

**CITY OF APALACHICOLA  
COMMUNITY REDEVELOPMENT AGENCY**

**OCTOBER 20, 2020 AT 5:00 PM**

**HOLY FAMILY CENTER  
203 DR. FREDERICK S HUMPRIES ST  
APALACHICOLA, FL 32320**

- I. CALL MEETING TO ORDER**
- II. AGENDA ADOPTION**
- III. APPROVAL OF MINUTES**
  - A. September 29, 2020
- IV. PUBLIC COMMENTS**
- V. CRA BOARD MEMBERS COMMENTS**
  - A. CRA – Part-time Administrative Assistant (Commissioner Ash)
- VI. CITY MANAGER COMMENTS**
- VII. FINANCE DIRECTOR COMMENTS**
  - A. FY 2020-2021 Final Budget
- VIII. UNFINISHED BUSINESS**
  - A. Compliance Checklist – Commissioner George (Action Item)
  - B. Vice-Chair CRA Member Jeff Lockley
  - C. CRA Plan Review – Commissioner Grove
    - 1. Mayor Begos edits
- IX. NEW BUSINESS**
- X. ADJOURNMENT**

CITY OF APALACHICOLA  
**COMMUNITY REDEVELOPMENT AGENCY**  
REGULAR MEETING MINUTES SEPTEMBER 29, 2020

**I. CALL MEETING TO ORDER**

The CRA meeting was called to order at 5:00 pm by CRA Chair Commissioner Brenda Ash.

**Members present:** Mayor Begos, Commissioners, Brenda Ash, Adriane Elliott, Despina George, Anita Grove, CRA Member Leslie Coon, CRA Member Jeff Lockley

**Staff present:** City Manager Travis Wade, Finance Director Leo Bebeau

**II. AGENDA ADOPTION**

Motion to approve the agenda with amendments was made by Mayor Kevin Begos and 2<sup>nd</sup> by Commissioner Anita Grove. Added to agenda: Unfinished Business: CRA Plan-Commissioner Grove; added to New Business: Jeff Lockley-Vice Chair position

AYE (7): Ash, Begos, Coon, Elliott, George, Grove, Lockley

NAY (0):

Motion passed, Unanimously

**III. APPROVAL OF MINUTES**

A. March 3, 2020

B. August 11, 2020

C. August 18, 2020

Motion to approve March 3, 2020, August 11, 2020 with corrections, and August 18, 2020 minutes was made by Mayor Kevin Begos and 2<sup>nd</sup> by Commissioner Adriane Elliott.

AYE (7): Ash, Begos, Coon, Elliott, George, Grove, Lockley

NAY (0):

Motion passed, Unanimously

**IV. PUBLIC COMMENTS**

A. Diane Brewer – City Squares

Citizen Diane Brewer written comments were taken into consideration and will be added to the minutes (See Attachment A)

**V. CRA BOARD MEMBERS COMMENTS**

A. Update: Historic Marker - Commissioner Ash

1. St. Paul AME Church

2. Orman House Slave Quarters

Motion to approve Historic Markers funding (\$5000/each) for St. Paul AME Church and the Orman House Slave Quarters was made by Commissioner Elliott and 2<sup>nd</sup> by Commissioner Anita Grove.

AYE (7): Ash, Begos, Coon, Elliott, George, Grove, Lockley

NAY (0):

Motion passed, Unanimously

The Marker site location is needed for both St. Paul AME Church and the Orman House.

Commissioner Grove recommends including the Holy Family and Mt. Zion Missionary Baptist Church for the next grant cycle.

**VI. CITY MANAGER COMMENTS**

A. Update: 6th Street Tennis/Basketball Court

City Manager Wade: Due to the rain, the resurfacing has been postponed. Mayor Kevin Begos will clarify the legal size of the tennis court.

**VII. FINANCE DIRECTOR COMMENTS**

- A. Update: 2019-2020 Budget (See Attachment B)
- B. 2020-2021 BUDGET

Finance Director Leo Bebeau summarized the budget and reminded the Board that the \$174,158.33 must be appropriated before the end of the fiscal year.

**VIII. UNFINISHED BUSINESS**

- A. CRA Plan

Commissioner Grove requests the review and revisions of the CRA Plan be added to the October CRA agenda. All members should review them and make suggestions. Any proposed changes should be sent to the City Manager on or before October 14<sup>th</sup>.

Manager Wade will email the CRA map to all members.

**IX. NEW BUSINESS**

- A. FY 2020-2021 CRA Meeting Schedule – Commissioner Ash

Commissioner Brenda Ash presented a meeting calendar for the fiscal year 2020-2021, which was accepted by all CRA members (See Attachment C)

- B. 2020 CRA Members Proposed Projects

- 1. Budget Considerations - Mayor Begos

Mayor Kevin Begos presented the CRA proposed allocations for FY2019-2020. (See Attachment D)

Motion to approve the appropriations was made by Commissioner Adriane Elliott and 2<sup>nd</sup> by Mayor Begos. The motion was amended by Commissioner Adriane Elliott and 2<sup>nd</sup> by Mayor Begos to increase the total appropriation amount to \$175,000.00.

AYE (7): Ash, Begos, Coon, Elliott, George, Grove, Lockley

NAY (0):

Motion passed, Unanimously

- B. CRA Trust Fund Balance – Commissioner George

This topic was included in the Finance Director's report.

- C. Compliance Checklist – Commissioner George

This topic was tabled. To be discussed in the October CRA meeting.

- D. Other CRA Member Considerations

Jeff Lockley Vice-Chair discussion tabled. To be discussed at the October CRA meeting.

**X. ADJOURNMENT**

Motion to adjourn the meeting was made by Commissioner Despina George and 2<sup>nd</sup> by Commissioner Adriane Elliott

AYE (7): Ash, Begos, Coon, Elliott, George, Grove, Lockley

NAY (0):

Motion passed, Unanimously

**Diane K. Brewer  
159 Avenue B  
Apalachicola, Fl. 32320**

September 22, 2020

Mayor Kevin Begos  
Commissioners Ash, Elliott, George and Grove  
192 Coach Wagoner Blvd.  
Apalachicola, Fl. 32320

Dear Mayor and Commissioners,

Thanks for giving me time at the CRA and City Commission meetings to bring to your attention a vacant City-owned lot adjacent to Franklin Square and 2 more vacant City-owned lots just ½ block away from Madison Square. Since none of the squares has any dedicated parking, it is important that these 3 lots NOT BE SOLD. At little cost to the City, these 3 lots can be easily converted to parking spaces that can facilitate events on the squares such as the African American History Festival and other events it is hoped will take place on these historic squares.

Restoring the squares is a long term project that began in earnest 5 years ago when City Square was being threatened by an unwelcome CVS megastore. The plight of the squares first came to prominence in 1975 when native son and architect Willoughby Marshall wrote his award-winning study Apalachicola: Economic Prosperity through Historic Preservation noting in it "the squares are not lost forever. They are hiding in plain sight and can be recovered." His work led to the creation of Apalachicola's nationally designated historic district and was adopted by the City in its Land Development Code.

Inspired by Marshall, what began as a grass roots movement has steadily gained momentum. The following are the project's recent achievements:

- 1) The Restore the Squares project is endorsed by the Apalachicola Area Historic Society (AAHS), the City's Recreation Committee and Rotary Club, and Historic Apalachicola Plat Protection, Inc. (HAPPI)
- 2) The Apalachicola City Commission unanimously passed resolutions in 2015 and 2017 protecting the squares from development and long term leases that could inhibit restoration
- 3) Historic Apalachicola Foundation (HAF), another private nonprofit, formally adopted the project and paid for the survey of one square
- 4) A facebook page now with more than 500 followers and go fund me site were created
- 5) A public fund raiser was held that helped raise enough money to pay for the survey of another square
- 6) A presentation was given at the Raney House in the 2018 AAHS series
- 7) A brochure on the squares was created and distributed in 2019 paid for by the TDC.

- 8) WFSU-TV (PBS) created and aired a 6 ½ minute show on the squares with drone photos taken 500 feet up (2020)
- 9) FAMU-FSU College of Engineering chose the restoration of the squares as one of its 2020-21 Senior Design Projects

When the College's work is done in November/December this year, the Restore the Squares project will be ready for public presentation of the restoration design and grants for buildable plans and construction for the approved design can be applied for. Though Willoughby Marshall did not live to see restoration completed, thank you for recognizing the long-term benefits of restoration of these historic assets to Apalachicola.

Sincerely,

Diane K. Brewer

Cc: Travis Wade, City Manager  
Kristy Branch Banks, City Attorney

City of Apalachicola  
Community Redevelopment Authority

Schedule of Funds Available for Projects

Cash Balance as of 9/21/2020				\$219,124.99
Outstanding Contracts				
Basketball Court/Tennis Court Resurfacing	Obligated		16866.66	
Historical Marker (2)	Appropriated		5,000.00	
Alley Improvement	Appropriated		17,000.00	
Stop Signs (50 @ \$ 122)	Appropriated		6,100.00	
				44966.66
Net Balance of Funds Not Obligated as of 9/30/2020				\$174,158.33
2020-2021 Income				
Past Due from City of Apalachicola			75581.00	
2020-2021 City of Apalachicola Contribution			60097.00	
2020-2021 Franklin County Contribution			53914.00	
Additional Funds Available in Fiscal 2020-2021			189592.00	
<b>TOTAL FUNDS AVAILABLE BY SEPTEMBER 30, 2021</b>				<b>\$363,750.33</b>

CITY OF APALACHICOLA-CRA  
2020-2021 MEETING SCHEDULE  
CRA MEETINGS WILL BE HELD THE 3<sup>RD</sup> TUESDAY EACH MONTH AT 5:00 P.M.  
(Unless otherwise stated)

October 20, 2020	April 20, 2021
November 17, 2020	May 18, 2021
December 15, 2020	June 15, 2021
January 19, 2021	July 20, 2021
February 16, 2021	August 16, 2021
March 16, 2021	September 21, 2021

Note: CRA Budget may be an agenda item at each meeting

- All submittals for the CRA must be made at least seven (7) business days prior to the next scheduled meeting.
- Unless otherwise posted, all meetings are held on the 3<sup>rd</sup> Tuesday of each month at 5:00 PM located at:  
Apalachicola Community Center  
1 Bay Avenue  
Apalachicola, FL 32320

Meeting Agenda will be posted on the City of Apalachicola's bulletin boards and website prior to the meetings. Prior notification will be given if the meeting scheduled is changed.

**CITY OF APALACHICOLA  
COMMUNITY REDEVELOPMENT AGENCY  
REQUEST FOR BOARD ACTION  
Meeting Date: Sept. 29, 2020**

**SUBJECT:** CRA Budget Items

**AGENDA INFORMATION:**

**Agenda Location:** New Business, Item A

**Presenter:** Mayor Begos

**BRIEF SUMMARY:**

The CRA has approximately \$202,258.33 in its current budget, and \$28,100 already appropriated. That leaves \$174,158.33 to be budgeted.

Several urgent needs have become apparent in recent weeks, and it is suggested that these projects be budgeted:

Roof repairs at Holy Family Senior Center:	\$25,000
Urgent safety upgrades and electrical work at Scipio Creek Boat Yard:	<del>\$10,000</del> <u>\$12,500</u>
a. Lift tires and repairs, underground 220v electric, lighting.	
Downtown and Hill Community FloVac Stormwater system:	<u>\$125,000</u>
Removing blighted structures in Hill area: <del>\$5,000</del>	<u>\$7,500</u>
Legal/Professional research into CRA Plan revisions:	\$5,000
Total suggested new budget items: <del>\$170,000</del>	<u>\$175,000</u>
Consideration:	
Demolish Old Fire Station (TBD)	<u>\$15,000</u>

~~Strike~~ = deleted

Underline = added



**CRA - COMMUNITY REDEVELOPMENT AUTHORITY**

**BUDGET for October 1, 2020 to September 30, 2021**

**VERSION FINAL 2.0**

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	Budget Amendment 2020-001	AMENDED CURRENT YEAR BUDGET	FINAL @ 9-30-20	DEPT REQUEST FY 20-21	Manager Recommended Rollback Funded @70%	ADOPTED BUDGET 2020-2021	COMMENT OR EXPLANATION
REVENUE	CITY OF APALACHICOLA - Prior Year Payable	32,500	-22,500	10,000	85,581		75,581	75,581	After \$10,000 & \$75,581 payments, balance due is \$75,581.00.
	CITY OF APALACHICOLA - Current Year Contribution	6,600	55,800	55,800	55,800		60,097	60,097	
	MAINSTREET	47,503	6,600	47,503	0		219,125	0	City made payments so balance of funds increases
	BALANCE FORWARD		35,000	35,000	43,158		53,914	53,914	Per Erin Griffith @ Franklin 8/12/2020
	FRANKLIN COUNTY INTEREST INCOME				67				
<b>TOTAL REVENUE</b>		<b>\$86,603</b>	<b>\$68,300</b>	<b>\$154,903</b>	<b>\$232,109</b>	<b>\$0</b>	<b>\$408,717</b>	<b>\$189,592</b>	
PERSONNEL	SALARIES & WAGES	9,800			1,712	0	0	0	(Less: \$3783 from Mainstreet Calendar 04 2019)
	SOCIAL SECURITY	800			371	0	0	0	
	RETIREMENT	900			529	0	0	0	
	GROUP INSURANCE	1,700			627	0	0	0	
<b>TOTALS PERSONNEL</b>		<b>\$3,200</b>			<b>\$3,239</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
OPERATING EXPENSES	PROFESSIONAL SERVICES (legal)	0			50	0	1,500	1,500	2.5% Fee
	OPERATING EXPENSES	1,500			420	0	3,800	3,800	This board does not require additional D & O Insurance. As Commission sits on board, coverage for the governing body covers all members of this board.
	D & O INSURANCE				0	0	0	0	
	TRAVEL & TRAINING	0			0	0	0	0	
	MICRO PROJECTS	15,000			0	0	0	0	
	TRANSFER TO GENERAL FUND	0			0	0	0	0	
<b>TOTAL OPERATING EXPENSES</b>		<b>\$16,500</b>			<b>\$470</b>	<b>\$0</b>	<b>\$5,300</b>	<b>\$5,300</b>	
CAPITAL OUTLAY	CAPITAL OUTLAY - Deposit Resurfacing				8,433	0			
	CAPITAL OUTLAY - Obligated	56,900			44,967	0	270,425	184,292	
	CAPITAL OUTLAY - Future Projects	\$56,900			175,000	\$0	\$270,425	\$184,292	
<b>TOTAL CAPITAL OUTLAY</b>		<b>\$56,900</b>			<b>\$228,400</b>	<b>\$0</b>	<b>\$270,425</b>	<b>\$184,292</b>	
DEBT PAYMENT	DEBT PAYMENT	0			0	0	0	0	
<b>TOTAL DEBT PAYMENT</b>		<b>\$0</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>TOTAL EXPENSES</b>		<b>\$86,600</b>			<b>\$232,109</b>	<b>\$0</b>	<b>\$275,725</b>	<b>\$189,592</b>	
<b>TOTAL CRA SURPLUS / (DEFICIT)</b>		<b>\$3</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	

CAPITAL OUTLAY	\$
Franklin Square Basketball Court & Tennis Court	16,987
Historical Marker (2)	5,000
Adey Improvement	17,000
Stop Signs (50 @ \$ 122)	6,100
Appropriated	44,987
Holy Family Roof	25,000
Safety Upgrades for Scipio Creek	12,500
Downtown, Hill Flo/Vac Stormwater	125,000
Remove Blighted Structures	7,500
CRA Plan Revisions	5,000
<b>NEW Projected Projects</b>	<b>175,000</b>

CONTRIBUTION CALCULATION ROLLEBACK	
Base Year	31,376,822
Current Year	40,915,846
Increment	9,539,024
TRIM 55%	9,062,073
Roll Back 9,0001	\$81,560
FULLY FUNDED AT 95%	\$60,097
FUNDED AT 70%	\$42,926
FUNDED AT 50%	\$42,926

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Community Redevelopment Act

The Community Redevelopment Act of 1969 (Act)<sup>1</sup> authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas. The Act defines a "blighted area" as an area in which there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and two or more of the following factors are present:

- Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the five years prior to the finding of such conditions;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of site or other improvements;
- Inadequate and outdated building density patterns;
- Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- Tax or special assessment delinquency exceeding the fair value of the land;
- Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- Incidence of crime in the area higher than in the remainder of the county or municipality;
- Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- 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;
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area;
- Governmentally owned property with adverse environmental conditions caused by a public or private entity; or
- A substantial number or percentage of properties damaged by sinkhole activity that have not been adequately repaired or stabilized.<sup>2</sup>

An area also may be classified as blighted if one of the above factors is present and all taxing authorities with jurisdiction over the area have agreed that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.<sup>3</sup>

The Act defines a "slum area" as "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" in poor states of repair with one of the following factors present:

- Inadequate provision for ventilation, light, air, sanitation, or open spaces;

---

<sup>1</sup> Ch. 163, part III, F.S.

<sup>2</sup> S. 163.340(8), F.S.

<sup>3</sup> *Id.*

- 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
- The existence of conditions that endanger life or property by fire or other causes.<sup>4</sup>

### Creation of Community Redevelopment Agencies

Either a county or a municipal government may create a CRA. Before creating a CRA, a county or municipal government must adopt a resolution with a "finding of necessity."<sup>5</sup> This resolution must make legislative findings "supported by data and analysis" that the area to be included in the CRA's jurisdiction is either blighted or a slum and that redevelopment of the area is necessary to promote "the public health, safety, morals, or welfare" of residents.<sup>6</sup>

A county or municipality may create a CRA upon the adoption of a finding of necessity and a finding that a CRA is necessary for carrying out the community redevelopment goals embodied by the Act.<sup>7</sup> A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county. A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.<sup>8</sup>

The ability to create, expand, or modify a CRA is also determined by the county's status as a charter or non-charter county, as summarized below:

County Status	Authority
Charter County - CRA created after adoption of charter <sup>9</sup>	County possesses authority to create CRAs within the county, but may delegate authority to a municipality via interlocal agreement.
Charter County - CRA created before adoption of charter <sup>10</sup>	County does not have authority over CRA operations, including modification of redevelopment plan or expansion of CRA boundaries.
Non-Charter County <sup>11</sup>	County does not have authority over CRA operations, including modification of redevelopment plan or expansion of CRA boundaries.

As of March 1, 2019, there were 227 CRAs in Florida, which is a 30 percent increase over the past decade.<sup>12</sup>

### Community Redevelopment Agency Boards

The Act allows the local governing body creating a CRA to choose between two structures when establishing the agency's governing board.

<sup>4</sup> S. 163.340(7), F.S.

<sup>5</sup> See s. 163.355, F.S. (prohibiting counties and municipalities from exercising powers under the Act without a finding of necessity).

<sup>6</sup> *Id.*

<sup>7</sup> S. 163.356(1), F.S.

<sup>8</sup> S. 163.340(10), F.S.

<sup>9</sup> S. 163.410, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> S. 163.415, F.S.

<sup>12</sup> Dept. of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last visited Mar. 1, 2019) (227 active CRAs as of Mar. 1, 2019, compared to 200 active CRAs with creation dates on or before Mar. 1, 2009).

One option is to appoint a board of commissioners consisting of five to nine members serving four-year terms.<sup>13</sup> The local governing body may appoint any person as a commissioner who lives in or is engaged in business in the agency's area of operation.<sup>14</sup> The local governing body making the appointment selects the chair and vice chair of the commission.<sup>15</sup> Commissioners are not entitled to compensation for their services, but may receive reimbursement for expenses incurred in the discharge of their official duties.<sup>16</sup> Commissioners and employees of an agency are subject to the code of ethics for public officers and employees under ch. 112, F.S.<sup>17</sup>

The other option is for the local governing body to appoint itself as the agency board of commissioners.<sup>18</sup> If the local governing body consists of five members, the local governing body may appoint two additional members to four-year terms.<sup>19</sup> The additional members either must meet the selection criteria for appointed board members under s. 163.356, F.S., or may be representatives of another taxing authority within the agency's area of operation, subject to an interlocal agreement between the local governing body creating the CRA and the other taxing authority.<sup>20</sup>

As of March 1, 2019, the local governing body creating the CRA serves as the CRA board for 159 of the 227 active CRAs.<sup>21</sup>

### Community Redevelopment Agency Operations

The CRA board of commissioners is responsible for exercising the powers of the agency.<sup>22</sup> A majority of the board's members are required for a quorum. A CRA may employ an executive director, technical experts, legal counsel, and other agents and employees necessary to fulfill its duties.<sup>23</sup>

A CRA exercising its powers under the Act must file an annual report with the governing body of the creating local government entity.<sup>24</sup> The report must contain a complete financial statement of the assets, liabilities, income, and operating expenses of the agency. The CRA must publish a notice in a newspaper of general circulation in the community that the report has been filed and is available for inspection during business hours in the office of the clerk of the city or county commission and the office of the agency.

As a type of dependent special district,<sup>25</sup> a CRA also must maintain certain information on an official website.<sup>26</sup> The website may be part of the creating governmental entity's website.<sup>27</sup> The information

<sup>13</sup> S. 163.356(2), F.S.

<sup>14</sup> S. 163.356(3)(b), F.S. A person is "engaged in business" if he or she owns a business, performs services for compensation, or serves as an officer or director of a business that owns property or performs services in the agency's area of operation.

<sup>15</sup> S. 163.356(3)(c), F.S.

<sup>16</sup> S. 163.356(3)(a), F.S.

<sup>17</sup> S. 163.367(1), F.S. *but cf.* s. 112.3142, F.S. (requiring ethics training for specific constitutional officers and elected municipal officers).

<sup>18</sup> S. 163.357(1)(a), F.S.

<sup>19</sup> S. 163.357(1)(c), F.S.

<sup>20</sup> S. 163.357(1)(c)-(d), F.S.

<sup>21</sup> Dept. of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last visited Mar. 1, 2019).

<sup>22</sup> S. 163.356(3)(b), F.S.

<sup>23</sup> S. 163.356(3)(c), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> See s. 189.012(2), F.S. (defining "dependent special district" as any special district that meets at least one of the following criteria: the membership of its governing body is identical to that of the governing body of a single county or a single municipality; all members of its governing body are appointed by the governing body of a single county or a single municipality; members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality during their unexpired terms; or the district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.)

required to be posted includes the public purpose of the CRA,<sup>26</sup> the description of the CRA's boundaries and the services it provides,<sup>27</sup> a listing of all amounts collected for the fiscal year by the CRA and the sources of those revenues,<sup>28</sup> the CRA's budget and any amendments,<sup>29</sup> and the final, complete audit report for the CRA's most recently completed fiscal year as well as all other audit reports required by law.<sup>32</sup>

### Community Redevelopment Plans

A community redevelopment plan must be in place before a CRA can engage in operations.<sup>33</sup> The county, the municipality, the CRA itself, or members of the public may submit the plan. Once the plan is submitted, the CRA then chooses which plan it will use as its community redevelopment plan.<sup>34</sup> Next, the CRA must submit the plan to the local planning agency for review before the plan can be considered.<sup>35</sup> The local planning agency must complete its review within 60 days.

The CRA must submit the community redevelopment plan to the governing body that created the CRA as well as each taxing authority that levies ad valorem taxes on taxable real property contained in the boundaries of the CRA.<sup>36</sup> The local governing body that created the CRA must hold a public hearing before the plan is approved.<sup>37</sup>

To approve the plan, the local governing body must find that:

- A feasible method exists to relocate families who will be displaced by redevelopment in safe and sanitary accommodations within their means and without undue hardship;
- The community redevelopment plan conforms to the general plan of the county or municipality as a whole;
- The community redevelopment plan gives due consideration to the utilization of community policing innovations and other factors encouraging neighborhood improvement, with special consideration for impacts on children;
- The community redevelopment plan encourages redevelopment by private enterprise to the maximum possible extent; and
- The community redevelopment plan will reduce or maintain evacuation time and ensure protection for property against exposure to natural disasters if the CRA is in a coastal tourist area.<sup>38</sup>

The community redevelopment plan must also:

- Conform to the comprehensive plan for the county or municipality;
- Indicate land acquisition, demolition, and removal of structures; redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements; and

---

S. 189.069(1), F.S.

<sup>27</sup> S. 189.069(1)(b), F.S.

<sup>28</sup> S. 189.069(2)(a)2., F.S.

<sup>29</sup> S. 189.069(2)(a)7., F.S.

<sup>30</sup> S. 189.069(2)(a)8., F.S.

<sup>31</sup> S. 189.069(2)(a)11., F.S.

<sup>32</sup> S. 189.069(2)(a)12., F.S. See the section of the analysis on "Annual Financial Reports for Local Government Entities."

<sup>33</sup> S. 163.360(1), F.S.

<sup>34</sup> S. 163.360(4), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> S. 163.360(5), F.S.

<sup>37</sup> S. 163.360(6), F.S.

<sup>38</sup> S. 163.360(7), F.S.



- Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing.<sup>39</sup>

### Redevelopment Trust Fund

CRA's may not levy or collect taxes; however, the local governing body may establish a community redevelopment trust fund that is funded through tax increment financing (TIF). The amount of TIF available to the agency in a given year is equal to 95 percent of the difference between:

- The amount of ad valorem taxes levied in the current year by each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and
- The amount of ad valorem taxes that would have been produced by levying the current year's millage rate for each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area at the total assessed value of the taxable real property prior to the effective date of the ordinance providing for the redevelopment trust fund.<sup>40</sup>

A CRA created by Miami-Dade County on or after July 1, 1994, may set the amount of funding provided at less than 95 percent, with a floor of 50 percent.<sup>41</sup>

The TIF authority of a CRA may be limited where the CRA:

- Did not authorize a study to consider whether a finding of necessity resolution should be adopted by June 5, 2006, did not adopt a finding of necessity study by March 31, 2007, did not adopt a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410, F.S., by a charter county;<sup>42</sup> or
- Adopted a modified community redevelopment plan after October 1, 2006, which expands the boundaries of the community redevelopment area, if the CRA is in a charter county and was not created pursuant to a delegation of authority under s. 163.410, F.S.<sup>43</sup>

If either of these conditions occurs, a CRA may have TIF proceeds from other taxing entities capped at the millage rate imposed by the municipality that created the CRA.<sup>44</sup> If either of these conditions occurs and the CRA is more than 25 years old, the CRA's TIF contributions from another taxing authority may be capped by resolution of the taxing authority at the sum of the amount of TIF available in the year before the resolution was approved and any increased increment subject to an area reinvestment agreement.<sup>45</sup>

Each taxing authority must transfer TIF funds to the redevelopment trust fund of the CRA by January 1 of each year. For CRA's created before July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for a period of no more than 60 years from when the community redevelopment plan was adopted or no more than 30 years from when the plan was amended,

<sup>39</sup> S. 163.360(2), F.S.

<sup>40</sup> S. 163.387(1)(a), F.S.

<sup>41</sup> *Id.* As of March 1, 2019, there were 10 CRA's operating in Miami-Dade County created after this provision took effect. See Dept. of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <http://specialdistrictreports.floridajobs.org/vwebreports/mainindex.aspx> (last visited Mar. 1, 2019).

<sup>42</sup> S. 163.387(1)(b)1., F.S.

<sup>43</sup> S. 163.387(1)(b)2., F.S.

<sup>44</sup> S. 163.387(1)(b)1.a., F.S.

<sup>45</sup> S. 163.387(1)(b)1.b., F.S. An "area reinvestment agreement" is an agreement between the CRA and a private party that requires the increment computed for a specific area to be reinvested in services or public or private projects, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan, which is identified in the agreement to be constructed within that area.

whichever is lesser. For CRAs created on or after July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for no more than 40 years from when the community redevelopment plan was adopted.<sup>46</sup> If there are any outstanding loans, advances, or indebtedness at the conclusion of these periods, the local governing body that created the CRA must continue transfers to the redevelopment trust fund until the debt has been retired.<sup>47</sup>

If a taxing authority does not transfer the TIF funds to the redevelopment trust fund, the taxing authority is required to pay a penalty of 5 percent of the TIF amount to the trust fund as well as 1 percent interest per month for the outstanding amount.<sup>48</sup> A CRA may choose to waive these penalties in whole or in part.

The following taxing authorities are exempt from contributing to the redevelopment trust fund:

- A school district;<sup>49</sup>
- A special district that levies ad valorem taxes on taxable real property in more than one county;
- A special district for which ad valorem taxation is the sole source of revenue;
- A library district, unless the library district is in a jurisdiction where the CRA had validated bonds as of April 30, 1984;
- A neighborhood improvement district;
- A metropolitan transportation authority;
- A water management district created under s. 373.069, F.S.; and
- A hospital district that is a special district if the CRA was created on or after July 1, 2016.<sup>50</sup>

Additionally, the local governing body creating the CRA may choose to exempt other special districts levying ad valorem taxes in the community redevelopment area.<sup>51</sup> The decision to grant the exemption must be based on statutory criteria, must be adopted at a public hearing, and the conditions of the exemption must be included in an interlocal agreement between the county or municipality and the special district.

Any revenue bonds issued by the CRA are payable from revenues pledged to and received by the CRA and deposited into the redevelopment trust fund.<sup>52</sup> The lien created by the revenue bonds does not attach to the funds until the revenues are deposited in the redevelopment trust fund and do not grant bondholders any right to require taxation in order to retire the bond. Revenue bonds issued by a CRA are not a liability of the state or any political subdivision of the state and this status must be made clear on the face of the bond.<sup>53</sup>

A CRA may spend funds deposited in its redevelopment trust fund for "purposes, including, but not limited to":

- Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency;
- Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the CRA for such expenses incurred before the redevelopment plan was approved and adopted;
- Acquisition of real property in the redevelopment area;

---

<sup>46</sup> S. 163.387(2)(a), F.S.

<sup>47</sup> S. 163.387(3)(a), F.S.

<sup>48</sup> S. 163.387(2)(b), F.S.

<sup>49</sup> See s. 163.340, F.S. (defining a "taxing authority" as "a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area" and defining a "public body" as excluding school districts.)

<sup>50</sup> S. 163.387(2)(c), F.S.

<sup>51</sup> S. 163.387(2)(d), F.S.

<sup>52</sup> S. 163.387(4), F.S.

<sup>53</sup> S. 163.387(5), F.S.



- Clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370, F.S.;
- Repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness;
- All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of 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;
- Development of affordable housing within the community redevelopment area; and
- Development of community policing innovations.<sup>54</sup>

If any funds remain in the redevelopment trust fund on the last day of the fiscal year, the funds must be:

- Returned to each taxing authority on a pro rata basis;
- Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan and the project must be completed within three years from the date of such appropriation.<sup>55</sup>

Each CRA must provide for an annual audit of its redevelopment trust fund, conducted by an independent certified public accountant or firm.<sup>56</sup>

#### Community Redevelopment Agency Oversight and Accountability

##### *Miami-Dade County Grand Jury Report*

A Miami-Dade County grand jury issued a report in 2016 after "learning of several examples of mismanagement of large amounts of public dollars" by CRAs.<sup>57</sup> The report found that some CRA boards were "spending large amounts of taxpayer dollars on what appeared to be pet projects of elected officials" and "there is a significant danger of CRA funds being used as a slush fund for elected officials."<sup>58</sup> In the event funds were misused, the report found that the Act lacked any accountability and enforcement measures.

The report noted that while county and municipal governments may not pledge ad valorem tax proceeds to finance bonds without voter approval, the board of a CRA could pledge TIF funds to finance bonds without any public input.<sup>59</sup>

The grand jury found that redevelopment trust fund money was often used "without the exercise of any process of due diligence, without justification and without recourse."<sup>60</sup> The report noted that the Act does not provide guidelines for the proper use of CRA funds, resulting in questionable expenditures.<sup>61</sup> For example, one CRA highlighted in the report spent \$300,000 of its \$400,000 budget on administrative expenses. The report also found examples of the CRA funds being used to fund fairs,

<sup>54</sup> S. 163.387(6), F.S.

<sup>55</sup> S. 163.387(7), F.S.

<sup>56</sup> S. 163.387(8), F.S.

<sup>57</sup> Miami-Dade County Grand Jury, *Final Report for Spring Term A.D. 2015*, at 1 (filed Feb. 3, 2016).

<sup>58</sup> *Id.* at 7.

<sup>59</sup> *Id.* at 9.

<sup>60</sup> *Id.* at 14.

<sup>61</sup> *Id.* at 15.



carnivals, and other community entertainment events.<sup>62</sup> Additionally, the report found that funds might have been misused as part of the CRA contracting process since there is no specified procurement process for CRAs.<sup>63</sup>

While the Act states affordable housing is one of the three primary purposes for the existence of CRAs, the report found that the provision of affordable housing by CRAs "appears to be the exception and not the rule."<sup>64</sup> The report stated that while CRAs cite prohibitive costs as a reason for not developing affordable housing, funds are often used for other purposes.<sup>65</sup> Some CRAs have requested that their boundaries be extended to include areas for low-income housing while not providing any affordable housing.<sup>66</sup> Some CRA board members have stated the agencies do not focus on affordable housing because it does not produce sufficient revenue.<sup>67</sup>

Another area of concern for the grand jury was a focus on removing blight by improving the appearance of commercial areas, but leaving slum conditions in place, particularly in the form of multi-family housing that is "unsafe, unsanitary, and overcrowded."<sup>68</sup> The grand jury points to news coverage of some apartment buildings with overflowing toilets and frequent losses of power due to the need for repairs. The report notes the contrast between these conditions and the use of some CRA proceeds to "fund ball stadiums, performing arts centers[,] and dog parks."<sup>69</sup>

The grand jury report also notes that while a finding of necessity is required for creating a CRA, there is no process for determining whether the mission of the CRA has been fulfilled.<sup>70</sup>

The report concludes by making 29 recommendations for ensuring transparency and accountability in the operation of CRAs, including:

- Requiring all CRA boards to contain members of the community;
- Imposing a cap on annual CRA expenditures used for administrative costs;
- Requiring CRAs to adopt procurement guidelines that mirror those of the associated county or municipality;
- Requiring each CRA to submit its budget to the county commission with sufficient time for full consideration;
- Setting aside a percentage of TIF revenue for affordable housing; and
- Imposing ethics training requirements.<sup>71</sup>

#### *Broward County Inspector General Reports*

The Broward County Office of the Inspector General has conducted two investigations into CRA operations in the past six years: Hallandale Beach CRA in 2013<sup>72</sup> and Margate CRA in 2014.<sup>73</sup>

---

<sup>62</sup> *Id.* at 16.

<sup>63</sup> *Id.* at 17.

<sup>64</sup> *Id.* at 19.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 20.

<sup>68</sup> *Id.* at 22.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 32.

<sup>71</sup> *Id.* at 34-36.

<sup>72</sup> Broward Office of the Inspector Gen., *Final Report Re: Gross Mismanagement of Public Funds by the City of Hallandale Beach and the Hallandale Beach Community Redevelopment Agency*, OIG 11-020 (Apr. 18, 2013).

<sup>73</sup> Broward Office of the Inspector Gen., *Final Report Re: Misconduct by the Margate Community Redevelopment Agency in the Handling of Taxpayer Funds*, OIG 13-015A (July 22, 2014).

The investigation into the Hallandale Beach CRA showed that the agency failed to create a trust fund and that the city commission failed to operate the CRA as an entity separate from the city.<sup>74</sup> The former executive director of the CRA stated the city had "free reign" to use funds from the CRA's account.<sup>76</sup> The report found over \$2 million of questionable expenditures by the Hallandale Beach CRA between 2007 and 2012, including \$125,000 in inappropriate loans and \$152,494 spent on "civic promotions such as festivals and fireworks displays."<sup>78</sup> After some of these issues were brought to the attention of the city and the CRA, the CRA continued working on a funding plan that included spending \$5,347,000 on two parks outside of the boundaries of the CRA. The report also found that the CRA paid "substantially more than its appraised value" to purchase a property owned by a church whose pastor was a city commissioner at the time.<sup>77</sup>

The investigation of the Margate CRA showed a failure to allocate properly TIF funds received from the county and other taxing authorities.<sup>79</sup> While the CRA stated unused funds were not returned because they were allocated for a specific project, the investigation showed the agency had a pattern of intentionally retaining excess unallocated funds for later use.<sup>79</sup> This pattern of misuse had resulted in a debt to the county of approximately \$2.7 million for fiscal years 2008-2012.<sup>80</sup>

### *Auditor General Reports*

The Auditor General is required to conduct a performance audit of the local government financial information reporting system every three years.<sup>81</sup> As part of the 2014 performance audit, the Auditor General made five findings concerning CRAs and suggestions to enhance current law:

- Create greater specificity as to the types of expenditures that qualify for undertakings of a CRA.
- Provide county taxing authorities more control over expenditures of CRAs created by municipalities to help ensure that CRA trust fund moneys are used appropriately.
- Require all CRAs, including those created before October 1, 1984, to follow the statutory requirements governing the specific authorized uses of CRA trust fund moneys.
- Allow CRAs to provide for reserves of unexpended CRA trust fund balances to be used during financial downturns.
- Require compliance with the audit requirement in s. 163.387(8), F.S., and require such audits to include a determination of compliance with laws pertaining to expenditure of, and disposition of, unused CRA trust fund moneys.<sup>82</sup>

A 2018 review of audit procedures for 60 CRAs found that 10 percent of counties and municipalities included the CRA trust fund in their financial reporting as a "nonmajor fund," thereby failing to provide a means for evaluating the adequacy of internal controls and compliance with state law.<sup>83</sup> The review also found 7 percent of audit reports (including 50 percent of audit reports that reported the CRA trust fund as a "nonmajor fund") did not provide sufficient information about deposits and withdrawals from the CRA trust fund.

---

<sup>74</sup> *City of Hallandale Beach*, *supra* note 62, at 1.

<sup>75</sup> *Id.* at 28.

<sup>76</sup> *Id.* at 1.

<sup>77</sup> *Id.* at 2.

<sup>78</sup> *Margate Community Redevelopment Agency*, *supra* note 63, at 1.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at 2.

<sup>81</sup> S. 11.45(2)(g), F.S.

<sup>82</sup> Fla. Auditor Gen., Report No. 2015-037 (Oct. 2014).

<sup>83</sup> Fla. Auditor Gen., Report No. 2019-028 (Sept. 2018).

## Ethics Training Requirements for Public Officials

Constitutional officers and all elected municipal officers must complete four hours of ethics training on an annual basis.<sup>84</sup> The required ethics training must include instruction on s. 8, Art. II of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws. This requirement may be met by attending a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

## Inactive Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>85</sup> special act,<sup>86</sup> local ordinance,<sup>87</sup> or by rule of the Governor and Cabinet.<sup>88</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>89</sup> A special district may be "dependent"<sup>90</sup> or "independent."<sup>91</sup> All CRAs are dependent special districts.<sup>92</sup>

The Special District Accountability Program within the Department of Economic Opportunity (DEO) is responsible for maintaining and electronically publishing the official list of all special districts in Florida.<sup>93</sup> The official list currently reports all active special districts as well as those declared inactive by DEO.

Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO must declare the district inactive by following a specified process.<sup>94</sup> DEO must first document the factual basis for declaring the district inactive. A special district may be declared inactive if it meets one of the following criteria:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for two or more years;
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for two or more years; or

---

<sup>84</sup> S. 112.3142, F.S. A "constitutional officer" is defined as the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

<sup>85</sup> S. 189.031(3), F.S.

<sup>86</sup> *Id.*

<sup>87</sup> S. 189.02(1), F.S.

<sup>88</sup> S. 190.005(1), F.S. *See generally* s. 189.012(6), F.S.

<sup>89</sup> 2018–2020 *Local Gov't Formation Manual*, 64, available at <https://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3025> (last visited Mar. 1, 2017).

<sup>90</sup> S. 189.012(2), F.S. A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality.

<sup>91</sup> S. 189.012(3), F.S. An "independent special district" is a special district that is not a dependent district.

<sup>92</sup> *See* ss. 163.356, 163.357, F.S. (board of commissions of CRAs are appointed by a local governing body or are the local governing body).

<sup>93</sup> Ss. 189.061(1), 189.064(2), F.S. Dept. of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last visited Mar. 1, 2019).

<sup>94</sup> S. 189.062(1), F.S.

- Fails to respond to an inquiry by DEO within 21 days.<sup>95</sup>
- Following statutory procedure,<sup>96</sup> DEO determines the district failed to file specified reports,<sup>97</sup> including required financial reports.<sup>98</sup>
- For more than one year, no registered office or agent for the district was on file with DEO.<sup>99</sup>
- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>100</sup>

Once DEO determines which criteria apply to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.<sup>101</sup> The notice must state that any objections to declaring the district inactive must be filed with DEO pursuant to chapter 120, F.S., within 21 days after the publication date.<sup>102</sup> If no objection is filed within the 21-day period, DEO declares the district inactive.<sup>103</sup>

After declaring certain special districts inactive, DEO must send written notice of the declaration to the authorities that created the district. If the district was created by special act, DEO sends written notice to the Speaker of the House of Representatives, the President of the Senate, and the standing committees in each chamber responsible for special district oversight.<sup>104</sup> The statute provides that the declaration of inactive status is sufficient notice under the Florida Constitution<sup>105</sup> to authorize the repeal of special laws creating or amending the charter of the inactive district.<sup>106</sup> This statute stands in lieu of the normal requirement for publication of notice of intent to file a local bill at least 30 days before introducing the bill in the Legislature.<sup>107</sup>

The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district and any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.<sup>108</sup>

A district declared inactive may not collect taxes, fees, or assessments.<sup>109</sup> This prohibition continues until the declaration of invalid status is withdrawn, revoked by DEO,<sup>110</sup> or invalidated in an administrative proceeding<sup>111</sup> or civil action<sup>112</sup> timely brought by the governing body of the special

<sup>95</sup> S. 189.062(1)(a)1.-3., F.S.

<sup>96</sup> S. 189.067, F.S.

<sup>97</sup> S. 189.066, F.S.

<sup>98</sup> S. 189.062(1)(a)4., F.S. *See* ss. 189.016(9), 218.32, 218.39, F.S.

<sup>99</sup> S. 189.062(1)(a)5., F.S.

<sup>100</sup> S. 189.062(1)(a)6., F.S.

<sup>101</sup> Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy must be sent by certified mail to the registered agent or chair of the district's governing body, if any.

<sup>102</sup> S. 189.062(1)(b), F.S. The published notice also must include the name of the district, the law under which it was organized and operating, and a description of the district's territory.

<sup>103</sup> S. 189.062(1)(c), F.S.

<sup>104</sup> S. 189.062(3), F.S.

<sup>105</sup> Art. III, s. 10, Fla. Const.

<sup>106</sup> S. 189.062(3), F.S.

<sup>107</sup> S. 11.02, F.S.

<sup>108</sup> S. 189.062(2), F.S.

<sup>109</sup> S. 189.062(5), F.S.

<sup>110</sup> S. 189.062(5)(a), F.S.

<sup>111</sup> S. 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

<sup>112</sup> S. 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

district.<sup>113</sup> Failure of the special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.<sup>114</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>115</sup> or the entity that created the district.<sup>116</sup>

### Annual Financial Reports for Local Government Entities

Counties, municipalities, and special districts must submit an annual financial report for the previous fiscal year to the Department of Financial Services (DFS).<sup>117</sup> The report must include component units of the local government entity submitting the report. If a local government entity is required to conduct an audit under s. 218.39, F.S., for the fiscal year, the annual financial report, as well as a copy of the audit report, must be submitted to DFS within 45 days of completion of the audit report, but no later than nine months after the end of the fiscal year. If the local government entity is not required to conduct such audit, the annual financial report is due no later than nine months after the end of the fiscal year. Each local government must provide a link to the annual audit report on its website.

### **Effect of the Bill**

#### Termination of Community Redevelopment Agencies

The bill provides for the termination of existing CRAs at the earlier of the expiration date stated in the agency's charter<sup>118</sup> or on September 30, 2039. However, the governing board of a creating local government entity may prevent the termination of a CRA by a majority vote. The bill does not provide a deadline by which such vote must occur.

If a governing board does not vote to continue a CRA with outstanding bond obligations as of October 1, 2019, and those bonds do not mature until after the earlier of the termination date of the agency or September 30, 2039, the bill provides that the CRA remains in existence until the bonds mature. A CRA in operation on or after September 30, 2039, may not extend the maturity date of its bonds. The bill requires a county or municipality operating an existing CRA to issue a new finding of necessity that is limited to meeting the remaining bond obligations of the CRA in a timely manner.

#### Inactive Community Redevelopment Agencies

The bill provides a new inactivity criterion for CRAs. Any CRA reporting no revenues, no expenditures, and no debt for six consecutive fiscal years beginning on October 1, 2016, must be declared inactive by DEO. DEO must notify the CRA of the declaration of inactive status. If the CRA has no board or agent, the notice of inactive status must be delivered to the governing board of the creating local government entity. The governing board of a CRA declared inactive by this procedure may seek to invalidate the declaration by initiating proceedings under s. 189.062(5), F.S., within 30 days after the date of receipt of the DEO notice.

<sup>113</sup> The special district must initiate the legal challenge within 30 days after the date the written notice of DEO's declaration of inactive status is provided to the special district. S. 189.062(5)(b), F.S.

<sup>114</sup> S. 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

<sup>115</sup> Ss. 189.071(3), 189.072(3), F.S.

<sup>116</sup> S. 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>117</sup> S. 218.32, F.S.

<sup>118</sup> The bill fixes the expiration date stated in the CRA charter as of October 1, 2019.

A CRA declared inactive may only expend funds from its redevelopment trust fund necessary to service outstanding bond debt. The CRA may not expend other funds without an ordinance of the governing body of the creating local government entity consenting to the expenditure of funds.

A CRA declared inactive by DEO in accordance with these criteria is exempt from the provisions of ss. 189.062(2) and 189.062(4), F.S. The bill further provides that the provisions of the new section are cumulative and, where conflicting, superior to the provisions of s. 189.062, F.S., which provides special procedures for inactive special districts.

The bill directs DEO to maintain a separate list on its website of CRAs declared inactive pursuant to this new section. By November 1 of each year, the bill also requires DFS to submit an annual report to the Special District Accountability Program listing each CRA with no revenues, no expenditures, and no debt for the previous fiscal year.

### Budget and Funding

The bill requires CRAs to comply with the budgeting, auditing, and reporting requirements of s. 189.016, F.S., except as otherwise provided by s. 163.387, F.S.

The bill requires each CRA created by a municipality to submit its budget for the next fiscal year to the board of county commissioners for the county in which the CRA is located within 10 days after the date of the adoption. In addition, all amendments to the CRA's operating budget must be submitted to the board of county commissioners within 10 days after the date of the adoption of the amended budget. The bill also permits a CRA budget to include administrative and overhead expenses directly or indirectly necessary to implement a community redevelopment plan adopted by the CRA.

Effective October 1, 2019, the bill provides that moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law. The bill removes a three-year time limitation on the rollover of redevelopment trust fund moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan, but requires retained moneys to either be used for the appropriated project or re-appropriated pursuant to the next annual budget of the CRA (if the project is amended, redesigned, or delayed).

The bill authorizes the local governing body that created the CRA to determine the amount of TIF available to the CRA. The local governing body may set the level of funding at any amount between 50 percent and 95 percent of the increment.

### Reporting Requirements

#### *Annual Report*

Beginning March 31, 2020, and annually thereafter, the bill requires each CRA to submit an annual report to the county or municipality that created the agency and to post the report to the agency's website. The report must include the most recent audit report of the redevelopment trust fund and provide performance data for each community redevelopment plan overseen by the CRA. The performance data report must include the following information as of December 31 of the year being reported:

- Total number of projects the CRA started, total number of projects completed, and the estimated cost of each project;
- Total expenditures from the redevelopment trust fund;
- Assessed real property values within the CRA's area of authority as of the day the agency was created;



- Total assessed real property values within the CRA as of January 1 of the year being reported; and
- Total amount expended for affordable housing for low and middle income residents.

The report must also include a summary indicating to what extent, if any, the CRA has achieved the goals set forward in its community redevelopment plan.

The bill requires each CRA to post, by January 1, 2020, a digital map on its website depicting the boundaries of the district and the total acreage of the district. If any change is made to the boundaries or total acreage, the bill requires the CRA to post the updated map files within 60 days after the date such change takes effect.

#### *Audit and Financial Report*

The bill expands the current reporting requirements for the audit report of the redevelopment trust fund to include:

- A complete financial statement identifying all assets, liabilities, income, and operating expenses of the CRA as of the end of the fiscal year; and
- A finding by the auditor determining whether the CRA complied with the requirements concerning authorized expenditures from the redevelopment trust fund and the use of funds remaining at the conclusion of the fiscal year.

The bill provides that the audit requirement only applies to CRAs with revenues or total expenditures in excess of \$100,000. The bill requires the audit report for each CRA to be included with the annual financial report submitted to DFS by the county or municipality that created the CRA, even if the CRA files a separate financial report with the Department of Financial Services under s. 218.32, F.S. The audit must be conducted pursuant to rules adopted by the Auditor General. The bill provides that if a county or municipality has a CRA, failure to include the CRA's annual audit as part of its annual report to DFS constitutes a failure to complete the annual financial report under s. 218.32, F.S.

#### Governance

Beginning January 1, 2020, the bill requires commissioners of a CRA to undergo annually at least four hours of ethics training on addressing constitutional ethics provisions, the Code of Ethics for Public Officers and Employees, and state public records and meetings laws.

The bill requires CRAs to utilize the same procurement and purchasing processes for commodities and services as the county or municipality that created the CRA.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The bill may require expenditures by DEO and DFS to the extent additional staff are necessary to comply with duties created by the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill would increase revenue to some local governments to the extent ad valorem taxation that would otherwise be received by those governments is currently deposited in the redevelopment trust fund.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**COMMUNITY REDEVELOPMENT PLAN  
APALACHICOLA, FLORIDA**

Revised June 2017

**TABLE OF CONTENTS**

**EXHIBIT**

- 1. Introduction and CRA History**
  
- 2. Planning, Planning Constraints and Strategies**
  - 2.1. Planning Process
  - 2.2. Planning Constraints
  - 2.3. Strategies
  
- 3. Community Redevelopment Plan**
  - 3.1. Legal Description
  - 3.2. Development Area Information
  - 3.3. Development Standards
  - 3.4. Dwelling Units in Area
  - 3.5. Public Land Use
  - 3.6. Neighborhood Impact
  - 3.7. Method of Financing
  - 3.8. Safeguards for Plan Compliance
  - 3.9. Residential Use Element
  
- 4. Exhibit Section**
  1. CRA Adoption Procedure, objectives, and adoption
  2. Redevelopment Area
  3. Land Use and Ownership
  4. Open Space and Street Layout
  - 4.4 Public Land Use

**1. INTRODUCTION AND CRA HISTORY**

City of Apalachicola is located at the confluence of the Apalachicola River and Apalachicola Bay in northwest Florida on the Gulf of Mexico. It is the county seat of Franklin County. The City was founded in 1831 and experienced many periods of prosperity with a booming cotton trade in the 1800's, a prosperous lumber industry in the early 1900's, and a thriving seafood industry over the past 100 years. The community has relied primarily on an economy based in the seafood industry and a growing tourism industry.

In 2012 the centuries old oyster industry collapsed was declared a federally fishery disaster by Secretary Penny Pritzker, US Secretary of Commerce. This collapse was directly due to

restricted water flows to the Apalachicola River created by the US Army Corps of Engineers who diverted water to the upper portion of the basin in Georgia. For 30 years Florida has been engaged in a legal battle with Georgia concerning these allocations of water for Georgia via the U.S. Army Corps of Engineers. The issue has gone through the federal court system and was heard by a U.S. Supreme Court in January 2018, who determined Florida has suffered harm. The Supreme Court remanded the case to a special master to determine possible equitable solutions, and it is expected the case will be heard again by the Supreme Court in 2020.

The collapse of the once thriving oyster industry coupled with the volatile prices of domestic seafood has upended Apalachicola's economic foundation. Apalachicola must find additional growth opportunities that allow its workforce to obtain and sustain quality of life and economic prosperity that is viable and sustainable. Generations of citizens have actively sought to protect the Apalachicola River and bay to ensure its preservation for the future.

Apalachicola is located within a National Estuarine Research Reserve and a UNESCO World Biosphere Reserve. Owing to the environmental sensitivity of the surrounding region and its rural isolation, traditional job growth is limited and challenging. However, new economies are emerging such as aquaculture, food tourism, recreational boating and retiring baby boomers in search of "community": Within the CRA area, heavy industry is widely viewed incompatible with the existing seafood and tourist industries and the pristine quality of the natural environment. The city has also preserved much of its historic character and strong maritime culture. Job creation should focus on initiatives that have minimal or no impact on the natural environment and enhance the historic character and maritime heritage of the city. Preservation of historic ~~housing stock~~ **built environment is paramount to preserving the city's unique character and a reason tourists are attracted to the area.**

The purpose of the Community Reinvestment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities. The 1989 Community Redevelopment Plan was prepared by the Office of Community Development, City of Apalachicola. Following review by the Agency, it was forwarded to the City Commission, and the Plan was adopted by resolution after a public hearing. The Community Redevelopment Agency completed a review and update of the Plan in 2009 ~~2017?adopted?~~ and the same adoption procedures were followed.

## **2. COMMUNITY REDEVELOPMENT PLAN PLANNING PROCESS, PLANNING CONSIDERATIONS, STRATEGIES, AND RECOMMENDATIONS**

### **2.1 Planning Process**

The City's economic base rests on an uncertain seafood industry and a growing tourist and second home market. The 2009 update of the CRA Plan identifies the following assessments currently in place that should be included as part of the City's future community development planning efforts. These documents were funded in part by the City of Apalachicola in conjunction with the Florida Department of Community Affairs, Apalachicola Waterfronts Florida Partnership, Florida Communities Trust, Apalachee Regional Planning Council, Riverway South, UGA's Fanning Institute, the City's Area of Critical Concern Designation. City of Apalachicola Comprehensive Plan (inclusive of periodic updates) City of Apalachicola Land Development Code (inclusive of periodic updates) Waterfronts Florida Apalachicola Vision Plan and the "Historic Apalachicola Design Guidelines, A Guide to Rehabilitation and New Construction in the City of Apalachicola", August 2006, "Scipio Creek Feasibility Study",

November 2006, "City of Apalachicola Management Plan for Florida Communities Trust Properties" (inclusive of periodic updates), "Apalachicola: Economic Development Through Historic Preservation", 35th Anniversary Edition 1974-2009, Architect Willoughby Marshall, "Project Riverway", 2008 Final Report of Project Riverway/Apalachicola Area of Critical Concern Designation.

The prior efforts are generally consistent in that they advocate economic development based on the natural and cultural resources of the community and area. These resources lend themselves to a spectrum of possibilities comprising ~~four~~ five specific opportunities. These are: 1) The development of tourism through historic preservation and cultural programming; 2) The continue support and development of the commercial fishing industry through food tourism and aquaculture; 3) The continued development of facilities to support, recreational boating, fishing and eco-tourism; and 4) The encouragement of development of light compatible industry at the Apalachicola Airport that will sustain businesses within the CRA area.

5) Investment in the Hillside community to encourage and highlight African American history, affordable housing, community recreation, and small business development.

## **2.2 External Considerations for Development**

The City is located at the juncture of the Apalachicola River and Apalachicola Bay, creating a one of the most productive estuarine systems in country that provides a nursery area for many varieties of shrimp, finfish, blue crab and the perfect conditions to grow oysters. Historically 90% of the oysters sold in Florida and 10% of the nationwide supply came from Apalachicola. They were considered some the last wild caught oysters in the world and rated by many as some of the best oysters in the country. The seafood industry in Apalachicola was responsible for \$134,000,000 in economic output and an additional \$71,000,000 in value added impacts. Decades of restricted flows, coupled with regional droughts, has led to conditions that contributed to the collapse of the oyster industry in 2012 and led to a federally declared fishery disaster. Upstream diversion of fresh water by the US Army Corps of Engineers caused the collapse of the oyster industry and tupelo honey industry. The conditions of water quality and water flow significantly affect the productivity of the Gulf of Mexico for 500 miles seaward, this circumstance, as well as other considerations has resulted in numerous environmental designations. The lower river and bay are recognized as pristine wilderness east of the Mississippi River. The Apalachicola River and Bay are designated as Outstanding Florida Waters (OFW), which are subject to the rules of the Department of Environmental Regulation. A portion is also included in the State's Aquatic Preserve Program as described in Chapter 258, Florida Statutes. The Aquatic Preserve includes those waters from St. George Island Bridge west to Indian Pass. In 1979, the Estuarine Reserve designation was conferred by the National Oceanic and Atmospheric Administration, Office of Coastal and Resource Management. The Apalachicola National Estuarine Research Reserve (ANERR) is the 2nd largest existing national estuarine reserve. The reserve encompasses approximately 234,715 acres, most of which are State owned submerged lands. There is a possibility of further expansion to include additional adjacent public lands as they are acquired by the State. In 1983, Apalachicola was designated as an Area of Critical State Concern by the State of Florida under the Apalachicola Bay Protection Act, House Bill 1202 and Chapter 380.0555, Florida Statutes and by the Florida Governor and Cabinet. In 1984, the lower Apalachicola River Valley was accepted for inclusion in UNESCO's Biosphere Reserve Program. This is a system of international reserves operates under the general guidance of the United Nations Education Scientific and Cultural

Organization (UNESCO). These Reserves are selected to conserve a representative diversity of the world's major ecosystems as sites for long term monitoring research and related educational activities. One of the unique features of the Reserve is the extensive multiple agency involvement in the area. Various upland regions within the Reserve boundaries were previously acquired by federal and state agencies for a variety of different purposes. St. Vincent's Island (12,358 acres), is a national wildlife refuge; Cape St. George (2,300 acres), is a State reserve; the eastern tip of St. George Island (1,883 acres), is a State park and 28,685 acres of the Apalachicola River Flood Plain were purchased under the State's Environmental Endangered Lands Acquisition Program for preservation purposes. The historic designations and recognitions awarded to the natural conditions of the community are attractive assets to those seeking an authentic destination experience. While development within the Historic District must take into account such designations as historic preservation, historic district, waterfronts, as well as other similar awards, these designations continue to enhance resource-oriented research and education activities.

### 2.3 Considerations and Recommendations for CRA Implementation

The City's basic planning documents mandate that economic development and diversification be achieved through a quadrilateral **multifaceted** approach. In implementing this objective, the initial phase proposes the continued development of new boating facilities **repair** as well as the two existing marinas, i.e. Battery Park Marina located at the southern terminus of Market and 6th Street; and the Scipio Creek Mooring Basin at the northern terminus of Market Street. The improvement of these facilities will in effect create a developmental corridor extending north and south from Scipio Creek to Battery Park Marina and west to east from Market Street to the river. The area includes within its perimeter all the commercial/industrial buildings as well as non-airport industrial infrastructure. Redevelopment of this developmental corridor will place the City in a position to implement the strategies described hereinafter: a) **It is recommended that the City of Apalachicola invest in and improve** ~~create within its organizational structure the "Department of Port Services and Facilities,"~~ thus providing an official recognition of the Port of Apalachicola. A Port Development and Management Plan is needed. b) Improvements to the Scipio Creek Marina, Battery Park Marina, **Scipio Creek Boatyard**, and the development of new and expanded Port of Apalachicola **mooring** and support facilities. c) The continued development of tourism through historic preservation and restoration of the City's large inventory of historic, architecturally significant and structures in the historic district. Documentation and preservation of the city's built environment to expand historic resources d) The development of the commercial seafood industry. This would be accomplished by developing facilities for processing seafood for the market, rather than shipping the raw product to other processing centers. e) The development of marine related facilities and services, i.e. dockage, marinas, marine ways and repair facilities to serve marine traffic on the Intracoastal Waterway and the northern coast of the Gulf of Mexico, and out-of-area boaters choosing to spend leisure time in Apalachicola. Moreover, to encourage the further development of eco-tourism to include increased sports fishing, increased outdoor recreation, and increased recreational boating. The inclusion of a non-motorized water craft launch will facilitate increased paddle sports such as kayaking. **This applies to service providers and the potential construction of additional marinas, lodging providers, shopping, restaurants, and special events.** f) The encouragement of an effective bay management plan emphasizing long term protection of the bay's renewable resource. This plan should encourage a substantial increase in the lease of sovereignty bottom for the purpose of establishing aquaculture. The positive effect on the seafood industry would support businesses within the CRA area. The

operative strategy includes the concept of developing an emerging sector of the tourism market by capitalizing on the natural resources of the area. Those enterprises ~~slanting~~ **focusing** their business plans toward nature/heritage-oriented **tourism** will be capitalizing on the growing interest in ~~environmentalism~~ recreation and heritage and food related tourism. In that these are non-consumptive, intellectual and recreational activities, we would not anticipate any actions stemming from State or Federal oversight to impact this sector of the tourism industry. Other planning considerations include ~~the Apalachicola Regional Airport and the North Historic Commercial District. The airport needs to be leveraged as a stronger economic development tool with increased airport traffic and a connection to new economic opportunities.~~ A strong concentration **of businesses??** on the North Historic Commercial District, historically known as “the Hill”, is needed to support and expand businesses currently operating and to reduce the factors that stifle economic activity. Development of a plan to improve the district’s economic atmosphere, should address infrastructure, business development and the preservation of historic resources. Traffic corridors have been identified for improvement, connecting the district with other commercial zones. Options for new City revenues should be evaluated and those most suitable implemented to increase the City’s ability to pursue infrastructure and economic development priorities. **??**

The purpose of the Community Reinvestment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities. The 1989 Community Redevelopment Plan was prepared by the Office of Community Development, City of Apalachicola. Following review by the Agency, it was forwarded to the City Commission, and the Plan was adopted by resolution after a public hearing. The Community Redevelopment Agency completed a review and update of the Plan in 2009 and the same adoption procedures were followed.

## **2. COMMUNITY REDEVELOPMENT PLAN PLANNING PROCESS, PLANNING CONSIDERATIONS, STRATEGIES, AND RECOMMENDATIONS**

### **2.1. Planning Process**

The City’s economic base rests on a declining seafood industry **in transition** and the growing tourist market.

The 2009 update of the CRA Plan identifies the following assessments currently in place that should be included as part of the City’s future community development planning efforts. These documents were funded in part by the City of Apalachicola, Florida Department of Community Affairs, Florida Communities Trust, Waterfronts Florida Vision Plan, Apalachee Regional Planning Council, Riverway South, UGA’s Fanning Institute and the City’s Area of Critical Concern Designation.

- City of Apalachicola Comprehensive Plan (inclusive of periodic updates)
- City of Apalachicola Land Development Code (inclusive of periodic updates)
- “Historic Apalachicola Design Guidelines, A Guide to Rehabilitation and New Construction in the City of Apalachicola”, August 2006
- “Scipio Creek Feasibility Study”, November 2006
- “City of Apalachicola Management Plan for Florida Communities Trust Properties” (inclusive of periodic updates)

- “Apalachicola: Economic Development Through Historic Preservation”, 35<sup>th</sup> Anniversary Edition 1974-2009, Architect Willoughby Marshall
- “Project Riverway”, 2008 Final Report of Project Riverway/Apalachicola
- Area of Critical Concern Designation



The prior efforts are generally consistent in that they advocate economic development based on the natural and cultural resources of the community and area. These resources lend themselves to a spectrum of possibilities comprising four specific opportunities. These are: 1) The development of tourism through historic preservation and cultural programming; 2) The vertical development of the commercial fishing industry; 3) The continued development of facilities to support sports fishing, recreational boating and eco-tourism; and 4) The encouragement of development of light compatible industry at the Apalachicola Airport that will sustain businesses within the CRA area.

## 2.2. External Considerations for Development

The City is located at the juncture of the Apalachicola River and Apalachicola Bay, creating an estuarine system that provides a nursery area for many varieties of shrimp and finfish as well as the blue crab. The conditions of water quality and water flow significantly affect the productivity of the Gulf of Mexico for 500 miles seaward, this circumstance, as well as other considerations has resulted in numerous environmental designations.

The lower river and bay are recognized as the last un-impacted, pristine wilderness east of the Mississippi River. The Apalachicola River and Bay are designated as Outstanding Florida Waters (OFW), which are subject to the rules of the Department of Environmental Regulation. A portion is also included in the State's Aquatic Reserve Program as described in Chapter 258, Florida Statutes. ~~???????~~The Aquatic Preserve includes those waters from St. George Island Bridge west to Indian Pass.

In 1979, the Estuarine Reserve Designation was conferred by the National Oceanic and Atmospheric Administration, Office of Coastal and Resource Management. The Apalachicola National Estuarine Research Reserve (ANERR) is the 2<sup>nd</sup> largest national estuarine Reserve in the U.S. The Reserve encompasses approximately 246,000 acres, most of which are State owned submerged lands. ~~There is a possibility of further expansion to include additional adjacent public lands as they are acquired by the State.~~ Funded by NOAA and the Florida Department of Environmental Protection, the Reserve ~~serves as a living laboratories to support coastal research and long-term monitoring integrated research, education and coastal stewardship.~~

In 1983, Apalachicola was designated as an Area of Critical State Concern by the State of Florida under the Apalachicola Bay Protection Act, House Bill 1202 and Chapter 380.0555, Florida Statutes and by the Florida Governor and Cabinet.

In 1984, the lower Apalachicola River Valley was accepted for inclusion in the International Man and Biosphere (IMB) Program. This is a system of international reserves operating under the general guidance of the United Nations Education Scientific and Cultural Organization (UNESCO). These ~~preserves~~ **Biosphere Reserves** are selected to conserve a representative diversity of the world's major ecosystems as sites for long term monitoring research and related educational activities **and sustainable development.**

One of the unique features of the Reserve is the extensive multiple agency involvement in the area. Various upland regions within the Reserve boundaries were previously acquired by federal and state agencies for a variety of different purposes. St. Vincent's Island (12,358 acres), is a national wildlife refuge; Cape St. George (2,300 acres), is a State reserve; the eastern tip of St. George Island (1,883 acres), is a State park and 28,685 acres of the Apalachicola River Flood Plain were purchased under the State's Environmental Endangered Lands Acquisition Program for preservation purposes.

The historic designations and recognitions awarded to the natural conditions of the community are attractive assets to those seeking an authentic "Old Florida" experience. While development within the Historic District must take into account such designations as historic preservation, distinctive destination, historic district, waterfronts, as well as other similar awards, these designations continue to enhance resource-oriented research and education activities.

### 2.3. Considerations and Recommendations for CRA Implementation

The City's basic planning documents mandate that economic development and diversification be achieved through a quadrilateral **multifaceted** approach. In implementing this objective, the initial phase proposes the continued development of new boating facilities as well as the two existing marinas, e. Battery Park Marina located at the southern terminus of Market and 6<sup>th</sup> Street; and the Scipio Creek Mooring Basin at the northern terminus of Market Street.

The improvement of these facilities will in effect create a developmental corridor extending north and south from Scipio Creek to Battery Park Marina and west to east from Market Street to the river. The area includes within its perimeter all the commercial/industrial buildings as well as non-airport industrial infrastructure. Redevelopment of this developmental corridor will place the City in a position to implement the strategies described hereinafter:

- a) ~~It is recommended that the City of Apalachicola create within its organizational structure the "Department of Port Services and Facilities," thus providing an official recognition of the Port of Apalachicola. A Port Development and Management Plan is needed.~~
- b) Improvements to the Scipio Creek Marina, Battery Park Marina, and the development of **new and expanded Port of Apalachicola** mooring and support facilities.
- c) The continued development of tourism through historic preservation and restoration of the City's large inventory of historic, architecturally significant and supportive structures in the historic district.
- d) The vertical development of the commercial seafood industry. This would be accomplished by developing facilities for the final processing of seafood for the market, rather than shipping the raw product to other processing centers.
- e) The development of marine related facilities and services, i.e. dockage, marinas, marine ways and repair facilities to serve marine traffic on the Intracoastal Waterway and the northern coast of the Gulf of Mexico, and out-of-area boaters choosing to spend leisure time in Apalachicola. Moreover, to encourage the further development of eco-tourism to include increased sports fishing, increased outdoor recreation, and increased recreational boating. The inclusion of a non-motorized water craft launch will facilitate increased paddle sports such as kayaking. This applies to service providers and the potential construction of additional marinas, lodging providers, shopping, restaurants, and special events.
- f) The encouragement of an effective bay management plan emphasizing long term protection of a renewable resource. This plan should encourage a substantial increase in the lease of sovereignty bottom for the purpose of establishing artificial oyster reefs and clam beds, with a special emphasis on assisting small lease holders to develop their leases. The potentially positive effect on the seafood industry would support businesses within the CRA area.

The operative strategy includes the concept of developing an emerging sector of the tourism market by capitalizing on the natural resources of the area. Those enterprises slanting their business plans toward nature/heritage-oriented groups will be capitalizing on the growing interest in environmentalism and heritage related tourism. In that these are non-consumptive, intellectual and recreational activities, we would not anticipate any actions stemming from State or Federal oversight to impact this sector of the tourism industry.

Other planning considerations include the Apalachicola Regional Airport and the North Historic Commercial District. The airport needs to be leveraged as a stronger economic development tool with increased airport traffic and a connection to new economic opportunities. Annexation into the City of Apalachicola should be strongly considered. A strong concentration on the North Historic Commercial District, historically known as "the Hill", is needed to support and expand businesses currently operating and to reduce the factors that stifle economic activity. Development of a plan to improve the district's economic atmosphere, should address infrastructure, business development and the preservation of historic resources. Traffic corridors have been identified for improvement, connecting the district with other commercial zones.

Options for new City revenues should be evaluated and those most suitable implemented to increase the City's ability to pursue infrastructure and economic development priorities.

### **3. COMMUNITY REDEVELOPMENT PLAN CITY OF APALACHICOLA, FLORIDA**

#### **3.1. LEGAL DESCRIPTION**

Boundaries of the Community Development Area are:

From a point of beginning at the southern terminus of 6<sup>th</sup> Street; north to Avenue "B"; then east to the alleyway lying between 5<sup>th</sup> Street and 4<sup>th</sup> Street in Block 11; then run north to the southern boundary of Lot 7, Block 9; then run west to 10<sup>th</sup> Street; then run south to the southern boundary of Lot 2, Block 42; then run west to the alleyway lying between 10<sup>th</sup> Street and 11<sup>th</sup> Street in block 42; then run north to the southern boundary of Lot 8, Block 42; then run west to the alleyway lying between 11<sup>th</sup> Street and 12<sup>th</sup> Street in Block 49; then run north to the southern boundary of Lot 7, Block 49; then run west to platted right of way easement between Block 114 and Block 4, Neel's Addition; then run north to the northern boundary of Lot 9, Block 115; then run east to 14<sup>th</sup> Street; then run north to Avenue F; then run east to the alleyway lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street in Block 70; then run north to the northern boundary of Lot 9, Block 163; then run east to 6<sup>th</sup> Street; then run north to the southern edge of Scipio Creek Mooring Basin; then run easterly to the water's edge of the Apalachicola River; then run along the water's edge of the Apalachicola River south and southeasterly, and easterly and northeasterly around Battery Park Point and Marina to the point of beginning.

This area contains all of Battery Park, Battery Park Marina, Battery Park Point, an un-platted section of the uplands adjacent to Scipio Creek Mooring Basin; Wharf Lots 1 through 49;

Wharf Lots A through K; Blocks A-1 through K-1; Blocks A-2 through K-2;

Blocks L through S; All of Blocks 1,2,3,4,5,6,7,8,17,18,19,20,21,22,31,32,41,60,61,62, 63,64,65,66,67,68,69,76,77,165,166,167,168,169,170,171,172,175,176,177,178, 179,180, 181,182,183,184,185,186,187,188,189,190,191; and Block 11 Lots 2,3,4,5; Block 10 Lots 1,2,3,4,5; Block 9 Lots 1,2,3,4,5,6,7; Block 15 Lots 6,7; Block 16 Lots 4,5,6,7,8,9,10; Block 23 Lots 1,2,3,4,5,6,7; Block 24 Lots 3,4,5; Block 30 Lots 4,5,6,7; Block 33 Lots 4,5,6,7; Block 40 Lots 4,5,6,7; Block 42 Lots 2,3,4,5,6,7,8; Block 49 Lots 3,4,5,6,7; Block 70 Lots 1,2,3,4,5; Block 71 Lots 1,2,3,4,5; Block 72 Lots 1,2,3,4,5; Block 84 Lots 1,2,3,4,5,6,7,8,9,10; Block 85 Lots 4,5,6,7; Block 86 Lots 4,5,6,7; Block 87 Lots 1,2,3,4,5,6,7,8,9,10; Block 95 Lots 4,5,6,7; Block 98 Lots 4,5,6,7; Block 98 Lots 4,5,6,7; Block 107 Lots 4,5,6,7; Block 114 Lots 4,5,6,7; Block 159 Lots 1,2,3,4,5; Block 160 Lots 1,2,3,4,5; Block 161 Lots 1,2,3,4,5; Block 162 Lots 1,2,3,4,5; Block 163 Lots 1,2; Block 164 Lots 1,2,9,10; Block 173 Lots 1,2,9,10; Block 174 Lots 1,2,9,10.

### **3.2. DEVELOPMENT AREA INFORMATION**

- 3.2.a. There are four (4) considerable existing open space sites in the redevelopment area.
- 3.2.b. The Battery Park area contains Battery Park proper, marina point (?), the City Marina and little league baseball field. The area is seven (7) acres (+/-) in extent.
- 3.2.c. The Chapman Botanical Gardens have been leased to the Florida State Park system to be combined with the Orman House Museum and the Three Serviceman's Memorial Park. The complex occupies six (6) acres(+/-).
- 3.2.d. The Research Conservation District is two hundred twenty-three (223 acres (+/-) in extent. The facilities in the district include the National Estuarine Research Reserve site, the DEP Shellfish Laboratory, Scipio Creek Mooring Basin, the Harbor Master house and the ~~mini-park~~ covered pavilion with parking facilities.
- 3.2.e. Recently acquired Florida Communities Trust properties totaling approximately three (4) acres and includes the recreational facilities outlined in the related FCT properties management plan and other City owned waterfront parcels.
- 3.2. f Three platted city squares significant to the original historic plat of the City, these include Franklin Square, Gorrie Square, and City Square, totaling approximately (6) acres.
- 3.2.g See Map Section.

### **3.3. LIMITATIONS ON TYPE, SIZE, HEIGHT, NUMBER AND PROPOSED USE OF BUILDINGS**

- 3.3.a. Type: All new construction or modification of existing structures are subject to the Architectural Review Board and issuance of Certificate of Appropriateness by the Planning and Zoning Commission.

- 3.3.b. Height: Maximum height allowed in the City is thirty-five (35 feet).
- 3.3.c. Density: Standards allow eighty (80) percent site coverage in areas zoned industrial or commercial.
- 3. d Proposed Use of Buildings: Usage is determined by zoning. The redevelopment area encompasses seven (7) zoning districts, these are: General Commercial (C1), Neighborhood Commercial (C2), Riverfront Commercial (C4), Riverfront (RF), Office/Residential (OR), Single Family Residential (R1) and Multi-family Residential (R2).

4. **APPROXIMATE NUMBER OF DWELLING UNITS IN THE REDEVELOPMENT AREA**

- 4.a. There are 1137 total parcels within the Community Redevelopment Area, consisting of 317 parcels in C1; 74 parcels in C2; 239 parcels in C4; 59 parcels in RF; 72 parcels in OR; 331 parcels in R1; and 45 parcels in R2.

Most of the structures in these areas were constructed prior to 1940. It appears that several properties are not in compliance with the current land development regulations and it is anticipated that these properties may be aggregated to allow redevelopment to meet current codes.

- 4.b. See Map Section

5. **PUBLIC LAND USE**

- 5.a. Property intended for public use such as parks, recreation areas, streets and public improvements are address on Map 4. See Map Section, Map 4, Page34.
- 5.b. Not mapped are public utilities or infrastructures. The City can provide sanitary sewer and potable water services to any area of the community redevelopment area.

6. **NEIGHBORHOOD IMPACT**

The redevelopment area contains a total of 649 single family residences, low and moderate income households. The City plans no activities in the project area and the surrounding areas which would impact residential housing in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect the school population, and other matters that would negatively affect the physical and social quality of the neighborhood.

7. **PROPOSED METHOD OF FINANCING DEVELOPMENT**

- 7.a. It is the intent of the City to use a broad spectrum of funding sources to finance

the redevelopment of the redevelopment area, all of which shall be in compliance with federal, state and local statutes and regulations, as applicable.

These are:

1. Private Sector Financing
2. Infrastructure System Revenue Bonds
3. Grant-in-Aid Programs
4. Redevelopment Trust Fund for implementation of Tax Increment Financing

7.b. Federal Grant-in-Aid Programs

These are, but not limited to:

1. Economic Development/Business Development Assistance, US Department of Commerce
2. Economic Development/Public Works Impact Projects US Department of Commerce
3. Community Facilities Loans, US Department of Commerce
4. Economic Development Investment Programs, US Department of Commerce
5. USDA Rural Development, Housing and Public Infrastructure Grant/Loan Program

7.c. State Grant-in-Aid Programs

These are, but not limited to:

1. Small Cities Community Development Block Grant Program (CDBG), Florida Department of Community Affairs
2. Historic Preservation Grants, Florida Division of Historic Preservation
3. Florida Recreational Development Assistance Program (FRDAP), Department of Environmental Protection
4. Conservation and Recreational Land Acquisition Program, Florida Communities Trust
5. Governor's Office of Tourism, Trade and Economic Development, Enterprise Florida
6. Public Improvement Projects, Florida Department of Environmental Protection
7. Infrastructure Improvement Projects, Northwest Florida Water Management District
8. Natural Conservation Programs, Florida Office of Greenways and Trails
9. Small Disadvantaged Communities Program, Florida Department of Environmental Protection

7.d. Local Grant-in-Aid Programs

These are, but not limited to:

1. Franklin County Tourist Development Council
2. Public/Private Partnerships
3. Foundation Grants
4. Private Contributions



8. **SAFEGUARDS FOR PLAN COMPLIANCE**

Compliance with the Plan is assured in that three (3) separate entities of general government will review all activities initiated.

These are:

1. City Commission, City of Apalachicola
2. Planning and Zoning Commission, City of Apalachicola
3. Community Redevelopment Agency

9. **RESIDENTIAL USE IN THE REDEVELOPMENT AREA**

Elements relating to residential redevelopment will be focused on the elimination of blight to include updating dwellings to meet current codes, reduction of criminal activity, and infrastructure improvements. Programs that encourage historic preservation and increase owner occupancy rates will have positive effects throughout the entire city.

*Documents Attached Resolution*

*– Adoption of Plan*

*Commission Meeting Minutes – Approval of Resolution to Adopt Plan and Agency*

4. **EXHIBIT SECTION**

1. **CRA Adoption Process, Procedures, Objectives, and Adoption**

**Adoption Procedure**

- (1) The 1989 Community Redevelopment Plan was prepared by the Office of Community Development, City of Apalachicola, in accordance with Chapter 163.362, Florida Statutes.
- (2) After review by the City's Planning and Zoning Commission, in respect to compliance with the City's Comprehensive Plan, the Plan was taken under consideration by the Community Redevelopment Agency.
- (3) Following review by the Agency, it was forwarded to the City Commission with the recommendation for approval
- (4) Pursuant to a Public Hearing held by the City Commission, the Plan was adopted by Resolution of that body.
- (5) The Community Redevelopment Agency completed a review and update of the Plan in 2009 and the same adoption procedures were followed as outlined in Section (4).
- (6) In that the Community Redevelopment Plan is a modification of a previously adopted plan, the modifications were made in strict accordance to Chapter

**Objectives and Purpose of Redevelopment Act**

The purpose of the Redevelopment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities. The following paragraphs, outlined in Chapter 163, Florida Statutes, describe those blighted conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for creating and implementing policies and programs.

- *Section 163.335 (1) ... there exist in counties and municipalities of the state 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; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.*
- *Section 163.335 (2) ... certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.*
- *Section 163.335 (3) ... the powers conferred by this part are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.*
- *Section 163.335 (4) ... that coastal resort and tourist areas or portions thereof which are deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.*
- *Section 163.335 (5) ... the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for*

*which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefore and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.*

*This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.*

*• Section 163.335 (6)...there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.*

Under the Redevelopment Act, if an area is deemed blighted, a resolution must be adopted by the local governing body, or municipal subdivision, finding that blight conditions are extant within the defined study area and that the repair, rehabilitation and/or the redevelopment of said areas are in the interest of public health, safety and welfare. If an area has such blighted conditions, the governing body would have to establish a Community Redevelopment Agency (CRA).

A Community Redevelopment Plan must be prepared and must provide physical information on the redevelopment area and identify potential programs and project types that can diminish or eradicate the specified blighted conditions. Under the Redevelopment Act, a redevelopment plan is subjected to a compliance review that is conducted by the Local Planning Agency (LPA) before it may be submitted to the City Commission for approval. In the case of the City of Apalachicola, the Planning and Zoning Board is also the LPA.

The LPA has sixty (60) days to review the redevelopment plan for its conformity with the City's Comprehensive Development Plan, addressing the development of the City as a whole and providing comments to the CRA. After receiving comments and recommendations from the LPA, the local governing body shall hold a public hearing on the approval of the Community Redevelopment Plan after public notice has been placed within the accepted general circulation newspaper of the area.

The next step under the Redevelopment Act is the creation of the Redevelopment Trust Fund, established by ordinance and adopted by the City Commission, the governing body that created the CRA. The most recent real property certified tax roll prior to the effective year of the ordinance shall be used to establish the "base year" within the redevelopment area in order to calculate the tax increment. In Apalachicola's case, the assumed timetable to move forward implies that the calculation of the tax increment will utilize the 2009 certified rolls for the proposed CRA area.

Subsequent to the establishment of the redevelopment structure described above, the trust fund becomes funded upon the availability of tax increment revenues. Tax increment revenues become available as the result of increased property assessments associated with new development and

redevelopment activities within the redevelopment area beyond the base year. Funds allocated to and deposited into the trust account are to be used by the CRA to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

Prior to the City adopting any resolution or ordinance to approve a community redevelopment plan or establish a redevelopment trust fund, the governing body must provide public notice of the proposed actions to each of the taxing authorities that have the power to levy ad-valorem taxes within the redevelopment area. Such notices serve as an alert to these taxing authorities to any possible changes in their budgets that may occur as a result of the redevelopment action.

As a policy matter, it is assumed that the following entities with ties and relationships to the City of Apalachicola's government will receive notice of any actions arising from either the findings of necessity analysis or subsequent programs or initiatives should they be authorized under the terms of the Redevelopment Act.

- Franklin County Government
- The City of Apalachicola
- Franklin County School Board
- Northwest Florida Water Management District

Other entities, including those listed above, that may also exercise certain jurisdiction or control within the same legal boundaries defined for the CRA area will not, as a matter of law or policy of the City, experience any diminution in their ad-valorem revenues arising from the adoption of a resolution that defines or finds blight as described herein.

#### **A. Declaration and Process**

Determining if blight conditions exist within the CRA Area is the initial step in ascertaining the designated zone's appropriateness as a community redevelopment area. This documentation of blight conditions and supporting analysis shall be referred to herein as the "Findings Report".

This Report describes the physical, economic, and regulatory conditions within the community redevelopment study area that are associated with blight or its causes and discusses the need for a community redevelopment area

#### **B. Criteria for Determining Blight**

The Redevelopment Act establishes two similar, but discrete, pathways to determine if a study area is a "blighted area," sufficient to warrant the full application of the redevelopment powers conveyed by such a designation.

- The first alternative (Alternative One) involves the layering of two tests. The first test is broadly conditional, and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.
- The second alternative (Alternative Two) involves a specific agreement among parties subject to a prospective trust fund agreement. Where such an agreement exists, the jurisdiction seeking to designate a redevelopment area will be allowed to pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.

### Alternative One

The first test for Alternative One requires that a study area identified as a blighted area contain 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.”

The second test for Alternative One must prove that the area must be one 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 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 are higher in the area than in the remainder of the county or municipality;
- j) Incidence of crime in the area are higher than in the remainder of the county or municipality;
- k) Fire and emergency medical service calls to the area are proportionally 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.

### Alternative Two

The Redevelopment Act also allows that a blighted area may be “any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.340 (8), Florida Statutes, are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387 (2)(a), Florida Statutes, and Section 163.340 (8), Florida Statutes, agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted.

#### Documents Attached

*Resolution – Need for CRA Agency*

*Resolution – De-Authorizing the Downtown Development Association and Establishing Agency*

*Resolution – Adoption of Plan*

*Public Hearing Advertisement and Related Correspondence*

*2009 Update Documents*

*Documents Attached*

*Map – Redevelopment Area*

*Map – Land Use and Land Ownership Map*

*– Open Space and Street Layout Land use  
and Ownership List*

*2010-2016 Building Permits in the CRA Area*

*CRA-related Grant Opportunities*

**COMMUNITY REDEVELOPMENT PLAN  
APALACHICOLA, FLORIDA**

**Revised June 2017**

**TABLE OF CONTENTS**

**EXHIBIT**

- 1. Introduction and CRA History**
  
- 2. Planning, Planning Constraints and Strategies**
  - 2.1 Planning Process
  - 2.2 Planning Constraints
  - 2.3 Strategies
  
- 3. Community Redevelopment Plan**
  - 3.1 Legal Description
  - 3.2 Development Area Information
  - 3.3 Development Standards
  - 3.4 Dwelling Units in Area
  - 3.5 Public Land Use
  - 3.6 Neighborhood Impact
  - 3.7 Method of Financing
  - 3.8 Safeguards for Plan Compliance
  - 3.9 Residential Use Element
  
- 4. Exhibit Section**
  - 4.0 CRA Adoption Procedures, objectives, and adoption
  - 4.1 Redevelopment Area
  - 4.2 Land Use and Ownership
  - 4.3 Open Space and Street Layout
  - 4.4 Public Land Use

**1. INTRODUCTION AND CRA HISTORY**

The City of Apalachicola, located in northwest Florida on the Gulf of Mexico, is the county seat of Franklin County. The City was founded in 1831 and historically went through periods of prosperity with a thriving cotton trade in the 1800's and prosperous lumber industry in the early 1900's. Since the demise of the lumber industry in the late 1930's, the community has survived primarily as a monolithic economy based on the seafood industry.

A decline of the seafood industry nationally, which began in the early 1970's, is very apparent in Apalachicola. If the City is to provide a viable economic ambiance that allows the workforce to obtain and sustain a reasonable quality of life, the local economy must be diversified.

Owing to the environmental character of the surrounding region, traditional job growth is limited and challenging. However, new economies are emerging such as recreational boating, sports fishing, new middle age and middle class residents in search of "community," and a public philosophy to maintain the City's settlement patterns and historical character. Within the CRA area, the creation of jobs provided by heavy industry is widely viewed as not in the best interest of the community. Job creation should be focused on initiatives that have minimal or no impact on the natural environment and enhance the historic charter and heritage of the city. Today, the growth of historic, cultural, and environmental tourism; recreational boating; and sports fishing provide a positive impact on the local economy.

The purpose of the Community Reinvestment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities. The 1989 Community Redevelopment Plan was prepared by the Office of Community Development, City of Apalachicola. Following review by the Agency, it was forwarded to the City Commission, and the Plan was adopted by resolution after a public hearing. The Community Redevelopment Agency completed a review and update of the Plan in 2009 and the same adoption procedures were followed.

## **2. COMMUNITY REDEVELOPMENT PLAN PLANNING PROCESS, PLANNING CONSIDERATIONS, STRATEGIES, AND RECOMMENDATIONS**

### **2.1 Planning Process**

The City's economic base rests on the declining seafood industry and the growing tourist market.

The 2009 update of the CRA Plan identifies the following assessments currently in place that should be included as part of the City's future community development planning efforts. These documents were funded in part by the City of Apalachicola, Florida Department of Community Affairs, Florida Communities Trust, Apalachee Regional Planning Council, Riverway South, UGA's Fanning Institutend the City's Area of Critical Concern Designation.

- ❖ City of Apalachicola Comprehensive Plan (inclusive of periodic updates)
- ❖ City of Apalachicola Land Development Code (inclusive of periodic updates)
- ❖ "Historic Apalachicola Design Guidelines, A Guide to Rehabilitation and New Construction in the City of Apalachicola", August 2006
- ❖ "Scipio Creek Feasibility Study", November 2006
- ❖ "City of Apalachicola Management Plan for Florida Communities Trust Properties" (inclusive of periodic updates)
- ❖ "Apalachicola: Economic Development Through Historic Preservation", 35<sup>th</sup> Anniversary Edition 1974-2009, Architect Willoughby Marshall
- ❖ "Project Riverway", 2008 Final Report of Project Riverway/Apalachicola
- ❖ Area of Critical Concern Designation



The prior efforts are generally consistent in that they advocate economic development based on the natural and cultural resources of the community and area. These resources lend themselves to a spectrum of possibilities comprising four specific opportunities. These are: 1) The development of tourism through historic preservation and cultural programming; 2) The vertical development of the commercial fishing industry; 3) The continued development of facilities to support sports fishing, recreational boating and Eco-tourism; and 4) The encouragement of development of light compatible industry at the Apalachicola Airport that will sustain businesses within the CRA area.

## **2.2 External Considerations for Development**

The City is located at the juncture of the Apalachicola River and Apalachicola Bay, creating an estuarine system that provides a nursery area for many varieties of shrimp and finfish as well as the blue crab. The conditions of water quality and water flow significantly affect the productivity of the Gulf of Mexico for 500 miles seaward, this circumstance, as well as other considerations has resulted in numerous environmental designations.

The lower river and bay are recognized as the last un-impacted, pristine wilderness east of the Mississippi River. The Apalachicola River and Bay are designated as Outstanding Florida Waters (OFW), which are subject to the rules of the Department of Environmental Regulation. A portion is also included in the State's Aquatic Reserve Program as described in Chapter 258, Florida Statutes. The Aquatic Preserve includes those waters from St. George Island Bridge west to Indian Pass.

In 1979, the Estuarine Reserve Designation was conferred by the National Oceanic and Atmospheric Administration, Office of Coastal and Resource Management. The Apalachicola National Estuarine Research Reserve (ANERR) is the 2<sup>nd</sup> largest existing national estuarine reserve. The reserve encompasses approximately 246,000 acres, most of which are State owned submerged lands. There is a possibility of further expansion to include additional adjacent public lands as they are acquired by the State.

In 1983, Apalachicola was designated as an Area of Critical State Concern by the State of Florida under the Apalachicola Bay Protection Act, House Bill 1202 and Chapter 380.0555, Florida Statutes and by the Florida Governor and Cabinet.

In 1984, the lower Apalachicola River Valley was accepted for inclusion in the International Man and Biosphere (IMB) Program. This is a system of international reserves operating under the general guidance of the United Nations Education Scientific and Cultural Organization (UNESCO). These preserves are selected to conserve a representative diversity of the world's major ecosystems as sites for long term monitoring research and related educational activities.

One of the unique features of the Reserve is the extensive multiple agency involvement in the area. Various upland regions within the Reserve boundaries were previously acquired by federal and state agencies for a variety of different purposes. St. Vincent's Island (12,358 acres), is a national wildlife refuge; Cape St. George (2,300 acres), is a State reserve; the eastern tip of St. George Island (1,883 acres), is a State park and 28,685 acres of the Apalachicola River Flood Plain were purchased under the State's Environmental Endangered Lands Acquisition Program for preservation purposes.

The historic designations and recognitions awarded to the natural conditions of the community

are attractive assets to those seeking an authentic “Old Florida” experience. While development within the Historic District must take into account such designations as historic preservation, distinctive destination, historic district, waterfronts, as well as other similar awards, these designations continue to enhance resource-oriented research and education activities.

### **2.3 Considerations and Recommendations for CRA Implementation**

The City’s basic planning documents mandate that economic development and diversification be achieved through a quadrilateral approach. In implementing this objective, the initial phase proposes the continued development of new boating facilities as well as the two existing marinas, i.e. Battery Park Marina located at the southern terminus of Market and 6<sup>th</sup> Street; and the Scipio Creek Mooring Basin at the northern terminus of Market Street.

The improvement of these facilities will in effect create a developmental corridor extending north and south from Scipio Creek to Battery Park Marina and west to east from Market Street to the river. The area includes within its perimeter all the commercial/industrial buildings as well as non-airport industrial infrastructure. Redevelopment of this developmental corridor will place the City in a position to implement the strategies described hereinafter:

- a) It is recommended that the City of Apalachicola create within its organizational structure the “Department of Port Services and Facilities,” thus providing an official recognition of the Port of Apalachicola. A Port Development and Management Plan is needed.
- b) Improvements to the Scipio Creek Marina, Battery Park Marina, and the development of new and expanded Port of Apalachicola mooring and support facilities.
- c) The continued development of tourism through historic preservation and restoration of the City’s large inventory of historic, architecturally significant and supportive structures in the historic district.
- d) The vertical development of the commercial seafood industry. This would be accomplished by developing facilities for the final processing of seafood for the market, rather than shipping the raw product to other processing centers.
- e) The development of marine related facilities and services, i.e. dockage, marinas, marine ways and repair facilities to serve marine traffic on the Intracoastal Waterway and the northern coast of the Gulf of Mexico, and out-of-area boaters choosing to spend leisure time in Apalachicola. Moreover, to encourage the further development of eco-tourism to include increased sports fishing, increased outdoor recreation, and increased recreational boating. The inclusion of a non-motorized water craft launch will facilitate increased paddle sports such as kayaking. This applies to service providers and the potential construction of additional marinas, lodging providers, shopping, restaurants, and special events.
- f) The encouragement of an effective bay management plan emphasizing long term protection of a renewable resource. This plan should encourage a substantial increase in the lease of sovereignty bottom for the purpose of establishing artificial oyster reefs and clam beds, with a special emphasis on assisting small lease holders to develop their leases. The potentially positive effect on the seafood industry would support businesses within the CRA area.

The operative strategy includes the concept of developing an emerging sector of the tourism market by capitalizing on the natural resources of the area. Those enterprises slanting their business plans toward nature/heritage oriented groups will be capitalizing on the growing interest in environmentalism and heritage related tourism. In that these are non-consumptive, intellectual and recreational activities, we would not anticipate any actions stemming from State or Federal oversight to impact this sector of the tourism industry.

Other planning considerations include the Apalachicola Regional Airport and the North Historic Commercial District. The airport needs to be leveraged as a stronger economic development tool with increased airport traffic and a connection to new economic opportunities. Annexation into the City of Apalachicola should be strongly considered. A strong concentration on the North Historic Commercial District, historically known as “the Hill”, is needed to support and expand businesses currently operating and to reduce the factors that stifle economic activity. Development of a plan to improve the district’s economic atmosphere, should address infrastructure, business development and the preservation of historic resources. Traffic corridors have been identified for improvement, connecting the district with other commercial zones.

Options for new City revenues should be evaluated and those most suitable implemented to increase the City’s ability to pursue infrastructure and economic development priorities.

### **3. COMMUNITY REDEVELOPMENT PLAN CITY OF APALACHICOLA, FLORIDA**

#### **3.1 LEGAL DESCRIPTION**

Boundaries of the Community Development Area are:

From a point of beginning at the southern terminus of 6<sup>th</sup> Street; north to Avenue “B”; then east to the alleyway lying between 5<sup>th</sup> Street and 4<sup>th</sup> Street in Block 11; then run north to the southern boundary of Lot 7, Block 9; then run west to 10<sup>th</sup> Street; then run south to the southern boundary of Lot 2, Block 42; then run west to the alleyway lying between 10<sup>th</sup> Street and 11<sup>th</sup> Street in block 42; then run north to the southern boundary of Lot 8, Block 42; then run west to the alleyway lying between 11<sup>th</sup> Street and 12<sup>th</sup> Street in Block 49; then run north to the southern boundary of Lot 7, Block 49; then run west to platted right of way easement between Block 114 and Block 4, Neel’s Addition; then run north to the northern boundary of Lot 9, Block 115; then run east to 14<sup>th</sup> Street; then run north to Avenue F; then run east to the alleyway lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street in Block 70; then run north to the northern boundary of Lot 9, Block 163; then run east to 6<sup>th</sup> Street; then run north to the southern edge of Scipio Creek Mooring Basin; then run easterly to the water’s edge of the Apalachicola River; then run along the water’s edge of the Apalachicola River south and southeasterly, and easterly and northeasterly around Battery Park Point and Marina to the point of beginning.

This area contains all of Battery Park, Battery Park Marina, Battery Park Point, an unplatted section of the uplands adjacent to Scipio Creek Mooring Basin; Wharf Lots 1 through 49; Wharf Lots A through K; Blocks A-1 through K-1; Blocks A-2 through K-2;

Blocks L through S; All of Blocks 1,2,3,4,5,6,7,8,17,18,19,20,21,22,31,32,41,60,61,62, 63,64,65,66,67,68,69,76,77,165,166,167,168,169,170,171,172,175,176,177,178, 179,180, 181,182,183,184,185,186,187,188,189,190,191; and Block 11 Lots 2,3,4,5; Block 10 Lots 1,2,3,4,5; Block 9 Lots 1,2,3,4,5,6,7; Block 15 Lots 6,7; Block 16 Lots 4,5,6,7,8,9,10; Block 23 Lots 1,2,3,4,5,6,7; Block 24 Lots 3,4,5; Block 30 Lots 4,5,6,7; Block 33 Lots 4,5,6,7; Block 40 Lots 4,5,6,7; Block 42 Lots 2,3,4,5,6,7,8; Block 49 Lots 3,4,5,6,7; Block 70 Lots 1,2,3,4,5; Block 71 Lots 1,2,3,4,5; Block 72 Lots 1,2,3,4,5; Block 84 Lots 1,2,3,4,5,6,7,8,9,10; Block 85 Lots 4,5,6,7; Block 86 Lots 4,5,6,7; Block 87 Lots 1,2,3,4,5,6,7,8,9,10; Block 95 Lots 4,5,6,7; Block 98 Lots 4,5,6,7; Block 98 Lots 4,5,6,7; Block 107 Lots 4,5,6,7; Block 114 Lots 4,5,6,7; Block 159 Lots 1,2,3,4,5; Block 160 Lots 1,2,3,4,5; Block 161 Lots 1,2,3,4,5; Block 162 Lots 1,2,3,4,5; Block 163 Lots 1,2; Block 164 Lots 1,2,9,10; Block 173 Lots 1,2,9,10; Block 174 Lots 1,2,9,10.

### **3.2 DEVELOPMENT AREA INFORMATION**

- 3.2.a There are four (4) considerable existing open space sites in the redevelopment area.
- 3.2.b The Battery Park area contains Battery Park proper, marina point, the City Marina and little league baseball field. The area is seven (7) acres (+/-) in extent.
- 3.2.c The Chapman Botanical Gardens have been leased to the Florida State Park system to be combined with the Orman House Museum and the Three Serviceman's Memorial Park. The complex occupies six (6) acres (+/-).
- 3.2.d The Research Conservation District is two hundred twenty-three (223 acres (+/-) in extent. The facilities in the district include the National Estuarine Reserve Headquarters, the DEP Shellfish Laboratory, Scipio Creek Mooring Basin, The Harbor Master house and the mini-park with parking facilities.
- 3.2.e Recently acquired Florida Communities Trust properties totaling approximately three (4) acres and includes the recreational facilities outlined in the related FCT properties management plan and other City owned waterfront parcels.
- 3.2. f Three platted city squares significant to the original historic plat of the City, these include Franklin Square, Gorrie Square, and City Square, totaling approximately (6) acres.
- 3.2.g See Map Section.

### **3.3 LIMITATIONS ON TYPE, SIZE, HEIGHT, NUMBER AND PROPOSED USE OF BUILDINGS**

- 3.3.a Type: All new construction or modification of existing structures are subject to the Architectural Review Board and issuance of Certificate of Appropriateness by the Planning and Zoning Commission.

- 3.3.b Height: Maximum height allowed in the City is thirty-five (35 feet).
- 3.3.c Density: Standards allow eighty (80) percent site coverage in areas zoned industrial or commercial.
- 3.3.d Proposed Use of Buildings: Usage is determined by zoning. The redevelopment area encompasses seven (7) zoning districts, these are: General Commercial (C1), Neighborhood Commercial (C2), Riverfront Commercial (C4), Riverfront (RF), Office/Residential (OR), Single Family Residential (R1) and Multi-family Residential (R2).

**3.4 APPROXIMATE NUMBER OF DWELLING UNITS IN THE REDEVELOPMENT AREA**

- 3.4.a There are 1137 total parcels within the Community Redevelopment Area, consisting of 317 parcels in C1; 74 parcels in C2; 239 parcels in C4; 59 parcels in RF; 72 parcels in OR; 331 parcels in R1; and 45 parcels in R2.

Most of the structures in these areas were constructed prior to 1940. It appears that several properties are not in compliance with the current land development regulations and it is anticipated that these properties may be aggregated to allow redevelopment to meet current codes.

- 3.4.b See Map Section

**3.5 PUBLIC LAND USE**

- 3.5.a Property intended for public use such as parks, recreation areas, streets and public improvements are address on Map 4. See Map Section, Map 4, Page 34.
- 3.5.b Not mapped are public utilities or infrastructures. The City can provide sanitary sewer and potable water services to any area of the community redevelopment area.

**3.6 NEIGHBORHOOD IMPACT**

The redevelopment area contains a total of 649 single family residences, low and moderate income households. The City plans no activities in the project area and the surrounding areas which would impact residential housing in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect the school population, and other matters that would negatively affect the physical and social quality of the neighborhood.

**3.7 PROPOSED METHOD OF FINANCING DEVELOPMENT**

- 3.7.a It is the intent of the City to use a broad spectrum of funding sources to finance

the redevelopment of the redevelopment area, all of which shall be in compliance with federal, state and local statutes and regulations, as applicable.

These are:

1. Private Sector Financing
2. Infrastructure System Revenue Bonds
3. Grant-in-Aid Programs
4. Redevelopment Trust Fund for implementation of Tax Increment Financing

3.7.b Federal Grant-in-Aid Programs

These are, but not limited to:

1. Economic Development/Business Development Assistance, US Department of Commerce
2. Economic Development/Public Works Impact Projects US Department of Commerce
3. Community Facilities Loans, US Department of Commerce
4. Economic Development Investment Programs, US Department of Commerce
5. USDA Rural Development, Housing and Public Infrastructure Grant/Loan Program

3.7.c State Grant-in-Aid Programs

These are, but not limited to:

1. Small Cities Community Development Block Grant Program (CDBG), Florida Department of Community Affairs
2. Historic Preservation Grants, Florida Division of Historic Preservation
3. Florida Recreational Development Assistance Program (FRDAP), Department of Environmental Protection
4. Conservation and Recreational Land Acquisition Program, Florida Communities Trust
5. Governor's Office of Tourism, Trade and Economic Development, Enterprise Florida
6. Public Improvement Projects, Florida Department of Environmental Protection
7. Infrastructure Improvement Projects, Northwest Florida Water Management District
8. Natural Conservation Programs, Florida Office of Greenways and Trails
9. Small Disadvantaged Communities Program, Florida Department of Environmental Protection

3.7.d Local Grant-in-Aid Programs

These are, but not limited to:

1. Franklin County Tourist Development Council
2. Public/Private Partnerships
3. Foundation Grants
4. Private Contributions

### **3.8 SAFEGUARDS FOR PLAN COMPLIANCE**

Compliance with the Plan is assured in that three (3) separate entities of general government will review all activities initiated.

These are:

1. City Commission, City of Apalachicola
2. Planning and Zoning Commission, City of Apalachicola
3. Community Redevelopment Agency

### **3.9 RESIDENTIAL USE IN THE REDEVELOPMENT AREA**

Elements relating to residential redevelopment will be focused on the elimination of blight to include updating dwellings to meet current codes, reduction of criminal activity, and infrastructure improvements. Programs that encourage historic preservation and increase owner occupancy rates will have positive effects throughout the entire city.

#### **Documents Attached**

**Resolution – Adoption of Plan**

**Commission Meeting Minutes – Approval of Resolution to Adopt Plan and Agency**

## **4. EXHIBIT SECTION**

### **4.0 CRA Adoption Process, Procedures, Objectives, and Adoption**

#### **Adoption Procedure**

- (1) The 1989 Community Redevelopment Plan was prepared by the Office of Community Development, City of Apalachicola, in accordance with Chapter 163.362, Florida Statutes.
- (2) After review by the City's Planning and Zoning Commission, in respect to compliance with the City's Comprehensive Plan, the Plan was taken under consideration by the Community Redevelopment Agency.
- (3) Following review by the Agency, it was forwarded to the City Commission with the recommendation for approval
- (4) Pursuant to a Public Hearing held by the City Commission, the Plan was adopted by Resolution of that body.
- (5) The Community Redevelopment Agency completed a review and update of the Plan in 2009 and the same adoption procedures were followed as outlined in Section (4).
- (6) In that the Community Redevelopment Plan is a modification of a previously adopted plan, the modifications were made in strict accordance to Chapter

**Objectives and Purpose of Redevelopment Act**

The purpose of the Redevelopment Act is to assist local governments in eliminating and/or preventing blighted conditions that are detrimental to the sustainability of economically and socially vibrant communities. The following paragraphs, outlined in Chapter 163, Florida Statutes, describe those blighted conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for creating and implementing policies and programs.

• *Section 163.335 (1)... there exist in counties and municipalities of the state 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; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.*

• *Section 163.335 (2)... certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.*

• *Section 163.335 (3)... the powers conferred by this part are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.*

• *Section 163.335 (4)... that coastal resort and tourist areas or portions thereof which are deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.*

• *Section 163.335 (5)... the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for*



*which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefore and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.*

*• Section 163.335 (6)...there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.*

Under the Redevelopment Act, if an area is deemed blighted, a resolution must be adopted by the local governing body, or municipal subdivision, finding that blight conditions are extant within the defined study area and that the repair, rehabilitation and/or the redevelopment of said areas are in the interest of public health, safety and welfare. If an area has such blighted conditions, the governing body would have to establish a Community Redevelopment Agency (CRA). A Community Redevelopment Plan must be prepared and must provide physical information on the redevelopment area and identify potential programs and project types that can diminish or eradicate the specified blighted conditions. Under the Redevelopment Act, a redevelopment plan is subjected to a compliance review that is conducted by the Local Planning Agency (LPA) before it may be submitted to the City Commission for approval. In the case of the City of Apalachicola, the Planning and Zoning Board is also the LPA.

The LPA has sixty (60) days to review the redevelopment plan for its conformity with the City's Comprehensive Development Plan, addressing the development of the City as a whole and providing comments to the CRA. After receiving comments and recommendations from the LPA, the local governing body shall hold a public hearing on the approval of the Community Redevelopment Plan after public notice has been placed within the accepted general circulation newspaper of the area.

The next step under the Redevelopment Act is the creation of the Redevelopment Trust Fund, established by ordinance and adopted by the City Commission, the governing body that created the CRA. The most recent real property certified tax roll prior to the effective year of the ordinance shall be used to establish the "base year" within the redevelopment area in order to calculate the tax increment. In Apalachicola's case, the assumed timetable to move forward implies that the calculation of the tax increment will utilize the 2009 certified rolls for the proposed CRA area.

Subsequent to the establishment of the redevelopment structure described above, the trust fund becomes funded upon the availability of tax increment revenues. Tax increment revenues become available as the result of increased property assessments associated with new development and

redevelopment activities within the redevelopment area beyond the base year. Funds allocated to and deposited into the trust account are to be used by the CRA to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

Prior to the City adopting any resolution or ordinance to approve a community redevelopment plan or establish a redevelopment trust fund, the governing body must provide public notice of the proposed actions to each of the taxing authorities that have the power to levy ad-valorem taxes within the redevelopment area. Such notices serve as an alert to these taxing authorities to any possible changes in their budgets that may occur as a result of the redevelopment action.

As a policy matter, it is assumed that the following entities with ties and relationships to the City of Apalachicola's government will receive notice of any actions arising from either the findings of necessity analysis or subsequent programs or initiatives should they be authorized under the terms of the Redevelopment Act.

- Franklin County Government
- The City of Apalachicola
- Franklin County School Board
- Northwest Florida Water Management District

Other entities, including those listed above, that may also exercise certain jurisdiction or control within the same legal boundaries defined for the CRA area will not, as a matter of law or policy of the City, experience any diminution in their ad-valorem revenues arising from the adoption of a resolution that defines or finds blight as described herein.

#### **A. Declaration and Process**

Determining if blight conditions exist within the CRA Area is the initial step in ascertaining the designated zone's appropriateness as a community redevelopment area. This documentation of blight conditions and supporting analysis shall be referred to herein as the "Findings Report". This Report describes the physical, economic, and regulatory conditions within the community redevelopment study area that are associated with blight or its causes and discusses the need for a community redevelopment area

#### **B. Criteria for Determining Blight**

The Redevelopment Act establishes two similar, but discrete, pathways to determine if a study area is a "blighted area," sufficient to warrant the full application of the redevelopment powers conveyed by such a designation.

- The first alternative (Alternative One) involves the layering of two tests. The first test is broadly conditional and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.
- The second alternative (Alternative Two) involves a specific agreement among parties subject to a prospective trust fund agreement. Where such an agreement exists, the jurisdiction seeking to designate a redevelopment area will be allowed to pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.

### **Alternative One**

The first test for Alternative One requires that a study area identified as a blighted area contain 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.”

The second test for Alternative One must prove that the area must be one 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 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 are higher in the area than in the remainder of the county or municipality;
- j) Incidence of crime in the area are higher than in the remainder of the county or municipality;
- k) Fire and emergency medical service calls to the area are proportionally 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.

### **Alternative Two**

The Redevelopment Act also allows that a blighted area may be “any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.340 (8), Florida Statutes, are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387 (2)(a), Florida Statutes, and Section 163.340 (8), Florida Statutes, agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted.

#### **Documents Attached**

*Resolution – Need for CRA Agency*

*Resolution – De-Authorizing the Downtown Development Association and Establishing Agency*

*Resolution – Adoption of Plan*

*Public Hearing Advertisement and Related Correspondence*

**2009 Update Documents**

Documents Attached

*Map – Redevelopment Area*

*Map – Land Use and Land Ownership*

*Map – Open Space and Street Layout*

*Land use and Ownership List*

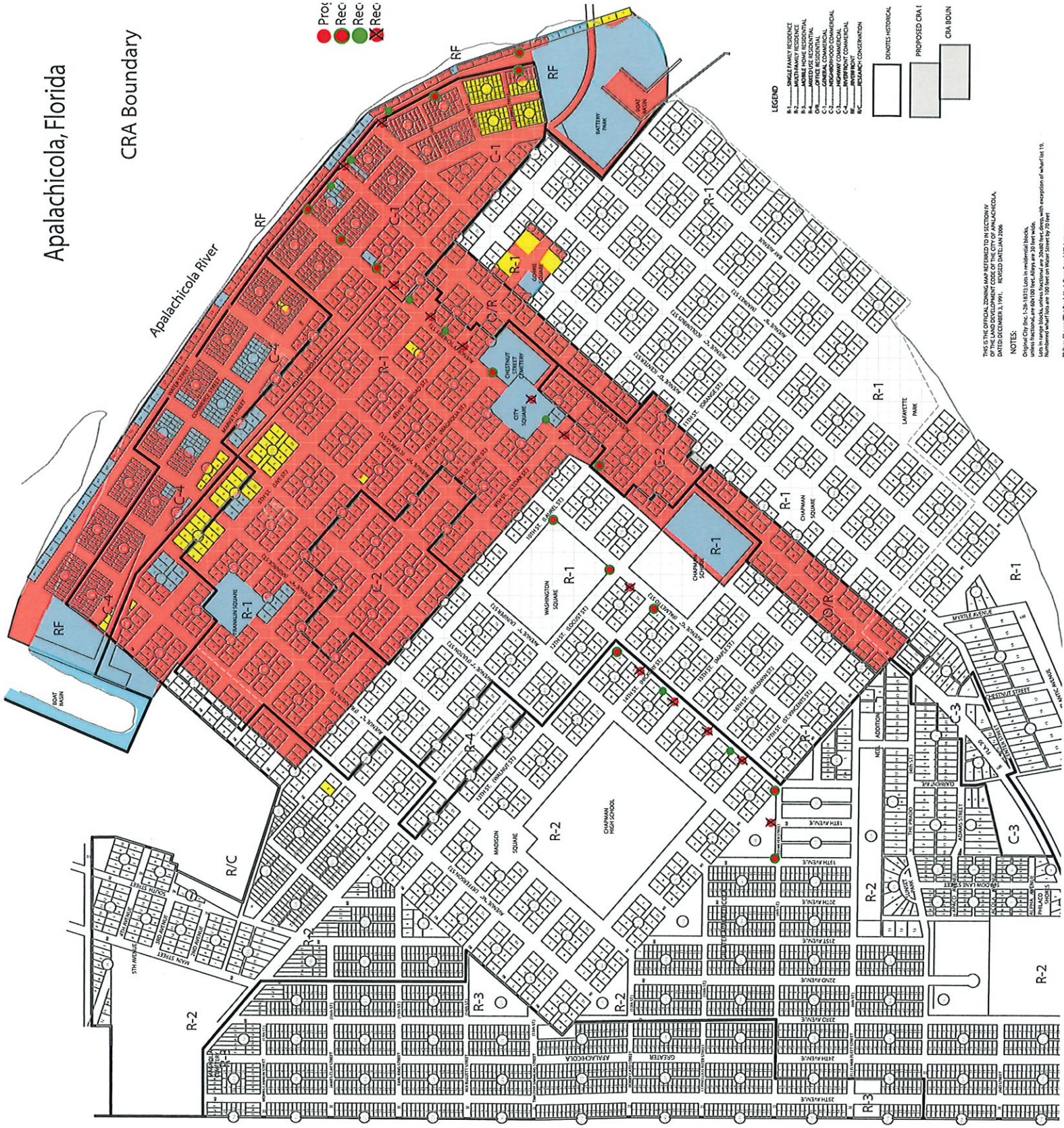
*2010-2016 Building Permits in the CRA Area*

*CRA-related Grant Opportunities*

# Apalachicola, Florida

CRA Boundary

- Prot Rec
- Rec Rec
- Rec Rec
- Rec Rec



**LEGEND**

- R-1 SINGLE-FAMILY RESIDENTIAL
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 LARGE-LOT RESIDENTIAL
- C-1 NEIGHBORHOOD COMMERCIAL
- C-3 COMMUNITY COMMERCIAL
- RF RECREATION FACILITY
- R/C RESIDENTIAL COMMUNITY CENTER

DATED HISTORICAL  
 PROPOSED CRA I  
 CRA BOUND

THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION IV OF THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA, DATED DECEMBER 3, 1991. REISED JULY 14, 2008

**NOTES:**

Original City Ord. 1-28-1933, with amendments.

Lot in orange blocks within Section 14, 2008 Rec. Ord. with exception of what is in Numbered future lots are 100 feet on Water Street by 70 feet.