purposes including, but not limited to:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis, and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants and preparation of any redevelopment area for redevelopment.

Any violation of the provisions of this section shall constitute misconduct in office:

Section 7. Subsection (1) of section 163.387, Florida Statutes, is amended and subsection (6) is added to said section to read:

163.387 Redevelopment trust fund.--

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each community redevelopment project it undertakes. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between:

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment area project; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment area project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

Moneys in the redevelopment trust fund may be expended from time to time for purposes including, but not limited to:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis, and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants and preparation of any redevelopment area for redevelopment.

Any violation of the provisions of this section shall constitute misconduct in office.
(e) Repayment of principle interest for loans, advances, bond anticipation notes, and other forms of indebtedness; and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other forms of indebtedness.

Section 3. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.—In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section shall not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

Section 9. This act shall take effect October 1, 1983.

HOUSE SUMMARY

Provides that consideration be given to the use of the Florida Enterprise Zone Act of 1982 and the incentives contained therein in community redevelopment areas. Provides that officers, commissioners and employees of community redevelopment agencies are subject to the law governing the code of ethics for public officers and employees. Provides that funds in community redevelopment trust funds may be expended for the following: administrative expenses; expenses of planning, surveys, market research, financial analysis and dissemination of information; acquisition of real property in the redevelopment area; preparation of the area for redevelopment; repayment of loans and other forms of indebtedness; and expenses incidental to the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other forms of indebtedness. See bill for details.
A bill to be entitled
An act relating to community redevelopment;
amending subsections (1), (2) and (9) of s.
163.340, Florida Statutes, 1982 Supplement;
providing definitions; amending s. 163.345,
Florida Statutes, 1982 Supplement; providing
that consideration be given to use of the
Florida Enterprise Zone Act of 1982 and its
incentives in community redevelopment areas;
amending subsection (3), (4), (5) and (6) of s.
163.360, Florida Statutes, 1982 Supplement;
providing for the consideration of community
redevelopment plans; amending subsection (3) of
s. 163.361, Florida Statutes, 1982 Supplement;
providing that community redevelopment plans
apply in community redevelopment areas rather
that community redevelopment project areas;
amending subsections (3), (4), (7) and (8) of
s. 163.362, Florida Statutes, 1982 Supplement;
providing that community redevelopment plans
apply to redevelopment areas rather that to
project areas; amending subsections (1), (2),
and (4) of s. 163.367, Florida Statutes, 1982
Supplement; providing that officers,
commissioners and employees of community
redevelopment agencies are subject to the
provisions of part III of chapter 112, Florida
Statutes, 1982 Supplement; amending subsection
(1) of s. 163.387, Florida Statutes, 1982
Supplement, creating subsection (6) thereto;
providing that the

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (l), (2) and (9) of s. 163.340, Florida Statutes, 1982 Supplement, are amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) "Agency" or "community redevelopment agency" means, a public agency created by or designated pursuant to s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area,

CODING: Words in bracketed type are deletions from existing law, words underlined are additions.
rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan, including the preparation of such a plan.

Section 2. Subsection (2) is added to s. 163.345, Florida Statutes, 1982 Supplement, to read:

163.345 Encouragement of private enterprise.

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 3. subsections (3), (4), (5) and (6) of s. 163.360, Florida Statutes, 1982 Supplement, are amended to read:

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
163.360 Community redevelopment plans.--

(3) The county, municipality, or community
redevelopment agency may itself prepare or cause to be
prepared a community redevelopment plan, or any person or
agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the
development of the county or municipality as a whole. The
local planning agency shall submit its written recommendations
with respect to the conformity of the proposed community
redevelopment plan to the community redevelopment agency
within 60 days after receipt of the plan for review. Upon
receipt of the recommendations of the local planning agency,
or, if no recommendations are received within said 60 days,
then without such recommendations, the community redevelopment
agency may proceed with its consideration of the proposed
community redevelopment

(4) The community redevelopment agency shall submit
any community redevelopment plan it recommends for approval,
together with its written recommendations, to the governing
body. The governing body shall then proceed with the hearing
on the proposed community redevelopment plan as
prescribed by subsection (5).

(5) The governing body shall hold a public hearing on
a community redevelopment plan after public notice
thereof by publication in a newspaper having a general
circulation in the area of operation of the county or
municipality. The notice shall describe the time, date,
place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(6) Following such hearing, the governing body may approve a community redevelopment plan if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 4. Subsections (1) and (3) of s. 163.361, Florida Statutes, 1982 Supplement, are amended to read:

163.361 Modification of community redevelopment plans.--

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary
or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 5. Subsections (3), (4), (7) and (8) of s. 163.362, Florida Statutes, 1982 Supplement, are amended to read:

163.362 Contents of community redevelopment plan.-- Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.
(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.

(8) Provide an element of residential use in the redevelopment project area if such use exists in the area prior to the adoption of the plan.

Section 6. Subsections (1), (2) and (4) of section 163.367, Florida Statutes, 1982 Supplement, are amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics prohibited from acquiring an interest.--

(1) The officers, commissioners, and employees of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of chapter 112, part III. No public officials or employees of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency which has been vested by any county or municipality with community redevelopment powers under s. 163.356 or s. 163.357 shall voluntarily or involuntarily acquire any personal interest, direct or indirect, in any community redevelopment project, in any property included or planned to be included in any community redevelopment project of such county or municipality or in any contract or proposed contract in connection with such community redevelopment project.
(2) In the event of an involuntary acquisition, the interest acquired shall be immediately disclosed in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment project, he shall immediately disclose this fact in the manner provided in part III, chapter 112. In writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner, or employee shall not participate in any action by the county or municipality, or board or commission thereof, or community redevelopment agency affecting such property. Any disclosure required to be made by this section to the governing body shall concurrently be made prior to taking any official action pursuant to this section to a community redevelopment agency which has been vested with community redevelopment powers by the county or municipality pursuant to the provisions of s. 163.356 or s. 163.357.

(4) Any violation of the provisions of this section shall constitute misconduct in office.

Section 7. Subsection (1) of s. 163.387, Florida Statutes, 1982 Supplement, is amended and a new subsection (6) is added thereto, to read:

163.387 Redevelopment trust fund.—

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each...
community redevelopment project it undertakes. No community
redevelopment agency shall exercise any community
redevelopment powers under this section unless and until the
governing body has, by ordinance, provided for the funding of
the redevelopment trust fund for the duration of a community
redevelopment project. The annual funding of the
redevelopment trust fund shall be in an amount not less than
that increment in the income, proceeds, revenues, and funds of
the county or municipality derived from or held in connection
with its undertaking and carrying out of community
redevelopment projects under this part. Such increment shall
be determined annually and shall be that amount equal to the
difference between:

(a) The amount of ad valorem taxes levied each year by
all taxing authorities except school districts on taxable real
property contained within the geographic boundaries of a
community redevelopment area project; and

(b) The amount of ad valorem taxes which would have
been produced by the rate upon which the tax is levied each
year by or for all taxing authorities except school districts
upon the total of the assessed value of the taxable property
in the community redevelopment area project as shown upon the
most recent assessment roll used in connection with the
taxation of such property by each taxing authority prior to
the effective date of the ordinance providing for the funding
of the trust fund approving the community redevelopment plan.

(6) Monies in the redevelopment trust fund may be
expended from time to time for purposes including, but not
limited to:

CODING Words in struck through type are deletions from existing law, words underlined are additions.
(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis, and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants and preparation of any redevelopment area for redevelopment;

(e) Repayment of principle interest for loans, advances and bond anticipation notes; and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement or purchase of agency bonds.

Section 8. Section 163.410, Florida Statutes, 1982 Supplement, is amended to read:

163.410 Exercise of powers in counties with home rule charters. --In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section shall not affect any community redevelopment plan.
agency created by a municipality prior to the adoption of a county home rule charter.

Section 9. This act shall take effect October 1, 1983.

CODING Words in italics through type are deletions from existing law, words underlined are additions.
I. SUMMARY:

A. Present Situation:

Part III, chapter 163, Florida Statutes, permits cities and counties, upon a finding of necessity, to declare an area to be a slum area or blighted area. After the adoption of such a finding, a city or county can create a community redevelopment agency for the purpose of developing a community redevelopment plan for the community redevelopment area (the slum area or blighted area). A community redevelopment agency, subject to the approval of the city or county which created the agency, is authorized to issue revenue bonds that pledge the incremental increase in property taxes resulting from the community redevelopment project. Members of the community redevelopment agency are appointed by the city or county creating the agency. However, the city or county governing body may adopt an ordinance designating itself as the community redevelopment or it may authorize a downtown development authority created by special act to exercise the functions of the community redevelopment agency.

B. Effect of Proposed Changes:

Section 1. Makes technical changes to the definitions of community redevelopment agency, public body or community redevelopment project.

Section 2. Provides that a city or county, in undertaking a community redevelopment project give consideration to making available the incentives provided in the Florida Enterprise Zone Act of 1982.

Section 3. Corrects references to community redevelopment projects that should apply to community redevelopment plans.

Sections 4 and 5. Provides that community redevelopment plans apply in redevelopment areas rather than project areas. Project areas are not defined under part III, chapter 163 while community redevelopment areas are defined.

Section 6. Provides that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of part III, chapter 112 relating to conflicts of interest rather than the present formulation in s. 163.367, Florida Statutes. Present law forbids persons with conflicts of interest from taking any official action. Provides that any officer, commissioner or employee of a community redevelopment agency that owns or controls
or has owned or controlled, within the last two years, property in a community redevelopment area shall disclose that fact in the manner required in part III, chapter 112. Requires that any disclosure of a conflict of interest by an officer, commissioner or employee of a community redevelopment agency occur prior to such an individual taking any official action under part III, chapter 163.

Section 7. Provides that the increment in property taxes be calculated within the geographic boundaries of the community redevelopment area, rather than the community redevelopment project. Provides that increases in property tax revenues be measured against the property tax roll in effect prior to the effective date of the ordinance funding the community redevelopment trust fund. Clarifies that the trust fund may be used to pay the expenses of: a) the redevelopment agency; b) the redevelopment plan; c) retiring redevelopment bonds; d) acquiring real property; and e) preparing areas for redevelopment.

Section 8. Provides that municipalities creating community redevelopment agencies prior to the adoption of a county home rule charter may continue to exercise powers under part III, chapter 163. Presently, in home rule charter counties, the county alone is authorized to exercise the powers under part III, chapter 163.

II. FISCAL IMPACT:
A. State Fiscal Impact: None.
B. Local Fiscal Impact: After the completion of a community redevelopment project and the retirement of any bonds issued therefor, local governments should realize increased property tax revenues from the community redevelopment area. During the time any redevelopment bonds are outstanding, local governments will receive no less in property taxes than before the community redevelopment project was undertaken.

III. COMMENTS:
None

Prepared by: Thomas R. McSwain
Staff Director: Craig A. Meyer
I. SUMMARY:

A. Present Situation:

Part III of ch. 163, F.S., authorizes municipalities and counties, upon a finding of necessity, to declare an area a slum or blighted area. After making such a finding, the municipality or county may create a community redevelopment agency for the purpose of establishing and implementing a redevelopment plan for the designated area. The agency, subject to the approval of the municipality or county which created the agency, is authorized to issue revenue bonds that pledge as security the incremental increase in property taxes in the designated area. This increment must be placed in a redevelopment trust fund. Members of the agency are appointed by the municipal or county governing body, but the local governing body may designate itself as the agency or authorize a downtown development authority or similar body created by special act to function as the community redevelopment agency.

Section 163.367, F.S., prohibits officials and employees of a county or municipality and officials and employees of a community redevelopment agency from acquiring any personal interest in any redevelopment project or any property or contract in connection with such project. In the event of involuntary acquisition, written disclosure of such interest is required. If any official or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest in any property included or planned to be included in a project, written disclosure is required and such person is prohibited from participating in any action of the agency affecting such property. No officer of a redevelopment agency shall hold any other public office under the county or municipality. Any violation of these provisions constitutes misconduct in office.

Part III of ch. 112, F.S., establishes a general code of ethics for public officers and employees. This law declares it to be a state policy that no officer or employee of a state agency or a political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Among the standards of conduct contained in part III are ones pertaining to conflicting employment or contractual relationship, disclosure of specified interests, employees holding office, voting conflicts, and disclosure of financial interests. Penalties are provided, and the Commission on Ethics is established to receive and investigate complaints of violations, issue advisory opinions upon request, and recommend
that the Governor initiate judicial proceedings to enforce compliance.

Section 163.410, F.S., provides that in counties which have adopted home rule charters the redevelopment powers conferred by part III of ch. 163, F.S., must be exercised exclusively by the county; however, the county may delegate such power to any municipality.

B. Effect of Proposed Changes:

This bill amends numerous references to a community redevelopment project to read community redevelopment plan, and references to a project area to read redevelopment area.

The definition of a community redevelopment project is amended to clarify that plan preparation is one of the undertakings and activities designed to eliminate and prevent the development or spread of slums and blight (thereby allowing plan preparation to be financed with the proceeds from redevelopment revenue bonds issued by the agency or with trust fund money derived from incremental increases in property taxes in the designated areas).

The county or municipality, in carrying out the provisions of part III of ch. 163, F.S., is required to consider making the corporate income tax credits, property tax exemptions, industrial revenue bond financing for commercial projects, and community development corporation grants and loans available in designated and approved enterprise zones (slums or blighted areas) pursuant to ch. 290, F.S.

This bill clarifies that moneys in the redevelopment trust fund may be expended for but not limited to administrative and overhead expenses incidental to the preparation and implementation of the community redevelopment plan; expenses of planning, market research, financial analysis, and information dissemination; acquisition of real property; preparation of the designated area for redevelopment; repayment of principal and interest for certain outstanding debt; and expenses related to issuance and retirement of agency bonds.

The specific provisions concerning the acquisition of interests in community redevelopment projects and the holding of other offices are replaced with a reference to the general code of ethics in part III of ch. 112, F.S. Also, public officials and employees of a municipality or county are not included in the amended requirements.

This bill provides that the powers exercised by a community redevelopment agency created by a municipality to carry out part III of ch. 163, F.S., would not be preempted by a charter county if the municipal redevelopment agency existed prior to the adoption of the county home rule charter.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

Part III of ch. 112, F.S., Code of Ethics for Public Officers and Employees, requires any public officer voting upon any measure in
which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained to, within 15 days after the vote occurs, disclose the nature of his interest as a public record (s. 112.3143, F.S.).

A similar bill, HB 1181, has been introduced in the House this year.

The provision pertaining to the exercise of redevelopment powers by municipalities in charter counties is identical to SB 507, which has been reported favorably by ECCA.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Part III of ch. 163, F.S., authorizes municipalities and counties, upon a finding of necessity, to declare an area a slum or blighted area. After making such a finding, the municipality or county may create a community redevelopment agency for the purpose of establishing and implementing a redevelopment plan for the designated area. The agency, subject to the approval of the municipality or county which created the agency, is authorized to issue revenue bonds that pledge as security the incremental increase in property taxes in the designated area. This increment must be placed in a redevelopment trust fund. Members of the agency are appointed by the municipal or county governing body, but the local governing body may designate itself as the agency or authorize a downtown development authority or similar body created by special act to function as the community redevelopment agency.

Section 163.367, F.S., prohibits officials and employees of a county or municipality and officials and employees of a community redevelopment agency from acquiring any personal interest in any redevelopment project or any property or contract in connection with such project. In the event of involuntary acquisition, written disclosure of such interest is required. If any official or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest in any property included or planned to be included in a project, written disclosure is required and such person is prohibited from participating in any action of the agency affecting such property. No officer of a redevelopment agency shall hold any other public office under the county or municipality. Any violation of these provisions constitutes misconduct in office.

Part III of ch. 112, F.S., establishes a general code of ethics for public officers and employees. This law declares it to be a state policy that no officer or employee of a state agency or a political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Among the standards of conduct contained in part III are ones pertaining to conflicting employment or contractual relationship, disclosure of specified interests, employees holding office, voting conflicts, and disclosure of financial interests. Penalties are provided, and the Commission on Ethics is established to receive and investigate complaints of violations, issue advisory opinions upon request, and recommend
that the Governor initiate judicial proceedings to enforce compliance.

Section 163.410, F.S., provides that in counties which have adopted home rule charters the redevelopment powers conferred by part III of ch. 163, F.S., must be exercised exclusively by the county; however, the county may delegate such power to any municipality.

B. Effect of Proposed Changes:

This bill amends numerous references to a community redevelopment project to read community redevelopment plan, and references to a project area to read redevelopment area.

The definition of a community redevelopment project is amended to clarify that plan preparation is one of the undertakings and activities designed to eliminate and prevent the development or spread of slums and blight (thereby allowing plan preparation to be financed with the proceeds from redevelopment revenue bonds issued by the agency or with trust fund money derived from incremental increases in property taxes in the designated areas).

The county or municipality, in carrying out the provisions of part III of ch. 163, F.S., is required to consider making the corporate income tax credits, property tax exemptions, industrial revenue bond financing for commercial projects, and community development corporation grants and loans available in designated and approved enterprise zones (slums or blighted areas) pursuant to ch. 290, F.S.

This bill clarifies that moneys in the redevelopment trust fund may be expended for but not limited to administrative and overhead expenses incidental to the preparation and implementation of the community redevelopment plan; expenses of planning, market research, financial analysis, and information dissemination; acquisition of real property; preparation of the designated area for redevelopment; repayment of principal and interest for certain outstanding debt; and expenses related to issuance and retirement of agency bonds.

The specific provisions concerning the acquisition of interests in community redevelopment projects are replaced with a reference to the general code of ethics in part III of ch. 112, F.S., except that ownership or control of any such property interest by any agency official or employee must be disclosed prior to the agency taking any official action on such property. Also, public officials and employees of a municipality or county are not included in the amended requirements.

This bill provides that the powers exercised by a community redevelopment agency created by a municipality to carry out part III of ch. 163, F.S., would not be preempted by a charter county if the municipal redevelopment agency existed prior to the adoption of the county home rule charter.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.
III. COMMENTS:

Part III of ch. 112, F.S., Code of Ethics for Public Officers and Employees, requires any public officer voting upon any measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained to, within 15 days after the vote occurs, disclose the nature of his interest as a public record (s. 112.3143, F.S.).

A similar bill, HB 1181, has been introduced in the House this year.

The provision pertaining to the exercise of redevelopment powers by municipalities in charter counties is identical to SB 507, which has been reported favorably by ECCA.

IV. AMENDMENTS:

None.
- Provides that the ownership or control by an official, commissioner, or employee of the redevelopment agency of any interest in property included in a community redevelopment area must be disclosed prior to taking any official action on such property.

- Retains the current statutory provision prohibiting any commissioner or other officer of a redevelopment agency from holding any other public office under the county or municipality.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST
1. Richardson
2. 
3. 

STAFF DIRECTOR
Burnside

REFERENCE
1. ECCA
2. Appro.
3. 

ACTION
FAV/CS
WD

SUBJECT:
Community Redevelopment

BILL NO. AND SPONSOR:
CS/SB 1156 by
ECCA, Senator Stuart, and Others

I. SUMMARY:

A. Present Situation:

Part III of ch. 163, F.S., authorizes municipalities and counties, upon a finding of necessity, to declare an area a slum or blighted area. After making such a finding, the municipality or county may create a community redevelopment agency for the purpose of establishing and implementing a redevelopment plan for the designated area. The agency, subject to the approval of the municipality or county which created the agency, is authorized to issue revenue bonds that pledge as security the incremental increase in property taxes in the designated area. This increment must be placed in a redevelopment trust fund. Members of the agency are appointed by the municipal or county governing body, but the local governing body may designate itself as the agency or authorize a downtown development authority or similar body created by special act to function as the community redevelopment agency.

Section 163.367, F.S., prohibits officials and employees of a county or municipality and officials and employees of a community redevelopment agency from acquiring any personal interest in any redevelopment project or any property or contract in connection with such project. In the event of involuntary acquisition, written disclosure of such interest is required. If any official or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest in any property included or planned to be included in a project, written disclosure is required and such person is prohibited from participating in any action of the agency affecting such property. No officer of a redevelopment agency shall hold any other public office under the county or municipality. Any violation of these provisions constitutes misconduct in office.

Part III of ch. 112, F.S., establishes a general code of ethics for public officers and employees. This law declares it to be a state policy that no officer or employee of a state agency or a political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Among the standards of conduct contained in part III are ones pertaining to conflicting employment or contractual relationship, disclosure of specified interests, employees holding office, voting conflicts, and disclosure of financial interests. Penalties are provided, and the Commission on Ethics is established to receive and investigate complaints of violations, issue advisory opinions upon request, and recommend
that the Governor initiate judicial proceedings to enforce compliance.

Section 163.410, F.S., provides that in counties which have adopted home rule charters the redevelopment powers conferred by part III of ch. 163, F.S., must be exercised exclusively by the county; however, the county may delegate such power to any municipality.

B. Effect of Proposed Changes:

This bill amends numerous references to a community redevelopment project to read community redevelopment plan, and references to a project area to read redevelopment area.

The definition of a community redevelopment project is amended to clarify that plan preparation is one of the undertakings and activities designed to eliminate and prevent the development or spread of slums and blight (thereby allowing plan preparation to be financed with the proceeds from redevelopment revenue bonds issued by the agency or with trust fund money derived from incremental increases in property taxes in the designated areas).

The county or municipality, in carrying out the provisions of part III of ch. 163, F.S., is required to consider making the corporate income tax credits, property tax exemptions, industrial revenue bond financing for commercial projects, and community development corporation grants and loans available in designated and approved enterprise zones (slums or blighted areas) pursuant to ch. 290, F.S.

This bill clarifies that moneys in the redevelopment trust fund may be expended for but not limited to administrative and overhead expenses incidental to the preparation and implementation of the community redevelopment plan; expenses of planning, market research, financial analysis, and information dissemination; acquisition of real property; preparation of the designated area for redevelopment; repayment of principal and interest for certain outstanding debt; and expenses related to issuance and retirement of agency bonds.

The specific provisions concerning the acquisition of interests in community redevelopment projects are replaced with a reference to the general code of ethics in part III of ch. 112, F.S., except that ownership or control of any such property interest by any agency official or employee must be disclosed prior to the agency taking any official action on such property. Also, public officials and employees of a municipality or county are not included in the amended requirements.

This bill provides that the powers exercised by a community redevelopment agency created by a municipality to carry out part III of ch. 163, F.S., would not be preempted by a charter county if the municipal redevelopment agency existed prior to the adoption of the county home rule charter.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.
III. COMMENTS:

Part III of ch. 112, F.S., Code of Ethics for Public Officers and Employees, requires any public officer voting upon any measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained to, within 15 days after the vote occurs, disclose the nature of his interest as a public record (s. 112.3143, F.S.).

A similar bill, HB 1181, has been introduced in the House this year.

The provision pertaining to the exercise of redevelopment powers by municipalities in charter counties is identical to SB 507, which has been reported favorably by ECCA.

Provisions similar to the ones in this bill are contained in SB 1050. SB 1050 was passed by the Legislature and ordered enrolled on June 3, 1983.

IV. AMENDMENTS:

None.
Journal
of the
House of Representatives

Eighty-fifth
Regular Session
since Statehood in 1845
April 5 through June 13, 1983

Including a record of transmittal of Acts subsequent to sine die adjournment
On motion by Rep. Press, the rules were waived and CS/HB 602, as amended, was read the third time by title. On passage, the vote was

Yeas—116

The Chair Deratany Kutun Reynolds
Abrams Deutsch Lawson Reynolds
Allen Drake Lehman Robinson
Armstrong Dudley Lehtinen Ross
Arnold Dunbar Lewis Sample
Bailey Easley Liberty Sanders
Bankhead Evans-Jones Lippman Selph
Bass Figg Locke Shackleford
Bell Gallager Logan Shelley
Brantley Gardner Mackenzie Silver
Bronson Gordon Martin Simon
Brown, C Grant Martinez Simone
Brown, T C Grindle McEwan Smith
Burke Hanson Meffert Spae
Burnsed Hargrett Messersmith Stewart
Burrall Harris Metcalf Thomas
Carlton Hawkins, L R Mills Tipton
Carpenter Hawkins, M. E Mitchell Tobasson
Casas Hazouri Morgan Tobin
Clark Healey Murphy Upchurch
Clements Hill Nergard Wallace
Combee Hodges Ogden Ward
Cortina Hollingsworth Paucic Watt
Cosgrove Johnson, B L Patchett Webster
Cready Johnson, R C Peeples Weinstock
Crotty Johnson, R M Press Wetherell
Danson Jones, C F Ready Williams
Dantzler Jones, D L Reaves Woodruff
Davis Kelly Redick Young

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Lippman, the rules were waived and—

< SB 1050—A bill to be entitled An act relating to unemployment compensation, amending ss 163 356 (2), Florida Statutes, specifying membership of a community redevelopment agency, amending ss 443 036, Florida Statutes, providing conditions under which benefits will not be charged to the account of an employer because of refusal of an individual to accept suitable employment; providing an effective date—was read the second time by title.

The Committee on Commerce offered the following amendment:

Amendment 1—On page 2, line 24, strike "60" and insert: 90

Rep. Martinez moved the adoption of the amendment, which was adopted without objection.

The Committee on Commerce offered the following title amendment:

Amendment 2—On page 1, line 10, after the semicolon insert: "increasing the length of the probationary period for new employees; Rep. Martinez moved the adoption of the amendment, which was adopted without objection.

Representative D. L. Jones offered the following amendment:

Amendment 3—On page 1, line 10, after the colon, insert: Section 1 Subsection (3) of section 443 036, Florida Statutes, 1982 Supplement, is amended to read:

443 036 Definitions—As used in this chapter, unless the context clearly requires otherwise:

(3) WAGES—

(a) "Wages" means all remuneration for employment, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the division.

(b) "Wages" does not include:

That part of remuneration which, after remuneration equal to $4,200 prior to January 1, 1978, and $6,000 after December 31,
On motion by Senator Barron, the rules were waived and by two-thirds vote SB 14 was placed on the special order calendar following CS for SB 661.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 688 was withdrawn from the Committee on Executive Business

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 302, 343, 707 and CS for SB 1010 were withdrawn from the Committee on Appropriations

On motion by Senator Thomas, the rules were waived and the Committee on Commerce was granted permission to meet immediately upon return to consider SB 957 and HB 1277

Senator Crawford presiding

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 313—A bill to be entitled An act relating to educational facilities, creating s 230.057, Florida Statutes, authorizing educational boards to purchase, own, convey, sell, lease, or encumber air space or any other interests in real property above the surface of the land, specifying that educational facilities constructed or leased in joint occupancy facilities are subject to certain rules and requirements, renumbering s 235.056(2), Florida Statutes, and adding a new subsection (2) to said section, providing for lease and lease-purchase, for educational purposes, of real property owned by a school board, amending s 335.2655(4), Florida Statutes, 1982 Supplement, providing for reusing certain construction documents under certain circumstances, creating s 230.2301, Florida Statutes, authorizing school boards, to create nonprofit corporations for the purpose of issuing tax-exempt obligations and to enter into lease financing programs for capital construction, authorizing municipalities to enter into lease-purchase agreements for property for public purposes, providing an effective date

—and requests the concurrence of the Senate

Allen Morris, Clerk

Amendment 1—On page 3, lines 14-30 and page 4, lines 1-11, strike all of section 2 and rerum subsequent sections.

Amendment 2—On page 7, lines 4 and 5, strike and section 2 shall take effect October 1, 1983.

Amendment 3—On page 1, in the title, lines 25-30, strike all of said lines and insert circumstances, authorizing municipalities to

On motions by Senator Plummer the Senate concurred in the House amendments.

CS for SB 313 passed as amended and the action of the Senate was certified to the House. The vote on passage was

Yea—33
Beard, Carlucci, Castor, Childers, Crawford, Dunn, Fox, Frank, Gersten, Gordon, Mann, Malchon, Scott, Stancioff, Maguire, Thomas, McPherson, Meek, Neighbors, Zehnder, Vogt, Myron, Schliemann, Langley

Nay—None

Vote after roll call

Yea—Girardeau, Haire

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

SB 634—A bill to be entitled An act relating to community redevelopment, amending s 163.366(2), Florida Statutes, specifying membership of a community redevelopment agency, amending s 163.375(1), Florida Statutes, authorizing the governing body of a county or municipality which declares itself to be the community redevelopment agency to appoint additional members to the agency in certain circumstances, providing an effective date

—and requests the concurrence of the Senate

Allen Morris, Clerk

Amendment 1—On page 2, line 14, after "agency" insert Terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section shall be subject to all provisions of this part relating to appointed members of a community redevelopment agency.

Senators Hair, Margolis and Stuart offered the following amendments which were moved by Senator Stuart and adopted:

Amendment 1 to House Amendment 1—On page 1, between lines 6 and 7, insert

Section 3 Subsections (1), (2) and (9) of section 163.340, Florida Statutes, are amended to read

163.340 Definitions—The following terms, wherever used or referred to in this part, shall have the following meanings

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s 163.356 or s 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan including the preparation of such a plan.

Section 4 Section 163.345, Florida Statutes, is amended to read

163.345 Encouragement of private enterprise—

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 5 Subsections (3), (6), (9) and (10) of section 163.360, Florida Statutes, are amended to read

163.360 Community redevelopment plans—

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan...
plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within said 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(4) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing body shall then proceed with the hearing on the proposed community redevelopment plan project as prescribed by subsection (5).

(5) The governing body shall hold a public hearing on a community redevelopment plan project after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan project under consideration.

(6) Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 6. Subsections (1) and (3) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans —

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon recommendation of the agency. The agency, recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 7. Subsections (1), (3), (4), (7), and (8) of section 163.362, Florida Statutes, are amended to read:

163.362 Contents of community redevelopment plan — Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement housing for the relocations of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.

(8) Provide an element of residential use in the redevelopment project area if such use exists in the area prior to the adoption of the plan.

Section 8. Subsections (1), (2), and (4) of section 163.367, Florida Statutes, are amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics prohibited from acquiring an interest —

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of part III of chapter 112. No public official or employee of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency, which has been vested by any county or municipality with community redevelopment powers under s. 163.356 or s. 163.357, shall voluntarily or involuntarily acquire any personal interest, direct or indirect, in any community redevelopment project, or any property included or planned to be included in any community redevelopment project of such county or municipality, or in any contract or proposed contract in connection with such community redevelopment project.

(2) In the event of involuntary acquisition, the interest acquired shall be immediately disclosed in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows is included or planned to be included in a community redevelopment area project, he shall immediately disclose this fact in the manner provided in part III of chapter 112. No public official or employee of a county or municipality, or board or commission thereof, or community redevelopment agency affected by the existence of such an interest. Any disclosure required to be made by this section to the governing body shall concurrently be made prior to tentative projects of the community redevelopment agency. Such agency, in any event, shall promptly disclose this fact in the manner provided in part III of chapter 112.

(3) Any violation of the provisions of this section shall constitute misconduct in office.

Section 9. Subsections (1) and (4) of section 163.387, Florida Statutes, are amended and subsection (6) is added to said section to read:

163.387 Redevelopment trust fund —

(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment project undertaken by the agency. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between...
(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts upon taxable real property contained within the geographic boundaries of a community redevelopment project, and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by all taxing authorities except school districts upon the total of the assessed value of the taxable real property in the community redevelopment project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

(4) The revenue bonds and notes of every issue under this part shall be payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes shall have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. The redevelopment trust fund shall receive the tax increment described in this section only as or, and when such taxes are collected.

(6) Moneys in the redevelopment trust fund may be expended from time to time for the following purposes, when directly related to the financing or refinancing of a community redevelopment project:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency,

(b) Expenses of redevelopment planning, surveys, and financial analyses,

(c) The acquisition of real property in the redevelopment area,

(d) The clearance, and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in s. 163 370,

(e) Repayment of principal and interest for loans, advances, bond anticipation notes, and other forms of indebtedness, and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other forms of indebtedness.

(Renumber subsequent section)

Amendment 1 to title—On page 1, line 1, after the semicolon (,) insert "amending s. 163 340(1), (2) and (4), Florida Statutes, redefining the terms "agency," "public body," and "community redevelopment project," amending s. 163 345, Florida Statutes, providing that consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives in community redevelopment areas, amending s. 163 360(3), (4), (5) and (6), Florida Statutes, eliminating reference to community redevelopment project and substituting therefor community redevelopment plan, amending s. 163 361(1) and (3), Florida Statutes, relating to modification of community redevelopment plans, amending s. 163 362(1), (3), (4), (7) and (8), Florida Statutes, providing that community redevelopment plans apply to redevelopment areas rather than to project areas, amending s. 163 367(1), (2) and (4), Florida Statutes, providing that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of the law governing the code of ethics for public officers and employees, amending s. 163 387(1), (4), Florida Statutes, and adding subsection (6) thereto, prescribing method for determining the tax increment, deleting provisions that the trust fund received the tax increment only as, if, and when such taxes are collected, providing for the uses of funds in community redevelopment trust funds.

On motions by Senator Jenne, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 1050 passed as amended and the action of the Senate was certified to the House. The vote on passage was...
I. SUMMARY:

A. Present Situation:

Part III of ch. 163, F.S., authorizes municipalities and counties, upon a finding of necessity, to declare an area a slum or blighted area. After making such a finding, the municipality or county may create a community redevelopment agency for the purpose of establishing and implementing a redevelopment plan for the designated area. The agency, subject to the approval of the municipality or county which created the agency, is authorized to issue revenue bonds that pledge as security the incremental increase in property taxes in the designated area. This increment must be placed in a redevelopment trust fund. Five commissioners of the redevelopment agency are appointed by the municipal or county governing body, but the local governing body may designate itself as the agency or authorize a downtown development authority or similar body created by special act to function as the community redevelopment agency.

A commissioner receives no compensation for his services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 163.367, F.S., prohibits officials and employees of a county or municipality and officials and employees of a community redevelopment agency from acquiring any personal interest in any redevelopment project or any property or contract in connection with such project. In the event of involuntary acquisition, written disclosure of such interest is required. If any official or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest in any property included or planned to be included in a project, written disclosure is required and such person is prohibited from participating in any action of the agency affecting such property. No officer of a redevelopment agency shall hold any other public office under the county or municipality. Any violation of these provisions constitutes misconduct in office.

Part III of ch. 112, F.S., establishes a general code of ethics for public officers and employees. This law declares it to be a state policy that no officer or employee of a state agency or a political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Among the standards of conduct contained in part III are ones pertaining to conflicting employment or contractual relationship, disclosure of specified interests, employees holding office, voting conflicts, and disclosure of financial interests. Penalties are provided, and the Commission on Ethics is established to receive and investigate complaints of violations, issue advisory opinions upon request, and recommend
that the Governor initiate judicial proceedings to enforce compliance.

B. Effect of Proposed Changes:

This bill would authorize the appointment of five, six, or seven commissioners to the redevelopment agency. Also, if the governing body of the municipality or county declares itself to be the redevelopment agency and the governing body consists of five members, it may appoint two additional persons to act as members of the redevelopment agency.

This bill amends numerous references to a community redevelopment project to read community redevelopment plan, and references to a project area to read redevelopment area.

The definition of a community redevelopment project is amended to clarify that plan preparation is one of the undertakings and activities designed to eliminate and prevent the development or spread of slums and blight (thereby allowing plan preparation to be financed with the proceeds from redevelopment revenue bonds issued by the agency or with trust fund money derived from incremental increases in property taxes in the designated areas).

The county or municipality, in carrying out the provisions of part III of ch. 163, F.S., is required to consider making the corporate income tax credits, property tax exemptions, industrial revenue bond financing for commercial projects, and community development corporation grants and loans available in designated and approved enterprise zones (slums or blighted areas) pursuant to ch. 290, F.S.

The calculation of the increment to provide the annual funding of the redevelopment trust fund is changed to be equal to 95 percent (rather than 100%) of the difference between the amount of ad valorem taxes levied on property in the designated redevelopment area and the amount of ad valorem taxes that would have been produced if the property values had been frozen at the levels that existed when the redevelopment area was first designated.

This bill clarifies that moneys in the redevelopment trust fund may be expended for administrative and overhead expenses incidental to the preparation and implementation of the community redevelopment plan; expenses of planning, surveys, and financial analysis; acquisition of real property; preparation of the designated area for redevelopment; repayment of principal and interest for certain outstanding debt; and expenses related to issuance and retirement of agency bonds.

The specific provisions concerning the acquisition of interests in community redevelopment projects are replaced with a reference to the general code of ethics in part III of ch. 112, F.S., except that ownership or control of any such property interest by any agency official or employee must be disclosed prior to the agency taking any official action on such property. Also, public officials and employees of a municipality or county are not included in the amended requirements.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Any costs incurred by a redevelopment agency are presumed to be passed on ultimately to the taxpayers of the local governments which contribute to the redevelopment trust fund.

B. Government:

If the governing body of a municipality or county chooses to appoint more than five commissioners to the redevelopment
agency or chooses to appoint additional members when the
governing body itself acts as the redevelopment agency,
additional necessary expenses will be incurred in the discharge
of duties by the additional commissioners.

The amount of money that must be contributed to the
redevelopment trust fund by local governments will decrease by
5 percent.

III. COMMENTS:

Part III of ch. 112, F.S., Code of Ethics for Public Officers and
Employees, requires any public officer voting upon any measure in
which he has a personal, private, or professional interest and
which inures to his special private gain or the special gain of any
principal by whom he is retained to, within 15 days after the vote
occurs, disclose the nature of his interest as a public record (s.
112.3143, F.S.).

This bill contains provisions which are similar to the provisions
found in CS/SB 1156.

This bill was ordered enrolled on June 3, 1983.

IV. AMENDMENTS:

None.
I. SUMMARY:
A. Present Situation:

Part III of ch. 163, F.S., authorizes municipalities and counties upon a finding of necessity, to declare an area a slum or blighted area. After making such a finding, the municipality or county may create a community redevelopment agency for the purpose of establishing and implementing a redevelopment plan for the designated area. The agency, subject to the approval of the municipality or county which created the agency, is authorized to issue revenue bonds that pledge as security the incremental increase in property taxes in the designated area. This increment must be placed in a redevelopment trust fund. Five commissioners of the redevelopment agency are appointed by the municipal or county governing body, but the local governing body may designate itself as the agency or authorize a downtown development authority or similar body created by special act to function as the community redevelopment agency.

A commissioner receives no compensation for his services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

B. Effect of Proposed Changes:

This bill would authorize the appointment of five, six, or seven commissioners to the redevelopment agency. Also, if the governing body of the municipality or county declares itself to be the redevelopment agency and the governing body consists of five members, it may appoint two additional persons to act as members of the redevelopment agency.

II. ECONOMIC IMPACT AND FISCAL NOTE:
A. Public:

Any costs incurred by a redevelopment agency are presumed to be passed on ultimately to the taxpayers of the local governments which contribute to the redevelopment trust fund.

B. Government:

If the governing body of a municipality or county chooses to appoint more than five commissioners to the redevelopment agency or chooses to appoint additional members when the governing body itself acts as the redevelopment agency, additional necessary expenses will be incurred in the discharge of duties by the additional commissioners.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
offered the following amendment

On page 10 line 12 strike

and bond anticipation notes; and

and insert: bond anticipation notes and other forms of indebtedness, and

M__ __________ moved the adoption of the amendment.

which was adopted which failed of adoption.

Form H-62
AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative of The Committee on ____________________________

offered the following amendment:

On page 10, line 15, strike ____________________________

and insert ____________________________

Mr ____________________________ moved the adoption of the amendment, which was adopted ____________________________

which failed of adoption ____________________________

Form H-62
AMENDMENT -- FOR DRAFTING ONLY
(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative of the Committee on

offered the following amendment

On page 8, line 9, strike

project

and insert: area

Mr. moved the adoption of the amendment,

which was adopted which failed of adoption

Form H-62
A bill to be entitled

An act relating to community redevelopment,

amending s. 163.340(1), (2), (9), Florida

Statutes, providing definitions, amending s.

163.345, Florida Statutes; providing that

consideration be given to use of the Florida

Enterprise Zone Act of 1982 and its incentives

in community redevelopment areas, amending s.

163.360(3)-(6), Florida Statutes, providing

procedures for the consideration of community

redevelopment plans, amending ss. 163.361(1),

(3), 163.362(1), (3), (4), (7), (8), Florida

Statutes, providing that community

redevelopment plans apply to redevelopment

areas rather than to project areas, amending s.

163.367, Florida Statutes, providing that

officers, commissioners, and employees of

community redevelopment agencies are subject to

the code of ethics provided in part III,

chapter 112, Florida Statutes, amending s.

163.387(1), Florida Statutes, and adding

subsection (6) to said section, providing that

the measurement of the tax increment occur in

the geographic boundaries of the community

redevelopment area, providing for uses of funds

in community redevelopment trust fund, amending

s. 163.410, Florida Statutes, providing an

exemption from certain provisions applicable to

community redevelopment agencies for existing

municipal redevelopment agencies in counties

1

CODING: Words in struck through type are deletions from existing law, words underlined are additions
which adopt home rule charters, providing an
effective date.

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

Section 1. Subsections (1), (2), and (9) of section
163 340, Florida Statutes, are amended to read:

163.340 Definitions.—The following terms, wherever
used or referred to in this part, shall have the following
meanings

(1) "Agency" or "community redevelopment agency" means
a public agency created by or designated pursuant to s.
163.356 or s. 163.357

(2) "Public body" or "taxing authority" means the
state or any county, municipality, authority, special
district, or any other public body of the state.

(9) "Community redevelopment project" means
undertakings and activities of a county, municipality, or
community redevelopment agency in a community redevelopment
area for the elimination and prevention of the development or
spread of slums and blight and may include slum clearance and
redevelopment in a community redevelopment area,
rehabilitation or conservation in a community redevelopment
area, or any combination or part thereof in accordance with a
community redevelopment plan including the preparation of such
a plan.

Section 2 Section 163 345, Florida Statutes, is
amended to read:

163 345 Encouragement of private enterprise.—

(1) Any county or municipality, to the greatest extent
it determines to be feasible in carrying out the provisions of

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
this part, shall afford maximum opportunity, consistent with
the sound needs of the county or municipality as a whole, to
the rehabilitation or redevelopment of the community
redevelopment area by private enterprise. Any county or
municipality shall give consideration to this objective in
exercising its powers under this part, including the
formulation of a workable program, the approval of community
redevelopment plans, communitywide plans or programs for
community redevelopment, and general neighborhood
redevelopment plans (consistent with the general plan of the
county or municipality), the exercise of its zoning powers,
the enforcement of other laws, codes and regulations relating
to the use of land and the use and occupancy of buildings and
improvements, the disposition of any property acquired, and
the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined
in subsection (1), the county or municipality shall consider
making available the incentives provided under the Florida
Enterprise Zone Act of 1982.

Section 3 Subsections (3), (4), (5), and (6) of
section 163.360, Florida Statutes, are amended to read
163.360 Community redevelopment plans --
(3) The county, municipality, or community
redevelopment agency may itself prepare or cause to be
prepared a community redevelopment plan, or any person or
agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the
development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within said 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan project.

(4) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body. The governing body shall then proceed with the hearing on the proposed community redevelopment plan project as prescribed by subsection (5).

(5) The governing body shall hold a public hearing on a community redevelopment plan project after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan project under consideration.

(5) Following such hearing, the governing body may approve a community redevelopment plan project and the plan therefor if it finds that

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling.
accommodations within their means and without undue hardship
to such families.

(b) The community redevelopment plan conforms to the
general plan of the county or municipality as a whole,

(c) The community redevelopment plan gives due
consideration to the provision of adequate park and
recreational areas and facilities that may be desirable for
neighborhood improvement, with special consideration for the
health, safety, and welfare of children residing in the
general vicinity of the site covered by the plans, and

(d) The community redevelopment plan will afford
maximum opportunity, consistent with the sound needs of the
county or municipality as a whole, for the rehabilitation or
redevelopment of the community redevelopment area by private
enterprise

Section 4 Subsections (1) and (3) of section 163 361,
Florida Statutes, are amended to read

163 361 Modification of community redevelopment
plans --

(1) If at any time after the approval of a community
redevelopment plan by the governing body it becomes necessary
or desirable to amend or modify such plan, the governing body
may amend such plan upon the recommendation of the agency
The agency recommendation to amend or modify a redevelopment
plan may include a change in the boundaries of the
redevelopment project area to add land to or exclude land from
the redevelopment project area

(3) If a community redevelopment plan is modified by
the county or municipality after the lease or sale of real
property in the community redevelopment project area, such
modification may be conditioned upon such approval of the
owner, lessee, or successor in interest as the county or
municipality may deem advisable and, in any event, shall be
subject to such rights at law or in equity as a lessee or
purchaser, or his successor or successors in interest, may be
entitled to assert

Section 5 Subsections (1), (3), (4), (7), and (8) of
section 163 362, Florida Statutes, are amended to read

163 362 Contents of community redevelopment plan.--

Every community redevelopment plan shall.

(1) Contain a legal description of the boundaries of
the community redevelopment project area

(3) If the redevelopment project area contains low or
moderate income housing, contain a neighborhood impact
element, which describes in detail the impact of the project
upon the residents of the project area and the surrounding
areas, in terms of relocation, traffic circulation,
environmental quality, availability of community facilities
and services, effect on school population, and other matters
affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of
financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement
housing for the relocation of persons temporarily or
permanently displaced from housing facilities within the
community redevelopment project area

(8) Provide an element of residential use in the
redevelopment project area if such use exists in the area
prior to the adoption of the plan

Section 6 Section 163 367, Florida Statutes, is
amended to read

CODING Words in struck through type are deletions from existing law, words underlined are additions
163 367 Public officials, commissioners, and employees subject to code of ethics prohibited from acquiring an interest -- The officers, commissioners, and employees of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of chapter 112, part III.

(1) No public official or employee of a county or municipality, or board or commission thereof, and no commissioner or employee of a community redevelopment agency which has been vested by any county or municipality with community redevelopment powers under s. 163-356 or s. 163-357 shall voluntarily or involuntarily acquire any personal interest, direct or indirect, in any community redevelopment project, in any property included or planned to be included in any community redevelopment project of such county or municipality, or in any contract or proposed contract in connection with such community redevelopment project.

(2) In the event of involuntary acquisition, the interest acquired shall be immediately disclosed in writing to the governing body and such disclosure shall be entered upon the minutes of the governing body, and such interest shall not constitute or control, directly or indirectly, in any property which is known to be included or planned to be included in a community redevelopment project, he shall immediately disclose that fact in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner, or employee shall not participate in any action by the county or municipality, or board or commission thereof, or community redevelopment agency affecting such property.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
Section 7 Subsection (1) of section 163 387, Florida Statutes, is amended, and subsection (6) is added to said section to read.

163 387 Redevelopment trust fund --

(1) There shall be established for each community redevelopment agency created under s 163 356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each community redevelopment project it undertakes. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community
redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

(6) Moneys in the redevelopment trust fund may be expended from time to time for purposes including, but not limited to:

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants, and preparation of any redevelopment area for redevelopment;

(e) Repayment of principal and interest for loans, advances, and bond anticipation notes, and

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds.

Section 8 Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters -- In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.

This section shall not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

Section 9 This act shall take effect October 1, 1983.
SENATE SUMMARY

Requires counties and municipalities to consider making available to private enterprise the incentives provided under the Florida Enterprise Zone Act of 1982. Provides procedures for consideration of community development plans. Provides that such plans apply to community redevelopment areas rather than project areas. Subjects officers, commissioners, and employees to a code of ethics. Provides for allocations payable from ad valorem tax to a community development trust fund. Provides for expenditures from such fund. Provides an exemption from certain provisions applicable to community redevelopment agencies in charter counties.

CODING. Words in square brackets are deletions from existing law, words underscored are additions.
A bill to be entitled

An act relating to community redevelopment;

amending s. 163.340(1), (2) and (9), Florida Statutes, redefining the terms "agency," "public body" and "community redevelopment project"; amending s. 163.345, Florida Statutes, providing that consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives in community redevelopment areas; amending s. 163.360(3), (4), (5) and (6), Florida Statutes, eliminating reference to community redevelopment project and substituting therefor community redevelopment plan; amending s. 163.361(1) and (3), Florida Statutes, relating to modification of community redevelopment plans, amending s. 163.362(1), (3), (4), (7) and (8), Florida Statutes, providing that community redevelopment plans apply to redevelopment areas rather than to project areas; amending s. 163.367(1), (2) and (4), Florida Statutes, providing that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of the law governing the code of ethics for public officers and employees; amending s. 163.387(1), Florida Statutes, and adding subsection (6) thereto; providing that the measurement of the tax increment occur in the geographic boundaries of the community redevelopment area, providing for the uses of funds in community
redevelopment trust funds, amending s 163.410,
Florida Statutes, providing an exemption from
certain provisions applicable to community
redevelopment agencies in home rule charter
counties for existing municipal redevelopment
agencies in counties which adopt home rule
charters; providing an effective date.

Be It Enacted by the Legislature of the State of Florida

Section 1. Subsections (1), (2) and (9) of section
163.340, Florida Statutes, are amended to read:

163.340 Definitions.--The following terms, wherever
used or referred to in this part, shall have the following
meanings:

(1) "Agency" or "community redevelopment agency"
means a public agency created by, or designated pursuant to,
s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the
state or any county, municipality, authority, special
district, or any other public body of the state.

(9) "Community redevelopment project" means
undertakings and activities of a county, municipality, or
community redevelopment agency in a community redevelopment
area for the elimination and prevention of the development or
spread of slums and blight and may include slum clearance and
redevelopment in a community redevelopment area,
rehabilitation or conservation in a community redevelopment
area, or any combination or part thereof in accordance with a
community redevelopment plan including the preparation of such
a plan.

CODING Words in black through type are deletions from existing law, words underlined are additions
Section 2. Section 163.345, Florida Statutes, is amended to read

163.345 Encouragement of private enterprise --

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 3. Subsections (3), (4), (5) and (6) of section 163.360, Florida Statutes, are amended to read

163 360 Community redevelopment plans.--

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the
development of the county or municipality as a whole. The
local planning agency shall submit its written recommendations
with respect to the conformity of the proposed community
redevelopment plan to the community redevelopment agency
within 60 days after receipt of the plan for review. Upon
receipt of the recommendations of the local planning agency,
or, if no recommendations are received within said 60 days,
then without such recommendations, the community redevelopment
agency may proceed with its consideration of the proposed
community redevelopment plan project.

(4) The community redevelopment agency shall submit
any community redevelopment plan it recommends for approval,
together with its written recommendations, to the governing
body. The governing body shall then proceed with the hearing
on the proposed community redevelopment plan project as
prescribed by subsection (5).

(5) The governing body shall hold a public hearing on
a community redevelopment plan project after public notice
thereof by publication in a newspaper having a general
circulation in the area of operation of the county or
municipality. The notice shall describe the time, date,
place, and purpose of the hearing, identify generally the
community redevelopment area covered by the plan, and outline
the general scope of the community redevelopment plan project
under consideration.
(6) Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that 

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families, 

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole, 

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and 

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 4. Subsections (1) and (3) of section 163 361, Florida Statutes, are amended to read

163 361 Modification of community redevelopment plans --

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the
redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 5. Subsections (1), (3), (4), (7) and (8) of section 163.362, Florida Statutes, are amended to read 163.362 Contents of community redevelopment plan.-- Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.
(8) Provide an element of residential use in the
redevelopment project area if such use exists in the area
prior to the adoption of the plan.

Section 6  Subsections (1), (2) and (4) of section
163 367, Florida Statutes, are amended to read
163 367  Public officials, commissioners, and employees
subject to code of ethics prohibited from acquiring an
interest.—

(1) The officers, commissioners, and employees of a
community redevelopment agency created by, or designated
pursuant to, s. 163.356 or s. 163.357 shall be subject to the
provisions and requirements of part III of chapter 112. No
public official or employee of a county or municipality, or
board or commission thereof, and no commissioner or employee
of a community redevelopment agency which has been vested by
any county or municipality with community redevelopment powers
under s. 163-356 or s. 163-357, shall voluntarily or
involuntarily acquire any personal interest, direct or
indirect, in any community redevelopment project, in any
property included or planned to be included in any community
redevelopment project of such county or municipality, or in
any contract or proposed contract in connection with such
community redevelopment project.

(2) In the event of involuntary acquisition, the
interest acquired shall be immediately disclosed in writing to
the governing body, and such disclosure shall be entered upon
the minutes of the governing body. If any such official,
commissioner, or employee presently owns or controls, or owned
or controlled within the preceding 2 years, any interest,
direct or indirect, in any property which he knows is included
or planned to be included in a community redevelopment area

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project, he shall immediately disclose this fact in the manner
provided in part III of chapter 112 in writing to the
governing body, and such disclosure shall be entered upon the
minutes of the governing body, and any such official, employee shall not participate in any action
by the county or municipality, or board or commission thereof
or community redevelopment agency affecting such property.
Any disclosure required to be made by this section to the
governing body shall concurrently be made prior to taking any
official action pursuant to this section to a community
redevelopment agency which has been vested with community
redevelopment powers by the county or municipality pursuant to
the provisions of s 163.356 or s 163.357.

(4) Any violation of the provisions of this section
shall constitute misconduct in office.

Section 7 Subsection (1) of section 163 387, Florida
Statutes, is amended and subsection (6) is added to said
section to read:

163.387 Redevelopment trust fund.--

(1) There shall be established for each community
redevelopment agency created under s 163.356 a redevelopment
trust fund. Funds allocated to and deposited into this fund
shall be used by the agency to finance or refinance each
community redevelopment project it undertakes. No community
redevelopment agency shall exercise any community
redevelopment powers under this section unless and until the
governing body has, by ordinance, provided for the funding of
the redevelopment trust fund for the duration of a community
redevelopment project. The annual funding of the
redevelopment trust fund shall be in an amount not less than
that increment in the income, proceeds, revenues, and funds of
the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part. Such increment shall be determined annually and shall be that amount equal to the difference between

(a) The amount of ad valorem taxes levied each year by all taxing authorities except school districts on taxable real property contained within the geographic boundaries of a community redevelopment area project, and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for all taxing authorities except school districts upon the total of the assessed value of the taxable property in the community redevelopment area project as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund approving the community redevelopment plan.

(6) Moneys in the redevelopment trust fund may be expended from time to time for purposes including, but not limited to,

(a) Administrative and overhead expenses necessary or incidental to the preparation and implementation of a community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys, market research, financial analysis, and dissemination of redevelopment information;

(c) The acquisition of real property in the redevelopment area;

(d) The clearance, relocation of site occupants, and preparation of any redevelopment area for redevelopment;
(e) Repayment of principal and interest for loans, advances, bond anticipation notes, and other forms of indebtedness, and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other forms of indebtedness.

Section 8. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.--In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section shall not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

Section 9. This act shall take effect October 1, 1983.
- Provides that the ownership or control by an official, commissioner, or employee of the redevelopment agency of any interest in property included in a community redevelopment area must be disclosed prior to taking any official action on such property.

- Retains the current statutory provision prohibiting any commissioner or other officer of a redevelopment agency from holding any other public office under the county or municipality.
A bill to be entitled
An act relating to community redevelopment;
amending s 163.356(2), Florida Statutes,
-specifying membership of a community
-redevelopment agency, amending s 163.357(1),
Florida Statutes, authorizing the governing
body of a county or municipality which declares
itself to be the community redevelopment agency
to appoint additional members to the agency in
certain circumstances, providing an effective
date

Be It Enacted by the Legislature of the State of Florida

Section 1 Subsection (2) of section 163.356, Florida
Statutes, is amended to read

163.356 Creation of community redevelopment agency --
(2) When the governing body adopts a resolution
 declaring the need for a community redevelopment agency, that
 body shall, by ordinance, appoint a board of commissioners of
 the community redevelopment agency, which shall consist of not
 less than five nor more than seven commissioners. Terms of
 office of the commissioners shall be for 4 years, except that
 three of the members first appointed shall be designated to
 serve terms of 1, 2, and 3 years, respectively, from the date
 of their appointments, and all other two members shall be
 designated to serve for terms of 4 years from the date of
 their appointments. A vacancy occurring during a term shall
 be filled for the unexpired term

Section 2 Subsection (1) of section 163.357, Florida
Statutes, is amended to read

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163.357 Governing body as the community redevelopment agency --

(1) As an alternative to the appointment of not less than five nor more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under § 163.355, or at any time thereafter by adoption of a resolution, declare itself to be the agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency shall be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred. A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency.

Section 3 This act shall take effect upon becoming a law.

SENATE SUMMARY

Provides that a community redevelopment agency shall consist of not less than five nor more than seven members. Authorizes the governing body of a county or municipality which by resolution declares itself to be the community redevelopment agency to appoint additional members to the agency in certain circumstances.
A bill to be entitled
An act relating to community redevelopment;
amending s. 163.340(1), (2) and (9), Florida Statutes, redefining the terms "agency," "public body" and "community redevelopment project"; amending s. 163.345, Florida Statutes, providing that consideration be given to use of the Florida Enterprise Zone Act of 1982 and its incentives in community redevelopment areas; amending s. 163.360(3), (4), (5) and (6), Florida Statutes, eliminating reference to community redevelopment project and substituting therefor community redevelopment plan; amending s. 163.361(1) and (3), Florida Statutes, relating to modification of community redevelopment plans; amending s. 163.362(1), (3), (4), (7) and (8), Florida Statutes, providing that community redevelopment plans apply to redevelopment areas rather than to project areas; amending s. 163.367(1), (2) and (4), Florida Statutes, providing that officers, commissioners and employees of community redevelopment agencies are subject to the provisions of the law governing the code of ethics for public officers and employees; amending s. 163.387(1), Florida Statutes, and adding subsection (6) thereto; providing that the measurement of the tax increment occur in the geographic boundaries of the community redevelopment area; providing for the uses of funds in community
redevelopment trust funds; amending s. 163.410, Florida Statutes, providing an exemption from certain provisions applicable to community redevelopment agencies in home rule charter counties for existing municipal redevelopment agencies in counties which adopt home rule charters; providing an effective date.

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

Section 1. Subsections (1), (2) and (9) of section 163.340, Florida Statutes, are amended to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" or "taxing authority" means the state or any county, municipality, authority, special district, or any other public body of the state.

(9) "Community redevelopment project" means undertakings and activities of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with a community redevelopment plan including the preparation of such a plan.
Section 2. Section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise.--

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program, the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act of 1982.

Section 3. Subsections (3), (4), (5) and (6) of section 163.360, Florida Statutes, are amended to read:

163.360 Community redevelopment plans.--

(3) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a
community redevelopment agency. Prior to its consideration of
a community redevelopment plan, the community redevelopment
agency shall submit such plan to the local planning agency of
the county or municipality for review and recommendations as
to its conformity with the comprehensive plan for the
development of the county or municipality as a whole. The
local planning agency shall submit its written recommendations
with respect to the conformity of the proposed community
redevelopment plan to the community redevelopment agency
within 60 days after receipt of the plan for review. Upon
receipt of the recommendations of the local planning agency,
or, if no recommendations are received within said 60 days,
then without such recommendations, the community redevelopment
agency may proceed with its consideration of the proposed
community redevelopment plan project.
(4) The community redevelopment agency shall submit
any community redevelopment plan it recommends for approval,
together with its written recommendations, to the governing
body. The governing body shall then proceed with the hearing
on the proposed community redevelopment plan project as
prescribed by subsection (5).
(5) The governing body shall hold a public hearing on
a community redevelopment plan project after public notice
thereof by publication in a newspaper having a general
circulation in the area of operation of the county or
municipality. The notice shall describe the time, date,
place, and purpose of the hearing, identify generally the
community redevelopment area covered by the plan, and outline
the general scope of the community redevelopment plan project
under consideration.
(6) Following such hearing, the governing body may approve a community redevelopment project and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; and

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise.

Section 4. Subsections (1) and (3) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.--

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the
redevelopment project area to add land to or exclude land from the redevelopment project area.

(3) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

Section 5. Subsections (1), (3), (4), (7) and (8) of section 163.362, Florida Statutes, are amended to read:

163.362 Contents of community redevelopment plan.-- Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment project area.

(3) If the redevelopment project area contains low or moderate income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Describe generally the proposed method of financing the redevelopment of the redevelopment project area.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment project area.
(8) Provide an element of residential use in the
redevelopment project area if such use exists in the area
prior to the adoption of the plan.

Section 6. Subsections (1), (2) and (4) of section
163.367, Florida Statutes, are amended to read:

163.367 Public officials, commissioners, and employees
subject to code of ethics prohibited-from-acquiring-an
interest.--

(1) The officers, commissioners, and employees of a
community redevelopment agency created by, or designated
pursuant to, s. 163.356 or s. 163.357 shall be subject to the
provisions and requirements of part III of chapter 112. No
public-official or employee of a county or municipality, or
board or commission thereof, and no commissioner or employee
of a community redevelopment agency which has been vested by
any county or municipality with community redevelopment powers
under s. 163.356 or s. 163.357 shall voluntarily or
involuntarily acquire any personal interest, direct or
indirect, in any community redevelopment project in any
property included or planned to be included in any community
redevelopment project of such county or municipality, or in
any contract or proposed contract in connection with such
community redevelopment project.

(2) In the event of involuntary acquisition, the
interest acquired shall be immediately disclosed in writing to
the governing body, and such disclosure shall be entered upon
the minutes of the governing body. If any such official,
commissioner, or employee presently owns or controls, or owned
or controlled within the preceding 2 years, any interest,
direct or indirect, in any property which he knows is included
or planned to be included in a community redevelopment area

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project, he shall immediately disclose this fact in the manner provided in part III of chapter 112 in-writing-to-the governing-body-and-such-disclosure-shall-be-entered-upon-the minutes-of-the-governing-body-and-any-such-officially;
commissioner-or-employee-shall-not-participate-in-any-action by-the-county-or-municipality-or-board-or-commission-thereof,
or-community-redevelopment-agency-affecting-such-property.
Any disclosure required to be made by this section to-the governing-body shall concurrently be made prior to taking any official action pursuant to this section to-a-community redevelopment-agency-which-has-been-vested-with-community redevelopment-powers-by-the-county-or-municipality-pursuant-to the-provisions-of-sr-163.356-or-sr-163.357.
(4)--Any-violation-of-the-provisions-of-this-section shall-constitute-misconduct-in-officer
Section 7. Subsection (1) of section 163.387, Florida Statutes, is amended and subsection (6) is added to said section to read:

163.387 Redevelopment trust fund.--
(1) There shall be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance each community redevelopment project it undertakes. No community redevelopment agency shall exercise any community redevelopment powers under this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment project. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of

CODING Words in struck through type are deletions from existing law, words underlined are additions
the county or municipality derived from or held in connection
with its undertaking and carrying out of community
redevelopment projects under this part. Such increment shall
be determined annually and shall be that amount equal to the
difference between:

(a) The amount of ad valorem taxes levied each year by
all taxing authorities except school districts on taxable real
property contained within the geographic boundaries of a
community redevelopment area project; and

(b) The amount of ad valorem taxes which would have
been produced by the rate upon which the tax is levied each
year by or for all taxing authorities except school districts
upon the total of the assessed value of the taxable property
in the community redevelopment area project as shown upon the
most recent assessment roll used in connection with the
taxation of such property by each taxing authority prior to
the effective date of the ordinance providing for the funding
of the trust fund approving the community redevelopment plan.

(6) Moneys in the redevelopment trust fund may be
expended from time to time for purposes including, but not
limited to:

(a) Administrative and overhead expenses necessary or
incidental to the preparation and implementation of a
community redevelopment plan adopted by the agency;

(b) Expenses of redevelopment planning, surveys,
market research, financial analysis, and dissemination of
redevelopment information;

(c) The acquisition of real property in the
redevelopment area;

(d) The clearance, relocation of site occupants and
preparation of any redevelopment area for redevelopment;
(e) Repayment of principle interest for loans, advances, bond anticipation notes, and other forms of indebtedness; and

(f) All expenses incidental or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other forms of indebtedness.

Section 8. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.--In counties which have adopted home rule charters, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.

This section shall not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter.

Section 9. This act shall take effect October 1, 1983.
HOUSE SUMMARY

Provides that consideration be given to the use of the Florida Enterprise Zone Act of 1982 and the incentives contained therein in community redevelopment areas. Provides that officers, commissioners and employees of community redevelopment agencies are subject to the law governing the code of ethics for public officers and employees. Provides that funds in community redevelopment trust funds may be expended for the following: administrative expenses; expenses of planning, surveys, market research, financial analysis and dissemination of information; acquisition of real property in the redevelopment area; preparation of the area for redevelopment; repayment of loans and other forms of indebtedness; and expenses incidental to the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other forms of indebtedness. See bill for details.