

Chapter 28

COMMUNITY DEVELOPMENT*

* **Editors Note:** Ord. No. 2210, § 6, adopted Feb. 23, 2000, provided for the addition of ch. 28, Community development, §§ 28-1--28-5, and Ord. No. 2233, § 2, added a new § 28-6. See the history note following each section for the derivation of that section. It should also be noted that the inclusion of ch. 28 breaks the alphabetical sequence of chapter titles within the Code.

Sec. 28-1. Creation of community redevelopment agency.

Sec. 28-2. Organization of the community redevelopment agency board.

Sec. 28-3. Agency directors and employees.

Sec. 28-4. Delegation of powers.

Sec. 28-5. Retention of powers.

Sec. 28-6. The redevelopment trust fund.

Sec. 28-1. Creation of community redevelopment agency.

(a) Intent. There is hereby established in the city a community redevelopment agency, to be known as the Plantation Community Redevelopment Agency, herein after referred to as the "agency". The city may change the name of the agency by promulgating a city resolution.

(b) The agency shall be a public body corporate and politic, a legal entity, separate, distinct, and independent of the city as provided by law.
(Ord. No. 2210, § 6, 2-23-2000)

Sec. 28-2. Organization of the community redevelopment agency board.

(a) The agency shall be governed by a board of commissioners. Pursuant to § 163.357(1)(a), Fla. Stat. (1999), the governing body of the city has, by Resolution No. 7846, declared itself to be the agency; consequently, the members of the city's governing body shall be the members of the agency's board of commissioners.

(b) The board shall consist of the six (6) elected officials holding office within the city, and service on the board of the agency shall be ex officio to their elective office.

(c) When serving as an agency commissioner, the mayor shall have the same privilege as any other commissioner in voting upon matters brought to the board for consideration or approval, but shall not have the power of veto.

(d) Four (4) board members shall constitute a quorum for the purpose of conducting the agency's business and exercising the powers of the agency. Action may be taken by the agency upon a vote of the majority of the board commissioners present.

(e) The board may provide by resolution for compensation (including expense reimbursements) to its members.

(f) Each year, at a meeting reasonably near the anniversary date of the community redevelopment agency's creation, the board shall designate a chair and vice chair from among the commissioners. Service as a chair or vice chair shall not affect a commissioner's privilege of voting, debating, or making motions.

(g) Contracts, conveyances, or other legal instruments made by the board shall, unless provided otherwise by resolution, be executed: (i) in the name of the agency; (ii) signed by the chair, or in his or her absence or disability, by the vice chair, or in his or her absence or disability by the mayor of plantation; and, (iii) attested to by the city clerk.
(Ord. No. 2210, § 6, 2-23-2000)

Sec. 28-3. Agency directors and employees.

(a) Until the board provides otherwise by resolution, the city finance director shall be the agency finance officer and is authorized to file with the city and the auditor general, on or before March 31 of each year, a report of the agency's activities for the preceding fiscal year, which report shall include a complete financial statement setting forth the agency's assets, liabilities, income, and operating expenses as of the end of the fiscal year. The agency's fiscal year shall be co-terminus with the fiscal year of the city. Furthermore, the director of finance is also authorized to prepare budgets, and maintain such accounting records and file such reports as are otherwise required for the agency.

(b) Until the board otherwise provides by resolution, the city attorney is authorized to provide legal services to the agency as the board's legal counsel.

(c) The board may by resolution employ an executive director, technical experts, and other such agents and employees, permanent and temporary, as it requires, and determine their qualifications, authority, duties, and compensation.
(Ord. No. 2210, § 6, 2-23-2000)

Sec. 28-4. Delegation of powers.

(a) Prior to the redevelopment plan being approved by Broward County's Board of County Commissioners* the agency shall only exercise the following powers:

* **Editors Note:** The city has advised that Broward County approved Plantation's Redevelopment Plan and approved the exercise of additional community redevelopment powers in promulgating Broward County Resolution No. 2000-910.

- (1) To designate a chair and vice chair from among the commissioners appointed to the agency.
- (2) To employ an executive director, technical experts and such other agents and employees as the board deems necessary for the agency.
- (3) To employ or retain legal counsel and staff.
- (4) To receive and administer from the city or other sources funds and make such expenditures as the board deems necessary, for the administrative expenses and overhead of the agency.

(5) To prepare a community redevelopment plan.

(b) The city hereby delegates and confers to the Plantation Community Redevelopment Agency all powers capable of being exercised by the city pursuant to County Resolution No. 2000-910 and pursuant to Ch. 163.330, et. seq., Florida Statutes, the Community Redevelopment Act of 1969, as amended, with the exception of those specified in section 28-5 of this Code and the following three (3) powers which were retained unto the county:

(1) A boundary change to the community redevelopment area.

(2) An extension to the term of the community redevelopment plan involving the continuing contribution by the taxing authorities beyond the original term.

(3) A change to the plan of such magnitude as would require a Broward County land use plan amendment.

(c) Subject to the foregoing limitations in subsection (b) above, the powers delegated to the agency include, but are not limited to:

(1) All powers needed to protect and preserve and enhance the tax base, including powers to encourage private enterprise pursuant to section 163.345, Florida Statutes (1999) and powers to levy taxes and appropriate funds to a redevelopment trust fund for the preservation and enhancement of the city's tax base and furthering the purpose of the city as contemplated by section 163.353, Florida Statutes (1999);

(2) The power to engage in "community redevelopment" or "redevelopment" as defined in section 163.340(9), Florida Statutes (1999);

(3) The power to engage in "related activities" as defined by section 163.340(12), Florida Statutes (1999);

(4) All powers to create, adopt, amend as necessary, and execute a workable program as contemplated by section 163.350, Florida Statutes (1999);

(5) The power to recommend amendments to the community redevelopment plan the city, its agency, and the county have approved;

(6) The power to issue bonds as set forth in section 163.385, Florida Statutes (1999);

(7) The power to approve the acquisition, demolition, removal, or disposal of property and to assume the responsibility to bear loss;

(8) The power to formulate, approve, modify, and execute community policing innovations;

(9) The power to formulate, provide for, amend, and execute appropriate controls and any restrictions or covenants running with the land sold or leased for private use for such periods of

time and under such conditions as the governing body of the city or its agency deems necessary to effect the purpose of part III, chapter 163, Florida Statutes;

- (10) The power to formulate, provide for, amend, and execute a neighborhood redevelopment plan for the community redevelopment area, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages;
- (11) All powers exercisable by a county or municipality as set forth in section 163.370, Florida Statutes (1999);
- (12) The power to acquire by condemnation, eminent domain, or otherwise, any interest in real property which the city deems necessary for, or in connection with, community redevelopment and related activities under part III, chapter 163, Florida Statutes (1999);
- (13) The power to sell, lease, dispose of, or otherwise transfer real property or any interest therein and to exercise all other powers set forth in section 163.380, Florida Statutes (1999);
- (14) The power to establish, maintain, receive, and collect funds for, and spend funds in a redevelopment trust fund as provided for in section 163.387, Florida Statutes (1999), and to grant exemptions for special districts as provided for by such section; and,
- (15) All powers of cooperation set forth in section 163.400, Florida Statutes (1999).

Where references are made to a codified statutory provision, such references shall be construed to include its successor or amended versions in the future.

(d) Notwithstanding the foregoing, where pursuant to statutory or City Code provisions, approval is required by the city prior to the agency exercising its powers, the foregoing subsections shall not be sufficient for such approval, and instead, such approval shall be evidenced by a specific city resolution (or ordinance). Furthermore, the aforesaid delegation is not exclusive, and the city retains the right to exercise any of the powers delegated herein, and such powers shall not be deemed to be vested exclusively in the agency. (Ord. No. 2210, § 6, 2-23-2000; Ord. No. 2233, § 1, 9-27-2000)

Sec. 28-5. Retention of powers.

In creating the agency, it is the city's intent to grant the agency powers sufficient to accomplish its intended purpose, including all powers necessary or convenient to carry out and effectuate its purposes. However, the following powers are not delegated to the agency and will continue to vest in the governing body of the city:

- (1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings with respect thereto.
- (2) The power to grant final approval to community redevelopment plans and modifications thereof.

- (3) The power to authorize the issuance of revenue bonds as set forth in section 163.385, Florida Statutes (1999).
- (4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in section 163.370(3), Florida Statutes (1999), and the power to assume the responsibility to bear loss as provided in section 163.370(3), Florida. Statutes (1999).
- (5) The power to approve the development of community policing innovations.
- (6) The power to amend the city comprehensive plan, amend the zoning laws and to rezone land within the redevelopment area, and to exercise other powers as a regulatory entity over land development, or otherwise enact laws which affect property within the community redevelopment area.

(Ord. No. 2210, § 6, 2-23-2000)

Sec. 28-6. The redevelopment trust fund.

(a) There is hereby established and created in accordance with the provisions of § 163.387, Florida Statutes (1999) a redevelopment trust fund, which trust fund shall be funded for the duration of the community redevelopment plan, as same may be amended.

(b) The funds allocated to, and deposited into the redevelopment trust fund shall be deemed appropriated to the community redevelopment agency to finance or refinance any community redevelopment it undertakes pursuant to the community redevelopment plan, as same may be amended. The agency shall utilize the funds and revenues paid into and earned by the redevelopment trust fund for all and every community redevelopment purpose as contained in the plan for redevelopment and as provided by law and this Code.

(c) The annual funding of the redevelopment trust fund shall be in an amount not less than that increment and the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five (95) percent of the difference between:

- i. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the community redevelopment area; and,
- ii. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this Ordinance [No. 2233, September 27, 2000].

(d) Each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty

(30) years) a sum that is no less than the increment as defined and determined in subsection (c) above accruing to such taxing authority. If the community redevelopment plan is amended or modified, each such taxing authority shall make the annual appropriation for a period not to exceed thirty (30) years after the date the plan amendment becomes effective.

(e) Any taxing authority that does not pay the increment to the trust fund by January 1 shall pay to the trust fund an amount equal to five (5) percent of the amount of the increment and shall pay interest on the amount of the increment equal to one (1) percent for each month the increment is outstanding.

(f) As used in this chapter, the words "taxing authority" shall mean the state, Broward County, the City of Plantation, and any other authority, special district as defined in § 165.031(3), Florida Statutes (1999), or other public body of the state except a school district, which levies ad valorem taxes on real property located within the geographic boundary of the community redevelopment area. The following public bodies or taxing authorities are exempt from the requirements of this section:

- i. The Gateway 7 Development District, a local government neighborhood improvement district created prior to July 1, 1993.
- ii. The South Florida Water Management District, a water management district created pursuant to section 373.09, Florida Statutes, prior to July 1, 1993.
- iii. The School Board of Broward County, Florida.

(g) A special district that levies ad valorem taxes within the community redevelopment area may, in writing filed with the City Clerk of the City of Plantation, Florida, receive an exemption to the requirements of this section. Any special district wishing to submit a request for an exemption must file its written request with the city clerk within one hundred twenty (120) days after the effective date of this Ordinance [No. 2233, September 27, 2000]. In deciding whether to deny or grant a special district's request for exemption, the governing body of Plantation shall consider:

- i. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.
- ii. The fiscal and operational impact on the community redevelopment agency.
- iii. The fiscal and operational impact on the special district.
- iv. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.
- v. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
- vi. The benefit of the activities of the special district to the approved community redevelopment plan.

vii. The benefit of the activities of the special district to the area of operation of the city.

(h) The city shall hold a public hearing on the special district's request for an exemption after public notice of the hearing is published in a newspaper having a general circulation in Broward County. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption. The special district requesting the exemption shall prepare, the advertisement with the assistance of the city, and shall pay for same.

(i) If the city governing body grants an exemption, it and the special district shall enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

(j) If the city governing body denies a request for the exemption by a special district, the city governing body shall provide the special district with a written analysis specifying the rationale for the denial. This written analysis shall include, but is not required to be limited to, the following information:

- i. A separate, detailed examination of each consideration listed in subsection (g) above.
- ii. Specific examples of how the approved community redevelopment plan will benefit, and has already benefitted, the purpose for which the special district was created.

The decision to either deny or grant an exemption must be made by the city governing body within one hundred twenty (120) days after the written request was submitted.

(k) Notwithstanding the provisions of the subsections above, the obligation of the city to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(l) Any revenue bonds and notes of any issue authorized and issued pursuant to part III, chapter 163, Florida Statutes, and this chapter 28 shall, unless otherwise specifically provided, be payable solely out of revenues pledged to and received by the Plantation Community Redevelopment Agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. Revenue bonds issued under the provisions of the chapter 28 and part III, chapter 163, Florida Statutes, shall not be deemed to constitute a debt, liability, or obligation of the City of Plantation, Broward County, the State of Florida, or any taxing authority making payments to the redevelopment trust fund, or a pledge of the faith and credit of the City of Plantation, the State of Florida, Broward County, or any other of such taxing authorities, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the community redevelopment agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the City of Plantation, Broward County, the State of Florida, or any

other taxing authority making payments to the redevelopment trust fund, are pledged to the payment of the principal of or the interest on, such bonds.

(m) Monies in the redevelopment trust fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in a community redevelopment agency pursuant to an approved plan:

- i. Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.
- ii. Expenses of redevelopment planning, surveys, and financial analyzes, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.
- iii. The acquisition of real property in the redevelopment area.
- iv. The clearance and preparation of any redevelopment area for redevelopment and the relocation of site occupants as provided for in section 163.370, Florida Statutes.
- v. The repayment of interest and principal or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
- vi. All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.
- vii. The development of affordable housing within the area.
- viii. The development of community policing innovations.

(n) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after payment of expenses pursuant to subsection (m) above for such year, shall be:

- i. Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the redevelopment area for that year;
- ii. Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- iii. Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- iv. Appropriated to a specific redevelopment project pursuant to a community redevelopment plan which project will be completed within three (3) years of the date of such appropriation.

(o) The Plantation Community Redevelopment Agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Plantation Community Redevelopment Agency shall provide a copy of the report to each taxing authority.

(p) The Plantation Community Redevelopment Agency fiscal year shall commence on October 1 of each calendar year and shall end on September 30 of the following calendar year. The budget shall be approved by resolution of the agency. The budget shall regulate the expenditures of the agency, and the agency shall make no expenditures or contract for expenditures in any fiscal year, except in pursuance of budgeted appropriations. This subsection shall provide supplemental regulations to agency expenditures that apply to a budget. The budgets will from time to time be amended at the fund level by the resolution approving the weekly expenditures report, and the actual fiscal year-end budgets will be finally reflected in the annual report entitled "General Purpose Financial Statements and Other Schedules". The estimated budgeted appropriations which are approved in any budget may change during the fiscal year based upon actual conditions and, as provided in the preceding sentence, the estimated revenue budget and estimated appropriation budget amounts may be periodically modified by agency resolutions when approving the weekly bill list and shall be reflected in the end of the fiscal year "General Purpose Financial Statements and Other Schedules" report. In the unlikely event that the agency expenditure exceeds the initial estimated budgeted appropriations with interim amendments made by the approval of the weekly expenditure report, the budget, as amended, shall be further amended as soon as possible so as to reflect suitable estimated appropriations for such expenditures; provided that the budget as finally reflected in such general purpose financial statements, shall reflect fund amounts and budgeted appropriations sufficient to cover (offset) all authorized expenditures in such fiscal year. Furthermore, the agency capital project funds shall be budgeted on a year-to-year basis as opposed to a project-life basis.

(q) The same rules that apply to the city as set forth in the following Plantation City Code sections shall apply to the agency's operations, except that the words "city" as used therein shall mean "agency", and the words "city council" shall mean "board of commissioners of the agency":

- i. Chapter 2, article IX, division 2 of this Code pertaining to competitive bids, bid protests, and bid appeals;
- ii. Section 2-268 concerning the payment of money;
- iii. Section 2-270 concerning the application of deposits; and,
- iv. Section 2-271 regarding the imposition, collection, or remittance of fees, surcharges, etc.

(Ord. No. 2233, § 2, 9-27-2000)