State Infrastructure Council

MEETING PACKET

Monday, April 10, 2006
10:00 am – 11:00 am
404 House Office Building

REVISED

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

State Infrastructure Council

Start Date and Time:	Monday, April 10, 2006 10:00 am
End Date and Time:	Monday, April 10, 2006 11:00 am
Location:	404 HOB
Duration:	1.00 hrs

Consideration of the following bill(s):

HB 1107 Road Designations by Jennings
HB 1173 CS Driver History Records by Ross
HB 1187 CS Florida Building Code by Murzin
HB 1395 CS Traffic Safety by Sorensen
HB 1583 CS Community Redevelopment by Davis, M.
HB 7089 Facilities for Retained Spring Training Franchises by Tourism Committee

NOTICE FINALIZED on 04/06/2006 16:05 by DUNAWAY.JOYCE

The Florida House of Representatives

State Infrastructure Council

Dave Russell
Chair

303 House Office Building
(850) 414-9786

AGENDA
April 10, 2006
10:00 am – 11:00 am
404 House Office Building

I. Opening Remarks, Chair Dave Russell

II. Consideration of the following bills:

- **HB 1107 by Rep. Jennings – Road Designations**
- **HB 1173 by Rep. Ross – Driver History Records**
- **HB 1187 by Rep. Murzin – Florida Building Code**
- **CS/HB 1395 by Rep. Sorensen – Traffic Safety**
- **CS/HB 1583 by Rep. M. Davis – Community Redevelopment**
- **HB 7089 by Tourism Committee – Facilities for Retained Spring Training Franchises**

III. Closing Remarks, Chair Russell

IV. Adjourn

402 South Monroe Street, Tallahassee, Florida 32399-1300 – FAX (850) 414-6872

HB 1107

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1107 Road Designations
SPONSOR(S): Jennings
TIED BILLS: **IDEN./SIM. BILLS:** SB 1664

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N	Rousseau	Miller
2) Transportation & Economic Development Appropriations Committee	16 Y, 0 N	McAuliffe	Gordon
3) State Infrastructure Council		Rousseau TDR	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

The Florida Department of Transportation is directed to erect suitable markers to denote the honorary designations. The markers will cost an estimated $800. This does not include maintenance or replacement costs.

HB 1107 does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 1107 does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation
Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Florida Department of Transportation (FDOT) to place a marker at each terminus or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 1107

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Rosa Parks, often called the "Mother of the Modern Day Civil Rights Movement," sparked the Montgomery Bus Boycott in 1955 by refusing to give her seat to a white male passenger on a segregated bus. She led an active life of community service and began the Rosa and Raymond Parks Institute for Self-Development. Mrs. Parks passed away on October 24, 2005.

The FDOT is directed to erect suitable markers to denote the honorary designations.

C. SECTION DIRECTORY:

Section 1: Designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Section 2: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

FDOT estimates that the cost to erect suitable road markers is approximately $800 per designation for a marker at each end of the designated road area. The total signage cost of HB 1107 is $800. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to road designations; designating Rosa
3 Parks Memorial Highway in Alachua and Marion Counties;
4 directing the Department of Transportation to erect
5 suitable markers; providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Rosa Parks Memorial Highway designated;
10 Department of Transportation to erect suitable markers.--
11 (1) That portion of U.S. Highway 301 within Marion and
12 Alachua Counties is designated as "Rosa Parks Memorial Highway."
13 (2) The Department of Transportation is directed to erect
14 suitable markers designating Rosa Parks Memorial Highway as
15 described in subsection (1).
16 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1173 CS Driver History Records
SPONSOR(S): Ross
TIED BILLS: **IDEN./SIM. BILLS:** SB 2242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	20 Y, 0 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 1173 provides free internet access to a minor's driver history records for parents, a guardian, or certain other responsible adults. The bill directs the DHSMV to implement a system that allows the parents, a guardian, or other responsible adults who signed a minor's application for a driver's license, to have free access to the minor's driver history record through a secure website. The bill also provides for the termination of this access on the minor's 18th birthday. This internet access would be in addition to current public records access of driver's history records.

Current law requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain an individual driver history record of each licensee. The information must be readily available to DHSMV for license renewal and at other suitable times. Driver's history records are regarded as public records and the DHSMV is authorized to charge certain fees for providing driver history records and for assisting in searching driver history records at DHSMV's headquarters in Tallahassee.

This bill may have a minimal, but indeterminate, negative revenue impact on the Highway Safety Operating Trust Fund. Implementation of this bill would also require estimated contracted programming of 800 hours at $185 per hour for a total of $148,000. (See Fiscal Comments section of this analysis.)

The bill would take effect January 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promotes Personal Responsibility & Empowers Families

HB 1173 provides internet access to a minor's driver history records for parents, a guardian, or other responsible adults who signed the minor's application for a driver's license.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 322.09, F.S., provides that the application of any person under the age of 18 for a driver's license must be signed by the father, mother, or guardian, or, if there is no parent or guardian, by another responsible adult who is willing to assume the financial obligation imposed under chapter 322, F.S. That statutory obligation provides any negligence or willful misconduct of a minor when driving a motor vehicle on a highway shall be imputed to the person who signed the license application. The signing adult is jointly and severally liable with the minor for any damages caused by the minor's negligence or willful misconduct.

Driver history records are public records and are provided by the DHSMV or a contracted agent for the DHSMV. A person's driving history of convictions, crashes, violations that resulted in a person attending school in lieu of points being assessed and any sanctions are all public record and not covered under the Driver Privacy Protection Act (DPPA).

Section 322.20, F.S., provides that the DHSMV must maintain convenient records or notations, so the individual driver history record of each licensee is readily available for review by DHSMV upon application for renewal of a license and at other suitable times. With respect to crashes involving a licensee, the driver history record must not include any notation or record of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash.

This section also authorizes the DHSMV's Division of Driver Licenses, upon application of any person and payment of the proper fees, to search for records of the DHSMV, to make reports, and to make photographic copies of the departmental records and attestations. Section 322.20, F.S., authorizes DHSMV to charge certain fees for providing any one individual's driver history records to the public. For example DHSMV charges:

- $3.10 for providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file;
- $1.00 per page for providing a certified photographic copy of a document; and
- $2.00 for assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee.

DHSMV must furnish this information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the DHSMV as to the purpose of the investigation. This information is made available by the DHSMV electronically to contracted private vendors that provide it via the internet to the general public. The DHSMV provides this information via mail or walk-ins at the DHSMV headquarters. The DHSMV also contracts with some Clerk of Courts to provide the driver history record to the public.

Currently, the DHSMV provides driver record status checks on all drivers via the department's website. These driver record status checks exhibit the validity of the driver's license and do not provide a record of citations and traffic infractions. A person may obtain a driver record status on any Florida driver record by providing a valid driver license number.

HB 1173 creates the "Jeffrey Klapatch Act". In addition to current driver's history record public access, the bill provides free internet access to a minor's driver history records for parents, a guardian, or other responsible adults. The bill directs the DHSMV to implement a system that allows the parents or a guardian, or other responsible adults who signed a minor's application for a driver's license, to have free access to the minor's driver history record through a secure website. The bill also provides for the termination of this access to the minor's driver history records on the minor's 18th birthday.

C. SECTION DIRECTORY:

Section 1. Gives the act the popular name the "Jeffrey Klapatch Act."

Section 2. Amends s. 322.20, F.S., to provide for the DHSMV to implement a system that provides parents, a guardian, or other responsible adults who signed a minor's driver license application, with internet access to the driver history record of the minor; providing for the termination of internet access to the minor's driver history record when the minor attains 18 years of age.

Section 3. Provides that the act shall take effect January 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS Section below.

2. Expenditures:

   See FISCAL COMMENTS Section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill provides that the DHSMV will allow access to the minor's driving history record at no cost to the parents, a guardian, or to the responsible adults who signs giving consent for the minor's application for a driver's license. Therefore, the bill may have a minimal, but indeterminate, negative revenue impact on the Highway Safety Operating Trust Fund due to the free access. The bill also will require programming modifications to the Driver License Software Systems. According to the DHSMV this would require contracted programming of 800 hours at $185 per hour for a total of $148,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

2. Other:

B. RULE-MAKING AUTHORITY:

   DHSMV has sufficient rule-making authority to carry out the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 14, 2006** the Transportation Committee amended HB 1173 to require DHSMV to provide free internet access through a secure website to a minor's driver history records for the minor's parents or guardian, or for another responsible adult who signed the minor's application for a driver's license and to change the effective date of the bill to January 1, 2007.

The committee then voted 14-0 to report the bill favorably with committee substitute.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to driver history records; creating the "Jeffrey Klapatch Act"; amending s. 322.20, F.S.; providing for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to implement a system that provides the parents or guardian of a minor or the adult who signed a minor's application for a driver's license with Internet access to the driver history record of the minor; providing that no fee will be charged for such access; providing for termination of such access; providing an effective date.

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

Section 1. <u>This act may be cited as the "Jeffrey Klapatch Act."</u>

Section 2. Subsections (13), (14), and (15) of section 322.20, Florida Statutes, are renumbered as subsections (14),

23 (15), and (16), respectively, and a new subsection (13) is added
24 to that section to read:
25 322.20 Records of the department; fees; destruction of
26 records.--
27 (13) The Division of Driver Licenses shall implement a
28 system that allows either parent of a minor, or a guardian, or
29 other responsible adult who signed a minor's application for a
30 driver's license to have Internet access through a secure
31 website to inspect the minor's driver history record. Internet
32 access to driver history records granted to a minor's parents,
33 guardian, or other responsible adult shall be furnished by the
34 department at no fee and shall terminate when the minor attains
35 18 years of age.
36 Section 3. This act shall take effect January 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1187 CS Florida Building Code
SPONSOR(S): Murzin
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N, w/CS	Smith	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Strickland	Grayson
3) State Infrastructure Council		Strickland B.S.	Havlicak R.H.
4)			
5)			

SUMMARY ANALYSIS

The Florida Building Code (Code) was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. The Code was developed and is updated and maintained by the Florida Building Commission (Commission).

HB 1187 w/CS authorizes the Commission to amend the wind design standards contained in the Code subject to the amendatory requirements contained in section 553.73, F.S. In addition, the bill specifically authorizes the Commission to identify within the Code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the Code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in chapter 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

This bill repeals the statutory definition of "Exposure category C," leaving that determination to the Commission's authority to define the term within the Code development process.

This bill corrects a reference to the International Code Council as it relates to adoption of the foundation codes of the updated Code.

The bill provides for the Commission to expedite the adoption and implementation of the triennial update of the Code pursuant only to the provisions of chapter 120, F.S. The special update and amendment requirements of section 553.73, F.S., and the administrative rule requiring additional delay time between adoption and implementation of such Code are waived. The bill restricts the types of amendments that may be adopted through this process.

This bill prohibits interpretations under section 553.775, F.S., of the Florida Accessibility Code for Building Construction and chapter 11 of the Code, providing that this section of law has no effect on the Commission's authority to waive the accessibility Code provided by section 553.512, F.S.

This bill revises certain requirements relating to the use of private providers for building inspection services.

This bill revises the authority of the State Fire Marshall to amend the Florida Fire Prevention Code under specific conditions. The bill has an indeterminate fiscal impact on the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill allows the Commission to adopt wind-design standards for Northwest Florida. The bill authorizes the Commission to utilize rule-making procedures in chapter 120, F.S., rather than section 553.73, F.S., in implementing certain provisions within this bill. The bill prohibits interpretations of the Accessibility Code for Building Construction and chapter 11 of the Code.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Building Code - Building codes establish minimum safety standards for the design and construction of buildings by addressing such issues as structural integrity, mechanical, plumbing, electrical, lighting, heating, air conditioning, ventilation, fireproofing, exit systems, safe materials, energy efficiency, and accessibility by persons with physical disabilities. In doing so, these regulations protect lives and property, promote innovation and new technology, and help to ensure economic viability through the availability of safe and affordable buildings and structures.

Section 553.73, F.S., provides for the Florida Building Code. The Code was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. The Code was developed and is updated and maintained by the Florida Building Commission (Commission) that works towards consistency of standards throughout the state and full accessibility to information on the standards. The law allows for differences in the standards in different locales based on compelling differences in physical conditions. However, the law establishes procedures for administration of the Code at all levels that will constrain unwarranted differences and ensure the availability of information on local differences to all parties throughout the state.

The law established the Commission as the body which is responsible for the development of the Code and the other elements of the system which support its implementation. The Commission has 23 members, appointed by the Governor, representing engineers, architects, contractors, building owners and insurers, state and local governments and persons with disabilities.

The Code is updated every three years by the Commission. The Commission may amend the Code once each year to incorporate interpretations and update standards upon a finding that delaying the application of the amendment would be contrary to the health, safety, and welfare of the public, or the amendment provides an economic advantage to the consumer. A proposed amendment must include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement are established by rule and must include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The 2004 Florida Building Code is scheduled to take effect on July 1, 2005.

The Commission also is authorized to hear appeals from decisions of local boards regarding the interpretation of the Code; issue declaratory statements relating to the Code; determine the types of products requiring approval for local or statewide use and provide for the evaluation and approval of such products, materials, devices, and method of construction for statewide use; and develop a Building Code Training Program.

Non-Binding Interpretations of the Florida Building Code - The 2002 Legislature provided an additional mechanism for guidance when interpreting the Code.[1] It authorized the Commission to recognize an outside entity to consult with Code officials and industry, and to issue nonbinding advisory opinions. These advisory opinions were to be developed by licensed code enforcement officials. The Commission selected the Building Officials Association of Florida (BOAF) as the entity to work with toward this end.

Requests for opinions are received through the Commission's Internet site, and are then forwarded to BOAF and its experts on varied subject matters from industry and local building departments. The advice of these experts is directed to an experienced building official who drafts a response and forwards it to a select group of licensed and active building Code enforcement officials familiar with the subject matter as assigned by BOAF. These officials make the final determination of the response, which then is forwarded to the questioner and posted on both the BOAF site and in the Commission's Building Code Information System. The electronic information system can be queried for advisory opinions and declaratory statements by subject area for any section of the Code. The Commission reports that more than 1,000 advisory opinions have been issued through this process since its inception.

Because the Code is an administrative rule, interpretations of the Code that are of general applicability must comply with the provisions of ss. 120.536 and 120.54, F.S. The consensus of opinion by stakeholders was that necessary binding interpretations of the Code require a more expedited resolution than is afforded by the Code amendment and update process or the rulemaking provisions of ch. 120, F.S.

The 2005 Legislature created section 553.775, F.S., which allows the Commission, by rule, to establish an informal process of rendering interpretations of the Code. This section also provides that local building departments may approve minor changes to state approved plans under the prototype building program.

Current law sets forth a procedure for the Commission to review decisions of local building officials and local enforcement agencies regarding interpretations of the Code. Local agencies retain the primary responsibility for interpreting the Code, consistent with declaratory statements and interpretations by the Commission. While anyone may petition the Commission to issue a declaratory statement, review of local interpretations of the Code must be appealed through the following system:

- First, the Commission is directed to coordinate with the Building Officials Association of Florida, Inc. (BOAF), a statewide organization of municipal and county codes enforcement officials, to designate panels composed of five hearing officers to hear requests to review decisions of local building officials. These hearing officers must be members of a statewide organization of code enforcement officials and licensed as building code administrators and have experience interpreting and enforcing provisions of the Code.

- The request to review a decision of a local building official's interpretation of the Code may be initiated by any substantially affected person. Requests for review, or petitions, must be submitted to the Commission, who then forwards the information to a panel of hearing officers and to the local building official, and posts the petition on the Building Code Information System. The local building official then provides a written response to the panel. The petitioner then replies to the hearing officers addressing the information provided by the local building official. The panel must then conduct a proceeding to resolve the issue and publish its interpretation. The panel has 21 days after the date the petition is filed to complete the review.

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[1] Chapter 2002-193, s. 16, L.O.F.

- The petitioner may then file an appeal of the decision to the Commission. The burden of proof in any proceeding is on the party who initiated the appeal. Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this process. These local decisions may not be appealed to the Commission if the local governing body finds that there is an immediate danger to the health and safety of the public. Similarly, the Commission only has advisory powers with respect to any decision of the State Fire Marshal made under chapter 633, F.S.

The Commission also may establish an informal process of rendering non-binding interpretations of the Code. The Commission may refer interpretive issues to organizations that represent those engaged in the construction industry. The resulting interpretations are advisory only and nonbinding on the parties and the Commission.

The Commission is authorized to impose a fee not to exceed $250 for binding interpretations for each request for review or interpretation. For third-party proceedings the payment may be made directly to the third-party who must remit to the DCA that portion of the fee necessary to cover the DCA's costs.

Accessibility Code - Accessibility Code - Prior to its integration into the Florida Building Code in 2002, the Accessibility Code was statutorily adopted within ch. 553, F.S. Avenues of interpretation of the code were specifically and definitively restrictive based on concerns by advocates for the disabled that the authority to interpret conferred the power to limit the implementation of the accessibility provisions within that Code. Upon its integration, however, the Accessibility Code became subject to interpretation by Declaratory Statement by the Commission, and subsequently by non-binding and binding opinion by a third-party.

Hurricane Protection - The Commission established standards for hurricane protection in the Code that are based on a national model building code, federal regulations, and standards evolving out of southeast Florida's experience with Hurricane Andrew. Specifically, for protection against hurricane waters, the Code incorporates the flood plain management standards of the Federal Emergency Management Agency's National Flood Insurance Program for the entire state. For coastal construction it incorporates the Florida "coastal building zone" storm surge protection standards.

The Code requires that new homes throughout the state be designed to resist external wind speeds that the American Society of Civil Engineers standard (ASCE 7-98) predicts will experience sometime within a 50 to 100-year time period. In November of 1999, the Commission agreed with the developers of ASCE 7 and applied additional requirements in what is called the "wind-borne debris region" to ensure that buildings inside this region also will be able to withstand internal wind pressure caused by the penetration of flying debris. This region includes areas expected to experience winds of 120 mph or greater as well as areas within one mile of the coast that experience at least 110 mph winds.

Subsection (3) of section 109 of chapter 2000-141, L.O.F., directs the Commission to adopt for areas of the state not within the high velocity hurricane zone, pursuant to section 553.73, F.S., the wind protection requirements of the ASCE, Standard 7, 1998 edition as modified by the Commission in its February 15, 2000, adoption of the Code.[2] However, the Legislature stipulated that from the eastern

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[2] Subsection (3), section 109, Ch. 2000-141, L.O.F., states: *For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, F.S., the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition as implemented by the International Building Code, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code. However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission. The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.*

border of Franklin County to the Florida-Alabama line, only land within one mile of the coast is subject to the windborne-debris requirements adopted by the Commission. This subsection provides for the exact location of wind speed lines to be established by ordinance using specified physical landmarks, and provides that buildings constructed within the windborne debris region must be either designed for internal pressures resulting from a broken window or door or a hole in the walls or roof, or be designed with protected openings. The subsection further provides that except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

The ASCE 7 standard considers both wind speeds that can be developed by hurricanes and factors such as terrain and shielding by other buildings which affect the strength of those winds when they impact buildings. Exposure A is characteristic of large cities with large expanses of tall buildings. Exposure B is characteristic of suburban areas with large expanses of short and medium height buildings and wooded areas. Exposure C is characteristic of areas of exposed expanses of open terrain or open water. Section 553.71, F.S., defines "exposure category C" to mean, except in the high velocity hurricane zone, that area which lies within 1,500 feet of the coastal construction control line, or within 1,500 feet of the mean high tide line, whichever is less. On barrier islands, exposure category C is applicable in the coastal building zone set forth in section 161.55(5), F.S.

Commission Recommendations - In January of 2005, the Commission issued a report entitled, *The Florida Building Code Commission Report to the 2005 Legislature.* This report contained a number of recommendations to improve the effectiveness of the Code. The report included the following specific recommendations relating to wind protection provisions:

- Eliminate the edition designation and referenced amendments of the ASCE Standard 7 currently in section 109, ch. 2000-141, L.O.F., and allow updated editions of the standard to be adopted through updates to the Code.
- Eliminate the designation of the wind-borne debris region for the Panhandle region of Florida from ch. 2000-141, L.O.F., and allow the wind-borne debris region for that area to be determined by the Code.
- Eliminate the definition of the wind exposure class C from section 553.73, F.S., and allow the definition of ASCE 7, as adopted by the Code, to be used.
- Authorize the Commission to make determinations related to designing for internal pressures.

Changes Enacted During the 2005 Legislative Session – During the 2005 Regular Session, the Legislature addressed several issues relating to wind-design standards. Chapter 2005-147, L.O.F., directed the Commission to update the Code with the most recent and relevant design standards for wind resistance of buildings issued by the ASCE, notwithstanding subsection (3) of section 109, ch. 2000-141, L.O.F. However, the bill specified that this provision was intended to *explicitly supersede only the first sentence of that law.*[3] As a result, the bill effectively exempted the Panhandle region from the requirement that the Commission utilize the most current edition of the wind protection requirements contained in ASCE 7.

The bill also instructed the Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line. Finally, the bill required the Commission to evaluate the definition of "exposure category C" as currently defined in section 553.71(10), F.S., and make recommendations for a new definition that more accurately depicts the Florida-specific conditions prior to the 2006 Legislative Session.

Post-Session Commission Deliberations – Pursuant to the requirements of Chapter 2005-147, L.O.F., the Commission convened several workshops to solicit input from local building officials and other stakeholders in the Panhandle region of the state. Much of the discussion centered on the extent to which property damage resulted from hurricane-related storm surges versus windborne debris.

[3] *Id.*

Similarly, considerable discussion focused on the impact of revised windborne debris protection requirements on the costs of housing in the region. At the conclusion of the initial workshop, there was consensus for the strategy of conducting a study on the treed environment effects and historical wind data affects, prior to making recommendations to the Legislature regarding the existing definition and whether to recommend changes.[4]

At the second workshop, the Commission representatives voted unanimously to contract with a consultant to conduct an engineering-based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research would focus on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data affects. The requested funding authorization was approved, and the preliminary research results will be presented to the Commission in March of 2006, and subsequently input will be solicited at a follow-up workshop. Following the workshop, the Commission will use the study results and stakeholder input, to make its recommendations to the 2006 Legislature as required by law.[5]

Private Providers of Inspection Services – Section 553.791, F.S., authorizes a fee owner or the fee owner's contractor to use a private provider to provide code inspection services. This section specifies that the owner or contractor must notify the local building official at the time of permit application, or no less than 7 business days prior to the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction on a form to be adopted by the Commission. This section also specifies information which must be included in the required notice.

Effect of Proposed Changes

This bill authorizes the Commission to amend the wind design standards contained in the Code subject to the amendatory requirements contained in section 553.73, F.S. In addition, the bill specifically authorizes the Commission to identify within the Code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the Code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in chapter 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

The bill allows the Commission to eliminate or revise the existing "Panhandle exception" (limiting wind-borne debris requirements to within 1 mile of the coast) and amend the wind design standards applicable to the Panhandle region to incorporate the current edition of the national model building code engineering standard (American Society of Civil Engineers Standard 7, 2002 Edition). This would subject new construction in the Panhandle region to the same windborne debris requirements (enhanced door and window protection) applicable to other areas of the state. The bill also authorizes the Commission to utilize expedited rule-making procedures pursuant to chapter 120, F.S., rather than section 553.73, F.S., in implementing this provision.

This bill repeals the statutory definition of "Exposure category C," leaving that determination to the Commission's authority to define the term within the Code development process.

This bill corrects a reference to the International Code Council as it relates to adoption of the foundation codes of the updated Code.

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[4] *Report to the Florida Building Commission*, Florida Panhandle Windborne Debris Region Workshop I, September 14, 2005.
[5] *Report to the Florida Building Commission*, Florida Panhandle Windborne Debris Region Workshop II, February 16, 2006.

The bill provides for the Commission to expedite the adoption and implementation of the triennial update of the Code pursuant only to the provisions of chapter 120, F.S. The special update and amendment requirements of section 553.73, F.S., and the administrative rule requiring additional delay time between adoption and implementation of such Code are waived. The bill provides that the Commission shall approve amendments pursuant to this provision only to the extent necessary to address: conflicts within the updated Code, conflicts between the updated Code and the Florida Fire Prevention Code adopted pursuant to chapter 633, F.S., omission of previously adopted Florida-specific amendments to the updated Code if the omission is not supported by a specific recommendation of a technical advisory committee or particular action by the Commission, or unintended results from the integration of previously adopted Florida-specific amendments with the model Code.

This bill prohibits interpretations under section 553.775, F.S., of the Florida Accessibility Code for Building Construction and chapter 11 of the Code, providing that this section of law has no effect on the Commission's authority to waive the accessibility Code provided by section 553.512, F.S.

This bill provides that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements.

The bill provides the State Fire Marshall with authority to amend the Florida Fire Prevention Code, following conclusion of the triennial update and subject only to the rule-adoption authority of ch. 120, F.S. The bill provides that authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments after approval of the amendments by the State Fire Marshall and publication on the State Fire Marshall's website. Amendment authority is limited to only those amendments needed to:

- Address conflicts within the update Florida Building Code.
- Address conflicts between the Florida Fire Prevention Code and the Florida Building Code.
- Address the omission of Florida-specific amendments previously adopted by the Florida Fire Prevention Code.
- Address unintended results from the integration of Florida-specific amendments previously adopted with the model code.

C. SECTION DIRECTORY:

Section 1: Authorizes the Florida Building Commission to amend the wind design standards addition, the bill specifically authorizes the Commission to identify within the code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in ch. 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

Section 2: Amends subsections (10) and (11) of section 553.71, F.S., deleting the statutory definition of "Exposure category C."

Section 3: Amends subsection (6) of section 553.73(6)(a), F.S., providing that the *applicable model code entity* adopts the foundation codes of the updated Code instead of the International Code Council; creating a process that addresses issues identified by the Commission to

amend the updated Code pursuant only to the rule adoption procedures contained in chapter 120, F.S.; providing authorities that have jurisdiction to enforce the Code may enforce the recommended corrections to the Code after approval; providing amendment approval pursuant only to: conflicts within the updated Code, conflicts between the updated Code and the Florida Fire Prevention Code adopted pursuant to chapter 633, F.S., omission of previously adopted Florida-specific amendments to the updated Code if the omission is not supported by a specific recommendation of a technical advisory committee or particular action by the Commission, or unintended results from the integration of previously adopted Florida-specific amendments with the model Code.

Section 4: Creates section 553.775, F.S., restricting interpretations of the Florida Accessibility Code for Building Construction and chapter 11 of the Code.

Section 5: Amends s. 553.791, F.S., to provide that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements.

Section 6: Amends s. 633.0215, F.S., revising the scope of the State Fire Marshal's authority to amend the Florida Fire Prevention Code subject only to the rule-adoption procedures of ch. 120, F.S.

Section 7: Provides an effective date of July 1, 2006, except for as otherwise provided for in this act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

   This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

   This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The impact of the bill on homebuilders, and ultimately, home buyers is indeterminate. To the extent the bill results in increased construction costs associated with enhanced window and door protection, homebuilders and homebuyers could be adversely impacted. However, these costs could be offset by benefits, primarily in the form of reduced hurricane-related property damage.

D. FISCAL COMMENTS:

According to the Department of Community Affairs, increased cost of construction is likely, but dependent on the Commission's utilization of the authority granted. Design and construction to withstand internal pressure results in minimal cost increase of a home, and use of shutters and other impact resistant openings can likely be achieved at a cost of around $2,000. These costs will ultimately be passed on to the consumer in the sales price of the building, but should be offset over time by savings on insurance.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

There do not appear to be other constitutional issues with the bill.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Commission to utilize expedited rule-making procedures in chapter 120, F.S., rather than section 553.73, F.S., in implementing certain provisions within this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Council on Local Government adopted one strike-all amendment on March 22, 2006. The amendment conforms to the Senate companion to stipulate that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. The amendment also provides that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements. The bill, as amended, was reported favorably with committee substitute.

On April 4, 2006, the Growth Management Committee adopted an amendment that revised the authority of the State Fire Marshall to amend the Florida Fire Prevention Code under specific conditions. The amendment provides that authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments after approval of the amendments by the State Fire Marshall and publication on the State Fire Marshall's website. Amendment authority is limited to only those amendments needed to:

- Address conflicts within the update Florida Building Code.
- Address conflicts between the Florida Fire Prevention Code and the Florida Building Code.
- Address the omission of Florida-specific amendments previously adopted by the Florida Fire Prevention Code.

CHAMBER ACTION

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1 The Growth Management Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to the Florida Building Code; authorizing
7 the Florida Building Commission to update and modify
8 certain wind-design standards; providing criteria,
9 requirements, and limitations; providing for delayed
10 effect; superseding certain provisions of law; amending s.
11 553.71, F.S.; deleting the definition of "exposure
12 category C"; amending s. 553.73, F.S.; authorizing the
13 Florida Building Commission to make certain limited
14 amendments to the Florida Building Code pursuant to rule
15 adoption procedures for certain purposes after triennial
16 updates; authorizing authorities to enforce such
17 amendments; specifying amendment criteria; amending s.
18 553.775, F.S.; prohibiting interpretation and review of
19 certain accessibility provisions of certain codes under
20 certain procedures; amending s. 553.791, F.S.; providing
21 for the use of private providers of building code
22 inspection services under certain circumstances;
23 conforming cross-references; amending s. 633.0215, F.S.;

24 authorizing the State Fire Marshal to amend the Florida
25 Fire Protection Code under certain circumstances;
26 providing criteria and limitations; providing for
27 enforcement of the code and code amendments; providing
28 effective dates.
29
30 Be It Enacted by the Legislature of the State of Florida:
31
32 Section 1. Notwithstanding subsection (3) of section 109
33 of chapter 2000-141, Laws of Florida, the Florida Building
34 Commission may update or modify the wind-design standard
35 applicable to construction in this state as adopted within the
36 Florida Building Code in accordance with the requirements of s.
37 553.73, Florida Statutes. The Florida Building Commission is
38 specifically authorized to identify within the Florida Building
39 Code those areas of the state from the eastern border of
40 Franklin County west to the Florida-Alabama line that are
41 subject to the windborne-debris requirements of the code. The
42 Florida Building Commission's initial designation of wind lines
43 for this region shall address the results of the study required
44 by section 39 of chapter 2005-147, Laws of Florida. The initial
45 designation of those areas after July 1, 2006, is subject to
46 only the rule adoption procedures of chapter 120, Florida
47 Statutes, notwithstanding the code-development procedures of
48 chapter 553, Florida Statutes. This section shall not take
49 effect for 6 months following the completion of rulemaking or
50 until May 31, 2007, whichever occurs sooner. The provisions of

51 subsection (3) of section 109 of chapter 2000-141, Laws of
52 Florida, are expressly superseded.
53 Section 2. Subsections (10) and (11) of section 553.71,
54 Florida Statutes, are amended to read:
55 553.71 Definitions.--As used in this part, the term:
56 ~~(10) "Exposure category C" means, except in the high~~
57 ~~velocity hurricane zone, that area which lies within 1,500 feet~~
58 ~~of the coastal construction control line, or within 1,500 feet~~
59 ~~of the mean high tide line, whichever is less. On barrier~~
60 ~~islands, exposure category C shall be applicable in the coastal~~
61 ~~building zone set forth in s. 161.55(5).~~
62 (10) ~~(11)~~ "Prototype building" means a building constructed
63 in accordance with architectural or engineering plans intended
64 for replication on various sites and which will be updated to
65 comply with the Florida Building Code and applicable laws
66 relating to firesafety, health and sanitation, casualty safety,
67 and requirements for persons with disabilities which are in
68 effect at the time a construction contract is to be awarded.
69 Section 3. Subsection (6) of section 553.73, Florida
70 Statutes, is amended to read:
71 553.73 Florida Building Code.--
72 (6)(a) The commission, by rule adopted pursuant to ss.
73 120.536(1) and 120.54, shall update the Florida Building Code
74 every 3 years. When updating the Florida Building Code, the
75 commission shall select the most current version of the
76 International Building Code, the International Fuel Gas Code,
77 the International Mechanical Code, the International Plumbing
78 Code, and the International Residential Code, all of which are

79 adopted by the International Code Council, and the National
80 Electrical Code, which is adopted by the National Fire
81 Protection Association, to form the foundation codes of the
82 updated Florida Building Code, if the version has been adopted
83 by the applicable model code entity ~~International Code Council~~
84 and made available to the public at least 6 months prior to its
85 selection by the commission.
86 (b) Codes regarding noise contour lines shall be reviewed
87 annually, and the most current federal guidelines shall be
88 adopted.
89 (c) The commission may modify any portion of the
90 foundation codes only as needed to accommodate the specific
91 needs of this state, maintaining Florida-specific amendments
92 previously adopted by the commission and not addressed by the
93 updated foundation code. Standards or criteria referenced by the
94 codes shall be incorporated by reference. If a referenced
95 standard or criterion requires amplification or modification to
96 be appropriate for use in this state, only the amplification or
97 modification shall be set forth in the Florida Building Code.
98 The commission may approve technical amendments to the updated
99 Florida Building Code after the amendments have been subject to
100 the conditions set forth in paragraphs (3)(a)-(d). Amendments to
101 the foundation codes which are adopted in accordance with this
102 subsection shall be clearly marked in printed versions of the
103 Florida Building Code so that the fact that the provisions are
104 Florida-specific amendments to the foundation codes is readily
105 apparent.

106 (d) The commission shall further consider the commission's
107 own interpretations, declaratory statements, appellate
108 decisions, and approved statewide and local technical amendments
109 and shall incorporate such interpretations, statements,
110 decisions, and amendments into the updated Florida Building Code
111 only to the extent that they are needed to modify the foundation
112 codes to accommodate the specific needs of the state. A change
113 made by an institute or standards organization to any standard
114 or criterion that is adopted by reference in the Florida
115 Building Code does not become effective statewide until it has
116 been adopted by the commission. Furthermore, the edition of the
117 Florida Building Code which is in effect on the date of
118 application for any permit authorized by the code governs the
119 permitted work for the life of the permit and any extension
120 granted to the permit.
121 (e) A rule updating the Florida Building Code in
122 accordance with this subsection shall take effect no sooner than
123 6 months after publication of the updated code. Any amendment to
124 the Florida Building Code which is adopted upon a finding by the
125 commission that the amendment is necessary to protect the public
126 from immediate threat of harm takes effect immediately.
127 (f) Upon the conclusion of a triennial update to the
128 Florida Building Code, notwithstanding the provisions of this
129 subsection or subsection (3), the commission may address issues
130 identified in this subsection by amending the code pursuant only
131 to the rule adoption procedures contained in chapter 120.
132 Following the approval of any amendments to the Florida Building
133 Code by the commission and publication of the amendments on the

134 commission's website, authorities having jurisdiction to enforce
135 the Florida Building Code may enforce the amendments. The
136 commission may approve amendments that are needed to address:
137 1. Conflicts within the updated code;
138 2. Conflicts between the updated code and the Florida Fire
139 Prevention Code adopted pursuant to chapter 633;
140 3. The omission of previously adopted Florida-specific
141 amendments to the updated code if such omission is not supported
142 by a specific recommendation of a technical advisory committee
143 or particular action by the commission; or
144 4. Unintended results from the integration of previously
145 adopted Florida-specific amendments with the model code.
146 Section 4. Subsection (5) is added to section 553.775,
147 Florida Statutes, to read:
148 553.775 Interpretations.--
149 (5) Notwithstanding the other provisions of this section,
150 the Florida Accessibility Code for Building Construction and
151 chapter 11 of the Florida Building Code may not be interpreted
152 by and are not subject to review under any of the procedures
153 specified in this section. This subsection has no effect upon
154 the commission's authority to waive the Florida Accessibility
155 Code for Building Construction as provided by s. 553.512.
156 Section 5. Paragraphs (f) and (h) of subsection (1) of
157 section 553.791, Florida Statutes, are amended, subsections (5),
158 (7)-(10), (12), (13), (15), (16), and (18) of that section are
159 renumbered as subsections (6), (8)-(11), (13), (14), (16), (17),
160 and (19), respectively, a new subsection (5) is added to that

161 section, and present subsections (6), (11), (14), and (17) of
162 that section are amended, to read:
163 553.791 Alternative plans review and inspection.--
164 (1) As used in this section, the term:
165 (f) "Permit application" means a properly completed and
166 submitted application for the requested building or construction
167 permit, including:
168 1. The plans reviewed by the private provider.
169 2. The affidavit from the private provider required
170 pursuant to subsection (6) ~~(5)~~.
171 3. Any applicable fees.
172 4. Any documents required by the local building official
173 to determine that the fee owner has secured all other government
174 approvals required by law.
175 (h) "Request for certificate of occupancy or certificate
176 of completion" means a properly completed and executed
177 application for:
178 1. A certificate of occupancy or certificate of
179 completion.
180 2. A certificate of compliance from the private provider
181 required pursuant to subsection (11) ~~(10)~~.
182 3. Any applicable fees.
183 4. Any documents required by the local building official
184 to determine that the fee owner has secured all other government
185 approvals required by law.
186 (5) After construction has commenced and if the local
187 building official is unable to provide inspection services in a
188 timely manner, the fee owner or the fee owner's contractor may

189 elect to use a private provider to provide inspection services
190 by notifying the local building official of the owner's or
191 contractor's intention to do so no less than 7 business days
192 prior to the next scheduled inspection using the notice provided
193 for in paragraphs (4)(a)-(c).
194 (7) ~~(6)~~ (a) No more than 30 business days after receipt of a
195 permit application and the affidavit from the private provider
196 required pursuant to subsection (6) ~~(5)~~, the local building
197 official shall issue the requested permit or provide a written
198 notice to the permit applicant identifying the specific plan
199 features that do not comply with the applicable codes, as well
200 as the specific code chapters and sections. If the local
201 building official does not provide a written notice of the plan
202 deficiencies within the prescribed 30-day period, the permit
203 application shall be deemed approved as a matter of law, and the
204 permit shall be issued by the local building official on the
205 next business day.
206 (b) If the local building official provides a written
207 notice of plan deficiencies to the permit applicant within the
208 prescribed 30-day period, the 30-day period shall be tolled
209 pending resolution of the matter. To resolve the plan
210 deficiencies, the permit applicant may elect to dispute the
211 deficiencies pursuant to subsection (13) ~~(12)~~ or to submit
212 revisions to correct the deficiencies.
213 (c) If the permit applicant submits revisions, the local
214 building official has the remainder of the tolled 30-day period
215 plus 5 business days to issue the requested permit or to provide
216 a second written notice to the permit applicant stating which of

217 the previously identified plan features remain in noncompliance
218 with the applicable codes, with specific reference to the
219 relevant code chapters and sections. If the local building
220 official does not provide the second written notice within the
221 prescribed time period, the permit shall be issued by the local
222 building official on the next business day.
223 (d) If the local building official provides a second
224 written notice of plan deficiencies to the permit applicant
225 within the prescribed time period, the permit applicant may
226 elect to dispute the deficiencies pursuant to subsection (13)
227 ~~(12)~~ or to submit additional revisions to correct the
228 deficiencies. For all revisions submitted after the first
229 revision, the local building official has an additional 5
230 business days to issue the requested permit or to provide a
231 written notice to the permit applicant stating which of the
232 previously identified plan features remain in noncompliance with
233 the applicable codes, with specific reference to the relevant
234 code chapters and sections.
235 (12) ~~(11)~~ No more than 2 business days after receipt of a
236 request for a certificate of occupancy or certificate of
237 completion and the applicant's presentation of a certificate of
238 compliance and approval of all other government approvals
239 required by law, the local building official shall issue the
240 certificate of occupancy or certificate of completion or provide
241 a notice to the applicant identifying the specific deficiencies,
242 as well as the specific code chapters and sections. If the local
243 building official does not provide notice of the deficiencies
244 within the prescribed 2-day period, the request for a

245 certificate of occupancy or certificate of completion shall be
246 deemed granted and the certificate of occupancy or certificate
247 of completion shall be issued by the local building official on
248 the next business day. To resolve any identified deficiencies,
249 the applicant may elect to dispute the deficiencies pursuant to
250 subsection (13) ~~(12)~~ or to submit a corrected request for a
251 certificate of occupancy or certificate of completion.
252 (15) ~~(14)~~ (a) No local enforcement agency, local building
253 official, or local government may adopt or enforce any laws,
254 rules, procedures, policies, qualifications, or standards more
255 stringent than those prescribed by this section.
256 (b) A local enforcement agency, local building official,
257 or local government may establish, for private providers and
258 duly authorized representatives working within that
259 jurisdiction, a system of registration to verify compliance with
260 the licensure requirements of paragraph (1)(g) and the insurance
261 requirements of subsection (16) ~~(15)~~.
262 (c) Nothing in this section limits the authority of the
263 local building official to issue a stop-work order for a
264 building project or any portion of such order, as provided by
265 law, if the official determines that a condition on the building
266 site constitutes an immediate threat to public safety and
267 welfare.
268 (18) ~~(17)~~ Each local building code enforcement agency may
269 audit the performance of building code inspection services by
270 private providers operating within the local jurisdiction. Work
271 on a building or structure may proceed after inspection and
272 approval by a private provider if the provider has given notice

273 of the inspection pursuant to subsection (9) ~~(8)~~ and, subsequent
274 to such inspection and approval, the work may not be delayed for
275 completion of an inspection audit by the local building code
276 enforcement agency.
277 Section 6. Subsection (5) of section 633.0215, Florida
278 Statutes, is amended to read:
279 633.0215 Florida Fire Prevention Code.--
280 (5) Upon the conclusion of a triennial update to the
281 Florida Fire Prevention Code and notwithstanding any other
282 provisions of law, the State Fire Marshal may address the issues
283 identified in this subsection by amending the Florida Fire
284 Prevention Code, subject only to the rule adoption procedures of
285 chapter 120. Following the approval of any amendments to the
286 Florida Fire Prevention Code by the State Fire Marshal and
287 publication on the State Fire Marshal's website, authorities
288 having jurisdiction to enforce the Florida Fire Prevention Code
289 may enforce the amendments to the code. The State Fire Marshal
290 may approve only amendments that are needed to address:
291 (a) Conflicts within the updated Florida Building Code;
292 (b) Conflicts between the updated Florida Fire Prevention
293 Code and the Florida Building Code adopted pursuant to chapter
294 553;
295 (c) The omission of Florida-specific amendments that were
296 previously adopted in the Florida Fire Prevention Code; or
297 (d) Unintended results from the integration of Florida-
298 specific amendments that were previously adopted with the model
299 code. ~~The State Fire Marshal may approve technical amendments~~
300 ~~notwithstanding the 3-year update cycle of the Florida Fire~~

301 ~~Prevention Code upon finding that a threat to life exists that~~
302 ~~would warrant such action, subject to chapter 120.~~
303 Section 7. Except as otherwise expressly provided in this
304 act, this act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395 CS Traffic Safety
SPONSOR(S): Sorensen
TIED BILLS: **IDEN./SIM. BILLS:** SB 224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	12 Y, 2 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	15 Y, 2 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 1395 w/CS the "Road Rage Reduction Act," expresses the Legislature's finding that "road rage and aggressive careless driving are a growing threat to the public's health, safety, and welfare."

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once such person knows or should reasonably know he or she is being overtaken from the rear by a motor vehicle traveling at a higher rate of speed except when such motor vehicle is in the process of overtaking a slower vehicle in an adjacent lane or is preparing for a left turn.

The bill also increases the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving" and includes failure to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable by a $60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points. In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of $100 and on a second or subsequent conviction, by a fine of not less than $250 or more than $500 and will be subject to a mandatory hearing.

The Department of Highway Safety and Motor Vehicles (DHSMV) is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments cannot be determined.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill extends government regulation over the behavior of motorists by prohibiting currently lawful operation of motor vehicles in the left-hand lane of multi-lane roadways.

Safeguard individual liberty—The bill restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances, which is allowed under current law.

B. EFFECT OF PROPOSED CHANGES:

Under current law, a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

Section 316.1923, F.S., defines "aggressive careless driving" as committing two or more of the following acts simultaneously or in succession:

- Exceeding the posted speed limit;
- Unsafely or improperly changing lanes;
- Following another vehicle too closely;
- Failing to yield the right-of-way;
- Improperly passing; or
- Violating traffic control and signal devices.

Current law, s. 318.14, F.S., relating to noncriminal traffic infractions, provides that a person who does not hold a commercial driver's license and who is issued a citation for speeding may elect to pay the fine without appearing before a hearing officer or judge and to attend a basic driver improvement course approved by DHSMV. In such a case, adjudication is withheld, points as provided by s. 322.27, F.S., are not assessed, and the civil penalty is reduced by 18 percent. A person is allowed to attend a driver improvement course in lieu of appearing before a hearing officer or judge once every twelve months, but not more than five times in total.

Section 318.19, F.S., provides that citations for the following infractions require a mandatory hearing:

- Any infraction which results in a crash and causes the death of another person;
- Any infraction which results in a crash that causes "serious bodily injury" of another person;
- Any infraction of failing to stop for a school bus; or
- Any infraction of failing to secure loads on vehicles.

HB 1395 w/CS provides legislative findings that road rage and aggressive careless driving are a growing threat to the public's health, safety, and welfare. The bill provides that road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian. Aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession. The bill states that it is the intent of the Legislature to reduce road rage and aggressive careless driving, to reduce the incidence of drivers interfering with the movement of traffic, to minimize crashes, and to promote the safe, orderly, and free flow of traffic on the roads and highways of the state.

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once the person knows or should reasonably know he or she is being overtaken from the rear by another motor vehicle traveling at a higher rate of speed. The bill provides exceptions to this requirement when the slower motor vehicle is in the process of overtaking another vehicle in an adjacent lane or is preparing to turn left.

The bill also amends s. 316.1923, F.S., increasing the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving." The bill also includes failing to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable as a moving violation. Offenders would be subject to a $60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points against the driver's license for each of the acts violated.

Moving violations typically result in assessment of three points, unless the infraction or offense is among those considered more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of four points. Leaving the scene of a crash and speeding resulting in a crash require assessment of six points. All other moving violations require assessment of three points. Section 322.27, F.S., sets out the points system for traffic violations.

In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of $100 and on a second or subsequent conviction, by a fine of not less than $250 or more than $500 and will be subject to a mandatory hearing. The bill also amends s. 318.19, F.S to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.

The DHSMV is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements. The scope of the campaign will be limited by DHSMV's existing resources for such campaigns and announcements.

C. SECTION DIRECTORY:

Section 1. Providing a popular name.

Section 2. Providing a statement of Legislative findings and intent.

Section 3. Amends s. 316.083, F.S., to require operators of motor vehicles to drive in the right-hand lane on certain roads, streets, or highways.

Section 4. Amends s. 316.1923, F.S., to revise aggressive careless driving provisions and to provide penalties for three or more violations of certain traffic violations.

Section 5. Amends s. 318.19, F.S., to requiring a mandatory hearing for a second or subsequent citation for aggressive careless driving.

Section 6. Provides for a public awareness campaign and public service announcements.

Section 6. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person violating the aggressive careless driving provision would be subject to a $60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points against the driver's license for each violation.

D. FISCAL COMMENTS:

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

To the extent that the bill deters unsafe traffic activity in Florida, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs.

The bill directs the DHSMV to conduct a public awareness campaign (including public service announcements) regarding the changes in the law. Because the bill does not provide additional funding to the agency for the campaign, the scope of the public awareness campaign will be limited by what funds are available for such purposes within DHSMV's existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 21, 2006** the Committee on Transportation adopted a strike-all amendment to HB 1395. The amendment made the following changes:

- Provided the popular name the "Road Rage Reduction Act."
- Provided a statement of Legislative intent that road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian and aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession.
- Amended s. 316.083, F.S., to provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane when being overtaken.
- Amended s. 316.1923, F.S., to revise aggressive careless driving provisions and to provide penalties for three or more violations of certain traffic violations.
- Amended s. 318.19, F.S., to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.
- Provided that the DHSMV must conduct a public awareness campaign to the motoring public and provide public service announcements regarding changes to the law.
- Provided an effective date of July 1, 2006.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to traffic safety; providing a short title; providing legislative findings and intent; amending s. 316.083, F.S.; prohibiting a person from operating a motor vehicle in the most left-hand lane under described circumstances; providing penalties for violations; amending s. 316.1923, F.S.; redefining the term "aggressive careless driving"; providing penalties for aggressive careless driving; amending s. 318.19, F.S.; requiring a hearing for a second or subsequent aggressive careless driving violation; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

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

Section 1. <u>This act may be cited as the "Road Rage Reduction Act."</u>

24 Section 2. The Legislature finds that road rage and
25 aggressive careless driving are growing threats to the public's
26 health, safety, and welfare. Road rage occurs when a driver or
27 passenger intentionally injures or kills, or attempts or
28 threatens to injure or kill, another motorist, passenger, or
29 pedestrian. Aggressive careless driving occurs when a driver
30 commits multiple traffic control violations simultaneously or in
31 succession. The intent of the Legislature is to reduce road rage
32 and aggressive careless driving, to reduce the incidence of
33 drivers interfering with the movement of traffic, to minimize
34 crashes, and to promote the safe, orderly, and free flow of
35 traffic on the roads and highways of the state.
36 Section 3. Subsection (3) of section 316.083, Florida
37 Statutes, is renumbered as subsection (4), and a new subsection
38 (3) is added to that section, to read:
39 316.083 Overtaking and passing a vehicle.--The following
40 rules shall govern the overtaking and passing of vehicles
41 proceeding in the same direction, subject to those limitations,
42 exceptions, and special rules hereinafter stated:
43 (3) On roads, streets, or highways with two or more lanes
44 allowing for movement in the same direction, no person shall
45 continue to operate a motor vehicle in the most left-hand lane
46 once such person knows or reasonably should know he or she is
47 being overtaken in such lane from the rear by a motor vehicle
48 traveling at a higher rate of speed except when such motor
49 vehicle is in the process of overtaking a slower vehicle in an
50 adjacent lane or is preparing for a left turn.

51 (4) ~~(3)~~ A violation of this section is a noncriminal
52 traffic infraction, punishable as a moving violation as provided
53 in chapter 318.
54 Section 4. Section 316.1923, Florida Statutes, is amended
55 to read:
56 316.1923 Aggressive careless driving.--
57 (1) "Aggressive careless driving" means committing three
58 ~~two~~ or more of the following acts simultaneously or in
59 succession:
60 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
61 322.27(3)(d)5.b.
62 (b) ~~(2)~~ Unsafely or improperly changing lanes as defined in
63 s. 316.085.
64 (c) ~~(3)~~ Following another vehicle too closely as defined in
65 s. 316.0895(1).
66 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
67 316.079, s. 316.0815, or s. 316.123.
68 (e) ~~(5)~~ Improperly passing or failing to yield to
69 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
70 316.085.
71 (f) ~~(6)~~ Violating traffic control and signal devices as
72 defined in ss. 316.074 and 316.075.
73 (2) Any person convicted of aggressive careless driving
74 shall be guilty of a moving violation and shall be punished as
75 provided in chapter 318, including the accumulation of points as
76 provided in s. 322.27, for each of the acts committed.

77 (3) In addition to the fines and accumulation of points
78 under subsection (2) for each of the acts committed, a person
79 convicted of aggressive careless driving shall be punished:
80 (a) Upon a first conviction, by fine of $100.
81 (b) Upon a second or subsequent conviction, by a fine of
82 not less than $250 or more than $500.
83 (4) A second or subsequent citation for aggressive
84 careless driving is subject to a mandatory hearing under s.
85 318.19.
86 Section 5. Subsections (3), (4), and (5) of section
87 318.19, Florida Statutes, are amended to read:
88 318.19 Infractions requiring a mandatory hearing.--Any
89 person cited for the infractions listed in this section shall
90 not have the provisions of s. 318.14(2), (4), and (9) available
91 to him or her but must appear before the designated official at
92 the time and location of the scheduled hearing:
93 (3) Any infraction of s. 316.172(1)(b); ~~or~~
94 (4) Any infraction of s. 316.520(1) or (2); or
95 (5) Any second or subsequent infraction of s. 316.1923(1).
96 Section 6. The Department of Highway Safety and Motor
97 Vehicles shall provide an educational awareness campaign
98 informing the motoring public about the Road Rage Reduction Act.
99 The department shall provide information about the Road Rage
100 Reduction Act in all newly printed driver's license educational
101 materials after October 1, 2006, and in public service
102 announcements produced in cooperation with the Florida Highway
103 Patrol.
104 Section 7. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1583 CS Community Redevelopment
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 2364

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	7 Y, 0 N, w/CS	Camechis	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Grayson	Grayson
3) State Infrastructure Council		Grayson	Havlicak
4)			
5)			

SUMMARY ANALYSIS

The Community Redevelopment Act of 1969 (Act) was established with the intent to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." Community redevelopment agency's (CRAs) are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to a CRA trust fund. These revenues are used to service bonds issued to finance redevelopment project. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years. As of March 26, 2006, there were 171 CRAs in Florida.

This bill amends the Act to revise procedures for calculating tax increment revenues, adopting community redevelopment plans or modifications to plans that expand boundaries of a community redevelopment area, and revise procedures for delegating community redevelopment powers to cities by charter counties. Generally, the bill:

- Authorizes CRAs to contract with certain entities to develop and provide affordable housing and to use tax increment dollars to offer incentives for such development.
- Revises procedures regarding the adoption of community redevelopment plans by certain CRAs, and modifications of community redevelopment plans that expand the boundaries of a redevelopment area, to require a joint hearing between the county and municipality to discuss competing policies and uses for the public funds.
- Establishes limitations in certain circumstances on the amount of tax increment contributions that taxing authorities must contribute to CRAs fitting certain criteria. The bill also authorizes interlocal agreements to provide alternative methods of calculating increment revenues contributed by a taxing authority to a CRA.
- Requires a charter county to approve or deny a city's request for delegation of community redevelopment powers within 120 days or the request is deemed approved.
- Authorizes city and counties to create a slum or blight area study prior to adopting a resolution to create a CRA.

The bill does not appear to have a fiscal impact on the state.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Community Redevelopment Act Generally
The Community Redevelopment Act of 1969, Ch. 163, Part II, F.S. (Act), was enacted to provide a mechanism to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." The Act authorizes each local government to establish one Community Redevelopment Agency (CRA) to revitalize designated slum and blighted areas upon a "finding of necessity" and a further finding of a "need for a CRA to carry out community redevelopment." During the last two decades, municipalities, and to a lesser extent counties, have increasingly relied upon CRAs as a mechanism for community redevelopment.

CRAs are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to the CRA trust fund. These revenues are used primarily to service bonds issued to finance redevelopment projects. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years.

As of March 26, 2006, there were 171 CRAs in Florida.[1]

Creation of Community Redevelopment Agencies
A county or municipality may not exercise redevelopment powers conferred by the Act until after the governing body has adopted a resolution finding that:

> (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and,
> (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.[2]

Further, "[c]ommunity redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment."[3]

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[1] Department of Community Affairs, Special District Detail Report, http://www.floridaspecialdistricts.org/OfficialList/report.asp, March 26, 2006
[2] s. 163.355, F.S.
[3] s. 163.360(1), F.S.

The Act[4] defines "slum area" and "blighted area" as follows:

> (7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:
>
> (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
> (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
> (c) The existence of conditions that endanger life or property by fire or other causes.
>
> (8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:
>
> (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
> (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
> (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
> (d) Unsanitary or unsafe conditions;
> (e) Deterioration of site or other improvements;
> (f) Inadequate and outdated building density patterns;
> (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
> (h) Tax or special assessment delinquency exceeding the fair value of the land;
> (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
> (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
> (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
> (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
> (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
> (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
>
> However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

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[4] s. 163.340, F.S.

A "community redevelopment area" is defined as "a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment."

The division of authority between a county and municipality regarding the creation or expansion of a municipal CRA depends upon whether the county is a non-charter or charter county, or whether a CRA was created *prior* to adoption of a county charter. The division of authority may be summarized as follows:

	Authority over creation, expansion, or modification of a CRA
Charter County	Charter counties possess sole authority to create CRAs within the county, but may delegate authority to a municipality via interlocal agreement.
Non-Charter County	Non-charter counties do not have authority over the creation, expansion, or modification of municipal CRAs within the county. Therefore, a municipality may create a CRA and operate the CRA, requiring the long-term contribution of TIF payments from the county, even if the county objects or has other county funding issues to address.
A CRA created in a charter county *prior* to adoption of the county charter	The charter county does not have authority over the operations of the CRA, including modification of the redevelopment plan or expansion of CRA boundaries.

Governance of a Community Redevelopment Agency

The governing body of the local government creating a CRA may appoint a board of commissioners of between 5 and 7 members to govern the CRA, or the governing body may declare itself to be the CRA. A governing body that consists of five members may appoint two additional persons to act as members of the CRA board. In a home rule charter county, powers granted under the Act must be exercised exclusively by the governing body of the charter county unless the county adopts a resolution delegating such powers within the boundaries of a municipality to the governing body of the municipality.[5] This limitation does not apply, however, to a CRA created by a municipality prior to the adoption of a county home rule charter. In addition, a non-charter county cannot exercise powers conferred by the Act within the boundaries of a municipality unless the governing body of the municipality expresses its consent by resolution.[6]

Community Redevelopment Agency Plans

Each community redevelopment area must have an approved community redevelopment plan in conformance with the local government comprehensive plan.[7] The plan must be sufficiently complete to indicate any land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation to be carried out in the designated area.[8] The plan must also provide for the development of affordable housing in the area or state the reasons for not addressing the issue in the plan.[9] The local government may subsequently modify the community redevelopment plan upon the recommendation of the CRA.[10]

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[5] s. 163.410, F.S.
[6] s. 163.415, F.S.
[7] s. 163.358(2)(a), F.S.
[8] s. 163.358(2)(b), F.S.
[9] s. 163.358(2)(c), F.S.
[10] s. 163.361, F.S.

Section 163.361, F.S., governs the modification of community redevelopment plans, and authorizes CRAs -- those created by counties or cities -- to modify such plans after public notice and a public hearing. Section 163.361(1), F.S., allows amendments to the redevelopment plan to change the boundaries of a redevelopment area or the development and implementation of community policing innovations. The section places no restrictions on the magnitude of expansions or exclusions, nor does the section distinguish between modifications to plans in charter and non-charter counties.

Redevelopment Trust Funds and Tax Increment Financing

Section 163.387, F.S., provides for the creation of a redevelopment trust fund for each CRA. Funds allocated to and deposited into this fund are used by the CRA to finance any community redevelopment undertaken based on an approved community redevelopment plan. In tax increment financing, property values in a certain defined community redevelopment area are frozen by local ordinance at the assessed value for the base year, which is the year in which the community redevelopment area was established. As redevelopment proceeds within the redevelopment area, the actual assessed value of property within the redevelopment area should increase, generating tax increment revenues for the CRA.

Section 163.340(2), F.S., defines "taxing authority" to mean the state or any county, municipality, authority, special district as defined in s. 165.031(5), F.S., or other public body of the state, except a school district." Taxing authorities that levy ad valorem taxes on property located within a community redevelopment area are required to deposit the incremental revenue generated as a result of this increase in property value into a redevelopment trust fund for the CRA's use. Section 163.387, F.S., specifically provides that "the annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with undertaking and carrying out of community redevelopment under this part."

Exemptions from Tax Increment Financing

Section 163.387(2)(c), F.S., exempts the following public bodies or taxing authorities created prior to July 1, 1993, from the requirement to deposit an appropriation equaling incremental revenue into a CRA's redevelopment trust fund:

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district, the sole available source of revenue of which is ad valorem taxes at the time an ordinance is adopted under this section.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.

In addition, a local governing body that creates a CRA may exempt a special district that levies ad valorem taxes within that community redevelopment area from the requirement to deposit incremental revenue into a CRA's redevelopment trust fund.[11] The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request for an exemption from contributing to the trust fund. In deciding whether to deny or grant a special district's request for exemption, the local governing body must consider certain specified factors.

The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place and purpose of the hearing, identify generally the community redevelopment area covered by the

[11] s. 163.387(2)(d), F.S.

plan, and the impact of the plan on the special district that requested the exemption. If a local governing body grants an exemption to a special district, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including the period of time for which the exemption is granted. If a local governing body denies a request for exemption by a special district, the local governing body must provide the special district with a written analysis specifying the rationale for the denial.

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

Community Redevelopment Agency Powers
CRAs are granted those powers "necessary or convenient to carry out and effectuate the purposes of the act." These powers include the power to issue bonds and acquire property by eminent domain, if approved by the governing body that established the CRA. CRAs are also granted the power to undertake and carry out community redevelopment and related activities within the community redevelopment area. Redevelopment may include such activities as the acquisition and disposition of real property located within the community redevelopment area and the repair or rehabilitation of structures within the community redevelopment area for dwelling uses.[12]

Charter counties and non-charter counties are treated differently under the Act. Section 163.410, F.S., grants charter counties exclusive authority to exercise the powers of the Act, but allows a charter county to delegate such powers to a municipality. In 1983, ch. 83-29, L.O.F., was enacted to provide that the section does not apply to any community redevelopment agency created by a municipality prior to adoption of a county home rule charter. Noncharter counties are not granted exclusive control over community redevelopment activities.

Legislative Committee on Intergovernmental Relations (LCIR) Study
During the 2003-2004 interim, the LCIR conducted a study of economic revitalization initiatives in distressed urban areas. During the study, local governments in Florida cited CRAs as the most commonly used economic development and revitalization program in Florida. The LCIR continued reviewing the issue of urban revitalization with an emphasis on CRAs. At the conclusion of the review, LCIR issued a comprehensive report in January 2005 entitled Local Government Concerns Regarding Community Redevelopment Agencies in Florida (Report). The Report included the following "Findings":

- County and municipal governments agree that CRAs are useful mechanisms for addressing slum and blight.
- Representatives from municipal government and CRA officials prefer no change to existing CRA statutes, stating that current law has resulted in improvements to areas previously designated as slum or blighted.
- Representatives from municipal government and CRA officials also submit that any problems can best be addressed locally through interlocal agreements rather than statutory changes.
- Representatives of county government advocate changes to existing CRA statutes, stating current law is responsible for creating an imbalance in power between municipal and county governments.
- Problems cited by county government representatives include, among others: county government has insufficient input into operations and expansion of existing CRA districts and creation of new districts; and non-charter counties have no voice whatsoever in CRA activities within their jurisdiction.
- Current law does not require or provide for interlocal agreements between county and municipal governments.

[12] s. 163.370(1)(c), F.S.

- According to 2003 millage rates for county and municipal governments, 78 municipalities with CRAs have lower millage rates than their host county and 36 municipalities with CRAs have higher millage rates than their host county.
- LCIR staff estimates that, based on 2003 millage rates, county government contributes $81,674 to municipal CRAs per each $100,000 increase in the CRA district's taxable value (assumed increase), compared to municipal government contribution of $66,905 to municipal CRAs per each $100,000 increase in the CRA district's taxable value.
- A recent evaluation of three CRAs in Florida, sponsored by the Florida Redevelopment Association, found that TIF payments impose a greater financial burden on municipalities than on counties when measured as a percent of taxable property values and as a percent of overall operating revenues. In addition, some municipalities contribute larger TIF payments than do their host counties.

Effect of Proposed Changes

Section 1. Amending s. 163.340, F.S., relating to Definition of "Taxing Authorities"
This section amends. s. 163.340, F.S., to create a definition of the term "taxing authorities" as follows: "Taxing authority" means any public body other than a public body exempted under s. 163.387 (2) from the obligation to appropriate increment revenues to a redevelopment trust fund." This section further amends s. 163.340, F.S., to provide a definition of "community redevelopment area" (CRA) to provide that a CRA cannot consist of more than 80% of the municipality without the county's approval.

Section 2. Amending s. 163.346, F.S., relating to Notice to Taxing Authorities
Currently, s. 163.346, F.S., requires a city or county governing body to notify all taxing authorities prior to enacting any resolution or ordinance required to create a community redevelopment agency; prior to approving, adopting, or amending a community redevelopment plan; and prior to issuing redevelopment revenue bonds. The governing body must provide public notice of such proposed action and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

This bill amends s. 163.346, F.S., to also require notice to taxing authorities if the governing body of the city or county adopts a resolution establishing a slum and blight study area under s. 163.354, F.S., as created by this bill.

Section 3. Creates s. 163.354, F.S., relating to Development of Study Area
This new section authorizes the governing body of a city or county to adopt a resolution establishing a slum and blight study area before adopting a resolution making a finding of necessity to create a CRA as required by s. 163.355, F.S.

Section 4. Amends s. 163.360, F.S., relating to Community Redevelopment Plans
Under current s. 163.360, F.S., a county, municipality, or CRA 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. The CRA must submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body must conduct 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 must 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. Following the hearing, the governing body may approve the community redevelopment and the plan if it makes certain determinations required by law.

This bill amends that section to authorize a CRA to contract with qualified nonprofits, faith based organizations or other entities to develop and provide affordable and workforce housing in the area, as

well as use tax increment dollars to offer incentives for such development. Examples of incentives are: low interest or no interest loans through qualified lenders or the CRA itself; revolving loans; façade improvement loans or grants; matching, seed or leverage dollars for loans or grants; and developer subsidies. Other incentives as determined needed by the CRA may be provided. For the purposes of this provision, "affordable housing" means housing that meets the definition of "affordable" under s. 420.0004(3), F.S., and "workforce housing" means housing for which the monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households whose income is 150% of the median income of the area.

The bill also creates additional procedures for approving plans recommended by CRAs created after October 1, 2006, that were not created pursuant to a delegation of authority by a charter county to a city. For any CRA created after October 1, 2006, that was not created pursuant to a delegation of authority under s. 163.410, F.S., by a county that has adopted a home rule charter, the following additional procedures are required prior to the adoption of a community redevelopment plan by the governing body of a municipality:

1) Within 30 days after receipt of any community redevelopment plan recommended by a CRA sent by registered mail, the county shall provide written notice to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed community redevelopment plan.
2) If the county provides notice within 30 days as required by 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan to address the conditions identified in the resolution making a finding of necessity required by s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the alternative plan must be delivered to the governing body of the municipality that created the CRA at least 30 days prior to holding the joint meeting.
3) If the county provides notice within 30 days as required by 1), the municipality may not proceed with adoption of the plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes described above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch. 164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the CRA; however, a county or municipality may not require the other to participate in the voluntary dispute resolution process.

Section 5. Amends s. 163.361, F.S., relating to Modification of Redevelopment Plans
Currently, if at any time after the approval of a community redevelopment plan by the governing body of the city or county creating a CRA it becomes necessary or desirable to amend or modify the plan, the governing body may do so upon the recommendation of the CRA. The CRA recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations. The governing body must hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the CRA.

Prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan, the CRA must report the proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding the proposed modification.

This bill amends s. 163.361, F.S., to create additional procedures applicable to municipal CRAs that were not created pursuant to a delegation of authority by October 1, 2006 under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area, the following additional procedures are required prior to the governing body's adopting a modified community redevelopment plan:

1) Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed modification to the community redevelopment plan.
2) If the county provides notice within 30 days as required in 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan to address the conditions identified in the resolution making a finding of necessity required under s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the plan must be delivered to the governing body of the municipality that created the community redevelopment agency at least 30 days prior to the joint meeting.
3) If the county provides notice within 30 days as required in 1), the municipality may not proceed with the adoption of the proposed modification to the community redevelopment plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes established above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch.164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the expansion of the boundaries of the community redevelopment area; however, the county or the municipality may not require the other to participate in the voluntary dispute resolution process.

Section 6. Amends s. 163.370, F.S., relating to Powers of Counties and Municipalities
Section 163.370, F.S. is amended to provide clarifying language and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.

Section 7. Amends s. 163.387, F.S., relating to the Redevelopment Trust Fund
Section 163.387, F.S., authorizes the establishment of a redevelopment trust fund into which all tax increment revenues are deposited. This section establishes the mechanism for calculating the tax increment revenues deposited into the trust fund for redevelopment purposes. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years.

The bill amends s. 163.387, F.S., to limit the amount of tax increment revenue owed by taxing authorities to any CRA created after October 1, 2006, that is not created pursuant to a delegation of authority by a charter county. The amount of tax increment to be contributed by any taxing authority is limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate is calculated using the millage rate imposed by

the governing body that created the trust fund; however, a taxing authority may voluntarily contribute tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, the taxing authority, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail delivered to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, may limit the amount of increment contributed by the taxing authority to the trust fund to the average annual amount the taxing authority was obligated to contribute to the trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. The term "area reinvestment agreement" is defined as "an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in public infrastructure or services, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area." A reinvestment agreement must specify the estimated total amount of public investment necessary to provide the public infrastructure or services, or both, including any applicable debt service. The increase in the increment of any area that is subject to an area reinvestment agreement following the passage of the above-required resolution ceases when the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both, including any applicable debt service, have been invested.

The bill provides that the community redevelopment plan must include a time certain that a CRA may receive or spend any increment revenues from the trust fund.

The bill authorizes an interlocal agreement between the taxing authorities contributing that may determine the increment and percentage different that that provided in current law.

The bill limits the taxing authority for any CRA that had not authorized a finding of necessity study by June 5, 2006, and that had not created the CRA by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007.

For any CRA that was not created pursuant to a delegation of authority under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area is limited as set forth in s. 163.387(1)(b)1.a. and b., F.S.

The bill provides that a CRA may partially or entirely waive penalty payments imposed upon any taxing authority that fails to timely pay the required increment revenues into the trust fund. Additionally, the bill authorizes that alternate provisions contained in interlocal agreements between the taxing authorities may supercede the provisions of the statute; and provides that the CRA may be an additional party to such interlocal agreement.

The bill also provides that an alternative method of determining the amount and time or times of payment of, and rate of interest upon, tax increments contributed to the trust fund, including formulae and limits different than those specified in law may be established through interlocal agreement between any taxing authorities required to contribute a tax increment to the trust fund and the governing body that created the CRA.

The bill provides exemptions for certain entities from the requirements relating to taxing authorities found in s. 163.387 (2)(a).

The bill further provides the following:

- An interlocal agreement between any of the other taxing authorities and the governing body that created the Community Redevelopment Agency may supercede the requirement that the governing body fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a CRA have been paid.
- Moneys in the redevelopment trust fund may be expended pursuant to the community redevelopment plan.
- Expenses that can be paid from tax increment within the redevelopment trust fund include services provided by another public body.
- CRAs can spend moneys from the redevelopment trust fund to relocate residents either within or outside the CRA.
- Moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan must be expended within 3 years from the date of the appropriation. Existing law requires the project to be completed within 3 years.

Section 8. Amends s. 163.410, F.S., relating to Charter Counties

Currently, s. 163.410, F.S., provides that in a charter county, the powers conferred by the Act must be exercised exclusively by the governing body of the county unless the county governing body delegates the power, by resolution, to the governing body of a municipality. A delegation to a municipality confers only those powers that are specifically enumerated in the delegating resolution. Any power not specifically delegated is reserved exclusively to the county governing body. This provision does not, however, affect any CRA created by a municipality prior to the adoption of a county home rule charter.

Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between a charter county and a municipality, the charter county governing body must "act on" any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request must be immediately sent to the county governing body for consideration.

This bill amends s. 163.410, F.S., to require the county to "approve or deny" a request for a delegation within 120 days after receipt of all required documentation. If the charter county does not approve or deny the request within that timeframe, the request is deemed granted. Any request by the county for additional documentation or other information must be made in writing by registered mail to the municipality. The bill provides a 30 day period within which the county must notify the municipality if additional documentation is needed to support the request. The bill specifies how the county must request additional documentation if needed, and provides another 30 day period for review of the additional documentation and completeness notification. The county must notify the municipality in writing by registered mail within 30 days after receiving all the required documentation and other requested information that such information is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request must be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request is deemed granted

C. SECTION DIRECTORY:

Section 1. Amending s. 163.340, F.S.; defining the term "taxing authority";
Section 2. Amending s. 163.346, F.S.; revising a requirement that a governing body notify taxing authorities before taking certain actions;

Section 3. Creating s. 163.354, F.S.; authorizing the adoption of a resolution establishing a slum and blight study area before making a finding of necessity;

Section 4. Amending s. 163.360, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a community redevelopment plan for certain community redevelopment agencies;

Section 5. Amending s. 163.361, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a modified community redevelopment plan expanding redevelopment area boundaries for certain community redevelopment agencies;

Section 6 Amending s. 163.370, F.S.; providing clarifying language and removing a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.

Section 7. Amending s. 163.387, F.S.; specifying for certain redevelopment agencies certain limitations on amounts of increment contributed to a redevelopment trust fund by certain taxing authorities; authorizing enactment of an interlocal agreement providing for an alternative determination of amounts of, payment schedules for, and interest on increment contributions to a redevelopment trust fund;

Section 8. Amending s. 163.410, F.S.; providing requirements for actions by certain counties delegating or changing a delegation of powers to a municipality for community redevelopment areas;

Section 9. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill provides limitations on the required contributions of a taxing authority in a CRA in certain circumstances. It also allows for an alternative method of calculating the amount, times of payment, and interest on increment revenues.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 29, 2006, the Local Government Council adopted a strike-all amendment to the bill for the purpose of clarifying provisions in the bill as filed. The strike-all amendment does the following:

- Amends s. 163.340(10), F.S., the definition of "community redevelopment area" (CRA) to provide that a CRA cannot consist of more than 80% of the municipality without the county's approval.
- Amends s. 163.340(24), F.S., the definition of "taxing authority" to provide that the definition applies to any public body excluding a public body exempted from the obligation to appropriate increment revenues to a redevelopment trust fund pursuant to s. 163.387(2), F.S.
- For CRA plan development, the amendment changes the criteria identifying those CRAs for which additional procedures are required. Additionally, the amendment allows, rather than requires, the county to provide written notice by registered mail if the county has competing policy goals and plans for the public funds it would be required to contribute to the tax increment under the CRA plan. When the county provides such notice, the amendment provides for a public hearing chaired by both the county chair and the municipal mayor. Further the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Establishes October 1, 2006, as the date after which certain CRAs may not expand their boundaries without following additional procedures.
- For CRA plan modification, the amendment provides for a joint public hearing chaired by both the county chair and municipal mayor. Further, the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Changes, the time period regulating when the municipality may proceed with the plan adoption to 30 days from 45 days.
- Amends s. 163.370, F.S., to accomplish clarifying edits and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.
- Provides that generally government operating expenses, including payments or reimbursements for services provided to the agency by any public body, unrelated to the planning and carrying out of a community redevelopment plan may not be paid for or financed by increment revenues.
- Allows, rather than requires, a CRA to establish a redevelopment trust fund and prohibits the collection or use of tax increment funds until such a trust fund is established; and authorizes an interlocal agreement that may establish a tax increment different than the one statutorily established.
- Provides that the community redevelopment plan must include a time certain that a CRA may receive or spend any increment revenues from the trust fund.
- Authorizes an interlocal agreement between the taxing authorities contributing that may determine the increment and percentage different than that provided in current law.
- Limits the taxing authority for any CRA that had not authorized a finding of necessity study by June 5, 2006, and that had not created the CRA by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007.
- Changes the time after which a resolution can be passed to limit the amount of increment contributed by the taxing authority to the trust fund in the fiscal year immediately preceding the adoption of such resolution.
- Provides that a CRA may waive the penalty, in whole or in part, for a taxing authority that fails to pay the increment revenues to the trust fund by January 1 of each year.
- Provides exemptions for certain entities from the requirements relating to taxing authorities found in s. 163.387 (2)(a), F.S.

- Provides that an interlocal agreement between any of the other taxing authorities and the governing body that created the Community Redevelopment Agency may supercede the requirement that the governing body fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a CRA have been paid.
- Provides that moneys in the redevelopment trust fund may be expended pursuant to the community redevelopment plan.
- Provides that expenses that can be paid from tax increment within the redevelopment trust fund include services provided by another public body.
- Provides that the CRA can spend moneys from the redevelopment trust fund to relocate residents either within or outside the CRA.
- Provides that moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan must be expended within 3 years from the date of the appropriation. Existing law requires the project to be completed within 3 years.
- Provides that rather than be sent immediately to the governing body for consideration, any request from a municipality to a governing body of the county that has adopted a home rule charter for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be deemed granted if not granted in whole or in part or denied. The amendment further provides the following requirements for handling such a request:
    - Within 30 days of receipt of the request, the county shall notify by registered mail whether the request is complete or if additional documentation is required.
    - The county shall notify the municipality by registered mail within 30 days whether such additional documentation is complete.
    - Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any.
    - The county shall notify the municipality by registered mail within 30 days after receiving the additional documentation whether such information is complete.
    - If the meeting of the county commission at which the request for a delegation of powers or a change in existing delegation of powers I unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation.
    - Should the county not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

CHAMBER ACTION

1 The Growth Management Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to community redevelopment; amending s.
7 163.340, F.S.; revising certain definitions; defining the
8 term "taxing authority"; amending s. 163.346, F.S.;
9 revising criteria for a notice to taxing authorities;
10 creating s. 163.354, F.S.; authorizing a local governing
11 body to adopt a resolution establishing a slum and blight
12 study area under certain circumstances; amending s.
13 163.360, F.S.; specifying additional procedures required
14 for adoption of community redevelopment plans by the
15 governing body of certain counties for certain community
16 redevelopment agencies; amending s. 163.361, F.S.;
17 specifying additional procedures required for adoption of
18 a modified community redevelopment plan by a governing
19 body of certain counties for certain community
20 redevelopment agencies; amending s. 163.370, F.S.;
21 revising provisions relating to powers of counties,
22 municipalities, and community redevelopment agencies;
23 revising provisions relating to projects ineligible for

24 increment revenues; amending s. 163.387, F.S.; revising
25 provisions relating to redevelopment trust funds;
26 providing limitations on the amount of tax increment
27 contributions by a taxing authority for certain community
28 redevelopment agencies; authorizing a community
29 redevelopment agency to waive certain increment payment
30 penalties; authorizing alternate provisions in certain
31 interlocal agreements to supersede certain provisions of
32 law; amending s. 163.410, F.S.; providing additional
33 requirements for requests for information relating to
34 requests for delegation of certain powers; providing an
35 effective date.
36
37 Be It Enacted by the Legislature of the State of Florida:
38
39 Section 1. Subsections (2) and (10) of section 163.340,
40 Florida Statutes, are amended, and subsection (24) is added to
41 that section, to read:
42 163.340 Definitions.--The following terms, wherever used
43 or referred to in this part, have the following meanings:
44 (2) "Public body" ~~or "taxing authority"~~ means the state or
45 any county, municipality, authority, special district as defined
46 in s. 165.031(5), or other public body of the state, except a
47 school district.
48 (10) "Community redevelopment area" means a slum area, a
49 blighted area, or an area in which there is a shortage of
50 housing that is affordable to residents of low or moderate
51 income, including the elderly, or a coastal and tourist area

52 that is deteriorating and economically distressed due to
53 outdated building density patterns, inadequate transportation
54 and parking facilities, faulty lot layout or inadequate street
55 layout, or a combination thereof which the governing body
56 designates as appropriate for community redevelopment. For
57 community redevelopment agencies created after July 1, 2006, a
58 community redevelopment area may not consist of more than 80
59 percent of the municipality without approval by the county.
60 (24) "Taxing authority" means a public body that levies an
61 ad valorem tax on real property located in a community
62 redevelopment area. The term excludes a public body exempted
63 pursuant to s. 163.387(2) from the obligation to appropriate
64 increment revenues to a redevelopment trust fund.
65 Section 2. Section 163.346, Florida Statutes, is amended
66 to read:
67 163.346 Notice to taxing authorities.--Before the
68 governing body adopts any resolution or enacts any ordinance
69 required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,
70 or s. 163.387; establishes a study area; creates a community
71 redevelopment agency; approves, adopts, or amends a community
72 redevelopment plan; or issues redevelopment revenue bonds under
73 s. 163.385, the governing body must provide public notice of
74 such proposed action pursuant to s. 125.66(2) or s.
75 166.041(3)(a) and, at least 15 days before such proposed action,
76 mail by registered mail a notice to each taxing authority which
77 levies ad valorem taxes on taxable real property contained
78 within the geographic boundaries of the redevelopment area.

79 Section 3. Section 163.354, Florida Statutes, is created
80 to read:
81 163.354 Development of study area.--Prior to adopting a
82 resolution making a finding of necessity required by s. 163.355,
83 the governing body may adopt a resolution establishing a slum
84 and blight study area.
85 Section 4. Paragraph (d) is added to subsection (2) of
86 section 163.360, Florida Statutes, and subsection (6) of that
87 section is amended, to read:
88 163.360 Community redevelopment plans.--
89 (2) The community redevelopment plan shall:
90 (d) The agency may contract with qualified nonprofit
91 organizations, faith-based organizations, or other entities to
92 develop and provide affordable and workforce housing in the
93 redevelopment area and use tax increment dollars to offer
94 incentives for such development, including, but not limited to,
95 low interest or no interest loans through qualified lenders or
96 the agency itself; revolving loans; façade improvement loans or
97 grants; matching, seed, or leverage dollars for loans or grants;
98 developer subsidies; and any other incentives determined to be
99 needed by the agency. For purposes of this paragraph, the term
100 "affordable housing" means housing that meets the definition of
101 affordable under s. 420.0004(3) and the term "workforce housing"
102 means housing for which the monthly rents or monthly mortgage
103 payments, including taxes, insurance, and utilities, do not
104 exceed 30 percent of that amount which represents the percentage
105 of the median adjusted gross annual income for the households
106 whose income is 150 percent of the median income of the area.

107 (6)(a) The governing body shall hold a public hearing on a
108 community redevelopment plan after public notice thereof by
109 publication in a newspaper having a general circulation in the
110 area of operation of the county or municipality. The notice
111 shall describe the time, date, place, and purpose of the
112 hearing, identify generally the community redevelopment area
113 covered by the plan, and outline the general scope of the
114 community redevelopment plan under consideration.
115 (b) For any community redevelopment agency that had not
116 authorized a finding of necessity study by June 5, 2006, had not
117 created a community redevelopment agency by December 31, 2006,
118 had not adopted a community redevelopment plan by March 7, 2007,
119 and was not created pursuant to a delegation of authority under
120 s. 163.410 by a county that has adopted a home rule charter, the
121 following additional procedures are required prior to adoption
122 by the governing body of a community redevelopment plan under
123 subsection (7):
124 1. Within 30 days after receipt of any community
125 redevelopment plan recommended by a community redevelopment
126 agency under subsection (5), the county may provide written
127 notice by registered mail to the governing body of the
128 municipality that the county has competing policy goals and
129 plans for the public funds the county would be required to
130 contribute to the tax increment under the proposed community
131 redevelopment plan.
132 2. If the notice required in subparagraph 1. is timely
133 provided, the board of county commissioners and the governing
134 body of the municipality that created the community

135 redevelopment agency shall schedule and hold a joint hearing co-
136 chaired by the county commission chair and the mayor of the
137 municipality, with the agenda to be set by the county commission
138 chair, at which the competing policy goals for the public funds
139 shall be discussed. Any such hearing must be held within 90 days
140 after receipt by the county of the recommended community
141 redevelopment plan. Prior to the joint public hearing, the
142 county may propose an alternative redevelopment plan to address
143 the conditions identified in the resolution making a finding of
144 necessity required by s. 163.355. If such an alternative
145 modified redevelopment plan is proposed by the county, such plan
146 shall be delivered to the governing body of the municipality
147 that created the community redevelopment agency at least 30 days
148 prior to holding the joint meeting.
149 3. If the notice required in subparagraph 1. is timely
150 provided, the municipality may not proceed with the adoption of
151 the plan under subsection (7) until 30 days after the joint
152 hearing unless the board of county commissioners has failed to
153 schedule and attend the joint hearing within the required 90-day
154 period.
155 4. Notwithstanding the time requirements established in
156 subparagraphs 2. and 3., the county and the municipality may at
157 any time voluntarily use the dispute resolution process
158 established in chapter 164 to attempt to resolve any competing
159 policy goals between the county and municipality related to the
160 community redevelopment agency. Nothing in this subparagraph
161 grants the county or the municipality the authority to require

162 the other local government to participate in the dispute
163 resolution process.
164 Section 5. Subsection (3) of section 163.361, Florida
165 Statutes, is amended to read:
166 163.361 Modification of community redevelopment plans.--
167 (3)(a) In addition to the requirements of s. 163.346, and
168 prior to the adoption of any modification to a community
169 redevelopment plan that expands the boundaries of the community
170 redevelopment area or extends the time certain set forth in the
171 redevelopment plan as required by s. 163.362(10), the agency
172 shall report such proposed modification to each taxing authority
173 in writing or by an oral presentation, or both, regarding such
174 proposed modification.
175 (b) For any community redevelopment agency that was not
176 created pursuant to a delegation of authority under s. 163.410
177 by a county that has adopted a home rule charter and that
178 modifies its adopted community redevelopment plan in a manner
179 that expands the boundaries of the redevelopment area after
180 October 1, 2006, the following additional procedures are
181 required prior to adoption by the governing body of a modified
182 community redevelopment plan:
183 1. Within 30 days after receipt of any report of a
184 proposed modification that expands the boundaries of the
185 redevelopment area, the county may provide notice by registered
186 mail to the governing body of the municipality that the county
187 has competing policy goals and plans for the public funds the
188 county would be required to contribute to the tax increment

189 under the proposed modification to the community redevelopment
190 plan.
191 2. If the notice required in subparagraph 1. is timely
192 provided, the board of county commissioners and the governing
193 body of the municipality that created the community
194 redevelopment agency shall schedule and hold a joint hearing co-
195 chaired by the county commission chair and the mayor of the
196 municipality, with the agenda to be set by the county commission
197 chair, at which the competing policy goals for the public funds
198 shall be discussed. Any such hearing shall be held within 90
199 days after receipt by the county of the recommended modification
200 of the adopted community redevelopment plan. Prior to the joint
201 public hearing, the county may propose an alternative modified
202 community redevelopment plan to address the conditions
203 identified in the resolution making a finding of necessity
204 required under s. 163.355. If such an alternative modified
205 redevelopment plan is proposed by the county, such plan shall be
206 delivered to the governing body of the municipality that created
207 the community redevelopment agency at least 30 days prior to
208 holding the joint meeting.
209 3. If the notice required in subparagraph 1. is timely
210 provided, the municipality may not proceed with the adoption of
211 the plan under s. 163.360(7) until 30 days after the joint
212 hearing unless the board of county commissioners has failed to
213 schedule and attend the joint hearing within the required 90-day
214 period.
215 4. Notwithstanding the time requirements established in
216 subparagraphs 2. and 3., the county and the municipality may at

217 any time voluntarily use the dispute resolution process
218 established in chapter 164 to attempt to resolve any competing
219 policy goals between the county and municipality related to the
220 community redevelopment agency. Nothing in this subparagraph
221 grants the county or the municipality the authority to require
222 the other local government to participate in the dispute
223 resolution process.
224 Section 6. Paragraphs (c), (e), (h), and (n) of subsection
225 (1), paragraphs (b) and (c) of subsection (2), and paragraph (a)
226 of subsection (3) of section 163.370, Florida Statutes, are
227 amended to read:
228 163.370 Powers; counties and municipalities; community
229 redevelopment agencies.--
230 (1) Every county and municipality shall have all the
231 powers necessary or convenient to carry out and effectuate the
232 purposes and provisions of this part, including the following
233 powers in addition to others herein granted:
234 (c) To undertake and carry out community redevelopment and
235 related activities within the community redevelopment area,
236 which ~~redevelopment~~ may include:
237 1. Acquisition of a slum area or a blighted area or
238 portion thereof.
239 2. Demolition and removal of buildings and improvements.
240 3. Installation, construction, or reconstruction of
241 streets, utilities, parks, playgrounds, public areas of major
242 hotels that are constructed in support of convention centers,
243 including meeting rooms, banquet facilities, parking garages,
244 lobbies, and passageways, and other improvements necessary for

245 carrying out in the community redevelopment area the community
246 redevelopment objectives of this part in accordance with the
247 community redevelopment plan.
248 4. Disposition of any property acquired in the community
249 redevelopment area at its fair value for uses in accordance with
250 the community redevelopment plan as provided in s. 163.380.
251 5. Carrying out plans for a program of voluntary or
252 compulsory repair and rehabilitation of buildings or other
253 improvements in accordance with the community redevelopment
254 plan.
255 6. Acquisition of real property in the community
256 redevelopment area which, under the community redevelopment
257 plan, is to be repaired or rehabilitated for dwelling use or
258 related facilities, repair or rehabilitation of the structures
259 for guidance purposes, and resale of the property.
260 7. Acquisition of any other real property in the community
261 redevelopment area when necessary to eliminate unhealthful,
262 unsanitary, or unsafe conditions; lessen density; eliminate
263 obsolete or other uses detrimental to the public welfare; or
264 otherwise to remove or prevent the spread of blight or
265 deterioration or to provide land for needed public facilities.
266 8. Acquisition, without regard to any requirement that the
267 area be a slum or blighted area, of air rights in an area
268 consisting principally of land in highways, railway or subway
269 tracks, bridge or tunnel entrances, or other similar facilities
270 which have a blighting influence on the surrounding area and
271 over which air rights sites are to be developed for the
272 elimination of such blighting influences and for the provision

273 of housing (and related facilities and uses) designed
274 specifically for, and limited to, families and individuals of
275 low or moderate income.
276 9. Construction of foundations and platforms necessary for
277 the provision of air rights sites of housing (and related
278 facilities and uses) designed specifically for, and limited to,
279 families and individuals of low or moderate income.
280 (e) Within the community redevelopment area:
281 1. To enter into any building or property in any community
282 redevelopment area in order to make inspections, surveys,
283 appraisals, soundings, or test borings and to obtain an order
284 for this purpose from a court of competent jurisdiction in the
285 event entry is denied or resisted.
286 2. To acquire by purchase, lease, option, gift, grant,
287 bequest, devise, eminent domain, or otherwise any personal or
288 real property ~~(or personal property for its administrative~~
289 ~~purposes)~~, together with any improvements thereon; except that a
290 community redevelopment agency may not exercise any power of
291 eminent domain unless the exercise has been specifically
292 approved by the governing body ~~of the county or municipality~~
293 ~~which established the agency~~.
294 3. To hold, improve, clear, or prepare for redevelopment
295 any such property.
296 4. To mortgage, pledge, hypothecate, or otherwise encumber
297 or dispose of any real property.
298 5. To insure or provide for the insurance of any real or
299 personal property or operations of the county or municipality

300 against any risks or hazards, including the power to pay
301 premiums on any such insurance.
302 6. To enter into any contracts necessary to effectuate the
303 purposes of this part.
304 7. To solicit requests for proposals for redevelopment of
305 parcels of real property contemplated by a community
306 redevelopment plan to be acquired for redevelopment purposes by
307 a community redevelopment agency and, as a result of such
308 requests for proposals, to advertise for the disposition of such
309 real property to private persons pursuant to s. 163.380 prior to
310 acquisition of such real property by the community redevelopment
311 agency.
312 (h) ~~Within its area of operation,~~ To make or have made all
313 surveys and plans necessary to the carrying out of the purposes
314 of this part; to contract with any person, public or private, in
315 making and carrying out such plans; and to adopt or approve,
316 modify, and amend such plans, which plans may include, but are
317 not limited to:
318 1. Plans for carrying out a program of voluntary or
319 compulsory repair and rehabilitation of buildings and
320 improvements.
321 2. Plans for the enforcement of state and local laws,
322 codes, and regulations relating to the use of land and the use
323 and occupancy of buildings and improvements and to the
324 compulsory repair, rehabilitation, demolition, or removal of
325 buildings and improvements.

326 3. Appraisals, title searches, surveys, studies, and other
327 plans and work necessary to prepare for the undertaking of
328 community redevelopment and related activities.
329 (n) ~~Within its area of operation,~~ To organize, coordinate,
330 and direct the administration of the provisions of this part, as
331 they may apply to such county or municipality, in order that the
332 objective of remedying slum and blighted areas and preventing
333 the causes thereof within such county or municipality may be
334 most effectively promoted and achieved and to establish such new
335 office or offices of the county or municipality or to reorganize
336 existing offices in order to carry out such purpose most
337 effectively.
338 (2) The following projects may not be paid for or financed
339 by increment revenues:
340 (b) Installation, construction, reconstruction, repair, or
341 alteration of any publicly owned capital improvements or
342 projects ~~which are not an integral part of or necessary for~~
343 ~~carrying out the community redevelopment plan if such projects~~
344 ~~or improvements are normally financed by the governing body with~~
345 ~~user fees or~~ if such projects or improvements <u>were scheduled to</u>
346 ~~would~~ be installed, constructed, reconstructed, repaired, or
347 altered within 3 years of the approval of the community
348 redevelopment plan by the governing body pursuant to a
349 previously approved public capital improvement or project
350 schedule or plan of the governing body which approved the
351 community redevelopment plan <u>unless and until such projects or</u>
352 <u>improvements have been removed from such schedule or plan of the</u>
353 <u>governing body and 3 years have elapsed since such removal</u>.

354 (c) General government operating expenses, including
355 payments or reimbursements for services provided to the agency
356 by any public body, unrelated to the planning and carrying out
357 of a community redevelopment plan.
358 (3) With the approval of the governing body, a community
359 redevelopment agency may:
360 (a) Prior to approval of a community redevelopment plan or
361 approval of any modifications of the plan, acquire real property
362 in a community redevelopment area, demolish and remove any
363 structures on the property, and pay all costs related to the
364 acquisition, demolition, or removal, including any
365 administrative or relocation expenses, provided such acquisition
366 is not pursuant to s. 163.375.
367 Section 7. Subsection (1), paragraphs (a), (b), and (c) of
368 subsection (2), and subsections (3) through (8) of section
369 163.387, Florida Statutes, are amended to read:
370 163.387 Redevelopment trust fund.--
371 (1)(a) After approval of a community redevelopment plan,
372 there may ~~shall~~ be established for each community redevelopment
373 agency created under s. 163.356 a redevelopment trust fund.
374 Funds allocated to and deposited into this fund shall be used by
375 the agency to finance or refinance any community redevelopment
376 it undertakes pursuant to the approved community redevelopment
377 plan. No community redevelopment agency may receive or spend any
378 increment revenues pursuant to this section unless and until the
379 governing body has, by ordinance, created the trust fund and
380 provided for the funding of the redevelopment trust fund until
381 the time certain set forth in the ~~for the duration of a~~

382 community redevelopment plan as required by s. 163.362(10). Such
383 ordinance may be adopted only after the governing body has
384 approved a community redevelopment plan. The annual funding of
385 the redevelopment trust fund shall be in an amount not less than
386 that increment in the income, proceeds, revenues, and funds of
387 each taxing authority derived from or held in connection with
388 the undertaking and carrying out of community redevelopment
389 under this part. Absent an interlocal agreement between the
390 taxing authorities contributing to the trust fund created
391 pursuant to this section, such increment shall be determined
392 annually and shall be that amount equal to 95 percent of the
393 difference between:
394 1. ~~(a)~~ The amount of ad valorem taxes levied each year by
395 each taxing authority, exclusive of any amount from any debt
396 service millage, on taxable real property contained within the
397 geographic boundaries of a community redevelopment area; and
398 2. ~~(b)~~ The amount of ad valorem taxes which would have been
399 produced by the rate upon which the tax is levied each year by
400 or for each taxing authority, exclusive of any debt service
401 millage, upon the total of the assessed value of the taxable
402 real property in the community redevelopment area as shown upon
403 the most recent assessment roll used in connection with the
404 taxation of such property by each taxing authority prior to the
405 effective date of the ordinance providing for the funding of the
406 trust fund.
407
408 However, the governing body of any county as defined in s.
409 125.011(1) may, in the ordinance providing for the funding of a

410 trust fund established with respect to any community
411 redevelopment area created on or after July 1, 1994, determine
412 that the amount to be funded by each taxing authority annually
413 shall be less than 95 percent of the difference between
414 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event
415 shall such amount be less than 50 percent of such difference.
416 (b)1. For any community redevelopment agency that had not
417 authorized a finding of necessity study by June 5, 2006, had not
418 created a community redevelopment agency by December 31, 2006,
419 had not adopted a community redevelopment plan by March 7, 2007,
420 and was not created pursuant to a delegation of authority under
421 s. 163.410 by a county that has adopted a home rule charter, the
422 amount of tax increment to be contributed by any taxing
423 authority shall be limited as follows:
424 a. If a taxing authority imposes a millage rate that
425 exceeds the millage rate imposed by the governing body that
426 created the trust fund, the amount of tax increment to be
427 contributed by the taxing authority imposing the higher millage
428 rate shall be calculated using the millage rate imposed by the
429 governing body that created the trust fund. Nothing shall
430 prohibit any taxing authority from voluntarily contributing a
431 tax increment at a higher rate for a period of time as specified
432 by interlocal agreement between the taxing authority and the
433 community redevelopment agency.
434 b. At any time more than 24 years after the fiscal year in
435 which a taxing authority made its first contribution to a
436 redevelopment trust fund, by resolution effective no sooner than
437 the next fiscal year and adopted by majority vote of the taxing

438 authority's governing body at a public hearing held not less
439 than 30 or more than 45 days after written notice by registered
440 mail to the community redevelopment agency and published in a
441 newspaper of general circulation in the redevelopment area, the
442 taxing authority may limit the amount of increment contributed
443 by the taxing authority to the redevelopment trust fund to the
444 amount of increment the taxing authority was obligated to
445 contribute to the redevelopment trust fund in the fiscal year
446 immediately preceding the adoption of such resolution, plus any
447 increase in the increment after the adoption of the resolution
448 computed using the taxable values of any area which is subject
449 to an area reinvestment agreement. As used in this subparagraph,
450 the term "area reinvestment agreement" means an agreement
451 between the community redevelopment agency and a private party,
452 with or without additional parties, which provides that the
453 increment computed for a specific area shall be reinvested in
454 public infrastructure or services, or both, including debt
455 service, supporting one or more projects consistent with the
456 community redevelopment plan that is identified in the agreement
457 to be constructed within that area. Any such reinvestment
458 agreement must specify the estimated total amount of public
459 investment necessary to provide the public infrastructure or
460 services, or both, including any applicable debt service. The
461 increase in the increment of any area that is subject to an area
462 reinvestment agreement following the passage of a resolution as
463 provided in this sub-subparagraph is limited to the amount
464 specified in the area reinvestment agreement as necessary to
465 provide the public infrastructure or services, or both,

466 including any applicable debt service, that is the subject of
467 the agreement. The contribution to the redevelopment trust fund
468 of the increase in the increment of any area that is subject to
469 an area reinvestment agreement following the passage of a
470 resolution as provided in this sub-subparagraph shall cease when
471 the amount specified in the area reinvestment agreement as
472 necessary to provide the public infrastructure or services, or
473 both, including any applicable debt service, have been invested.
474 2. For any community redevelopment agency that was not
475 created pursuant to a delegation of authority under s. 163.410
476 by a county that has adopted a home rule charter and that
477 modifies its adopted community redevelopment plan after October
478 1, 2006, in a manner that expands the boundaries of the
479 redevelopment area, the amount of increment to be contributed by
480 any taxing authority with respect to the expanded area shall be
481 limited as set forth in sub-subparagraphs 1.a. and b.
482 (2)(a) Except for the purpose of funding the trust fund
483 pursuant to subsection (3), upon the adoption of an ordinance
484 providing for funding of the redevelopment trust fund as
485 provided in this section, each taxing authority shall, by
486 January 1 of each year, appropriate to the trust fund for so
487 long as any indebtedness pledging increment revenues to the
488 payment thereof is outstanding (but not to exceed 30 years) a
489 sum that is no less than the increment as defined and determined
490 in subsection (1) or paragraph (3)(b) accruing to such taxing
491 authority. If the community redevelopment plan is amended or
492 modified pursuant to s. 163.361(1), each such taxing authority
493 shall make the annual appropriation for a period not to exceed

494 30 years after the date the governing body amends the plan.
495 However, for any agency created on or after July 1, 2002, each
496 taxing authority shall make the annual appropriation for a
497 period not to exceed 40 years after the fiscal year in which the
498 initial community redevelopment plan is approved or adopted.
499 (b) Any taxing authority that does not pay the increment
500 revenues to the trust fund by January 1 shall pay to the trust
501 fund an amount equal to 5 percent of the amount of the increment
502 revenues and shall pay interest on the amount of the unpaid
503 increment revenues equal to 1 percent for each month the
504 increment is outstanding, provided the agency may waive such
505 penalty payments in whole or in part.
506 (c) The following public bodies ~~or taxing authorities~~ are
507 exempt from paragraph (a):
508 1. A special district that levies ad valorem taxes on
509 taxable real property in more than one county.
510 2. A special district for which the sole available source
511 of revenue the district has the authority to levy is ad valorem
512 taxes at the time an ordinance is adopted under this section.
513 However, revenues or aid that may be dispensed or appropriated
514 to a district as defined in s. 388.011 at the discretion of an
515 entity other than such district shall not be deemed available.
516 3. A library district, except a library district in a
517 jurisdiction where the community redevelopment agency had
518 validated bonds as of April 30, 1984.
519 4. A neighborhood improvement district created under the
520 Safe Neighborhoods Act.
521 5. A metropolitan transportation authority.

522 6. A water management district created under s. 373.069.
523 (3)(a) Notwithstanding the provisions of subsection (2),
524 the obligation of the governing body which established the
525 community redevelopment agency to fund the redevelopment trust
526 fund annually shall continue until all loans, advances, and
527 indebtedness, if any, and interest thereon, of a community
528 redevelopment agency incurred as a result of redevelopment in a
529 community redevelopment area have been paid.
530 (b) Alternate provisions contained in an interlocal
531 agreement between any of the other taxing authorities and the
532 governing body that created the community redevelopment agency
533 may supersede the provisions of this part. The community
534 redevelopment agency may be an additional party to any such
535 agreement.
536 (4) The revenue bonds and notes of every issue under this
537 part are payable solely out of revenues pledged to and received
538 by a community redevelopment agency and deposited to its
539 redevelopment trust fund. The lien created by such bonds or
540 notes shall not attach until the increment revenues referred to
541 herein are deposited in the redevelopment trust fund at the
542 times, and to the extent that, such increment revenues accrue.
543 The holders of such bonds or notes have no right to require the
544 imposition of any tax or the establishment of any rate of
545 taxation in order to obtain the amounts necessary to pay and
546 retire such bonds or notes.
547 (5) Revenue bonds issued under the provisions of this part
548 shall not be deemed to constitute a debt, liability, or
549 obligation of the ~~local~~ governing body or the state or any

550 political subdivision thereof, or a pledge of the faith and
551 credit of the ~~local~~ governing body or the state or any political
552 subdivision thereof, but shall be payable solely from the
553 revenues provided therefor. All such revenue bonds shall contain
554 on the face thereof a statement to the effect that the agency
555 shall not be obligated to pay the same or the interest thereon
556 except from the revenues of the community redevelopment agency
557 held for that purpose and that neither the faith and credit nor
558 the taxing power of the ~~local~~ governing body or of the state or
559 of any political subdivision thereof is pledged to the payment
560 of the principal of, or the interest on, such bonds.
561 (6) Moneys in the redevelopment trust fund may be expended
562 from time to time for undertakings of a community redevelopment
563 agency as described in the ~~which are directly related to~~
564 ~~financing or refinancing of redevelopment in a community~~
565 ~~redevelopment area pursuant to an approved~~ community
566 redevelopment plan for the following purposes, including, but
567 not limited to:
568 (a) Administrative and overhead expenses, including
569 services provided by another public body, necessary or
570 incidental to the implementation of a community redevelopment
571 plan adopted by the agency.
572 (b) Expenses of redevelopment planning, surveys, and
573 financial analysis, including the reimbursement of the governing
574 body or the community redevelopment agency for such expenses
575 incurred before the redevelopment plan was approved and adopted.
576 (c) The acquisition of real property in the redevelopment
577 area.

578 (d) The clearance and preparation of any redevelopment
579 area for redevelopment and relocation of site occupants within
580 or outside the community redevelopment area as provided in s.
581 163.370.
582 (e) The repayment of principal and interest or any
583 redemption premium for loans, advances, bonds, bond anticipation
584 notes, and any other form of indebtedness.
585 (f) All expenses incidental to or connected with the
586 issuance, sale, redemption, retirement, or purchase of ~~agency~~
587 bonds, bond anticipation notes, or other form of indebtedness,
588 including funding of any reserve, redemption, or other fund or
589 account provided for in the ordinance or resolution authorizing
590 such bonds, notes, or other form of indebtedness.
591 (g) The development of affordable housing within the
592 community redevelopment area.
593 (h) The development of community policing innovations.
594 (7) On the last day of the fiscal year of the community
595 redevelopment agency, any money which remains in the trust fund
596 after the payment of expenses pursuant to subsection (6) for
597 such year shall be:
598 (a) Returned to each taxing authority ~~which paid the~~
599 ~~increment~~ in the proportion that the amount of the payment of
600 such taxing authority bears to the total amount paid into the
601 trust fund by all taxing authorities ~~within the redevelopment~~
602 ~~area~~ for that year;
603 (b) Used to reduce the amount of any indebtedness to which
604 increment revenues are pledged;

605 (c) Deposited into an escrow account for the purpose of
606 later reducing any indebtedness to which increment revenues are
607 pledged; or
608 (d) Appropriated to a specific redevelopment project
609 pursuant to an approved community redevelopment plan which shall
610 be expended ~~project will be completed~~ within 3 years from the
611 date of such appropriation.
612 (8) Each community redevelopment agency shall provide for
613 an ~~independent financial~~ audit of the trust fund each fiscal
614 year and a report of such audit to be prepared by an independent
615 certified public accountant or firm. Such report shall describe
616 the amount and source of deposits into, and the amount and
617 purpose of withdrawals from, the trust fund during such fiscal
618 year and the amount of principal and interest paid during such
619 year on any indebtedness to which ~~is pledged~~ increment revenues
620 are pledged and the remaining amount of such indebtedness. The
621 agency shall provide by registered mail a copy of the report to
622 each taxing authority.
623 Section 8. Section 163.410, Florida Statutes, is amended
624 to read:
625 163.410 Exercise of powers in counties with home rule
626 charters.--In any county which has adopted a home rule charter,
627 the powers conferred by this part shall be exercised exclusively
628 by the governing body of such county. However, the governing
629 body of any such county which has adopted a home rule charter
630 may, in its discretion, by resolution delegate the exercise of
631 the powers conferred upon the county by this part within the
632 boundaries of a municipality to the governing body of such a

633 municipality. Such a delegation to a municipality shall confer
634 only such powers upon a municipality as shall be specifically
635 enumerated in the delegating resolution. Any power not
636 specifically delegated shall be reserved exclusively to the
637 governing body of the county. This section does not affect any
638 community redevelopment agency created by a municipality prior
639 to the adoption of a county home rule charter. Unless otherwise
640 provided by an existing ordinance, resolution, or interlocal
641 agreement between any such county and a municipality, the
642 governing body of the county that has adopted a home rule
643 charter shall grant in whole or in part ~~act on~~ any request from
644 a municipality for a delegation of powers or a change in an
645 existing delegation of powers within 120 days after the receipt
646 of all required documentation or such request shall be deemed
647 granted. Within 30 days after receipt of the request, the county
648 shall notify the municipality by registered mail whether the
649 request is complete or if additional information is required.
650 The county shall notify the municipality by registered mail
651 within 30 days after receiving the additional information
652 whether such additional documentation is complete. Any request
653 by the county for additional documentation shall specify the
654 deficiencies in the submitted documentation, if any. The county
655 shall notify the municipality by registered mail within 30 days
656 after receiving the additional documentation whether such
657 information is complete. If the meeting of the county commission
658 at which the request for a delegation of powers or a change in
659 an existing delegation of powers is unable to be held due to
660 events beyond the control of the county, the request shall be

661 acted upon at the next regularly scheduled meeting of the county
662 commission without regard to the 120-day limitation. If the
663 county does not act upon the request at the next regularly
664 scheduled meeting, the request shall be deemed granted
665 ~~immediately sent to the governing body for consideration~~.
666 Section 9. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7089 PCB TURS 06-02 Facilities for Retained Spring Training Franchises
SPONSOR(S): Tourism Committee and Rep. Detert
TIED BILLS: **IDEN./SIM. BILLS:** SB 1886

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Tourism Committee	8 Y, 0 N	Langston	McDonald
1) Transportation & Economic Development Appropriations Committee	18 Y, 0 N	McAuliffe	Gordon
2) State Infrastructure Council		Langston	Havlicak
3)			
4)			
5)			

SUMMARY ANALYSIS

Chapter 2000-186, LOF, created a one-time funding opportunity for at least five applicants certified as facilities for retained spring training franchises. Applications for consideration for certification were required to be submitted to the Office of Tourism, Trade, and Economic Development (OTTED) by October 1, 2000 with certifications being given by January 1, 2001. OTTED was required to competitively evaluate applications. OTTED certified applicants based upon the statutory criteria and notified the Department of Revenue of the certifications. The Department of Revenue was instructed to distribute sales tax proceeds to any applicant certified under s. 288.1162(5), F.S., as a "facility for a retained spring training franchise." A certified applicant could receive up to $41,667 monthly for up to 30 years. However, not more than $208,335 could be distributed monthly in the aggregate to all applicants certified as facilities for retained spring training franchises. The duration and total amount of funding varies depending upon the certification. The five existing certifications are: Lakeland - Detroit Tigers, Dunedin -Toronto Blue Jays, Indian River - Los Angeles Dodgers, Osceola County - Houston Astros, and Clearwater - Philadelphia Phillies.

The bill provides for certification of up to five additional applicants as facilities for retained spring training franchises. Applications must be received by OTTED by October 1, 2006 and certifications made by January 1, 2007. The bill uses the same procedures used for the one-time funding of the five certified applicants in 2001 with the exception of the criteria. The bill includes additional selection criteria, including a prohibition against consideration of an application for those franchises that have more than five years remaining on an existing lease. The aggregate amount of funding for certified applicants is up to $41,667 per facility per month for a total aggregate monthly maximum of $208,335.

The bill amends s. 212.20, F.S., to increase the aggregate distribution of sales and use tax distributions to all applicants certified as facilities for a retained spring training franchises to $416,670 to accommodate the five additional certifications. It also provides that both the amount and duration of distribution established in the certification cannot be altered. The addition of five certifications of applicants as retained spring training franchise facilities will have a maximum negative impact of ($833,340) in fiscal year 2006-2007 and a maximum recurring negative impact of ($2,500,020) annually beginning in fiscal year 2007-2008 and continuing for up to 30 years. See "Fiscal Comments."

Currently, five retained spring training franchises with no more than 5 years remaining on existing leases are the Baltimore Orioles, Cincinnati Reds, Cleveland Indians, Pittsburgh Pirates, and the Tampa Bay Devil Rays.

The bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government- The bill increases responsibilities for the Governor's Office of Tourism, Trade, and Economic Development and the Department of Revenue relating to the certification and distribution processes related to applicants for facilities for retained spring training franchises.

Ensure Lower Taxes – The bill requires an annual distribution from sales tax revenues of up to $2,500,020 for additional certifications for applicants for facilities for retained spring training franchises. See details below.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Facilities for Retained Spring Training Franchise - Certification

Chapter 2000-186, LOF, created a one-time funding opportunity for at least five applicants certified as facilities for retained spring training franchises. Applications for consideration for certification were required to be submitted to the Office of Tourism, Trade, and Economic Development (OTTED) by October 1, 2000 with certifications being given by January 1, 2001. OTTED was required to competitively evaluate applications. If the number exceeded five and the aggregate funding request exceeded $208,335 per month, OTTED was required to rank the applications according to criteria delineated in s. 288.1162(5)(c), F.S. OTTED could not certify partial funding to any applicant certified as a facility for a retained spring training franchise.

Prior to certifying, OTTED was required to determine that a unit of local government was responsible for the acquisition, construction, management or operation of the retained spring training franchise facility or held title to the property on which the facility was located; the applicant had a verified copy of a signed agreement with a retained spring training franchise for the use of the facility for a term of at least 15 years; the applicant had a financial commitment of 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility; the applicant had valid projections demonstrating that the facility would attract paid attendance of at least 50,000 annually; and, that the facility was located in a county levying a tourist development tax pursuant to s.125.0104, F.S.

Funds could not be expended to subsidize privately-owned and maintained facilities for use by the retained spring training franchise. Funds could be used to relocate an existing retained spring training franchise to another unit of local government within the state if the local government from which it was relocating agreed to the move. Other than the use of funds for an agreed to relocation, funds could only be used to pay for acquisition, construction, reconstruction, or renovation of a facility or to pay or pledge for the payment of debt service on a facility or for the reimbursement or refinancing of bonds issued.

The Department of Revenue was instructed to distribute sales tax proceeds to any applicant certified under s. 288.1162(5), F.S., as a "facility for a retained spring training franchise." A certified applicant could receive up to $41,667 monthly for up to 30 years. However, not more than $208,335 could be distributed monthly in the aggregate to all applicants certified as facilities for retained spring training franchises.

OTTED certified the following:

• Lakeland	Detroit Tigers	$ 7 million	15 years
• Dunedin	Toronto Blue Jays	$10 million	20 years
• Indian River	Los Angeles Dodgers	$15 million	30 years
• Osceola County	Houston Astros	$ 7.5 million	15 years
• Clearwater	Philadelphia Phillies	$15 million	30 years

Funding – Tax Distribution

Chapter 212, F.S., imposes a state sales and use tax of six percent on retail sales of most tangible personal property, admissions, transient lodgings, commercial rentals, and motor vehicles. Tax collections are deposited by the Department of Revenue (DOR) in the General Revenue Fund of the state and into a variety of trust funds benefiting state agencies and local governments. Section 212.20, F.S., governs the distribution by DOR of tax revenues collected under the provisions of Chapter 212, F.S. Subsection (6) of that section requires DOR to distribute funds to certain applicants certified as sports facilities.[1]

Specifically, s. 212.20(6)(d)7.b., F.S., requires DOR to distribute up to $41,667 monthly to applicants certified by OTTED as "facilities for retained spring training franchises." However, not more than $208,335 can be distributed monthly in the aggregate to all applicants certified as "facilities for retained spring training franchises." All distributions to certified applicants for new and retained professional sports franchise facilities and for retained spring training franchise facilities begin 60 days after certification and continue for no more than 30 years.

A certified applicant under the paragraph is not to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6), F.S. A certified applicant, however, is entitled to receive distributions up to the maximum amount allowable and undistributed under s. 212.20, F.S., for additional renovations and improvements to the facility for the franchise without additional certification.

Proposed Changes:

The bill amends s. 288.1162(5), F.S., to provide for certification and funding of no more than five additional applicants for facilities for retained spring training franchises. Applications must be received by OTTED by October 1, 2006, and any certifications must be made by January 1, 2007. The bill uses the same procedures used for the one-time funding of five facilities in 2001 with the exception of changes in the selection criteria. The funding for facilities to be certified is up to $41,667 per facility per month for a total aggregate amount for the new certified applicants not to exceed $208,335 per month.

Additional criteria for selection is added, including a prohibition against consideration of an application for those franchises that have greater than 5 years remaining on an existing lease.[2] The bill amends s. 212.20(6)(d)7.b., F.S., to increase the aggregate distribution of sales and use tax distributions to all applicants certified as facilities for retained spring training franchises to $416,670 to accommodate the five additional certifications and to remove language that permits changes in the amount of distribution and length of distribution after certification and without any review by OTTED. This final change

[1] Under this paragraph, DOR provides funding to new and retained professional sports franchise facilities and to retained spring training franchise facilities as certified under s. 288.1162, F.S.; the Professional Golf Hall of Fame facility as certified pursuant to s. 288.1168, F.S., and to the International Game Fish Association World Center facility as certified pursuant to s. 288.1169, F.S. Each recipient receives a fixed monthly distribution that is set by statute. It also requires that no other sports businesses or facilities are entitled to distributions from DOR of tax revenues collected pursuant to Chapter 212, F.S.

[2] Currently, there are five spring training franchises that do not have more than 5 years on their leases: Baltimore Orioles, Cincinnati Reds, Cleveland Indians, Pittsburgh Pirates, and the Tampa Bay Devil Rays.

provides that the amount of distribution and the time frame for distribution is that which is specified in the certification.

C. SECTION DIRECTORY:

Section 1: Amends s. 212.20(6)(d)7.b., F.S., relating to distribution of funds to applicants certified as facilities for retained spring training franchises; increases distribution for applicants certified as facilities for retained spring training franchises; removes language providing ability to increase amount or duration of funding after certification.

Section 2: Amends ss. 288.1162, (5) and (7), F.S., relating to retained spring training franchise facilities; provides additional certifications of applicants as facilities for retained spring training franchises; provides procedures and criteria for certifying applicants; conforms language; provides exceptions for certification disqualification; provides limitation on length of payment.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: :

	FY 06-07	FY 07-08	FY 08-09
General Revenue	($833,340)	($2,500,020)	($2,500,020)

See "Fiscal Comments" for more detail.

2. Expenditures:

Minimal. See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

	FY 06-07	FY 07-08	FY 08-09
Local Revenues	$833,340	$2,500,020	$2,500,020

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

At this time, the exact impact on the private sector is not able to be determined.

D. FISCAL COMMENTS:

The actual amount of the distribution and the duration of the distribution for the five new certifications of applicants as retained spring franchise facilities will not be known until the certifications are approved by OTTED. As with the previous such certifications, the amount and duration could vary. Therefore, the maximum amount of monthly distribution was used to estimate the general revenue impacts. Since certifications have to be completed by January 1, 2007 and distributions occur 60 days after DOR is notified by OTTED, the assumption was made that distributions would begin March 1, 2007 for purposes of estimating fiscal year 2006-2007 impacts.

The bill will have an impact on OTTED and the Florida Sports Foundation with regard to the application review and certification process for the new certifications created by the bill. The impact is not known at this time.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   This bill does not require municipalities or counties to expend funds, does not reduce their authority to raise revenue, and does not reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Tourism Committee adopted three amendments to PCB TURS 06-02 and reported the bill favorably. The first amendment increased the number of proposals eligible for certification from four to five and increased the maximum aggregate funding by $41,667 to accommodate the additional certification. The second amendment changed the certification requirement for the remaining allowable time on a franchise lease from four years to five years to accommodate the Pittsburgh Pirates. The third amendment increased to total aggregate monthly distribution in s. 212.20, F.S., to include the additional certifications.

1 A bill to be entitled
2 An act relating to facilities for retained spring training
3 franchises; amending s. 212.20, F.S.; revising a
4 limitation on certain distributions to certified
5 facilities for a retained spring training franchise;
6 deleting a provision entitling an applicant to receive
7 certain distributions without additional certification;
8 amending s. 288.1162, F.S.; requiring the Office of
9 Tourism, Trade, and Economic Development to competitively
10 evaluate applications for funding of certain additional
11 facilities; providing application and certification
12 requirements; specifying evaluation criteria; revising the
13 number of certifications of such facilities; providing an
14 effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
18 Section 1. Paragraph (d) of subsection (6) of section
19 212.20, Florida Statutes, is amended to read:
20 212.20 Funds collected, disposition; additional powers of
21 department; operational expense; refund of taxes adjudicated
22 unconstitutionally collected.--
23 (6) Distribution of all proceeds under this chapter and s.
24 202.18(1)(b) and (2)(b) shall be as follows:
25 (d) The proceeds of all other taxes and fees imposed
26 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
27 and (2)(b) shall be distributed as follows:

28 1. In any fiscal year, the greater of $500 million, minus
29 an amount equal to 4.6 percent of the proceeds of the taxes
30 collected pursuant to chapter 201, or 5 percent of all other
31 taxes and fees imposed pursuant to this chapter or remitted
32 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
33 monthly installments into the General Revenue Fund.
34 2. Two-tenths of one percent shall be transferred to the
35 Ecosystem Management and Restoration Trust Fund to be used for
36 water quality improvement and water restoration projects.
37 3. After the distribution under subparagraphs 1. and 2.,
38 8.814 percent of the amount remitted by a sales tax dealer
39 located within a participating county pursuant to s. 218.61
40 shall be transferred into the Local Government Half-cent Sales
41 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
42 be transferred pursuant to this subparagraph to the Local
43 Government Half-cent Sales Tax Clearing Trust Fund shall be
44 reduced by 0.1 percent, and the department shall distribute this
45 amount to the Public Employees Relations Commission Trust Fund
46 less $5,000 each month, which shall be added to the amount
47 calculated in subparagraph 4. and distributed accordingly.
48 4. After the distribution under subparagraphs 1., 2., and
49 3., 0.095 percent shall be transferred to the Local Government
50 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
51 to s. 218.65.
52 5. After the distributions under subparagraphs 1., 2., 3.,
53 and 4., 2.0440 percent of the available proceeds pursuant to
54 this paragraph shall be transferred monthly to the Revenue
55 Sharing Trust Fund for Counties pursuant to s. 218.215.

56 6. After the distributions under subparagraphs 1., 2., 3.,
57 and 4., 1.3409 percent of the available proceeds pursuant to
58 this paragraph shall be transferred monthly to the Revenue
59 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
60 the total revenue to be distributed pursuant to this
61 subparagraph is at least as great as the amount due from the
62 Revenue Sharing Trust Fund for Municipalities and the former
63 Municipal Financial Assistance Trust Fund in state fiscal year
64 1999-2000, no municipality shall receive less than the amount
65 due from the Revenue Sharing Trust Fund for Municipalities and
66 the former Municipal Financial Assistance Trust Fund in state
67 fiscal year 1999-2000. If the total proceeds to be distributed
68 are less than the amount received in combination from the
69 Revenue Sharing Trust Fund for Municipalities and the former
70 Municipal Financial Assistance Trust Fund in state fiscal year
71 1999-2000, each municipality shall receive an amount
72 proportionate to the amount it was due in state fiscal year
73 1999-2000.
74 7. Of the remaining proceeds:
75 a. In each fiscal year, the sum of $29,915,500 shall be
76 divided into as many equal parts as there are counties in the
77 state, and one part shall be distributed to each county. The
78 distribution among the several counties shall begin each fiscal
79 year on or before January 5th and shall continue monthly for a
80 total of 4 months. If a local or special law required that any
81 moneys accruing to a county in fiscal year 1999-2000 under the
82 then-existing provisions of s. 550.135 be paid directly to the
83 district school board, special district, or a municipal

84 government, such payment shall continue until such time that the
85 local or special law is amended or repealed. The state covenants
86 with holders of bonds or other instruments of indebtedness
87 issued by local governments, special districts, or district
88 school boards prior to July 1, 2000, that it is not the intent
89 of this subparagraph to adversely affect the rights of those
90 holders or relieve local governments, special districts, or
91 district school boards of the duty to meet their obligations as
92 a result of previous pledges or assignments or trusts entered
93 into which obligated funds received from the distribution to
94 county governments under then-existing s. 550.135. This
95 distribution specifically is in lieu of funds distributed under
96 s. 550.135 prior to July 1, 2000.
97 b. The department shall distribute $166,667 monthly
98 pursuant to s. 288.1162 to each applicant that has been
99 certified as a "facility for a new professional sports
100 franchise" or a "facility for a retained professional sports
101 franchise" pursuant to s. 288.1162. Up to $41,667 shall be
102 distributed monthly by the department to each applicant that has
103 been certified as a "facility for a retained spring training
104 franchise" pursuant to s. 288.1162; however, not more than
105 $416,670 ~~$208,335~~ may be distributed monthly in the aggregate to
106 all certified facilities for a retained spring training
107 franchise. Distributions shall begin 60 days following such
108 certification and shall continue for not more than 30 years.
109 Nothing contained in this paragraph shall be construed to allow
110 an applicant certified pursuant to s. 288.1162 to receive more
111 in distributions than actually expended by the applicant for the

112 public purposes provided for in s. 288.1162(6). ~~However, a~~
113 ~~certified applicant is entitled to receive distributions up to~~
114 ~~the maximum amount allowable and undistributed under this~~
115 ~~section for additional renovations and improvements to the~~
116 ~~facility for the franchise without additional certification.~~
117 c. Beginning 30 days after notice by the Office of
118 Tourism, Trade, and Economic Development to the Department of
119 Revenue that an applicant has been certified as the professional
120 golf hall of fame pursuant to s. 288.1168 and is open to the
121 public, $166,667 shall be distributed monthly, for up to 300
122 months, to the applicant.
123 d. Beginning 30 days after notice by the Office of
124 Tourism, Trade, and Economic Development to the Department of
125 Revenue that the applicant has been certified as the
126 International Game Fish Association World Center facility
127 pursuant to s. 288.1169, and the facility is open to the public,
128 $83,333 shall be distributed monthly, for up to 168 months, to
129 the applicant. This distribution is subject to reduction
130 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
131 made, after certification and before July 1, 2000.
132 8. All other proceeds shall remain with the General
133 Revenue Fund.
134 Section 2. Paragraph (c) of subsection (5) and subsection
135 (7) of section 288.1162, Florida Statutes, are amended to read:
136 288.1162 Professional sports franchises; spring training
137 franchises; duties.--
138 (5)

139 (c)1. The Office of Tourism, Trade, and Economic
140 Development shall competitively evaluate applications for
141 funding of a facility for a retained spring training franchise.
142 Applications must be submitted by October 1, 2000, with
143 certifications to be made by January 1, 2001. If the number of
144 applicants exceeds five and the aggregate funding request of all
145 applications exceeds $208,335 per month, the office shall rank
146 the applications according to a selection criteria, certifying
147 the highest ranked proposals. The evaluation criteria shall
148 include, with priority given in descending order to the
149 following items:
150 a.~~1.~~ The intended use of the funds by the applicant, with
151 priority given to the construction of a new facility.
152 b.~~2.~~ The length of time that the existing franchise has
153 been located in the state, with priority given to retaining
154 franchises that have been in the same location the longest.
155 c.~~3.~~ The length of time that a facility to be used by a
156 retained spring training franchise has been used by one or more
157 spring training franchises, with priority given to a facility
158 that has been in continuous use as a facility for spring
159 training the longest.
160 d.~~4.~~ For those teams leasing a spring training facility
161 from a unit of local government, the remaining time on the lease
162 for facilities used by the spring training franchise, with
163 priority given to the shortest time period remaining on the
164 lease.

165 e.~~5.~~ The duration of the future-use agreement with the
166 retained spring training franchise, with priority given to the
167 future-use agreement having the longest duration.
168 f.~~6.~~ The amount of the local match, with priority given to
169 the largest percentage of local match proposed.
170 g.~~7.~~ The net increase of total active recreation space
171 owned by the applying unit of local government following the
172 acquisition of land for the spring training facility, with
173 priority given to the largest percentage increase of total
174 active recreation space.
175 h.~~8.~~ The location of the facility in a brownfield, an
176 enterprise zone, a community redevelopment area, or other area
177 of targeted development or revitalization included in an Urban
178 Infill Redevelopment Plan, with priority given to facilities
179 located in these areas.
180 i.~~9.~~ The projections on paid attendance attracted by the
181 facility and the proposed effect on the economy of the local
182 community, with priority given to the highest projected paid
183 attendance.
184 2. Beginning July 1, 2006, the Office of Tourism, Trade,
185 and Economic Development shall competitively evaluate
186 applications for funding of facilities for retained spring
187 training franchises in addition to those certified and funded
188 under subparagraph 1. Applications must be submitted by October
189 1, 2006, with certifications to be made by January 1, 2007. The
190 office shall rank the applications according to selection
191 criteria, certifying no more than five proposals. The aggregate
192 funding request of all applicants certified shall not exceed an

193 aggregate funding request of $208,335 per month. The evaluation
194 criteria shall include the following, with priority given in
195 descending order:
196 a. The intended use of the funds by the applicant for
197 acquisition or construction of a new facility.
198 b. The intended use of the funds by the applicant to
199 renovate a facility.
200 c. The length of time that a facility to be used by a
201 retained spring training franchise has been used by one or more
202 spring training franchises, with priority given to a facility
203 that has been in continuous use as a facility for spring
204 training the longest.
205 d. For those teams leasing a spring training facility from
206 a unit of local government, the remaining time on the lease for
207 facilities used by the spring training franchise, with priority
208 given to the shortest time period remaining on the lease. For
209 consideration under this subparagraph, the remaining time on the
210 lease shall not exceed 5 years.
211 e. The duration of the future-use agreement with the
212 retained spring training franchise, with priority given to the
213 future-use agreement having the longest duration.
214 f. The amount of the local match, with priority given to
215 the largest percentage of local match proposed.
216 g. The net increase of total active recreation space owned
217 by the applying unit of local government following the
218 acquisition of land for the spring training facility, with
219 priority given to the largest percentage increase of total
220 active recreation space.

221 h. The location of the facility in a brownfield area, an
222 enterprise zone, a community redevelopment area, or another area
223 of targeted development or revitalization included in an urban
224 infill redevelopment plan, with priority given to facilities
225 located in those areas.
226 i. The projections on paid attendance attracted by the
227 facility and the proposed effect on the economy of the local
228 community, with priority given to the highest projected paid
229 attendance.
230 (7) The Office of Tourism, Trade, and Economic Development
231 shall notify the Department of Revenue of any facility certified
232 as a facility for a new professional sports franchise or a
233 facility for a retained professional sports franchise or as a
234 facility for a retained spring training franchise. The Office of
235 Tourism, Trade, and Economic Development shall certify no more
236 than eight facilities as facilities for a new professional
237 sports franchise or as facilities for a retained professional
238 sports franchise ~~and shall certify at least five as facilities~~
239 ~~for retained spring training franchises~~, including in such total
240 any facilities certified by the Department of Commerce before
241 July 1, 1996. The number of facilities certified as a retained
242 spring training franchise shall be as provided by subsection
243 (5). The office may make no more than one certification for any
244 facility. The office may not certify funding for less than the
245 requested amount to any applicant certified as a facility for a
246 retained spring training franchise.
247 Section 3. This act shall take effect July 1, 2006.

State Infrastructure Council

AMENDMENT PACKET

Tuesday, April 10, 2006
10:00 am – 11:00 am
404 House Office Building

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1107**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Jennings offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 11-12 and insert:
6 (1) That portion of U.S. Highway 301 within Marion,
7 Alachua, and Bradford Counties is designated as "Rosa Parks
8 Memorial Highway."
9
10 ========== T I T L E A M E N D M E N T ==========
11 Remove line(s) 3 and insert:
12 Parks Memorial Highway in Marion, Alachua, and Bradford
13 Counties;

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Amendment No. (for drafter's use only)

Bill No. **1395 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Sorensen offered the following:
3
4 **Amendment (with title amendment)**
5 Between line(s) 82 and 83 insert:
6 (4) Moneys received from the increased fine imposed by
7 subsection 3 shall be remitted to the Department of Revenue and
8 deposited into the Department of Health Administrative Trust
9 Fund to provide financial support to certified trauma centers to
10 assure the availability and accessibility of trauma services
11 throughout the state. Funds deposited into the Administrative
12 Trust Fund under this section shall be allocated as follows:
13 (a) Fifty percent shall be allocated equally among all
14 Level I, Level II, and pediatric trauma centers in recognition
15 of readiness costs for maintaining trauma services.
16 (b) Fifty percent shall be allocated among Level I,Level
17 II, and pediatric trauma centers based on each center's relative
18 volume of trauma cases as reported in the Department of Health
19 Trauma Registry.
20
21

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Amendment No. (for drafter's use only)

22 ========== T I T L E A M E N D M E N T ==========

23 On line 13, after the first semicolon insert:

24 providing for disposition of increases penalties;

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) M. Davis offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Subsections (2) and (10) of section 163.340,
7 Florida Statutes, are amended, and subsection (24) is added to
8 that section, to read:
9 163.340 Definitions.--The following terms, wherever used
10 or referred to in this part, have the following meanings:
11 (2) "Public body" ~~or "taxing authority"~~ means the state or
12 any county, municipality, authority, special district as defined
13 in s. 165.031(5), or other public body of the state, except a
14 school district.
15 (10) "Community redevelopment area" means a slum area, a
16 blighted area, or an area in which there is a shortage of
17 housing that is affordable to residents of low or moderate
18 income, including the elderly, or a coastal and tourist area
19 that is deteriorating and economically distressed due to
20 outdated building density patterns, inadequate transportation
21 and parking facilities, faulty lot layout or inadequate street
22 layout, or a combination thereof which the governing body

23 designates as appropriate for community redevelopment. For
24 community redevelopment agencies created after July 1, 2006, a
25 community redevelopment area may not consist of more than 80
26 percent of a municipality.
27 (24) "Taxing authority" means a public body that levies an
28 ad valorem tax on real property located in a community
29 redevelopment area.
30
31 Section 2. Subsection (2) of section 163.356, Florida Statutes,
32 is amended to read:
33 **163.356 Creation of community redevelopment agency.**
34 2) When the governing body adopts a resolution declaring the
35 need for a community redevelopment agency, that body shall, by
36 ordinance, appoint a board of commissioners of the community
37 redevelopment agency, which shall consist of not fewer than five
38 or more than nine commissioners. The terms of office of the
39 commissioners shall be for 4 years, except that three of the
40 members first appointed shall be designated to serve terms of 1,
41 2, and 3 years, respectively, from the date of their
42 appointments, and all other members shall be designated to serve
43 for terms of 4 years from the date of their appointments. A
44 vacancy occurring during a term shall be filled for the
45 unexpired term. As provided in an interlocal agreement between
46 the governing body that created the agency and one or more
47 taxing authorities, one or more members of the board of

48 commissioners of the agency may be representatives of a taxing
49 authority, including members of that taxing authority's
50 governing body, whose membership on the board of commissioners
51 of the agency would be considered an additional duty of office
52 as a member of the taxing authority governing body.
53 Section 3. Paragraph (d) of Subsection (1) of section
54 163.357, Florida Statutes, is created to read:
55 163.357 Governing body as the community redevelopment
56 agency.--
57 (d) As provided in an interlocal agreement between the
58 governing body that created the agency and one or more taxing
59 authorities, one or more members of the board of commissioners
60 of the agency may be representatives of a taxing authority,
61 including members of that taxing authority's governing body,
62 whose membership on the board of commissioners of the agency
63 would be considered an additional duty of office as a member of
64 the taxing authority governing body.
65 Section 4. Paragraph (d) is added to subsection (2) of
66 section 163.360, Florida Statutes, and subsection (6) of that
67 section is amended, to read:
68 163.360 Community redevelopment plans.--
69 (2) The community redevelopment plan shall:
70 (d) The agency may contract with qualified nonprofit
71 organizations, faith-based organizations, or other entities to
72 develop and provide affordable and workforce housing in the

73 redevelopment area and use funds on deposit in the community
74 redevelopment trust fund to offer incentives for such
75 development, including, but not limited to, low interest or no
76 interest loans through qualified lenders or the agency itself;
77 revolving loans; façade improvement loans or grants; matching,
78 seed, or leverage dollars for loans or grants; developer
79 subsidies; and any other incentives determined to be needed by
80 the agency.
81 (6)(a) The governing body shall hold a public hearing on a
82 community redevelopment plan after public notice thereof by
83 publication in a newspaper having a general circulation in the
84 area of operation of the county or municipality. The notice
85 shall describe the time, date, place, and purpose of the
86 hearing, identify generally the community redevelopment area
87 covered by the plan, and outline the general scope of the
88 community redevelopment plan under consideration.
89 (b) For any governing body that has not authorized by June
90 5, 2006 a study to consider whether a finding of necessity
91 resolution pursuant to 163.355 should be adopted, has not
92 created a community redevelopment agency by March 31, 2007, has
93 not adopted a community redevelopment plan by June 7, 2007, and
94 was not created pursuant to a delegation of authority under s.
95 163.410 by a county that has adopted a home rule charter, the
96 following additional procedures are required prior to adoption
97 by that governing body of a community redevelopment plan under
98 subsection (7):
99 1. Within 30 days after receipt of any community
100 redevelopment plan recommended by a community redevelopment
101 agency under subsection (5), the county may provide written
102 notice by registered mail to the governing body of the
103 municipality and to the community redevelopment agency that the

104 county has competing policy goals and plans for the public funds
105 the county would be required to deposit to the community
106 redevelopment trust fund under the proposed community
107 redevelopment plan.
108 2. If the notice required in subparagraph 1. is timely
109 provided, the governing body of the county and the governing
110 body of the municipality that created the community
111 redevelopment agency shall schedule and hold a joint hearing co-
112 chaired by the chair of the governing body of the county and the
113 mayor of the municipality, with the agenda to be set by the
114 chair of the governing body of the county, at which the
115 competing policy goals for the public funds shall be discussed.
116 For those community redevelopment agencies for which the board
117 of commissioners of the community redevelopment agency are
118 comprised as specified in 163.356(2), a designee of the
119 community redevelopment agency shall participate in the joint
120 meeting as an ex-officio. Any such hearing must be held within
121 90 days after receipt by the county of the recommended community
122 redevelopment plan. Prior to the joint public hearing, the
123 county may propose an alternative redevelopment plan to address
124 the conditions identified in the resolution making a finding of
125 necessity required by s. 163.355. If such an alternative
126 modified redevelopment plan is proposed by the county, such plan
127 shall be delivered to the governing body of the municipality
128 that created the community redevelopment agency and to the
129 executive director or other officer of the community
130 redevelopment agency by registered mail at least 30 days prior
131 to holding the joint meeting.
132 3. If the notice required in subparagraph 1. is timely
133 provided, the municipality may not proceed with the adoption of
134 the plan under subsection (7) until 30 days after the joint

135 hearing unless the governing boy of the county has failed to
136 schedule or a majority of the members of the governing body of
137 the county have failed to attend the joint hearing within the
138 required 90-day period.
139 4. Notwithstanding the time requirements established in
140 subparagraphs 2. and 3., the county and the municipality may at
141 any time voluntarily use the dispute resolution process
142 established in chapter 164 to attempt to resolve any competing
143 policy goals between the county and municipality related to the
144 community redevelopment agency. Nothing in this subparagraph
145 grants the county or the municipality the authority to require
146 the other local government to participate in the dispute
147 resolution process.
148 Section 5. Subsection (3) of section 163.361, Florida
149 Statutes, is amended to read:
150 163.361 Modification of community redevelopment plans.--
151 (3)(a) In addition to the requirements of s. 163.346, and
152 prior to the adoption of any modification to a community
153 redevelopment plan that expands the boundaries of the community
154 redevelopment area or extends the time certain set forth in the
155 redevelopment plan as required by s. 163.362(10), the agency
156 shall report such proposed modification to each taxing authority
157 in writing or by an oral presentation, or both, regarding such
158 proposed modification.
159 (b) For any community redevelopment agency that was not
160 created pursuant to a delegation of authority under s. 163.410
161 by a county that has adopted a home rule charter and that
162 modifies its adopted community redevelopment plan in a manner
163 that expands the boundaries of the redevelopment area after
164 October 1, 2006, the following additional procedures are

165 required prior to adoption by the governing body of a modified
166 community redevelopment plan:
167 1. Within 30 days after receipt of any report of a
168 proposed modification that expands the boundaries of the
169 redevelopment area, the county may provide notice by registered
170 mail to the governing body of the municipality and to the
171 community redevelopment agency that the county has competing
172 policy goals and plans for the public funds the county would be
173 required to deposit to the community redevelopment trust fund
174 under the proposed modification to the community redevelopment
175 plan.
176 2. If the notice required in subparagraph 1. is timely
177 provided, the governing body of the county and the governing
178 body of the municipality that created the community
179 redevelopment agency shall schedule and hold a joint hearing co-
180 chaired by the chair of the governing body of the county and the
181 mayor of the municipality, with the agenda to be set by the
182 chair of the governing body of the county, at which the
183 competing policy goals for the public funds shall be discussed.
184 For those community redevelopment agencies for which the board
185 of commissioners of the community redevelopment agency are
186 comprised as specified in 163.356(2), a designee of the
187 community redevelopment agency shall participate in the joint
188 meeting as an ex-officio. Any such hearing shall be held within
189 90 days after receipt by the county of the recommended
190 modification of the adopted community redevelopment plan. Prior
191 to the joint public hearing, the county may propose an
192 alternative modified community redevelopment plan to address the
193 conditions identified in the resolution making a finding of
194 necessity required under s. 163.355. If such an alternative
195 modified redevelopment plan is proposed by the county, such plan

196 shall be delivered to the governing body of the municipality
197 that created the community redevelopment agency and to the
198 executive director or other officer of the community
199 redevelopment agency by registered mail at least 30 days prior
200 to holding the joint meeting.
201 3. If the notice required in subparagraph 1. is timely
202 provided, the municipality may not proceed with the adoption of
203 a modified plan until 30 days after the joint hearing unless the
204 governing body of the county has failed to schedule or a
205 majority of the members of the governing body of the county have
206 failed to attend the joint hearing within the required 90-day
207 period.
208 4. Notwithstanding the time requirements established in
209 subparagraphs 2. and 3., the county and the municipality may at
210 any time voluntarily use the dispute resolution process
211 established in chapter 164 to attempt to resolve any competing
212 policy goals between the county and municipality related to the
213 community redevelopment agency. Nothing in this subparagraph
214 grants the county or the municipality the authority to require
215 the other local government to participate in the dispute
216 resolution process.
217 Section 6. Paragraphs (c), (e), (h), and (n) of subsection
218 (1), paragraphs (b) and (c) of subsection (2), and paragraph (a)
219 of subsection (3) of section 163.370, Florida Statutes, are
220 amended to read:
221 163.370 Powers; counties and municipalities; community
222 redevelopment agencies.--
223 (1) Every county and municipality shall have all the
224 powers necessary or convenient to carry out and effectuate the
225 purposes and provisions of this part, including the following
226 powers in addition to others herein granted:

227 (c) To undertake and carry out community redevelopment and
228 related activities within the community redevelopment area,
229 which ~~redevelopment~~ may include:
230 1. Acquisition of a slum area or a blighted area or
231 portion thereof.
232 2. Demolition and removal of buildings and improvements.
233 3. Installation, construction, or reconstruction of
234 streets, utilities, parks, playgrounds, public areas of major
235 hotels that are constructed in support of convention centers,
236 including meeting rooms, banquet facilities, parking garages,
237 lobbies, and passageways, and other improvements necessary for
238 carrying out in the community redevelopment area the community
239 redevelopment objectives of this part in accordance with the
240 community redevelopment plan.
241 4. Disposition of any property acquired in the community
242 redevelopment area at its fair value, as provided in s. 163.380,
243 for uses in accordance with the community redevelopment plan.
244 5. Carrying out plans for a program of voluntary or
245 compulsory repair and rehabilitation of buildings or other
246 improvements in accordance with the community redevelopment
247 plan.
248 6. Acquisition of real property in the community
249 redevelopment area which, under the community redevelopment
250 plan, is to be repaired or rehabilitated for dwelling use or
251 related facilities, repair or rehabilitation of the structures
252 for guidance purposes, and resale of the property.
253 7. Acquisition of any other real property in the community
254 redevelopment area when necessary to eliminate unhealthful,
255 unsanitary, or unsafe conditions; lessen density; eliminate
256 obsolete or other uses detrimental to the public welfare; or

257 otherwise to remove or prevent the spread of blight or
258 deterioration or to provide land for needed public facilities.
259 8. Acquisition, without regard to any requirement that the
260 area be a slum or blighted area, of air rights in an area
261 consisting principally of land in highways, railway or subway
262 tracks, bridge or tunnel entrances, or other similar facilities
263 which have a blighting influence on the surrounding area and
264 over which air rights sites are to be developed for the
265 elimination of such blighting influences and for the provision
266 of housing (and related facilities and uses) designed
267 specifically for, and limited to, families and individuals of
268 low or moderate income.
269 9. Construction of foundations and platforms necessary for
270 the provision of air rights sites of housing (and related
271 facilities and uses) designed specifically for, and limited to,
272 families and individuals of low or moderate income.
273 (e) Within the community redevelopment area:
274 1. To enter into any building or property in any community
275 redevelopment area in order to make inspections, surveys,
276 appraisals, soundings, or test borings and to obtain an order
277 for this purpose from a court of competent jurisdiction in the
278 event entry is denied or resisted.
279 2. To acquire by purchase, lease, option, gift, grant,
280 bequest, devise, eminent domain, or otherwise any <u>personal or</u>
281 real property ~~(or personal property for its administrative~~
282 ~~purposes)~~, together with any improvements thereon; except that a
283 community redevelopment agency may not exercise any power of
284 eminent domain unless the exercise has been specifically
285 approved by the governing body of the county or municipality
286 which established the agency.

287 3. To hold, improve, clear, or prepare for redevelopment
288 any such property.
289 4. To mortgage, pledge, hypothecate, or otherwise encumber
290 or dispose of any real property.
291 5. To insure or provide for the insurance of any real or
292 personal property or operations of the county or municipality
293 against any risks or hazards, including the power to pay
294 premiums on any such insurance.
295 6. To enter into any contracts necessary to effectuate the
296 purposes of this part.
297 7. To solicit requests for proposals for redevelopment of
298 parcels of real property contemplated by a community
299 redevelopment plan to be acquired for redevelopment purposes by
300 a community redevelopment agency and, as a result of such
301 requests for proposals, to advertise for the disposition of such
302 real property to private persons pursuant to s. 163.380 prior to
303 acquisition of such real property by the community redevelopment
304 agency.
305 (h) ~~Within its area of operation,~~ To make or have made all
306 surveys and plans necessary to the carrying out of the purposes
307 of this part; to contract with any person, public or private, in
308 making and carrying out such plans; and to adopt or approve,
309 modify, and amend such plans, which plans may include, but are
310 not limited to:
311 1. Plans for carrying out a program of voluntary or
312 compulsory repair and rehabilitation of buildings and
313 improvements.
314 2. Plans for the enforcement of state and local laws,
315 codes, and regulations relating to the use of land and the use
316 and occupancy of buildings and improvements and to the

317 compulsory repair, rehabilitation, demolition, or removal of
318 buildings and improvements.
319 3. Appraisals, title searches, surveys, studies, and other
320 plans and work necessary to prepare for the undertaking of
321 community redevelopment and related activities.
322 (n) ~~Within its area of operation,~~ To organize, coordinate,
323 and direct the administration of the provisions of this part, as
324 they may apply to such county or municipality, in order that the
325 objective of remedying slum and blighted areas and preventing
326 the causes thereof within such county or municipality may be
327 most effectively promoted and achieved and to establish such new
328 office or offices of the county or municipality or to reorganize
329 existing offices in order to carry out such purpose most
330 effectively.
331 (2) The following projects may not be paid for or financed
332 by increment revenues:
333 (b) Installation, construction, reconstruction, repair, or
334 alteration of any publicly owned capital improvements or
335 projects ~~which are not an integral part of or necessary for~~
336 ~~carrying out the community redevelopment plan if such projects~~
337 ~~or improvements are normally financed by the governing body with~~
338 ~~user fees or~~ if such projects or improvements <u>were scheduled to</u>
339 ~~would~~ be installed, constructed, reconstructed, repaired, or
340 altered within 3 years of the approval of the community
341 redevelopment plan by the governing body pursuant to a
342 previously approved public capital improvement or project
343 schedule or plan of the governing body which approved the
344 community redevelopment plan <u>unless and until such projects or</u>
345 <u>improvements have been removed from such schedule or plan of the</u>
346 <u>governing body and 3 years have elapsed since such removal or</u>
347 <u>such projects or improvements were identified in such schedule</u>

348 or plan to be funded, in whole or in part, with funds on deposit
349 within the community redevelopment trust fund.
350 (c) General government operating expenses, including
351 payments or reimbursements for services provided to the agency
352 by any public body, unrelated to the planning and carrying out
353 of a community redevelopment plan.
354 (3) With the approval of the governing body, a community
355 redevelopment agency may:
356 (a) Prior to approval of a community redevelopment plan or
357 approval of any modifications of the plan, acquire real property
358 in a community redevelopment area, demolish and remove any
359 structures on the property, and pay all costs related to the
360 acquisition, demolition, or removal, including any
361 administrative or relocation expenses, provided such acquisition
362 is not pursuant to s. 163.375.
363 Section 7. Subsection (1), paragraphs (a), (b), and (c) of
364 subsection (2), and subsections (3) through (8) of section
365 163.387, Florida Statutes, are amended to read:
366 163.387 Redevelopment trust fund.--
367 (1)(a) After approval of a community redevelopment plan,
368 there may ~~shall~~ be established for each community redevelopment
369 agency created under s. 163.356 a redevelopment trust fund.
370 Funds allocated to and deposited into this fund shall be used by
371 the agency to finance or refinance any community redevelopment
372 it undertakes pursuant to the approved community redevelopment
373 plan. No community redevelopment agency may receive or spend any
374 increment revenues pursuant to this section unless and until the
375 governing body has, by ordinance, created the trust fund and
376 provided for the funding of the redevelopment trust fund until
377 the time certain set forth in the ~~for the duration of a~~
378 community redevelopment plan as required by s. 163.362(10). Such

379 ordinance may be adopted only after the governing body has
380 approved a community redevelopment plan. The annual funding of
381 the redevelopment trust fund shall be in an amount not less than
382 that increment in the income, proceeds, revenues, and funds of
383 each taxing authority derived from or held in connection with
384 the undertaking and carrying out of community redevelopment
385 under this part. Absent an interlocal agreement between the
386 taxing authorities contributing to the trust fund created
387 pursuant to this section, such increment shall be determined
388 annually and shall be that amount equal to 95 percent of the
389 difference between:
390 1. ~~(a)~~ The amount of ad valorem taxes levied each year by
391 each taxing authority, exclusive of any amount from any debt
392 service millage, on taxable real property contained within the
393 geographic boundaries of a community redevelopment area; and
394 2. ~~(b)~~ The amount of ad valorem taxes which would have been
395 produced by the rate upon which the tax is levied each year by
396 or for each taxing authority, exclusive of any debt service
397 millage, upon the total of the assessed value of the taxable
398 real property in the community redevelopment area as shown upon
399 the most recent assessment roll used in connection with the
400 taxation of such property by each taxing authority prior to the
401 effective date of the ordinance providing for the funding of the
402 trust fund.
403
404 However, the governing body of any county as defined in s.
405 125.011(1) may, in the ordinance providing for the funding of a
406 trust fund established with respect to any community
407 redevelopment area created on or after July 1, 1994, determine
408 that the amount to be funded by each taxing authority annually
409 shall be less than 95 percent of the difference between

410 subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event
411 shall such amount be less than 50 percent of such difference.
412 (b)1. For any governing body that has not authorized by
413 June 5, 2006 a study to consider whether a finding of necessity
414 resolution pursuant to 163.355 should be adopted, has not
415 created a community redevelopment agency by March 31, 2007, has
416 not adopted a community redevelopment plan by June 7, 2007, and
417 was not created pursuant to a delegation of authority under s.
418 163.410 by a county that has adopted a home rule charter, the
419 amount of tax increment to be contributed by any taxing
420 authority shall be limited as follows:
421 a. If a taxing authority imposes a millage rate that
422 exceeds the millage rate imposed by the governing body that
423 created the trust fund, the amount of tax increment to be
424 contributed by the taxing authority imposing the higher millage
425 rate shall be calculated using the millage rate imposed by the
426 governing body that created the trust fund. Nothing shall
427 prohibit any taxing authority from voluntarily contributing a
428 tax increment at a higher rate for a period of time as specified
429 by interlocal agreement between the taxing authority and the
430 community redevelopment agency.
431 b. At any time more than 24 years after the fiscal year in
432 which a taxing authority made its first contribution to a
433 redevelopment trust fund, by resolution effective no sooner than
434 the next fiscal year and adopted by majority vote of the taxing
435 authority's governing body at a public hearing held not less
436 than 30 or more than 45 days after written notice by registered
437 mail to the community redevelopment agency and published in a
438 newspaper of general circulation in the redevelopment area, the
439 taxing authority may limit the amount of increment contributed
440 by the taxing authority to the redevelopment trust fund to the

441 amount of increment the taxing authority was obligated to
442 contribute to the redevelopment trust fund in the fiscal year
443 immediately preceding the adoption of such resolution, plus any
444 increase in the increment after the adoption of the resolution
445 computed using the taxable values of any area which is subject
446 to an area reinvestment agreement. As used in this subparagraph,
447 the term "area reinvestment agreement" means an agreement
448 between the community redevelopment agency and a private party,
449 with or without additional parties, which provides that the
450 increment computed for a specific area shall be reinvested in
451 public infrastructure or services, or both, including debt
452 service, supporting one or more projects consistent with the
453 community redevelopment plan that is identified in the agreement
454 to be constructed within that area. Any such reinvestment
455 agreement must specify the estimated total amount of public
456 investment necessary to provide the public infrastructure or
457 services, or both, including any applicable debt service. The
458 contribution to the redevelopment trust fund of the increase in
459 the increment of any area that is subject to an area
460 reinvestment agreement following the passage of a resolution as
461 provided in this sub-subparagraph shall cease when the amount
462 specified in the area reinvestment agreement as necessary to
463 provide the public infrastructure or services, or both,
464 including any applicable debt service, have been invested.
465 2. For any community redevelopment agency that was not
466 created pursuant to a delegation of authority under s. 163.410
467 by a county that has adopted a home rule charter and that
468 modifies its adopted community redevelopment plan after October
469 1, 2006, in a manner that expands the boundaries of the
470 redevelopment area, the amount of increment to be contributed by

471 any taxing authority with respect to the expanded area shall be
472 limited as set forth in sub-subparagraphs 1.a. and b.
473 (2)(a) Except for the purpose of funding the trust fund
474 pursuant to subsection (3), upon the adoption of an ordinance
475 providing for funding of the redevelopment trust fund as
476 provided in this section, each taxing authority shall, by
477 January 1 of each year, appropriate to the trust fund for so
478 long as any indebtedness pledging increment revenues to the
479 payment thereof is outstanding (but not to exceed 30 years) a
480 sum that is no less than the increment as defined and determined
481 in subsection (1) or paragraph (3)(b) accruing to such taxing
482 authority. If the community redevelopment plan is amended or
483 modified pursuant to s. 163.361(1), each such taxing authority
484 shall make the annual appropriation for a period not to exceed
485 30 years after the date the governing body amends the plan.
486 However, for any agency created on or after July 1, 2002, each
487 taxing authority shall make the annual appropriation for a
488 period not to exceed 40 years after the fiscal year in which the
489 initial community redevelopment plan is approved or adopted.
490 (b) Any taxing authority that does not pay the increment
491 revenues to the trust fund by January 1 shall pay to the trust
492 fund an amount equal to 5 percent of the amount of the increment
493 revenues and shall pay interest on the amount of the unpaid
494 increment revenues equal to 1 percent for each month the
495 increment is outstanding, provided the agency may waive such
496 penalty payments in whole or in part.
497 (c) The following public bodies or taxing authorities are
498 exempt from paragraph (a):
499 1. A special district that levies ad valorem taxes on
500 taxable real property in more than one county.

501 2. A special district for which the sole available source
502 of revenue the district has the authority to levy is ad valorem
503 taxes at the time an ordinance is adopted under this section.
504 However, revenues or aid that may be dispensed or appropriated
505 to a district as defined in s. 388.011 at the discretion of an
506 entity other than such district shall not be deemed available.
507 3. A library district, except a library district in a
508 jurisdiction where the community redevelopment agency had
509 validated bonds as of April 30, 1984.
510 4. A neighborhood improvement district created under the
511 Safe Neighborhoods Act.
512 5. A metropolitan transportation authority.
513 6. A water management district created under s. 373.069.
514 (3)(a) Notwithstanding the provisions of subsection (2),
515 the obligation of the governing body which established the
516 community redevelopment agency to fund the redevelopment trust
517 fund annually shall continue until all loans, advances, and
518 indebtedness, if any, and interest thereon, of a community
519 redevelopment agency incurred as a result of redevelopment in a
520 community redevelopment area have been paid.
521 (b) Alternate provisions contained in an interlocal
522 agreement between any of the other taxing authorities and the
523 governing body that created the community redevelopment agency
524 may supersede the provisions of this part. The community
525 redevelopment agency may be an additional party to any such
526 agreement.
527 (4) The revenue bonds and notes of every issue under this
528 part are payable solely out of revenues pledged to and received
529 by a community redevelopment agency and deposited to its
530 redevelopment trust fund. The lien created by such bonds or
531 notes shall not attach until the increment revenues referred to

532 herein are deposited in the redevelopment trust fund at the
533 times, and to the extent that, such increment revenues accrue.
534 The holders of such bonds or notes have no right to require the
535 imposition of any tax or the establishment of any rate of
536 taxation in order to obtain the amounts necessary to pay and
537 retire such bonds or notes.
538 (5) Revenue bonds issued under the provisions of this part
539 shall not be deemed to constitute a debt, liability, or
540 obligation of the ~~local~~ public body or the state or any
541 political subdivision thereof, or a pledge of the faith and
542 credit of the ~~local~~ public body or the state or any political
543 subdivision thereof, but shall be payable solely from the
544 revenues provided therefor. All such revenue bonds shall contain
545 on the face thereof a statement to the effect that the agency
546 shall not be obligated to pay the same or the interest thereon
547 except from the revenues of the community redevelopment agency
548 held for that purpose and that neither the faith and credit nor
549 the taxing power of the ~~local~~ governing body or of the state or
550 of any political subdivision thereof is pledged to the payment
551 of the principal of, or the interest on, such bonds.
552 (6) Moneys in the redevelopment trust fund may be expended
553 from time to time for undertakings of a community redevelopment
554 agency as described in the ~~which are directly related to~~
555 ~~financing or refinancing of redevelopment in a community~~
556 ~~redevelopment area pursuant to an approved~~ community
557 redevelopment plan for the following purposes, including, but
558 not limited to:
559 (a) Administrative and overhead expenses necessary or
560 incidental to the implementation of a community redevelopment
561 plan adopted by the agency.

562 (b) Expenses of redevelopment planning, surveys, and
563 financial analysis, including the reimbursement of the governing
564 body or the community redevelopment agency for such expenses
565 incurred before the redevelopment plan was approved and adopted.
566 (c) The acquisition of real property in the redevelopment
567 area.
568 (d) The clearance and preparation of any redevelopment
569 area for redevelopment and relocation of site occupants within
570 or outside the community redevelopment area as provided in s.
571 163.370.
572 (e) The repayment of principal and interest or any
573 redemption premium for loans, advances, bonds, bond anticipation
574 notes, and any other form of indebtedness.
575 (f) All expenses incidental to or connected with the
576 issuance, sale, redemption, retirement, or purchase of ~~agency~~
577 bonds, bond anticipation notes, or other form of indebtedness,
578 including funding of any reserve, redemption, or other fund or
579 account provided for in the ordinance or resolution authorizing
580 such bonds, notes, or other form of indebtedness.
581 (g) The development of affordable housing within the
582 community redevelopment area.
583 (h) The development of community policing innovations.
584 (7) On the last day of the fiscal year of the community
585 redevelopment agency, any money which remains in the trust fund
586 after the payment of expenses pursuant to subsection (6) for
587 such year shall be:
588 (a) Returned to each taxing authority which paid the
589 increment in the proportion that the amount of the payment of
590 such taxing authority bears to the total amount paid into the
591 trust fund by all taxing authorities ~~within the redevelopment~~
592 ~~area~~ for that year;

593 (b) Used to reduce the amount of any indebtedness to which
594 increment revenues are pledged;
595 (c) Deposited into an escrow account for the purpose of
596 later reducing any indebtedness to which increment revenues are
597 pledged; or
598 (d) Appropriated to a specific redevelopment project
599 pursuant to an approved community redevelopment plan which
600 project will be completed within 3 years from the date of such
601 appropriation.
602 (8) Each community redevelopment agency shall provide for
603 an ~~independent financial~~ audit of the trust fund each fiscal
604 year and a report of such audit to be prepared by an independent
605 certified public accountant or firm. Such report shall describe
606 the amount and source of deposits into, and the amount and
607 purpose of withdrawals from, the trust fund during such fiscal
608 year and the amount of principal and interest paid during such
609 year on any indebtedness to which ~~is pledged~~ increment revenues
610 are pledged and the remaining amount of such indebtedness. The
611 agency shall provide by registered mail a copy of the report to
612 each taxing authority.
613 Section 8. Section 163.410, Florida Statutes, is amended
614 to read:
615 163.410 Exercise of powers in counties with home rule
616 charters.--In any county which has adopted a home rule charter,
617 the powers conferred by this part shall be exercised exclusively
618 by the governing body of such county. However, the governing
619 body of any such county which has adopted a home rule charter
620 may, in its discretion, by resolution delegate the exercise of
621 the powers conferred upon the county by this part within the
622 boundaries of a municipality to the governing body of such a
623 municipality. Such a delegation to a municipality shall confer

624 only such powers upon a municipality as shall be specifically
625 enumerated in the delegating resolution. Any power not
626 specifically delegated shall be reserved exclusively to the
627 governing body of the county. This section does not affect any
628 community redevelopment agency created by a municipality prior
629 to the adoption of a county home rule charter. Unless otherwise
630 provided by an existing ordinance, resolution, or interlocal
631 agreement between any such county and a municipality, the
632 governing body of the county that has adopted a home rule
633 charter shall grant in whole or in part ~~act on~~ any request from
634 a municipality for a delegation of powers or a change in an
635 existing delegation of powers within 120 days after the receipt
636 of all required documentation or such request shall be deemed
637 granted. Within 30 days after receipt of the request, the county
638 shall notify the municipality by registered mail whether the
639 request is complete or if additional information is required.
640 Any request by the county for additional documentation shall
641 specify the deficiencies in the submitted documentation, if any.
642 The county shall notify the municipality by registered mail
643 within 30 days after receiving the additional information
644 whether such additional documentation is complete. The county
645 shall notify the municipality by registered mail within 30 days
646 after receiving the additional documentation whether such
647 information is complete. If the meeting of the county commission
648 at which the request for a delegation of powers or a change in
649 an existing delegation of powers is unable to be held due to
650 events beyond the control of the county, the request shall be
651 acted upon at the next regularly scheduled meeting of the county
652 commission without regard to the 120-day limitation. If the
653 county does not act upon the request at the next regularly

654 scheduled meeting, the request shall be deemed granted
655 ~~immediately sent to the governing body for consideration~~.
656 Section 9. This act shall take effect July 1, 2006.
657
658 ========== T I T L E A M E N D M E N T ==========
659 Remove the entire title and insert:
660 An act relating to community redevelopment; amending s.
661 163.340, F.S.; revising certain definitions; defining the
662 term "taxing authority"; amending s. 163.346, F.S.;
663 revising criteria for a notice to taxing authorities;
664 creating s. 163.354, F.S.; authorizing a local governing
665 body to adopt a resolution establishing a slum and blight
666 study area under certain circumstances; amending s.
667 163.360, F.S.; specifying additional procedures required
668 for adoption of community redevelopment plans by the
669 governing body of certain counties for certain community
670 redevelopment agencies; amending s. 163.361, F.S.;
671 specifying additional procedures required for adoption of
672 a modified community redevelopment plan by a governing
673 body of certain counties for certain community
674 redevelopment agencies; amending s. 163.370, F.S.;
675 revising provisions relating to powers of counties,
676 municipalities, and community redevelopment agencies;
677 revising provisions relating to projects ineligible for
678 increment revenues; amending s. 163.387, F.S.; revising
679 provisions relating to redevelopment trust funds;
680 providing limitations on the amount of tax increment
681 contributions by a taxing authority for certain community
682 redevelopment agencies; authorizing a community
683 redevelopment agency to waive certain increment payment
684 penalties; authorizing alternate provisions in certain

685 interlocal agreements to supersede certain provisions of
686 law; amending s. 163.410, F.S.; providing additional
687 requirements for requests for information relating to
688 requests for delegation of certain powers; providing an
689 effective date.
690