

CS/SB 564 by **CA, Simmons (CO-INTRODUCERS) Thompson, Soto**; (Similar to H 0679) Neighborhood Improvement Districts

872342 D S RCS AFT, Simmons Delete everything after 04/04 11:26 AM

CS/SB 770 by **CA, Ring**; (Compare to H 0679) Neighborhood Improvement Districts

679098 D S RCS AFT, Ring Delete everything after 04/04 11:26 AM

CS/CS/SB 556 by **GO, JU, Ring**; (Similar to CS/CS/H 0643) Clerks of the Court

511242 A S RCS AFT, Ring btw L.471 - 472: 04/04 11:26 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON FINANCE AND
TAX
Senator Hukill, Chair
Senator Ring, Vice Chair

MEETING DATE: Thursday, April 4, 2013
TIME: 10:30 a.m.—12:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Hukill, Chair; Senator Ring, Vice Chair; Senators Abruzzo, Altman, Brandes, Clemens, Diaz de la Portilla, Evers, Gardiner, Margolis, Sachs, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 564 Community Affairs / Simmons (Similar H 679, Compare H 741, CS/S 770)	Neighborhood Improvement Districts; Renaming the "Safe Neighborhoods Act" as the "Neighborhoods Improvement Act"; authorizing the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance; revising provisions authorizing a local governing body to create a local government neighborhood improvement district by the enactment of an ordinance; requiring a local government and a special neighborhood improvement district levying an ad valorem tax on real or personal property to prepare a budget in a specified manner, etc. CA 03/07/2013 Fav/CS AFT 03/27/2013 Temporarily Postponed AFT 04/04/2013 Fav/CS AP	Fav/CS Yeas 10 Nays 1
2	CS/SB 770 Community Affairs / Ring (Compare H 679, H 741, CS/S 564)	Neighborhood Improvement Districts; Providing that an ordinance that creates a neighborhood improvement district may authorize the district to exercise certain powers, in addition to those already granted to such districts; conditioning the exercise of those powers by the local government neighborhood improvement district upon referendum approval by the electors of the district, etc. CA 03/07/2013 Fav/CS AFT 03/27/2013 Temporarily Postponed AFT 04/04/2013 Fav/CS AP	Fav/CS Yeas 10 Nays 1

COMMITTEE MEETING EXPANDED AGENDA
 Appropriations Subcommittee on Finance and Tax
 Thursday, April 4, 2013, 10:30 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/CS/SB 556 Governmental Oversight and Accountability / Judiciary / Ring (Similar CS/H 643)	Clerks of the Court; Providing requirements for the storage of papers and electronic filings and requiring that they be stamped with the date and time of submission; authorizing the clerk to remove certain court records from the Official Records; requiring that the clerk provide access to public records without charge to certain persons, subject to a limitation and an exception; providing that the state is not required to pay fees to enforce judgment for costs and fines, etc. JU 03/06/2013 Fav/CS GO 03/21/2013 Fav/CS AFT 04/04/2013 Fav/CS AP	Fav/CS Yeas 11 Nays 0
4	Continuation of Review of Economic Development Tax Incentives		Not Considered
5	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

BILL: CS/CS/SB 564

INTRODUCER: Appropriations Subcommittee on Finance and Tax, Committee on Community Affairs and Senator Simmons

SUBJECT: Neighborhood Improvement Districts

DATE: April 4, 2013 REVISD: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 564 renames the Safe Neighborhoods Act as the “Neighborhoods Improvement Act” and revises its focus from safety and crime reduction to neighborhood improvements such as street and sidewalk enhancement, landscaping, mass transit, and stormwater and public utility development.

In addition to local government Neighborhood Improvement Districts’ (NID) current authority to levy ad valorem taxes and special assessments, this bill allows these NIDs to impose fees and user charges.

The bill has no fiscal impact on state government; however, local governments may incur additional costs associated with conducting referenda.

The bill authorizes local government NIDs to borrow money and issue bonds. Bonds must be approved by the board of the NID, governing body of the municipality or county that created the district, and by referendum. The bill distinguishes between local government NIDs located in residential areas and those located in commercial areas.

The Safe Neighborhoods Program, unfunded since 1992, and related grant opportunities, are eliminated by the bill. Many of the Department of Legal Affairs' administrative duties associated with safety, crime reduction, and community policing efforts are also removed. The bill also allows NIDs to contract with county or municipal government for legal advice, and to plan for certain public improvements.

The bill substantially amends the following sections of the Florida Statutes: 163.2511, 163.2517, 163.3182, 163.3246, 163.387, 163.501, 163.502, 163.503, 163.5035, 163.504, 163.5055, 163.506, 163.508, 163.511, 163.512, 163.514, 163.5151, 163.516, 163.524, 163.526, 376.84, 775.083, and 932.7055.

The bill repeals the following sections of the Florida Statutes: 163.513, 163.517, 163.519, 163.521, 163.5215, 163.522, and 163.523.

II. Present Situation:

Neighborhood Improvement Districts

Purposes and Creation

Part IV of ch. 163, F.S., is known as the "Safe Neighborhoods Act." The intent of the Act is to:

- Guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods;
- Promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers;
- Establish, maintain, and preserve property values and foster the development of attractive neighborhoods and business environments;
- Prevent overcrowding and congestion;
- Improve or redirect traffic and provide pedestrian safety; and
- Reduce crime rates.¹

Section 163.503(1) defines the term "neighborhood improvement district" to mean:

A district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security or defensible space techniques, or through community policing innovations. . . .

The Safe Neighborhoods Act allows county or municipal governing bodies to create NIDs through the adoption of a planning ordinance. Each NID that is established is required to register within 30 days with both the Department of Economic Opportunity (DEO) and the Department

¹ See s. 163.502, F.S.

of Legal Affairs (DLA) and provide the name, location, size, type of NID, and such other information that the departments may require.² Under current law, there are four types of NIDs:

- Local government NIDs,
- Property owners' association NIDs,
- Community redevelopment NIDs, and
- Special NIDs, which are further classified as either residential or business.³

As of March 2013, there are 31 active NIDs in the state of Florida.⁴ Twenty-eight of these are local government NIDs, two are special residential NIDs and one is classified as a property owners' association NID.

NID Boards and Revenue Sources

The board of directors of a local government NID is the local governing body of the municipality or county that created the district; however, as an alternative, a majority of the local governing body may also appoint a different board.⁵ The board of a property owners' association NID is comprised of the officers of the property owners' association.⁶ The board of a special NID is a three-member body appointed by the governing body of the municipality or county that created the district. The board of a community redevelopment NID is the community redevelopment board of commissioners, which is designated by the governing body of the municipality or county that created the board of commissioners.⁷

Local government NIDs and special NIDs are authorized to levy ad valorem taxes up to 2 mills annually.⁸ Local government NIDs are authorized to levy tax without a referendum; however, special NIDs require a referendum to levy ad valorem taxes.⁹ For a special *residential* NID, taxes are approved by a majority of the electors voting in the referendum.¹⁰ For a special *business* NID, taxes are approved by freeholders representing in excess of 50 percent of the assessed value of the property within the district endorse the referendum.¹¹

All NIDs are also authorized to make and collect special assessments, but all special assessments are subject to referendum approval.¹² Special assessments are approved by a majority of

² Section 163.5055, F.S.

³ See ss. 163.506-163.512, F.S.

⁴ Florida Department of Economic Opportunity, Division of Community Development, *Official List of Special Districts Online*, available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (last visited March 21, 2013). See Option 7: Select Functions of Interest.

⁵ Sections 163.506(1)(e) and 163.506(3), F.S.

⁶ Section 163.508(1)(e), F.S.

⁷ Sections 163.511(1)(f), and 163.512(1)(d), F.S., respectively.

⁸ Sections 163.506(1)(c), F.S., and 163.511(1)(b), F.S.

⁹ Section 163.511(1)(a) and (b), F.S.

¹⁰ Section 163.511(3)(g), F.S. Although the word "elector" is used in s. 163.511(3)(g), F.S., it appears that the intent is that the vote be made by residents within the district that are registered voters. See s. 163.511(3)(b), F.S.

¹¹ Section 163.511(4)(g), F.S.

¹² Section 163.514(16), F.S. This authority and any of the other NID powers enumerated in s. 163.514, F.S., may be prohibited by the NID's enacting ordinance.

registered voters residing in the district.¹³ Assessments may be collected pursuant to ss. 197.3632 and 197.3635, F.S. (the uniform method for collection of non-ad valorem assessments). Assessments may not exceed \$500 for each individual parcel of land per year.

Community redevelopment NIDs may also utilize community redevelopment trust funds to implement district planning and programming.¹⁴

NID Dissolutions

Local government and community redevelopment NIDs may be dissolved by the governing body that established them.¹⁵ Property owners' association NIDs continue in perpetuity as long as the property owners' association that was created or existed when the NID was created.¹⁶ Special NIDs are dissolved at the end of the tenth fiscal year of operation.¹⁷

NIDs and Bond Authority

Although NIDs have various powers, they do not have express authority to borrow funds. In 2006, the Florida Attorney General issued Opinion 2006-49, stating that an NID created by ordinance pursuant to s. 163.511, F.S., does not have the authority to borrow money to carry out the purposes of the district.¹⁸ The Attorney General's Office reasoned that a statutorily created entity is limited to such powers expressly granted by law or reasonably implied to carry out its expressly granted power. The opinion further stated that "[w]hen the Legislature has directed how a thing shall be done, that is in effect a prohibition against its being done any other way."

Duties of the Department of Legal Affairs

Many of the programs in the Safe Neighborhoods Act are administered by the DLA whose duties include the authority to:

- Develop program design and criteria for funding NIDs;
- Develop application and review procedures;
- Review and evaluate applications for planning and technical assistance;
- Utilize staff to provide crime prevention through community policing innovations, environmental design, environmental security, and defensible space training; and
- Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body.¹⁹

¹³ *Id.* See also Fn 10 regarding the term "elector."

¹⁴ Section 163.512(1)(c), F.S.

¹⁵ Sections 163.506(4) and 163.512(3), F.S.

¹⁶ Section 163.508(4), F.S.

¹⁷ Section 163.511(13), F.S. Special NIDs may continue for subsequent 10-year periods if the continuation of the district is approved through referendum.

¹⁸ Op. Atty. Gen. Fla. 2006-49 (2006).

¹⁹ See s. 163.519(1)-(11), F.S.

Safe Neighborhoods Program

Section 163.517, F.S., provides for the creation of the Safe Neighborhoods Program. The purpose of this program is to “provide planning grants and technical assistance on a 100-percent matching basis to neighborhood improvement districts.” Under this section, planning grants are to be awarded as follows:

- Property owners’ association NIDs may receive up to \$20,000.
- Local government NIDs may receive up to \$100,000.
- Special NIDs may receive up to \$50,000.
- Community redevelopment NIDs may receive up to \$50,000.

Grants are awarded to eligible applicants based on evaluation of specified criteria provided in subsections (2) and (3) of s. 163.517, F.S.

While the DLA is charged with overseeing the Safe Neighborhoods Program, funding for the program was repealed in 1992.²⁰ According to the Bureau of Criminal Justice Programs in the Office of the Attorney General, there is currently no staff or funding allocated to manage the program and its grants.²¹

Safe Neighborhood Improvement Plan

All NIDs are currently required to prepare a safe neighborhood improvement plan that addresses the statutory criteria provided in s. 163.516, F.S. The safe neighborhood improvement plan must be consistent with the adopted county or municipal comprehensive plan and must be “sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.”²² Additionally, the NID must provide some method for and measurement of the reduction of crime within the district.²³

According to the Department of Economic Opportunity, because of the lack of funds available for the Safe Neighborhoods Program, it is unknown how many Safe Neighborhood Plans there are or whether they are still being implemented.²⁴

Neighborhood Preservation and Enhancement Programs and Districts

The governing body of a municipality or county may authorize participation in the Neighborhood Preservation and Enhancement Program through the adoption of a local ordinance.²⁵ Neighborhood preservation and enhancement districts are created by the residents of

²⁰ Office of the Attorney General, *Proposed 2012 Legislation*, (Sept. 16, 2011) (on file with the Senate Committee on Community Affairs).

²¹ *Id.*

²² Section 163.516(3), F.S.

²³ *Id.*

²⁴ Department of Economic Opportunity, *Analysis of HB 191 by Representative Soto* (September 29, 2011) on file with the Senate Committee on Community Affairs. Note: HB 191 is similar to SB 582.

²⁵ *See* s. 163.524, F.S.

a particular neighborhood or through county or municipal initiative by identifying those areas that are in need of enhancement. Neighborhood preservation and enhancement plans are enforced through an agency created by the local government which may be composed of the local code enforcement board or any other agency that will provide adequate enforcement of the plan.²⁶

After the boundaries and size of the neighborhood preservation and enhancement district have been defined, the residents therein shall create a neighborhood council, consisting of five elected members who shall have the authority to receive grants from the Safe Neighborhoods Program under s. 163.517, F.S. The established neighborhood council and local government designated enforcement agency must have such powers and duties as provided under s. 163.526, F.S. These powers include the special assessments provisions of s. 163.514, F.S.²⁷

The Special District Information Program within the DEO currently lists one active Neighborhood Preservation and Enhancement District in the state.²⁸

Neighborhood Improvement Districts inside Enterprise Zones

The local governing body of any municipality or county, in which the boundaries of an enterprise zone, in whole or in part, include an NID, may request the DLA to submit provisions to fund capital improvements within its budget request to the Legislature.²⁹ Local governments must demonstrate the ability to implement the project within two years after the date of appropriation. All requests received for capital improvement functions must be ranked by the DLA based on the following:

- The necessity of the improvements to overall implementation of the safe neighborhood plan;
- The degree to which the improvements help the plan achieve crime prevention through community policing innovations, environmental design, environmental security, and defensible space objectives;
- The effect of the improvements on residents of low or moderate income; and
- The fiscal inability of a local government to perform the improvements without state assistance.³⁰

Community Organization Involvement

Section 163.523, F.S., authorizes local governments to cooperate and seek the involvement of certain community organizations to assist in the creation of safe neighborhood improvement districts. Except for the preparation of safe neighborhood improvement plans, NIDs may contract with community organizations to carry out any activities in the NID and to provide maintenance services for implemented projects. Community Organization compensation for activities is

²⁶ Section 163.524(1), F.S.

²⁷ Section 163.526(1)(a), F.S.

²⁸ Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District is located in Alachua County. See Florida Department of Economic Opportunity, Division of Community Development, *Official List of Special Districts Online*, available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (last visited March 21, 2013).

²⁹ Section 163.521, F.S.

³⁰ *Id.*

capped at one percent of the total annual budget of the NID. Maintenance services compensation may not exceed two percent of individual project budgets.

Other Sources of Funding for Local Government Improvement Efforts

County and municipal governments have authority under current law and under their constitutional home rule authority to raise revenue that could be used for many of the purposes identified by the Safe Neighborhoods Act in current law and the Neighborhoods Improvement Act created by this bill.

Section 125.01(1)(q), F.S., provides that counties may establish:

municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which it may provide fire protection, law enforcement, beach erosion control, recreation service and facilities, water..., streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, indigent health care services, mental health care services, and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only.... This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

Section 125.01(1)(r), F.S., grants counties the power to levy and collect ad valorem taxes, and provides that no referendum is required for the levy by a county of ad valorem taxes for county purposes or for providing municipal services within any municipal service taxing unit. The distinction between a municipal service taxing unit and a municipal service benefit unit is that in a benefit unit the services are funded by a service charge or a special assessment rather than a tax.

All taxes, other than ad valorem taxes, are preempted to the state.³¹ Local governments may levy other taxes only if those taxes are authorized by general law. Not all local government revenue sources are taxes. Counties and municipalities may levy fees, assessments, or charges for services under their home rule authority. Special assessments may be used to fund certain services and to construct and maintain capital facilities, such as those appropriate for NIDs, if they meet two requirements: (1) the property subject to assessment must derive a special benefit from the service or improvement funded by the assessment, and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.³²

³¹ Fla. Const. Art. VII, s. 1(a)

³² See *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992).

III. Effect of Proposed Changes:

The bill renames the “Safe Neighborhoods Act” as the “Neighborhoods Improvement Act” and makes conforming changes. The bill eliminates current statutory references to crime prevention, broadening the intent to address the general improvement of public facilities.

The bill reforms local government NIDs’ authority to generate revenue, permitting them to borrow money, issue bonds, and impose user fees and other charges. The bill requires referendum approval for the authority to borrow money and issue bonds; however, the bill distinguishes between a residential local government NID and a commercial local government NID, creating a new type of referendum for commercial local government NIDs.³³

The following paragraphs provide a section by section analysis.

Sections 1 through 5, 9, and 28 through 30 make conforming changes.

Section 6 amends s. 163.501, F.S., renaming part IV of ch. 163, F.S., as the “Neighborhoods Improvement Act.”

Section 7 amends s. 163.502, F.S., related to the legislative findings and purposes of the Neighborhoods Improvement Act, to include “lack of adequate public improvements such as streets, street lights, street furniture, street landscaping, sidewalks, traffic signals, way-finding signs, mass transit, stormwater systems, and other public utilities and improvements.” References to crime prevention objectives are deleted.

Section 8 amends s. 163.503, F.S., deleting the definition of “enterprise zone,” and clarifying the definition of “board” to mean the board of directors of the NID. The bill redefines “department” to mean the DEO, and it creates a definition of “local governing body” to mean the local governing body of the municipality or county that creates a neighborhood improvement district.

Section 10 amends s. 163.504, F.S., deleting provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans currently administered by the DLA. The bill amends the reference to the “planning ordinance” used to authorize the formation of a NID to simply an “ordinance.” The deletion of the qualifying term “planning” occurs throughout the remainder of the bill.

Section 11 amends s. 163.5055, F.S., providing that NIDs are required to notify (rather than register with) the DEO. The bill deletes provisions that require registration with the DLA and other obsolete provisions.

Section 12 amends s. 163.506, F.S., specifying that residential local government NIDs use the referendum requirement in s. 163.514(16), F.S., to impose special assessments. This provision requires passage by a majority of the registered voters residing in the district.³⁴

³³ The bill uses the term “commercial” to describe non-residential NIDs. Current law uses the term “business” to describe non-residential special NIDs. The definition of “neighborhood improvement district” uses both terms. *See* s. 163.503, F.S.

³⁴ Section 163.514(16)(a), F.S. *See also* Fn 10.

The bill deletes provisions in statute that allow a majority of the local governing body of a city or county to appoint a board of directors as an alternative to designating the local governing body as the board of directors of the local government NID.

The bill authorizes local government NIDs to borrow money, contract loans, and issue bonds, certificates, warrants, notices, or other evidence of indebtedness to finance the undertaking of any capital or other projects for purposes permitted by law. The bill also authorizes the district to pledge the funds, credit, property, and taxing power of the improvement district for payment of such debts and bonds. Bonds issued under this part must be authorized by a resolution of the board of the district, resolution of the governing body of the municipality or county that created the district, and by referendum. The bill provides criteria and governing board authority regarding the issuance, sale, and distribution of bonds and allows for the establishment and administration of sinking funds for the payment, purchase, or redemption of any outstanding bond indebtedness of the district.

Florida currently requires special assessments by NIDs to be approved by referendum; the referendum is passed if approved by a majority of the electors of the district. The bill requires special assessments and bonds of residential local government NIDs to be approved using the existing referendum process. The bill requires special assessments and bonds of commercial local government NIDs to be approved by a freeholder referendum. Special assessments are permitted if approved by freeholders—representing a majority of the parcels—who participate in the referendum. Bonding authority is permitted if approved by freeholders—representing in excess of 50 percent of the assessed value—who participate in the referendum.

The bill allows the district to charge, collect, and enforce fees and other user charges.

The bill revises petition thresholds triggering a governing body's consideration to dissolve an NID: petitions concerning residential NIDs require signatures of 60 percent of the residents; petitions concerning commercial NIDs require signatures of owners representing 60 percent of the district land area.

Section 13 amends s. 163.508, F.S., deleting provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans. This section also allows property owners' association NIDs to request grants from any source and requires the property owners' association in a property owners' association NID to be a not-for-profit corporation.

Section 14 amends s. 163.511, F.S., making conforming changes and revising the method of appointing and removing directors of a special NID. The bill also amends the current requirement that the board of directors of a special NID be comprised of residents subject to ad valorem taxes within the district, to allow any property owner within the district to serve on the board.

Section 15 amends s. 163.512, F.S., making conforming changes and deleting provisions that allow community redevelopment NIDs to use a community redevelopment trust fund to implement crime prevention plans. Community redevelopment NIDs may continue to use trust funds to implement the district's neighborhood improvement plan.

Section 16 repeals s. 163.513, F.S., relating to crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of NIDs.

Section 17 amends s. 163.514, F.S., removing powers provided to NIDs to contract with experts on crime prevention through community policing innovations, environmental design, and similar crime deterrence methods. In addition, s. 163.514, F.S., is amended to allow NIDs to:

- Contract for the services of planners, engineers, attorneys, and other consultants;
- Contract with county or municipal government for legal advice; and
- Plan, design, construct, operate, provide, and maintain street lighting, parks, streets, drainage, utilities, swales, parking facilities, transit, landscaping, and open areas.

The bill removes commercial local government NIDs from the typical referendum requirement used by NIDs to impose special assessments.

Section 18 amends s. 163.5151, F.S., requiring each local government and special NID that levies ad valorem tax on real or personal property to establish its budget pursuant to ch. 200, F.S.

Section 19 amends s. 163.516, F.S., providing that certain information is no longer required to be included in neighborhood improvement plans or amended neighborhood improvement plans.

Section 20 repeals s. 163.517, F.S., relating to the Safe Neighborhoods Program.

Section 21 repeals s. 163.519, F.S., relating to the duties of the DLA with regard to NIDs.

Section 22 repeals s. 163.521, F.S., regarding NIDs located inside enterprise zones.

Section 23 repeals s. 163.5215, F.S., which prohibited this part of the statutes from being construed to modify, limit, expand, or supersede any existing laws relating to the closing or abandonment of public roads, the denial of access to areas for public ingress or egress, or the use of public facilities.

Section 24 repeals s. 163.522, F.S., stating that counties or municipalities with enterprise zones or community redevelopment areas are directed to give consideration to the creation of NIDs.

Section 25 repeals s. 163.523, F.S., relating to safe neighborhood districts and the cooperation and involvement of community organizations.

Sections 26 and 27 amend ss. 163.524 and 163.526, F.S., prohibiting the creation of a Neighborhood Preservation and Enhancement District or Neighborhood Council after June 30, 2013.

Section 31 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

In addition to local government NIDs' current authority to levy ad valorem taxes and special assessments, this bill allows these NIDs to impose fees and user charges.

The bill has no fiscal impact on state government; however, local governments may incur additional costs associated with conducting referenda.

B. Private Sector Impact:

Taxpayers located in local government NIDs may be subject to user fees and charges.

C. Government Sector Impact:

Local governments may incur costs associated with conducting referendums.

The bill also allows NIDs to contract with the county or municipal governments for legal advice.

VI. Technical Deficiencies:**VII. Related Issues:**

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Subcommittee on Finance and Tax on April 4, 2013:
The CS/CS:

- Allows local government NIDs to continue to levy ad valorem tax without approval by referendum.
- Clarifies that the board of the local government NID is the governing body of the municipality or county that created the district.
- Specifies that the freeholder referendum required for commercial local government NIDs to impose special assessments must be approved by freeholders representing a majority of parcels voting in the referendum.

CS by Community Affairs on March 7, 2013:

The CS limits the application of statutory provisions governing Neighborhood Preservation and Enhancement Districts and Neighborhood Councils to those active on or before June 30, 2013. Following this date, no new districts or councils may be created.

B. Amendments:

None



872342

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on Finance and Tax (Simmons)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (2) of section
163.2511, Florida Statutes, is amended to read:

163.2511 Urban infill and redevelopment.—

(2) It is declared that:

(d) State urban policies should guide the state, regional
agencies, local governments, and the private sector in
preserving and redeveloping existing urban cores and promoting
the adequate provision of infrastructure, human services,



872342

13 neighborhood improvement ~~safe neighborhoods~~, educational
14 facilities, and economic development to sustain these cores into
15 the future.

16 Section 2. Paragraph (c) of subsection (3) of section
17 163.2517, Florida Statutes, is amended to read:

18 163.2517 Designation of urban infill and redevelopment
19 area.—

20 (3) A local government seeking to designate a geographic
21 area within its jurisdiction as an urban infill and
22 redevelopment area shall prepare a plan that describes the
23 infill and redevelopment objectives of the local government
24 within the proposed area. In lieu of preparing a new plan, the
25 local government may demonstrate that an existing plan or
26 combination of plans associated with a community redevelopment
27 area, Florida Main Street program, Front Porch Florida
28 Community, sustainable community, enterprise zone, or
29 neighborhood improvement district includes the factors listed in
30 paragraphs (a)-(n), including a collaborative and holistic
31 community participation process, or amend such existing plans to
32 include these factors. The plan shall demonstrate the local
33 government and community's commitment to comprehensively address
34 the urban problems within the urban infill and redevelopment
35 area and identify activities and programs to accomplish locally
36 identified goals such as code enforcement; improved educational
37 opportunities; reduction in crime; neighborhood revitalization
38 and preservation; provision of infrastructure needs, including
39 mass transit and multimodal linkages; and mixed-use planning to
40 promote multifunctional redevelopment to improve both the
41 residential and commercial quality of life in the area. The plan



872342

42 shall also:

43 (c) Identify and map existing enterprise zones, community
44 redevelopment areas, community development corporations,
45 brownfield areas, downtown redevelopment districts, ~~safe~~
46 neighborhood improvement districts, historic preservation
47 districts, and empowerment zones or enterprise communities
48 located within the area proposed for designation as an urban
49 infill and redevelopment area and provide a framework for
50 coordinating infill and redevelopment programs within the urban
51 core.

52 Section 3. Paragraph (a) of subsection (6) of section
53 163.3182, Florida Statutes, is amended to read:

54 163.3182 Transportation deficiencies.—

55 (6) EXEMPTIONS.—

56 (a) The following public bodies or taxing authorities are
57 exempt from this section:

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

60 2. A special district for which the sole available source
61 of revenue is the authority to levy ad valorem taxes at the time
62 an ordinance is adopted under this section. However, revenue
63 ~~revenues~~ or aid that may be dispensed or appropriated to a
64 district as defined in s. 388.011 at the discretion of an entity
65 other than such district is ~~are~~ not deemed available.

66 3. A library district.

67 4. A neighborhood improvement district created under the
68 ~~Safe~~ Neighborhoods Improvement Act.

69 5. A metropolitan transportation authority.

70 6. A water management district created under s. 373.069.



872342

71 7. A community redevelopment agency.
72 Section 4. Subsection (2) of section 163.3246, Florida
73 Statutes, is amended to read:
74 163.3246 Local government comprehensive planning
75 certification program.—
76 (2) In order to be eligible for certification under the
77 program, the local government must:
78 (a) Demonstrate a record of effectively adopting,
79 implementing, and enforcing its comprehensive plan;
80 (b) Demonstrate technical, financial, and administrative
81 expertise to implement the provisions of this part without state
82 oversight;
83 (c) Obtain comments from the state and regional review
84 agencies regarding the appropriateness of the proposed
85 certification;
86 (d) Hold at least one public hearing soliciting public
87 input concerning the local government's proposal for
88 certification; and
89 (e) Demonstrate that it has adopted programs in its local
90 comprehensive plan and land development regulations which:
91 1. Promote infill development and redevelopment, including
92 prioritized and timely permitting processes in which
93 applications for local development permits within the
94 certification area are acted upon expeditiously for proposed
95 development that is consistent with the local comprehensive
96 plan.
97 2. Promote the development of housing for low-income and
98 very-low-income households or specialized housing to assist
99 elderly and disabled persons to remain at home or in independent



872342

100 living arrangements.

101 3. Achieve effective intergovernmental coordination and
102 address the extrajurisdictional effects of development within
103 the certified area.

104 4. Promote economic diversity and growth while encouraging
105 the retention of rural character, where rural areas exist, and
106 the protection and restoration of the environment.

107 5. Provide and maintain public urban and rural open space
108 and recreational opportunities.

109 6. Manage transportation and land uses to support public
110 transit and promote opportunities for pedestrian and
111 nonmotorized transportation.

112 7. Use design principles to foster individual community
113 identity, create a sense of place, and promote pedestrian-
114 oriented ~~safe~~ neighborhoods and town centers.

115 8. Redevelop blighted areas.

116 9. Adopt a local mitigation strategy and have programs to
117 improve disaster preparedness and the ability to protect lives
118 and property, especially in coastal high-hazard areas.

119 10. Encourage clustered, mixed-use development that
120 incorporates greenspace and residential development within
121 walking distance of commercial development.

122 11. Encourage urban infill at appropriate densities and
123 intensities and separate urban and rural uses and discourage
124 urban sprawl while preserving public open space and planning for
125 buffer-type land uses and rural development consistent with
126 their respective character along and outside the certification
127 area.

128 12. Ensure ~~Assure~~ protection of key natural areas and



872342

129 agricultural lands that are identified using state and local
130 inventories of natural areas. Key natural areas include, but are
131 not limited to:

132 a. Wildlife corridors.

133 b. Lands with high native biological diversity, important
134 areas for threatened and endangered species, species of special
135 concern, migratory bird habitat, and intact natural communities.

136 c. Significant surface waters and springs, aquatic
137 preserves, wetlands, and outstanding Florida waters.

138 d. Water resources suitable for preservation of natural
139 systems and for water resource development.

140 e. Representative and rare native Florida natural systems.

141 13. Ensure the cost-efficient provision of public
142 infrastructure and services.

143 Section 5. Paragraph (c) of subsection (2) of section
144 163.387, Florida Statutes, is amended to read:

145 163.387 Redevelopment trust fund.-

146 (2)

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

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

151 2. A special district for which the sole available source
152 of revenue the district has the authority to levy is ad valorem
153 taxes at the time an ordinance is adopted under this section.
154 However, revenue ~~revenues~~ or aid that may be dispensed or
155 appropriated to a district as defined in s. 388.011 at the
156 discretion of an entity other than such district is ~~shall~~ not ~~be~~
157 deemed available.



872342

158 3. A library district, except a library district in a
159 jurisdiction where the community redevelopment agency had
160 validated bonds as of April 30, 1984.

161 4. A neighborhood improvement district created under the
162 ~~Safe~~ Neighborhoods Improvement Act.

163 5. A metropolitan transportation authority.

164 6. A water management district created under s. 373.069.

165 Section 6. Section 163.501, Florida Statutes, is amended to
166 read:

167 163.501 Short title.—This part may be cited as the "~~Safe~~
168 Neighborhoods Improvement Act."

169 Section 7. Section 163.502, Florida Statutes, is amended to
170 read:

171 163.502 ~~Safe~~ Neighborhoods improvement; legislative
172 findings and purpose.—

173 (1) The Legislature ~~hereby~~ finds and declares that among
174 the many causes of deterioration in the business and residential
175 neighborhoods of the state are the following: proliferation of
176 crime, automobile traffic flow strangled by outmoded street
177 patterns, unsuitable topography, faulty lot layouts,
178 fragmentation of land uses and parking areas necessitating
179 frequent automobile movement, lack of separation of pedestrian
180 areas from automobile traffic, lack of separation of vehicle
181 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
182 from automobile traffic, and lack of adequate public
183 improvements, such as streets, street lights, street furniture,
184 street landscaping, sidewalks, traffic signals, way-finding
185 signs, mass transit, stormwater systems, and other public
186 utilities and improvements.



872342

187 (2) The Legislature further finds and declares that healthy
188 and vibrant ~~safe~~ neighborhoods are the product of planning and
189 implementation of appropriate environmental design concepts,
190 comprehensive planning ~~crime prevention programs~~, land use
191 recommendations, and beautification techniques.

192 (3) The Legislature further finds and declares that the
193 provisions of this part and the powers granted to local
194 governments, property owners' associations, special dependent
195 districts, and community redevelopment neighborhood improvement
196 districts are desirable to guide and accomplish the coordinated,
197 balanced, and harmonious development of healthy and vibrant ~~safe~~
198 neighborhoods; to promote the health, ~~safety~~, and general
199 welfare of these areas and their inhabitants, visitors, property
200 owners, and workers; to establish, maintain, and preserve
201 property values and preserve and foster the development of
202 attractive neighborhood and business environments; to prevent
203 ~~overcrowding and congestion; and~~ to improve or redirect
204 automobile traffic and provide pedestrian safety; ~~to reduce~~
205 ~~crime rates and the opportunities for the commission of crime;~~
206 ~~and to provide improvements in neighborhoods so they are~~
207 ~~defensible against crime.~~

208 (4) It is the intent of the Legislature to assist local
209 governments in implementing plans that improve the ~~employ crime~~
210 ~~prevention through community policing innovations, environmental~~
211 ~~design, environmental security, and defensible space techniques~~
212 ~~to establish safe~~ neighborhoods of this state. The Legislature,
213 therefore, declares that the development, redevelopment,
214 preservation, and revitalization of neighborhoods in this state,
215 and all the purposes of this part, are public purposes for which



872342

216 public money may be borrowed, expended, loaned, and granted.

217 Section 8. Section 163.503, Florida Statutes, is amended to
218 read:

219 163.503 ~~Safe neighborhoods~~; Definitions.—

220 (1) "~~Safe~~ Neighborhood improvement district~~,"~~ or
221 "~~district,"~~ ~~or~~ "~~neighborhood improvement district~~" means a
222 district located in an area in which more than 75 percent of the
223 land is used for residential purposes, or in an area in which
224 more than 75 percent of the land is used for commercial, office,
225 business, or industrial purposes, excluding the land area used
226 for public facilities, and where there may be ~~is~~ a plan to
227 reduce crime through the implementation of crime prevention
228 through environmental design, environmental security, or
229 defensible space techniques, or through community policing
230 innovations. ~~Nothing in~~ This section does not ~~shall~~ preclude the
231 inclusion of public land in a neighborhood improvement district
232 although the amount of land used for public facilities is
233 excluded from the land use acreage calculations.

234 (2) "Association" means a property owners' association that
235 ~~which~~ is incorporated for the purpose of creating and operating
236 a neighborhood improvement district.

237 (3) "Department" means the Department of Economic
238 Opportunity ~~Legal Affairs~~.

239 (4) "Board" means the board of directors of a neighborhood
240 improvement district, ~~which may be the governing body of a~~
241 ~~municipality or county or the officers of a property owners'~~
242 ~~association or the board of directors of a special neighborhood~~
243 ~~improvement district or community redevelopment neighborhood~~
244 ~~improvement district.~~



872342

245 (5) "Environmental security" means an urban planning and
246 design process which integrates crime prevention with
247 neighborhood design and community development.

248 (6) "Crime prevention through environmental design" means
249 the planned use of environmental design concepts such as natural
250 access control, natural surveillance, and territorial
251 reinforcement in a neighborhood or community setting which is
252 designed to reduce criminal opportunity and foster positive
253 social interaction among the legitimate users of that setting.

254 (7) "Defensible space" means an architectural perspective
255 on crime prevention through physical design of the environment
256 to create the ability to monitor and control the environment
257 along individual perceived zones of territorial influence that
258 result in a proprietary interest and a felt responsibility.

259 ~~(8) "Enterprise zone" means an area designated pursuant to~~
260 ~~s. 290.0065.~~

261 ~~(8)(9)~~ "Community policing innovation" means techniques or
262 strategies as defined by s. 163.340.

263 (9) "Local governing body" means the governing body of the
264 municipality or county that creates a neighborhood improvement
265 district.

266 Section 9. Section 163.5035, Florida Statutes, is amended
267 to read:

268 163.5035 ~~Safe~~ Neighborhood improvement districts;
269 compliance with special district provisions.—Any ~~special~~
270 district created pursuant to this part shall comply with all
271 applicable provisions contained in chapter 189. In cases where a
272 provision contained in this part conflicts with a provision in
273 chapter 189, the provision in chapter 189 shall prevail.



872342

274 Section 10. Section 163.504, Florida Statutes, is amended
275 to read:

276 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
277 ~~funds.~~—

278 ~~(1)~~ The governing body of any municipality or county may
279 authorize the formation of ~~safe~~ neighborhood improvement
280 districts through the adoption of an a ~~planning~~ ordinance that
281 ~~which~~ specifies that such districts may be created by one or
282 more of the methods established in ss. 163.506, 163.508,
283 163.511, and 163.512. A ~~No~~ district may not overlap the
284 jurisdictional boundaries of a municipality and the
285 unincorporated area of a county, unless approved ~~except~~ by
286 interlocal agreement.

287 ~~(2) If the governing body of a municipality or county~~
288 ~~elects to create a safe neighborhood improvement district, it~~
289 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
290 ~~Program, created pursuant to s. 163.517 and administered by the~~
291 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
292 ~~improvement plan for the district.~~

293 ~~(3) Municipalities and counties may implement the~~
294 ~~provisions of this section without planning funds from the~~
295 ~~Department of Legal Affairs. However, nothing in this section~~
296 ~~shall be construed to exempt any district from the requirements~~
297 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
298 ~~163.516.~~

299 Section 11. Section 163.5055, Florida Statutes, is amended
300 to read:

301 163.5055 Notice ~~Registration~~ of district establishment;
302 notice of dissolution.—



872342

303 (1) ~~(a)~~ Each neighborhood improvement district that is
304 authorized and established under this part shall, within 30 days
305 after its establishment, provide the department thereof register
306 ~~with both the Department of Economic Opportunity and the~~
307 ~~Department of Legal Affairs by providing these departments with~~
308 the district's name, location, size, and type, and such other
309 information as the department ~~departments~~ may request ~~require~~.

310 (2) ~~(b)~~ Each local governing body that authorizes the
311 dissolution of a district shall notify ~~both~~ the department ~~of~~
312 ~~Economic Opportunity and the Department of Legal Affairs~~ within
313 30 days after the dissolution of the district.

314 ~~(2) This section shall apply to all neighborhood~~
315 ~~improvement districts established on or after July 1, 1987.~~

316 Section 12. Section 163.506, Florida Statutes, is amended
317 to read:

318 163.506 Local government neighborhood improvement
319 districts; creation; advisory council; dissolution.-

320 (1) After an ~~a~~ local ~~planning~~ ordinance has been adopted
321 authorizing the creation of local government neighborhood
322 improvement districts, the local governing body ~~of a~~
323 ~~municipality or county~~ may create residential or commercial
324 local government neighborhood improvement districts by the
325 enactment of a separate ordinance for each district, ~~7~~ which
326 ~~ordinance~~:

327 (a) Specifies the boundaries, size, and name of the
328 district.

329 (b) Authorizes the district to receive grants ~~a planning~~
330 ~~grant from the department~~.

331 (c) Authorizes the ~~local government neighborhood~~



872342

332 ~~improvement~~ district to levy an ad valorem tax on real and
333 personal property of up to 2 mills annually.

334 (d) For residential local government neighborhood
335 improvement districts, authorizes the district to use ~~of~~ special
336 assessments imposed pursuant to s. 163.514(16) to support
337 planning and implementation of district improvements ~~pursuant to~~
338 ~~the provisions of s. 163.514(16), including community policing~~
339 ~~innovations.~~

340 (e) Designates the local governing body as the board of
341 directors of the district.

342 (f) Establishes an advisory council to the board of
343 directors comprised of property owners, representatives of
344 property owners, business owners, or residents of the district.

345 (g) May prohibit the use of any district power authorized
346 by s. 163.514.

347 (h) Requires the district to notify the department ~~of Legal~~
348 ~~Affairs and the Department of Economic Opportunity~~ in writing of
349 its establishment within 30 days after establishment thereof
350 pursuant to s. 163.5055.

351 (i) Authorizes the district to borrow money, contract
352 loans, and issue bonds, certificates, warrants, notes, or other
353 evidence of indebtedness from time to time to finance the
354 undertaking of any capital or other project for the purposes
355 authorized by the State Constitution and this part and to pledge
356 the funds, credit, property, and taxing power of the district
357 for the payment of such debts and bonds.

358 1. Bonds that are issued under this paragraph must be
359 authorized by resolution of the board, by resolution of the
360 local governing body, by affirmative vote of the electors of the



872342

361 district. Such bonds may be issued in one or more series and
362 shall bear such date or dates; be payable upon demand or mature
363 at such time or times; bear interest at such rate or rates; be
364 in such denomination or denominations; be in such form,
365 registered or not, with or without coupon; carry such conversion
366 or registration privileges; have such rank or priority; be
367 executed in such manner; be payable in such medium of payment,
368 at such place or places, and subject to such terms of
369 redemption, with or without premium; be secured in such manner;
370 and have such other characteristics as may be provided by such
371 resolution or trust indenture or mortgage issued pursuant
372 thereto.

373 2. The board shall determine the terms and manner of sale
374 and distribution or other disposition of any bonds it issues,
375 consistent with s. 218.385, and shall have all powers necessary
376 for and convenient to such disposition.

377 3. The board may establish and administer such sinking
378 funds as it deems necessary or convenient for the payment,
379 purchase, or redemption of any outstanding bonded indebtedness
380 of the district.

381 4. The board may levy ad valorem taxes upon real and
382 tangible personal property within the district as it deems
383 necessary to make payment, including principal and interest,
384 upon the general obligation and ad valorem bonded indebtedness
385 of the district or into any sinking fund created pursuant to
386 this paragraph.

387 5. A board has full authority for the issuance of bonds
388 authorized under this paragraph.

389 (j) For commercial local government neighborhood



872342

390 improvement districts, authorizes the district to make and
391 collect special assessments pursuant to ss. 197.3632 and
392 197.3635 in order to pay for capital improvements within the
393 district and for reasonable expenses of operating the district,
394 including the payment of expenses included in the district's
395 budget. Such assessments may not exceed \$500 for each individual
396 parcel of land per year.

397 (k) Authorizes the district to charge, collect, and enforce
398 user fees and other charges.

399 (l) For residential local government neighborhood
400 improvement districts, conditions the exercise of powers
401 provided in paragraphs (d) and (i) on approval by the local
402 governing body and a referendum as described in s. 163.514(16).

403 (m) For commercial local government neighborhood
404 improvement districts, conditions the exercise of the powers
405 provided in paragraphs (i) and (j) on approval by the local
406 governing body and a referendum as described in this paragraph:

407 1. Within 45 days after the date the local governing body
408 enacts an ordinance calling a referendum pursuant to this
409 paragraph, the city clerk or the supervisor of elections,
410 whichever is appropriate, shall certify such ordinance and
411 compile a list of the names and last known addresses of the
412 freeholders in the commercial local government neighborhood
413 improvement district from the tax assessment roll of the county
414 applicable as of December 31 in the year preceding the year in
415 which the ordinance is enacted. Except as otherwise provided in
416 this paragraph, the list constitutes the registration list for
417 purposes of the freeholder referendum required under this
418 paragraph.



872342

419 2. Within 45 days after compilation of the freeholder
420 registration list pursuant to subparagraph 1., the city clerk or
421 the supervisor of elections shall notify each such freeholder of
422 the general provisions of this section, including the taxing
423 authority and the date of the upcoming referendum, and the
424 method provided for submitting corrections to the registration
425 list if the status of the freeholder has changed since the
426 compilation of the tax roll. Notification shall be by first-
427 class mail and, in addition, by publication one time in a
428 newspaper of general circulation in the county or municipality
429 in which the district is located.

430 3. Any freeholder whose name does not appear on the
431 registration list compiled pursuant to subparagraph 1. may
432 register to vote with the city clerk or the supervisor of
433 elections. The registration list must remain open for 75 days
434 after enactment of the ordinance calling for the referendum.

435 4. Notwithstanding s. 101.6102, within 15 days after the
436 closing of the registration list, the city clerk or the
437 supervisor of elections shall send a ballot by first-class mail
438 to each registered freeholder at his or her last known mailing
439 address. The ballot must include:

440 a. A description of the general provisions of this section
441 applicable to local government neighborhood improvement
442 districts;

443 b. The assessed value of the freeholder's property;

444 c. The percent of the freeholder's interest in such
445 property; and

446 d. Immediately following the information required under
447 sub-subparagraphs a.-c., the following:



872342

448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476

"Do you favor authorizing the Local Government
Neighborhood Improvement District to levy up to 2 mills of ad
valorem taxes by such proposed district?"

....Yes, for authorizing the levy of up to 2 mills of ad
valorem taxes by such proposed district.

....No, against authorizing the levy of up to 2 mills of ad
valorem taxes by such proposed district."

"Do you favor authorizing the Local Government
Neighborhood Improvement District to borrow money, including by
issuing bonds, as provided in s. 163.506(1)(i), Florida
Statutes?"

....Yes, for authorizing the borrowing of money for
district purposes.

....No, against authorizing the borrowing of money for
district purposes."

"Do you favor authorizing the Local Government
Neighborhood Improvement District to impose a special assessment
of not greater than \$500 for each individual parcel of land per
year to pay for the expenses of operating the neighborhood
improvement district and for approved capital improvements
within the district?"



872342

477Yes, for the special assessment.

478
479No, against the special assessment."

480
481 5. Ballots shall be returned by first-class mail or by
482 personal delivery.

483 6. All ballots that are received within 120 days after
484 enactment of the ordinance shall be tabulated by the city clerk
485 or the supervisor of elections, who shall certify the results to
486 the city council or county commission no later than 5 days after
487 the 120-day period.

488 7. The freeholders shall be deemed to have approved of the
489 provisions of paragraph (i) at such time as the city clerk or
490 the supervisor of elections certifies to the local governing
491 body that approval has been given by freeholders owning in
492 excess of 50 percent of the assessed value of the properties
493 represented by ballots cast.

494 8. The freeholders shall be deemed to have approved of the
495 provisions of paragraph (j) at such time as the city clerk or
496 the supervisor of elections certifies to the local governing
497 body that approval has been given by freeholders owning a
498 majority of the parcels represented by ballots cast.

499 9. The city clerk or the supervisor of elections, whichever
500 is appropriate, shall enclose, with each ballot that is sent to
501 the freeholder pursuant to this paragraph, two envelopes: a
502 secrecy envelope, into which the freeholder shall enclose the
503 marked ballot; and a mailing envelope, into which the freeholder
504 shall place the secrecy envelope, which shall be addressed to
505 the city clerk or the supervisor of elections. The back side of



872342

506 the mailing envelope shall bear a certificate in substantially
507 the following form:

508
509 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
510 AND COMPLETING VOTER'S CERTIFICATE.

511
512 VOTER'S CERTIFICATE

513
514 I,, am a duly qualified and registered freeholder of
515 the proposed ...(name)... Local Government Neighborhood
516 Improvement District, and I am entitled to vote this ballot. I
517 do solemnly swear or affirm that I have not and will not vote
518 more than one ballot in this election. I understand that failure
519 to sign this certificate and have my signature witnessed will
520 invalidate my ballot.

521
522 ...(Voter's Signature)...

523
524 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
525 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

526
527 I swear or affirm that the elector signed this voter's
528 certificate in my presence.

529
530 ...(Signature of Witness)...

531 ...(Address)...(City/State)...

532
533 10. The certificate shall be arranged on the back of the
534 mailing envelope so that the lines for the signatures of the



872342

535 freeholder and the attesting witness are across the seal of the
536 envelope; however, no statement shall appear on the envelope
537 which indicates that a signature of the freeholder or witness
538 must cross the seal of the envelope. The freeholder and the
539 attesting witness shall execute the certificate on the envelope.

540 11. The city clerk or the supervisor of elections shall
541 enclose with each ballot sent to a freeholder pursuant to this
542 paragraph separate printed instructions in substantially the
543 following form:

544
545 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

546
547 a. VERY IMPORTANT. In order to ensure that your ballot will
548 be counted, it should be completed and returned as soon as
549 possible so that it can reach the city clerk or the supervisor
550 of elections no later than 7 p.m. on the (final day of the 120-
551 day period given here).

552 b. Mark your ballot in secret as instructed on the ballot.

553 c. Place your marked ballot in the enclosed secrecy
554 envelope.

555 d. Insert the secrecy envelope into the enclosed mailing
556 envelope, which is addressed to the city clerk or the supervisor
557 of elections.

558 e. Seal the mailing envelope and completely fill out the
559 Voter's Certificate on the back of the mailing envelope.

560 f. VERY IMPORTANT. Sign your name on the line provided for
561 "(Voter's Signature)."

562 g. VERY IMPORTANT. In order for your ballot to be counted,
563 it must include the signature and address of a witness 18 years



872342

564 of age or older affixed to the Voter's Certificate.

565 h. Mail, deliver, or have delivered the completed mailing
566 envelope. Be sure there is sufficient postage if mailed.

567 (2) The advisory council shall perform such duties as may
568 be prescribed by the governing body and shall submit within the
569 time period specified by the governing body, acting as the board
570 of directors, a report on the district's activities and a
571 proposed budget to accomplish its objectives. In formulating a
572 plan for services or improvements, the advisory council ~~board~~
573 shall consult in public session with the appropriate staff or
574 consultants of the local governing body responsible for the
575 district's plan.

576 ~~(3) As an alternative to designating the local governing~~
577 ~~body as the board of directors, a majority of the local~~
578 ~~governing body of a city or county may appoint a board of three~~
579 ~~to seven directors for the district who shall be residents of~~
580 ~~the proposed area and who are subject to ad valorem taxation in~~
581 ~~the residential neighborhood improvement district or who are~~
582 ~~property owners in a commercial neighborhood improvement~~
583 ~~district. The directors shall be appointed for staggered terms~~
584 ~~of 3 years. The initial appointments shall be as follows: one~~
585 ~~director for a 1-year term; one director for a 2-year term; and~~
586 ~~one director for a 3-year term. If more than three directors are~~
587 ~~to be appointed, the additional members shall initially be~~
588 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
589 ~~unexpired portion of a term in the same manner as the initial~~
590 ~~appointments were made. Each director shall hold office until~~
591 ~~his or her successor is appointed and qualified unless the~~
592 ~~director ceases to be qualified or is removed from office. Upon~~



872342

593 ~~appointment and qualification and in January of each year, the~~
594 ~~directors shall organize by electing from their number a chair~~
595 ~~and a secretary.~~

596 (3)(4) The local governing body may dissolve a district ~~may~~
597 ~~be dissolved by the governing body by rescinding the ordinance~~
598 ~~creating the district. The local governing body may rescind~~
599 ~~shall consider rescinding the ordinance if presented with a~~
600 ~~petition requesting that it be rescinded. Petitions related to a~~
601 ~~residential local government neighborhood improvement district~~
602 ~~must contain containing the signatures of 60 percent of the~~
603 ~~residents. Petitions related to a commercial local government~~
604 ~~neighborhood improvement district must contain signatures~~
605 ~~representing owners of 60 percent of the land area of the of a~~
606 ~~district.~~

607 Section 13. Section 163.508, Florida Statutes, is amended
608 to read:

609 163.508 Property owners' association neighborhood
610 improvement districts; creation; powers and duties; duration.-

611 (1) After an a local planning ordinance has been adopted
612 authorizing the creation of property owners' association
613 neighborhood improvement districts, the local governing body of
614 a municipality or county may create property owners' association
615 neighborhood improvement districts by the enactment of a
616 separate ordinance for each district, ~~which ordinance:~~

617 (a) Establishes that an incorporated property owners'
618 association representing 75 percent of all owners of property
619 within a proposed district meeting the requirements of this
620 section has petitioned the local governing body ~~of the~~
621 ~~municipality or county~~ for creation of a district for the area



872342

622 encompassed by the property owned by members of the association.

623 (b) Specifies the boundaries, size, and name of the
624 district.

625 (c) Authorizes the district ~~governing body~~ through mutual
626 agreement with the property owners' association to:

627 1. Request grants ~~a matching grant from the state's Safe~~
628 ~~Neighborhoods Program to prepare the first year's safe~~
629 ~~neighborhood improvement plan. The provider of the local match~~
630 ~~for the state grant shall be mutually agreed upon between the~~
631 ~~governing body and the property owners' association. The~~
632 ~~governing body may agree to provide the match as a no-interest-~~
633 ~~bearing loan to be paid back from assessments imposed by the~~
634 ~~association on its members or shareholders.~~

635 2. Provide staff and other technical assistance to the
636 property owners' association on a mutually agreed-upon basis,
637 contractual or otherwise.

638 ~~3. Prepare the first year's safe neighborhood improvement~~
639 ~~plan, which shall comply with and be consistent with the~~
640 ~~governing body's adopted comprehensive plan.~~

641 (d) Provides for an audit of the property owners'
642 association.

643 (e) Designates the officers of the incorporated property
644 owners' association as the board of directors of the district.

645 (f) May prohibit the use of any district power authorized
646 by s. 163.514.

647 (g) Requires the district to notify the department ~~of Legal~~
648 ~~Affairs and the Department of Economic Opportunity~~ in writing of
649 its establishment within 30 days after establishment thereof
650 pursuant to s. 163.5055.



872342

651 (2) In order to qualify for the creation of a neighborhood
652 improvement district, the property owners shall form an
653 association in compliance with this section, or use an existing
654 property owners' association in compliance with this section,
655 which must shall be a not-for-profit corporation. At least, for
656 profit or not for profit, and of which not less than 75 percent
657 of all property owners within the proposed area must consent
658 have consented in writing to become members or shareholders.
659 Upon such consent by 75 percent of the property owners in the
660 proposed district, all consenting property owners and their
661 successors shall become members of the association and are shall
662 be bound by the provisions of the articles of incorporation, the
663 bylaws of the association, the covenants, the deed restrictions,
664 the indentures, and any other properly promulgated restrictions.
665 The association may not shall have a no member or shareholder
666 who is not a bona fide owner of property within the proposed
667 district. Upon receipt of its certificate of incorporation, the
668 property owners' association shall notify the clerk of the city
669 or county court, whichever is appropriate, in writing, of such
670 incorporation and shall list the names and addresses of the
671 officers of the association.

672 (3) Any incorporated property owners' association operating
673 pursuant to this part has shall have the power:

674 (a) To negotiate with the governing body of a municipality
675 or county for closing, privatizing, or modifying the rights-of-
676 way, and appurtenances thereto, within the district.

677 (b) To use utilize various legal instruments such as
678 covenants, deed restrictions, and indentures to preserve and
679 maintain the integrity of property, land, and rights-of-way



872342

680 owned and conveyed to it within the district.

681 (c) To make and collect assessments against all property
682 within the boundaries of the district pursuant to the provisions
683 of s. 163.514(16) and to lease, maintain, repair, and
684 reconstruct any privatized street, land, or common area within
685 the district upon dedication thereof to the association.

686 (d) Without the joinder of any property owner, to modify,
687 move, or create any easement for ingress and egress or for the
688 purpose of utilities, if such easement constitutes part of or
689 crosses district property. However, this does ~~shall~~ not
690 authorize the association to modify or move any easement that
691 ~~which~~ is created in whole or in part for the use or benefit of
692 anyone other than association members, or that ~~which~~ crosses the
693 property of anyone other than association members, without the
694 consent or approval of such person as required by law or by the
695 instrument creating the easement. ~~Nothing in~~ This paragraph does
696 not ~~shall~~ affect the rights of ingress or egress of any member
697 of the association.

698 (4) A property owners' association neighborhood improvement
699 district shall continue in perpetuity as long as the property
700 owners' association created pursuant to this section exists
701 under the applicable laws of the state.

702 Section 14. Subsections (1), (7), (8), and (10) of section
703 163.511, Florida Statutes, are amended to read:

704 163.511 Special neighborhood improvement districts;
705 creation; referendum; board of directors; duration; extension.-

706 (1) After an ~~a local planning~~ ordinance has been adopted
707 authorizing the creation of special neighborhood improvement
708 districts, the local governing body ~~of a municipality or county~~



872342

709 may declare the need for and create special residential or
710 commercial business neighborhood improvement districts by the
711 enactment of a separate ordinance for each district, which
712 ordinance:

713 (a) Conditions the implementation of the ordinance on the
714 approval of a referendum as provided in subsection (2).

715 (b) Authorizes the ~~special neighborhood improvement~~
716 district to levy an ad valorem tax on real and personal property
717 of up to 2 mills annually.

718 (c) Authorizes the district to use ~~of~~ special assessments
719 to support planning and implementation of district improvements
720 pursuant to ~~the provisions of s. 163.514(16), including~~
721 ~~community policing innovations.~~

722 (d) Specifies the boundaries, size, and name of the
723 district.

724 (e) Authorizes the district to receive a planning grant
725 from the department.

726 (f) Provides for the appointment of a three-member ~~3-member~~
727 board of directors for the district.

728 (g) May authorize a ~~special neighborhood improvement~~
729 district to exercise the power of eminent domain pursuant to
730 chapters 73 and 74. Any property identified for eminent domain
731 by the district is ~~shall be~~ subject to the approval of the local
732 governing body before eminent domain procedures are exercised.

733 (h) May prohibit the use of any district power authorized
734 by s. 163.514.

735 (i) Requires the district to notify the department ~~of Legal~~
736 ~~Affairs and the Department of Economic Opportunity~~ in writing of
737 its establishment within 30 days after establishment ~~thereof~~



872342

738 pursuant to s. 163.5055.

739 (j) May authorize a ~~special neighborhood improvement~~
740 district to develop and implement community policing innovations
741 in consultation with the local law enforcement agency having
742 jurisdiction within the district boundaries.

743 (7) The business and affairs of a special neighborhood
744 improvement district shall be conducted and administered by a
745 board of three directors who must ~~shall~~ be residents of or
746 property owners within the proposed area and ~~who are~~ subject to
747 ad valorem taxation in the district. Upon their initial
748 appointment and qualification and in January of each year
749 thereafter, the directors shall organize by electing from their
750 number a chair and a secretary, and may also employ staff and
751 legal representatives as deemed appropriate, who shall serve at
752 the pleasure of the board and may receive such compensation as
753 shall be fixed by the board. The secretary shall keep a record
754 of the proceedings of the district and shall be custodian of all
755 books and records of the district. The directors may ~~shall~~ not
756 receive any compensation for their services or, ~~nor may they~~ be
757 employed by the district.

758 (8) Within 30 days after ~~of~~ the approval of the creation of
759 a special neighborhood improvement district, the local governing
760 body ~~if the district is in a municipality, a majority of the~~
761 ~~governing body of the municipality, or if the district is in the~~
762 ~~unincorporated area of the county, a majority of the county~~
763 ~~commission~~, shall appoint the three directors provided for in
764 this section ~~herein~~ for staggered terms of 3 years. The initial
765 appointments shall be as follows: one for a 1-year term, one for
766 a 2-year term, and one for a 3-year term. Each director holds



872342

767 ~~shall hold~~ office until his or her successor is appointed and
768 qualified unless the director ceases to be qualified to act as a
769 director or is removed from office. Vacancies on the board shall
770 be filled for the unexpired portion of a term in the same manner
771 as the initial appointments were made.

772 (10) The local governing body ~~of a municipality or county~~
773 may remove a director for inefficiency, neglect of duty, or
774 misconduct in office ~~only after a hearing and only if he or she~~
775 ~~has been given a copy of the charges at least 10 days prior to~~
776 ~~such hearing and has had an opportunity to be heard in person or~~
777 ~~by counsel~~. A vacancy so created shall be filled as provided in
778 this section herein.

779 Section 15. Section 163.512, Florida Statutes, is amended
780 to read:

781 163.512 Community redevelopment neighborhood improvement
782 districts; creation; advisory council; dissolution.—

783 (1) Upon the recommendation of the community redevelopment
784 agency and after an ~~a local planning~~ ordinance has been adopted
785 authorizing the creation of community redevelopment neighborhood
786 improvement districts, the local governing body of a
787 municipality or county may create community redevelopment
788 neighborhood improvement districts by the enactment of a
789 separate ordinance for each district, ~~which ordinance:~~

790 (a) Specifies the boundaries, size, and name of the
791 district.

792 (b) Authorizes the district to receive grants ~~a planning~~
793 ~~grant from the department~~.

794 (c) Authorizes the use of the community redevelopment trust
795 fund created pursuant to s. 163.387 for the purposes of



872342

796 implementing the district's ~~safe~~ neighborhood improvement plan
797 and ~~furthering crime prevention through community policing~~
798 ~~innovations, environmental design, environmental security, and~~
799 ~~defensible space techniques,~~ if the expenditures ~~from the~~
800 ~~community redevelopment trust fund~~ are consistent with the
801 community redevelopment plan created pursuant to s. 163.360.

802 (d) Designates the community redevelopment board of
803 commissioners established pursuant to s. 163.356 or s. 163.357
804 as the board of directors for the district.

805 (e) Establishes an advisory council to the board of
806 directors comprised of property owners or residents of the
807 district.

808 (f) May prohibit the use of any district power authorized
809 by s. 163.514.

810 (g) Requires that the district's ~~safe~~ neighborhood
811 improvement plan be consistent with the community redevelopment
812 plan created pursuant to s. 163.360, and permits the ~~safe~~
813 neighborhood improvement plan to be included in the community
814 redevelopment plan as an optional element.

815 (h) Requires that the boundaries of the ~~community~~
816 ~~redevelopment~~ district be contained in whole within the
817 community redevelopment area established pursuant to ss. 163.355
818 and 163.356.

819 (i) Requires that the district ~~to~~ notify the department ~~of~~
820 ~~Legal Affairs and the Department of Economic Opportunity~~ in
821 writing of its establishment within 30 days after establishment
822 ~~thereof~~ pursuant to s. 163.5055.

823 (2) The advisory council shall perform such duties as may
824 be prescribed by the community redevelopment board established



872342

825 pursuant to s. 163.356 and shall submit within the time period
826 specified by the board of directors a report on the district's
827 activities and a proposed budget to accomplish its objectives.
828 In formulating a plan for services or improvements, the advisory
829 council shall consult in public session with the appropriate
830 staff or consultants of the community redevelopment board
831 ~~responsible for the district's plan.~~

832 (3) The local governing body may dissolve a district ~~may be~~
833 ~~dissolved by the local governing body~~ by rescinding the
834 ordinance creating the district. The local governing body may
835 rescind ~~shall consider rescinding~~ the ordinance if presented
836 with a petition containing the signatures of 60 percent of the
837 residents of a district.

838 Section 16. Section 163.513, Florida Statutes, is repealed.

839 Section 17. Section 163.514, Florida Statutes, is amended
840 to read:

841 163.514 Powers of neighborhood improvement districts.-
842 Unless prohibited by ordinance, the board of any district is
843 ~~shall be~~ empowered to:

844 (1) Enter into contracts and agreements and sue and be sued
845 as a body corporate.

846 (2) Have and use a corporate seal.

847 (3) Acquire, own, convey, or otherwise dispose of, lease as
848 lessor or lessee, construct, maintain, improve, enlarge, raze,
849 relocate, operate, and manage property and facilities of
850 whatever type to which it holds title and grant and acquire
851 licenses, easements, and options with respect thereto.

852 (4) Accept grants and donations of any type of property,
853 labor, or other thing of value from any public or private



872342

854 source.

855 (5) Have exclusive control of funds legally available to
856 it, subject to limitations imposed by law or by any agreement
857 validly entered into by it.

858 (6) Cooperate and contract with other governmental agencies
859 or other public bodies.

860 (7) Contract for services ~~of planning consultants, experts~~
861 ~~on crime prevention through community policing innovations,~~
862 ~~environmental design, environmental security, or defensible~~
863 ~~space, or other experts~~ in areas pertaining to the operations of
864 the board ~~of directors~~ or the district.

865 (8) Contract with the county or municipal government for
866 planning assistance, legal advice, and ~~for~~ increased levels of
867 law enforcement protection and security, including additional
868 personnel.

869 (9) Promote and advertise the commercial advantages of the
870 district so as to attract new businesses and encourage the
871 expansion of existing businesses.

872 (10) Promote and advertise the district to the public and
873 engage in cooperative advertising programs with businesses
874 located in the district.

875 (11) Improve, plan, design, construct, operate, provide,
876 and maintain street lighting, parks, streets, drainage,
877 utilities, swales, parking facilities, transit facilities,
878 landscaping, and open areas, and provide ~~safe~~ access to mass
879 transportation facilities in the district.

880 (12) Undertake innovative approaches to securing
881 neighborhoods from crime, such as crime prevention through
882 community policing innovations, environmental design,



872342

883 environmental security, and defensible space.

884 (13) Privatize, close, vacate, plan, or replan streets,
885 roads, sidewalks, and alleys, subject to the concurrence of the
886 local governing body and, if required, the state Department of
887 Transportation.

888 (14) Prepare, adopt, implement, and modify a ~~safe~~
889 neighborhood improvement plan for the district.

890 (15) Identify areas that have ~~with~~ blighted influences,
891 including, but not limited to, areas where unlawful urban
892 dumping or graffiti are prevalent, and develop programs for
893 eradication thereof.

894 (16) (a) Except for commercial local government neighborhood
895 improvement districts and subject to referendum approval, make
896 and collect special assessments pursuant to ss. 197.3632 and
897 197.3635 to pay for improvements to the district and for
898 reasonable expenses of operating the district, including the
899 payment of expenses included in the district's budget, subject
900 to an affirmative vote by a majority of the registered voters
901 residing in the district. Such assessments may ~~shall~~ not exceed
902 \$500 for each individual parcel of land per year.
903 Notwithstanding the provisions of s. 101.6102, the referendum to
904 approve the special assessment must ~~shall~~ be by mail ballot.

905 (b) In order to implement this subsection, the city clerk
906 or the supervisor of elections, whichever is appropriate, shall
907 compile a list of the names and last known addresses of the
908 electors in the neighborhood improvement district from the list
909 of registered voters of the county as of the last day of the
910 preceding month. The same shall constitute the registration list
911 for the purposes of a referendum. Within 45 days after



872342

912 compilation of the voter registration list, the city clerk or
913 the supervisor of elections shall notify each elector of the
914 general provisions of this subsection ~~section~~, including the
915 taxing authority and the date of the upcoming referendum.
916 Notification must ~~shall~~ be by United States mail and, in
917 addition ~~thereto~~, by publication one time in a newspaper of
918 general circulation in the county or municipality in which the
919 district is located.

920 (c) Any resident of the district whose name does not appear
921 on the list compiled pursuant to paragraph (b) may register to
922 vote as provided by law. The registration list shall remain open
923 for 75 days after the notification required in paragraph (b).

924 (d) Within 15 days after the closing of registration, the
925 city clerk or the supervisor of elections shall send a ballot to
926 each elector at his or her last known mailing address by first-
927 class ~~United States~~ mail. The ballot must ~~shall~~ include:

928 1. A description of the general provisions of this section
929 applicable to the neighborhood improvement district; and

930 2. Immediately following said information, the following:

931
932 "Do you favor the imposition of a special assessment
933 of not greater than \$500 for each individual parcel of
934 land per year to pay for the expenses of operating the
935 neighborhood improvement district?

936
937Yes, for the special assessment.

938
939No, against the special assessment."
940



872342

941 (e) Ballots shall be returned by United States mail or by
942 personal delivery.

943 (f) All ballots that are received within 60 days after the
944 closing of registration shall be tabulated by the city clerk or
945 the supervisor of elections, who shall certify the results
946 ~~thereof~~ to the local city governing body ~~or county commission~~ no
947 later than 5 days after the said 60-day period.

948 (17) Exercise all lawful powers incidental to the effective
949 and expedient exercise of the foregoing powers.

950 Section 18. Subsections (3) and (4) of section 163.5151,
951 Florida Statutes, are amended to read:

952 163.5151 Fiscal management; budget preparation.-

953 (3) Each local government and special neighborhood
954 improvement district levying an ad valorem tax on real or
955 personal property shall establish a its budget pursuant to the
956 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
957 the final budget and setting of the millage rate to be levied by
958 the board, the board shall submit a tentative budget and
959 proposed millage rate of the district to the local governing
960 body ~~of the municipality in which the district is located, or to~~
961 ~~the county if the district is located in the unincorporated~~
962 ~~portion of the county,~~ for approval or disapproval. Such local
963 governing body has ~~shall have~~ the power to modify the budget or
964 millage submitted by the board. Subsequent to approval, the
965 board shall adopt its final budget and millage rate in
966 accordance with the requirements of chapter 200.

967 (4) At the option of the county property appraiser for the
968 county within which the neighborhood improvement district is
969 located, ~~the~~ assessments levied by the district may ~~shall~~ be



872342

970 collected in the same manner as all ad valorem taxes if so
971 requested by the local governing body pursuant to s. 197.363.

972 Section 19. Section 163.516, Florida Statutes, is amended
973 to read:

974 163.516 ~~Safe~~ Neighborhood improvement plans.—

975 (1) A ~~safe~~ neighborhood improvement plan is mandated for
976 all neighborhood improvement districts. The plan must ~~shall~~
977 contain at least the following elements:

978 (a) Demographics of the district.

979 ~~(b) Crime activity data and analysis.~~

980 (b)(e) Land use, zoning, housing, and traffic analysis.

981 ~~(d) Determination of the problems of the crime-to-~~
982 ~~environment relationship and the stability of the neighborhood~~
983 ~~improvement district.~~

984 (c)(e) Statement of the district's goal and objectives.

985 ~~(f) Assessment of crime prevention through community~~
986 ~~policing innovations, environmental design, environmental~~
987 ~~security, and defensible space strategies and tactics that will~~
988 ~~be applied to the crime-to-environment relationship problems.~~

989 ~~(g) Cost estimates and the methods of financing.~~

990 ~~(h) Outline of program participants and their functions and~~
991 ~~responsibilities.~~

992 ~~(i) Schedule for executing program activities.~~

993 ~~(j) Evaluation guidelines.~~

994 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
995 show, by diagram and by general explanation:

996 (a) Such property as is intended for use as public parks,
997 recreation areas, streets, public utilities, and public
998 improvements of any nature.



872342

999 (b) Specific identification of any publicly funded capital
1000 improvement projects to be undertaken within the district.

1001 ~~(c) Adequate assurances that the improvements will be~~
1002 ~~carried out pursuant to the plan.~~

1003 ~~(d) Provision for the retention of controls and the~~
1004 ~~establishment of any restrictions or covenants running with land~~
1005 ~~sold or leased for private use for such periods of time and~~
1006 ~~under such conditions as the governing body of the municipality~~
1007 ~~in which the district is located, or the county if the district~~
1008 ~~is located in the unincorporated portion of the county, deems~~
1009 ~~necessary to effectuate the purposes of this part.~~

1010 ~~(c)~~ (e) Projected costs of improvements, including the
1011 amount to be expended on publicly funded capital improvement
1012 projects in the district and any indebtedness of the district,
1013 the county, or the municipality proposed to be incurred if such
1014 indebtedness is to be repaid with district revenues.

1015 ~~(f) Promotion of advertising programs to be undertaken by~~
1016 ~~the district or in conjunction with businesses in the district.~~

1017 ~~(g) Suggested physical improvements necessary for the~~
1018 ~~safety of residents in or visitors to the district.~~

1019 ~~(h) Law enforcement and security plans for the district.~~

1020 (3) The safe neighborhood improvement plan must ~~shall~~:

1021 (a) Be consistent with the adopted comprehensive plan for
1022 the county or municipality pursuant to the Community Planning
1023 Act. A ~~No~~ district plan may not ~~shall~~ be implemented unless the
1024 local governing body has determined that the ~~said~~ plan is
1025 consistent.

1026 (b) Be sufficiently complete to indicate such land
1027 acquisition, demolition and removal of structures, street



872342

1028 modifications, redevelopment, and rehabilitation as may be
1029 proposed to be carried out in the district.

1030 ~~(c) Provide some method for and measurement of the~~
1031 ~~reduction of crime within the district.~~

1032 ~~(4) The county, municipality, or district may prepare or~~
1033 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1034 ~~any person or agency, public or private, may submit such a plan~~
1035 ~~to a district. Prior to its consideration of a safe neighborhood~~
1036 ~~improvement plan, the district shall submit such plan to the~~
1037 ~~local governing body for review and written approval as to its~~
1038 ~~consistency with the local government comprehensive plan. The~~
1039 ~~district must be notified of approval or disapproval within 60~~
1040 ~~days after receipt of the plan for review, and a revised version~~
1041 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1042 ~~district may not proceed with the safe neighborhood improvement~~
1043 ~~plan until final approval is given by the local governing body.~~

1044 ~~(4)-(5) Before~~ Prior ~~to~~ adoption of the safe neighborhood
1045 improvement plan, the board must ~~shall~~ hold a public hearing on
1046 the plan after public notice thereof by publication in a
1047 newspaper of general circulation in the county or municipality
1048 in which the district is located. The notice must ~~shall~~ describe
1049 the time, date, place, and purpose of the hearing; identify the
1050 boundaries of the district; and outline the general scope of the
1051 plan.

1052 ~~(5)-(6)~~ The board, after the public hearing, may approve the
1053 ~~safe~~ neighborhood improvement plan if it finds that:

1054 (a) The plan has been approved as consistent with the local
1055 comprehensive plan by the local governing body; and

1056 (b) The plan will improve the promotion, appearance,



872342

1057 ~~safety, security,~~ and public amenities of the neighborhood
1058 improvement district as stipulated in s. 163.502.

1059 ~~(6)(7)~~ If, at any time after approval of the ~~safe~~
1060 neighborhood improvement plan, it becomes desirable to amend or
1061 modify the plan, the board may do so. ~~Before~~ ~~Prior to~~ any such
1062 amendment or modification, the board must ~~shall~~ obtain written
1063 approval of the local governing body concerning conformity to
1064 the local government comprehensive plan and must hold a public
1065 hearing on the proposed amendment or modification after public
1066 notice thereof by publication in a newspaper of general
1067 circulation in the county or municipality in which the district
1068 is located. The notice must ~~shall~~ describe the time, place, and
1069 purpose of the hearing and generally describe the proposed
1070 amendment or modification.

1071 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1072 ~~municipality or county shall hold two public hearings to~~
1073 ~~consider the board-adopted safe neighborhood improvement plan as~~
1074 ~~an amendment or modification to the municipality's or county's~~
1075 ~~adopted local comprehensive plan.~~

1076 ~~(9) A safe neighborhood improvement plan for each district~~
1077 ~~shall be prepared and adopted by the municipality or county~~
1078 ~~prior to the levy and expenditure of any of the proceeds of any~~
1079 ~~tax assessment or fee authorized to such districts other than~~
1080 ~~for the preparation of the safe community or business~~
1081 ~~improvement plan.~~

1082 Section 20. Section 163.517, Florida Statutes, is repealed.

1083 Section 21. Section 163.519, Florida Statutes, is repealed.

1084 Section 22. Section 163.521, Florida Statutes, is repealed.

1085 Section 23. Section 163.5215, Florida Statutes, is



872342

1086 repealed.
1087 Section 24. Section 163.522, Florida Statutes, is repealed.
1088 Section 25. Section 163.523, Florida Statutes, is repealed.
1089 Section 26. Subsection (13) is added to section 163.524,
1090 Florida Statutes, to read:
1091 163.524 Neighborhood Preservation and Enhancement Program;
1092 participation; creation of Neighborhood Preservation and
1093 Enhancement Districts; creation of Neighborhood Councils and
1094 Neighborhood Enhancement Plans.—
1095 (13) Effective July 1, 2013, this section applies only to a
1096 Neighborhood Preservation and Enhancement District and a
1097 Neighborhood Council that are active on or before June 30, 2013.
1098 A Neighborhood Preservation and Enhancement District and a
1099 Neighborhood Council may not be created after June 30, 2013.
1100 Section 27. Section 27. Subsection (4) is added to section
1101 163.526, Florida Statutes, to read:
1102 163.526 Neighborhood Councils and local government
1103 designated agency; powers and duties.—
1104 (4) Effective July 1, 2013, this section applies only to a
1105 Neighborhood Council that is active on or before June 30, 2013.
1106 Section 28. Paragraph (c) of subsection (1) of section
1107 376.84, Florida Statutes, is amended to read:
1108 376.84 Brownfield redevelopment economic incentives.—It is
1109 the intent of the Legislature that brownfield redevelopment
1110 activities be viewed as opportunities to significantly improve
1111 the utilization, general condition, and appearance of these
1112 sites. Different standards than those in place for new
1113 development, as allowed under current state and local laws,
1114 should be used to the fullest extent to encourage the



872342

1115 redevelopment of a brownfield. State and local governments are
1116 encouraged to offer redevelopment incentives for this purpose,
1117 as an ongoing public investment in infrastructure and services,
1118 to help eliminate the public health and environmental hazards,
1119 and to promote the creation of jobs in these areas. Such
1120 incentives may include financial, regulatory, and technical
1121 assistance to persons and businesses involved in the
1122 redevelopment of the brownfield pursuant to this act.

1123 (1) Financial incentives and local incentives for
1124 redevelopment may include, but not be limited to:

1125 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1126 part IV of chapter 163 ss. 163.501-163.523.

1127 Section 29. Subsection (2) of section 775.083, Florida
1128 Statutes, is amended to read:

1129 775.083 Fines.—

1130 (2) In addition to the fines set forth in subsection (1),
1131 court costs shall be assessed and collected in each instance a
1132 defendant pleads nolo contendere to, or is convicted of, or
1133 adjudicated delinquent for, a felony, a misdemeanor, or a
1134 criminal traffic offense under state law, or a violation of any
1135 municipal or county ordinance if the violation constitutes a
1136 misdemeanor under state law. The court costs imposed by this
1137 section shall be \$50 for a felony and \$20 for any other offense
1138 and shall be deposited by the clerk of the court into an
1139 appropriate county account for disbursement for the purposes
1140 provided in this subsection. A county shall account for the
1141 funds separately from other county funds as crime prevention
1142 funds. The county, in consultation with the sheriff, must expend
1143 such funds for crime prevention programs in the county,



872342

1144 including ~~safe~~ neighborhood improvement programs under part IV
1145 of chapter 163 ss. ~~163.501-163.523.~~

1146 Section 30. Subsection (5) of section 932.7055, Florida
1147 Statutes, is amended to read:

1148 932.7055 Disposition of liens and forfeited property.-

1149 (5) (a) If the seizing agency is a county or municipal
1150 agency, the remaining proceeds shall be deposited in a special
1151 law enforcement trust fund established by the board of county
1152 commissioners or the governing body of the municipality. These
1153 ~~Such~~ proceeds and interest earned therefrom shall be used for
1154 school resource officer, crime prevention, ~~safe~~ neighborhood
1155 improvement, drug abuse education and prevention programs, or
1156 for other law enforcement purposes, which include defraying the
1157 cost of protracted or complex investigations, providing
1158 additional equipment or expertise, purchasing automated external
1159 defibrillators for use in law enforcement vehicles, and
1160 providing matching funds to obtain federal grants. The proceeds
1161 and interest may not be used to meet normal operating expenses
1162 of the law enforcement agency.

1163 (b) These funds may be expended upon request by the sheriff
1164 to the board of county commissioners or by the chief of police
1165 to the governing body of the municipality, accompanied by a
1166 written certification that the request complies with the
1167 provisions of this subsection, and only upon appropriation to
1168 the sheriff's office or police department by the board of county
1169 commissioners or the governing body of the municipality.

1170 (c) An agency or organization, other than the seizing
1171 agency, that wishes to receive such funds shall apply to the
1172 sheriff or chief of police for an appropriation and its



872342

1173 application shall be accompanied by a written certification that
1174 the moneys will be used for an authorized purpose. Such requests
1175 for expenditures must ~~shall~~ include a statement describing
1176 anticipated recurring costs for the agency for subsequent fiscal
1177 years. An agency or organization that receives money pursuant to
1178 this subsection shall provide an accounting for such moneys and
1179 shall furnish the same reports as an agency of the county or
1180 municipality that receives public funds. Such funds may be
1181 expended in accordance with the following procedures:

1182 1. Such funds may be used only for school resource officer,
1183 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1184 education, or drug prevention programs or such other law
1185 enforcement purposes as the board of county commissioners or
1186 governing body of the municipality deems appropriate.

1187 2. Such funds may ~~shall~~ not be a source of revenue to meet
1188 normal operating needs of the law enforcement agency.

1189 3. After July 1, 1992, and during every fiscal year
1190 thereafter, any local law enforcement agency that acquires at
1191 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1192 within a fiscal year must expend or donate at least ~~no less than~~
1193 15 percent of such proceeds for the support or operation of any
1194 drug treatment, drug abuse education, drug prevention, crime
1195 prevention, ~~safe~~ neighborhood improvement, or school resource
1196 officer program or programs ~~program(s)~~. The local law
1197 enforcement agency has the discretion to determine which program
1198 or programs ~~program(s)~~ will receive the designated proceeds.

1199
1200 Notwithstanding the drug abuse education, drug treatment, drug
1201 prevention, crime prevention, ~~safe~~ neighborhood improvement, or



872342

1202 school resource officer minimum expenditures or donations, the
1203 sheriff and the board of county commissioners or the chief of
1204 police and the governing body of the municipality may agree to
1205 expend or donate such funds over a period of years if the
1206 expenditure or donation of such minimum amount in any given
1207 fiscal year would exceed the needs of the county or municipality
1208 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section
1209 does not preclude ~~precludes~~ the expenditure or donation of
1210 forfeiture proceeds in excess of the minimum amounts established
1211 in this subsection ~~herein~~.

1212 Section 31. This act shall take effect July 1, 2013.

1213
1214 ===== T I T L E A M E N D M E N T =====

1215 And the title is amended as follows:

1216 Delete everything before the enacting clause
1217 and insert:

1218 A bill to be entitled
1219 An act relating to neighborhood improvement districts;
1220 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
1221 and 163.387, F.S.; conforming provisions to changes
1222 made by the act; amending s. 163.501, F.S.; renaming
1223 the "Safe Neighborhoods Act" as the "Neighborhoods
1224 Improvement Act"; amending s. 163.502, F.S.; revising
1225 legislative findings and purpose; amending s. 163.503,
1226 F.S.; revising and deleting definitions; amending s.
1227 163.5035, F.S.; conforming provisions to changes made
1228 by the act; amending s. 163.504, F.S.; authorizing the
1229 governing body of any municipality or county to form a
1230 neighborhood improvement district through the adoption



872342

1231 of an ordinance rather than by a planning ordinance;
1232 deleting provisions relating to the creation and
1233 funding of safe neighborhood improvement districts;
1234 amending s. 163.5055, F.S.; requiring each
1235 neighborhood improvement district authorized under law
1236 to provide the Department of Economic Opportunity with
1237 certain information; requiring a local governing body
1238 to notify the department of a dissolution of a
1239 district; deleting an obsolete provision; amending s.
1240 163.506, F.S.; revising provisions authorizing a local
1241 governing body to create a residential or commercial
1242 local government neighborhood improvement district by
1243 the enactment of an ordinance; revising the
1244 requirements of the ordinance; specifying that the
1245 ordinance may authorize residential or commercial
1246 local government neighborhood improvement districts to
1247 borrow money, contract loans, and issue bonds or other
1248 evidence of indebtedness; authorizing the governing
1249 body of the improvement district to levy ad valorem
1250 taxes upon real and tangible personal property within
1251 the district; authorizing a commercial local
1252 government neighborhood improvement district to make
1253 and collect special assessments; conditioning the
1254 exercise of certain powers by a residential local
1255 government neighborhood improvement district on
1256 approval by the local governing body and a referendum;
1257 conditioning the exercise of power by a commercial
1258 local government neighborhood improvement district to
1259 borrow money; contract loans; issue bonds; charge,



872342

1260 collect, and enforce fees; make and collect special
1261 assessments; and levy ad valorem taxes upon real and
1262 tangible personal property within the district upon
1263 the approval of a referendum by the freeholders of the
1264 district; providing ballot requirements; removing
1265 provisions allowing an alternative organization for
1266 the board of directors; revising requirements for
1267 dissolving a district; amending s. 163.508, F.S.,
1268 relating to property owners' association neighborhood
1269 improvement districts; revising the requirements for
1270 creating a property owners' association neighborhood
1271 improvement district by the enactment of a separate
1272 ordinance for each district; authorizing the governing
1273 body to request grants; requiring that the property
1274 owners form an association or use an existing property
1275 owners' association that is a not-for-profit
1276 corporation; amending s. 163.511, F.S., relating to
1277 special neighborhood improvement districts; revising
1278 provisions to conform to changes made by the act;
1279 revising the method of appointing and removing
1280 directors of the district; amending s. 163.512, F.S.;
1281 revising provisions authorizing a municipality or
1282 county to create a community redevelopment
1283 neighborhood improvement district; authorizing the
1284 district to receive grants and other funding;
1285 providing that the local governing body may dissolve
1286 the district under certain circumstances; repealing s.
1287 163.513, F.S., relating to crime prevention through
1288 community policing innovations; amending s. 163.514,



872342

1289 F.S.; revising the powers of the board of a
1290 neighborhood improvement district; authorizing the
1291 district to contract for services in areas pertaining
1292 to the operations of the board or the district;
1293 authorizing the district to improve, plan, design,
1294 construct, operate, provide, and maintain certain
1295 facilities; authorizing a district, except for a
1296 commercial local government neighborhood improvement
1297 district, to collect special assessments under certain
1298 circumstances and following implementation of
1299 designated procedures; amending s. 163.5151, F.S.;
1300 requiring a local government and a special
1301 neighborhood improvement district levying an ad
1302 valorem tax on real or personal property to prepare a
1303 budget in a specified manner; amending s. 163.516,
1304 F.S.; requiring that neighborhood improvement plans be
1305 created for each improvement district; revising the
1306 contents of the neighborhood improvement plan;
1307 conforming provisions to changes made by the act;
1308 repealing s. 163.517, F.S., relating to the Safe
1309 Neighborhoods Program; repealing s. 163.519, F.S.,
1310 relating to the duties of the Department of Legal
1311 Affairs relating to neighborhood improvement
1312 districts; repealing s. 163.521, F.S., relating to
1313 funding for a neighborhood improvement district inside
1314 an enterprise zone; repealing s. 163.5215, F.S.,
1315 relating to the effect and construction of existing
1316 laws relating to neighborhood improvement districts;
1317 repealing s. 163.522, F.S., relating to state



872342

1318 redevelopment programs; repealing s. 163.523, F.S.,
1319 relating to cooperation and involvement of community
1320 organizations in the creation of safe neighborhood
1321 improvement districts; amending s. 163.524, F.S.;
1322 limiting application of provisions governing
1323 Neighborhood Preservation and Enhancement District and
1324 Neighborhood Council to those districts and councils
1325 that are active on or before a specified date;
1326 prohibiting a new Neighborhood Preservation and
1327 Enhancement District and Neighborhood Councils from
1328 being created after a specified date; amending ss.
1329 163.526, 376.84, 775.083, and 932.7055, F.S.;
1330 conforming provisions to changes made by the act;
1331 providing an effective date.

By the Committee on Community Affairs; and Senator Simmons

578-02030-13

2013564c1

1 A bill to be entitled
 2 An act relating to neighborhood improvement districts;
 3 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
 4 and 163.387, F.S.; conforming provisions to changes
 5 made by the act; amending s. 163.501, F.S.; renaming
 6 the "Safe Neighborhoods Act" as the "Neighborhoods
 7 Improvement Act"; amending s. 163.502, F.S.; revising
 8 legislative findings and purpose; amending s. 163.503,
 9 F.S.; revising and deleting definitions; amending s.
 10 163.5035, F.S.; conforming provisions to changes made
 11 by the act; amending s. 163.504, F.S.; authorizing the
 12 governing body of any municipality or county to form a
 13 neighborhood improvement district through the adoption
 14 of an ordinance rather than by a planning ordinance;
 15 removing provisions pertaining to the creation and
 16 funding of safe neighborhood improvement districts;
 17 amending s. 163.5055, F.S.; deleting the requirement
 18 that each neighborhood improvement district authorized
 19 under law notify the Department of Legal Affairs of
 20 its existence; removing the requirement that a local
 21 governing body notify the Department of Legal Affairs
 22 of a dissolution of a district; deleting an obsolete
 23 provision; amending s. 163.506, F.S.; revising
 24 provisions authorizing a local governing body to
 25 create a local government neighborhood improvement
 26 district by the enactment of an ordinance; specifying
 27 that the ordinance may authorize the improvement
 28 district to borrow money, contract loans, and issue
 29 bonds or other evidence of indebtedness; authorizing

Page 1 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

30 the governing body of the improvement district to levy
 31 ad valorem taxes upon real and tangible personal
 32 property within the district; authorizing the district
 33 to make and collect special assessments; conditioning
 34 the exercise of power by the local government
 35 neighborhood improvement district to borrow money,
 36 contract loans, issue bonds, charge, collect, and
 37 enforce fees, make and collect special assessments,
 38 and levy ad valorem taxes upon real and tangible
 39 personal property within the district upon the
 40 approval of a referendum by the freeholders of the
 41 district; providing ballot requirements; removing
 42 provisions allowing an alternative organization for
 43 the board of directors; revising requirements for
 44 dissolving a district; amending s. 163.508, F.S.,
 45 relating to property owners' association neighborhood
 46 improvement districts; revising the requirements for
 47 creating a property owners' association neighborhood
 48 improvement district by the enactment of a separate
 49 ordinance for each district; authorizing the governing
 50 body to request grants; requiring that the property
 51 owners form an association or use an existing property
 52 owners' association that is a not-for-profit
 53 corporation; amending s. 163.511, F.S., relating to
 54 special neighborhood improvement districts; revising
 55 provisions to conform to changes made by the act;
 56 revising the method of appointing and removing
 57 directors of the district; amending s. 163.512, F.S.;
 58 revising provisions authorizing a municipality or

Page 2 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

59 county to create a community redevelopment
60 neighborhood improvement district; authorizing the
61 district to receive grants and other funding;
62 providing that the local governing body may dissolve
63 the district under certain circumstances; repealing s.
64 163.513, F.S., relating to crime prevention through
65 community policing innovations; amending s. 163.514,
66 F.S.; revising the powers of neighborhood improvement
67 districts; authorizing the district to contract with
68 legal counsel and other needed professionals;
69 authorizing the district to improve, plan, design,
70 construct, operate, provide, and maintain certain
71 facilities; authorizing the district to collect
72 special assessments under certain circumstances and
73 following implementation of designated procedures;
74 amending s. 163.5151, F.S.; requiring a local
75 government and a special neighborhood improvement
76 district levying an ad valorem tax on real or personal
77 property to prepare a budget in a specified manner;
78 amending s. 163.516, F.S.; requiring that neighborhood
79 improvement plans be created for each improvement
80 district; revising the contents of the neighborhood
81 improvement plan; conforming provisions to changes
82 made by the act; repealing s. 163.517, F.S., relating
83 to the Safe Neighborhoods Program; repealing s.
84 163.519, F.S., relating to the duties of the
85 Department of Legal Affairs relating to neighborhood
86 improvement districts; repealing s. 163.521, F.S.,
87 relating to funding for a neighborhood improvement

Page 3 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

88 district inside an enterprise zone; repealing s.
89 163.5215, F.S., relating to the effect and
90 construction of existing laws relating to neighborhood
91 improvement districts; repealing s. 163.522, F.S.,
92 relating to state redevelopment programs; repealing s.
93 163.523, F.S., relating to cooperation and involvement
94 of community organizations in the creation of safe
95 neighborhood improvement districts; amending s.
96 163.524, F.S.; limiting application of provisions
97 governing Neighborhood Preservation and Enhancement
98 Districts and Neighborhood Councils to those districts
99 and councils that were active on or before a specified
100 date; prohibiting new Neighborhood Preservation and
101 Enhancement Districts and Neighborhood Councils from
102 being created after a specified date; amending ss.
103 163.526, 376.84, 775.083, and 932.7055, F.S.;
104 conforming provisions to changes made by the act;
105 providing an effective date.

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

109 Section 1. Paragraph (d) of subsection (2) of section
110 163.2511, Florida Statutes, is amended to read:

111 163.2511 Urban infill and redevelopment.—

112 (2) It is declared that:

113 (d) State urban policies should guide the state, regional
114 agencies, local governments, and the private sector in
115 preserving and redeveloping existing urban cores and promoting
116 the adequate provision of infrastructure, human services,

Page 4 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

117 neighborhood improvement ~~safe neighborhoods~~, educational
 118 facilities, and economic development to sustain these cores into
 119 the future.

120 Section 2. Paragraph (c) of subsection (3) of section
 121 163.2517, Florida Statutes, is amended to read:

122 163.2517 Designation of urban infill and redevelopment
 123 area.—

124 (3) A local government seeking to designate a geographic
 125 area within its jurisdiction as an urban infill and
 126 redevelopment area shall prepare a plan that describes the
 127 infill and redevelopment objectives of the local government
 128 within the proposed area. In lieu of preparing a new plan, the
 129 local government may demonstrate that an existing plan or
 130 combination of plans associated with a community redevelopment
 131 area, Florida Main Street program, Front Porch Florida
 132 Community, sustainable community, enterprise zone, or
 133 neighborhood improvement district includes the factors listed in
 134 paragraphs (a)-(n), including a collaborative and holistic
 135 community participation process, or amend such existing plans to
 136 include these factors. The plan shall demonstrate the local
 137 government and community's commitment to comprehensively address
 138 the urban problems within the urban infill and redevelopment
 139 area and identify activities and programs to accomplish locally
 140 identified goals such as code enforcement; improved educational
 141 opportunities; reduction in crime; neighborhood revitalization
 142 and preservation; provision of infrastructure needs, including
 143 mass transit and multimodal linkages; and mixed-use planning to
 144 promote multifunctional redevelopment to improve both the
 145 residential and commercial quality of life in the area. The plan

578-02030-13 2013564c1

146 shall also:

147 (c) Identify and map existing enterprise zones, community
 148 redevelopment areas, community development corporations,
 149 brownfield areas, downtown redevelopment districts, ~~safe~~
 150 neighborhood improvement districts, historic preservation
 151 districts, and empowerment zones or enterprise communities
 152 located within the area proposed for designation as an urban
 153 infill and redevelopment area and provide a framework for
 154 coordinating infill and redevelopment programs within the urban
 155 core.

156 Section 3. Paragraph (a) of subsection (6) of section
 157 163.3182, Florida Statutes, is amended to read:

158 163.3182 Transportation deficiencies.—

159 (6) EXEMPTIONS.—

160 (a) The following public bodies or taxing authorities are
 161 exempt from this section:

- 162 1. A special district that levies ad valorem taxes on
 163 taxable real property in more than one county.
- 164 2. A special district for which the sole available source
 165 of revenue is the authority to levy ad valorem taxes at the time
 166 an ordinance is adopted under this section. However, revenue
 167 ~~revenues~~ or aid that may be dispensed or appropriated to a
 168 district as defined in s. 388.011 at the discretion of an entity
 169 other than such district is ~~are~~ not deemed available.
- 170 3. A library district.
- 171 4. A neighborhood improvement district created under the
 172 ~~Safe~~ Neighborhoods Improvement Act.
- 173 5. A metropolitan transportation authority.
- 174 6. A water management district created under s. 373.069.

578-02030-13

2013564c1

175 7. A community redevelopment agency.

176 Section 4. Subsection (2) of section 163.3246, Florida

177 Statutes, is amended to read:

178 163.3246 Local government comprehensive planning

179 certification program.—

180 (2) In order to be eligible for certification under the

181 program, the local government must:

182 (a) Demonstrate a record of effectively adopting,

183 implementing, and enforcing its comprehensive plan;

184 (b) Demonstrate technical, financial, and administrative

185 expertise to implement the provisions of this part without state

186 oversight;

187 (c) Obtain comments from the state and regional review

188 agencies regarding the appropriateness of the proposed

189 certification;

190 (d) Hold at least one public hearing soliciting public

191 input concerning the local government's proposal for

192 certification; and

193 (e) Demonstrate that it has adopted programs in its local

194 comprehensive plan and land development regulations which:

195 1. Promote infill development and redevelopment, including

196 prioritized and timely permitting processes in which

197 applications for local development permits within the

198 certification area are acted upon expeditiously for proposed

199 development that is consistent with the local comprehensive

200 plan.

201 2. Promote the development of housing for low-income and

202 very-low-income households or specialized housing to assist

203 elderly and disabled persons to remain at home or in independent

Page 7 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

204 living arrangements.

205 3. Achieve effective intergovernmental coordination and

206 address the extrajurisdictional effects of development within

207 the certified area.

208 4. Promote economic diversity and growth while encouraging

209 the retention of rural character, where rural areas exist, and

210 the protection and restoration of the environment.

211 5. Provide and maintain public urban and rural open space

212 and recreational opportunities.

213 6. Manage transportation and land uses to support public

214 transit and promote opportunities for pedestrian and

215 nonmotorized transportation.

216 7. Use design principles to foster individual community

217 identity, create a sense of place, and promote pedestrian-

218 oriented ~~safe~~ neighborhoods and town centers.

219 8. Redevelop blighted areas.

220 9. Adopt a local mitigation strategy and have programs to

221 improve disaster preparedness and the ability to protect lives

222 and property, especially in coastal high-hazard areas.

223 10. Encourage clustered, mixed-use development that

224 incorporates greenspace and residential development within

225 walking distance of commercial development.

226 11. Encourage urban infill at appropriate densities and

227 intensities and separate urban and rural uses and discourage

228 urban sprawl while preserving public open space and planning for

229 buffer-type land uses and rural development consistent with

230 their respective character along and outside the certification

231 area.

232 12. Ensure ~~Assure~~ protection of key natural areas and

Page 8 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

233 agricultural lands that are identified using state and local
 234 inventories of natural areas. Key natural areas include, but are
 235 not limited to:

- 236 a. Wildlife corridors.
 237 b. Lands with high native biological diversity, important
 238 areas for threatened and endangered species, species of special
 239 concern, migratory bird habitat, and intact natural communities.
 240 c. Significant surface waters and springs, aquatic
 241 preserves, wetlands, and outstanding Florida waters.
 242 d. Water resources suitable for preservation of natural
 243 systems and for water resource development.

244 e. Representative and rare native Florida natural systems.
 245 13. Ensure the cost-efficient provision of public
 246 infrastructure and services.

247 Section 5. Paragraph (c) of subsection (2) of section
 248 163.387, Florida Statutes, is amended to read:

249 163.387 Redevelopment trust fund.—

250 (2)

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

- 253 1. A special district that levies ad valorem taxes on
 254 taxable real property in more than one county.
 255 2. A special district for which the sole available source
 256 of revenue the district has the authority to levy is ad valorem
 257 taxes at the time an ordinance is adopted under this section.
 258 However, ~~revenue~~ ~~revenues~~ or aid that may be dispensed or
 259 appropriated to a district as defined in s. 388.011 at the
 260 discretion of an entity other than such district ~~is shall~~ not be
 261 deemed available.

578-02030-13 2013564c1

262 3. A library district, except a library district in a
 263 jurisdiction where the community redevelopment agency had
 264 validated bonds as of April 30, 1984.

265 4. A neighborhood improvement district created under the
 266 ~~Safe~~ Neighborhoods Improvement Act.

267 5. A metropolitan transportation authority.

268 6. A water management district created under s. 373.069.

269 Section 6. Section 163.501, Florida Statutes, is amended to
 270 read:

271 163.501 Short title.—This part may be cited as the "~~Safe~~
 272 Neighborhoods Improvement Act."

273 Section 7. Section 163.502, Florida Statutes, is amended to
 274 read:

275 163.502 ~~Safe~~ Neighborhoods improvement; legislative
 276 findings and purpose.—

277 (1) The Legislature ~~hereby~~ finds and declares that among
 278 the many causes of deterioration in the business and residential
 279 neighborhoods of the state are the following: proliferation of
 280 crime, automobile traffic flow strangled by outmoded street
 281 patterns, unsuitable topography, faulty lot layouts,
 282 fragmentation of land uses and parking areas necessitating
 283 frequent automobile movement, lack of separation of pedestrian
 284 areas from automobile traffic, lack of separation of vehicle
 285 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
 286 from automobile traffic, and lack of adequate public
 287 improvements, such as streets, street lights, street furniture,
 288 street landscaping, sidewalks, traffic signals, way-finding
 289 signs, mass transit, stormwater systems, and other public
 290 utilities and improvements.

578-02030-13

2013564c1

291 (2) The Legislature further finds and declares that healthy
 292 and vibrant ~~safe~~ neighborhoods are the product of planning and
 293 implementation of appropriate environmental design concepts,
 294 comprehensive planning ~~crime prevention programs~~, land use
 295 recommendations, and beautification techniques.

296 (3) The Legislature further finds and declares that the
 297 provisions of this part and the powers granted to local
 298 governments, property owners' associations, special dependent
 299 districts, and community redevelopment neighborhood improvement
 300 districts are desirable to guide and accomplish the coordinated,
 301 balanced, and harmonious development of healthy and vibrant ~~safe~~
 302 neighborhoods; to promote the health, ~~safety~~, and general
 303 welfare of these areas and their inhabitants, visitors, property
 304 owners, and workers; to establish, maintain, and preserve
 305 property values and preserve and foster the development of
 306 attractive neighborhood and business environments; to prevent
 307 ~~overcrowding and~~ congestion; and to improve or redirect
 308 automobile traffic and provide pedestrian safety, ~~to reduce~~
 309 ~~crime rates and the opportunities for the commission of crime,~~
 310 ~~and to provide improvements in neighborhoods so they are~~
 311 ~~defensible against crime.~~

312 (4) It is the intent of the Legislature to assist local
 313 governments in implementing plans that improve the ~~employ crime~~
 314 ~~prevention through community policing innovations, environmental~~
 315 ~~design, environmental security, and defensible space techniques~~
 316 ~~to establish~~ safe neighborhoods of this state. The Legislature,
 317 therefore, declares that the development, redevelopment,
 318 preservation, and revitalization of neighborhoods in this state,
 319 and all the purposes of this part, are public purposes for which

Page 11 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

320 public money may be borrowed, expended, loaned, and granted.

321 Section 8. Section 163.503, Florida Statutes, is amended to
 322 read:

323 163.503 ~~Safe neighborhoods~~. Definitions.—

324 (1) "~~Safe~~ Neighborhood improvement district," or
 325 "district," ~~or "neighborhood improvement district"~~ means a
 326 district located in an area in which more than 75 percent of the
 327 land is used for residential purposes, or in an area in which
 328 more than 75 percent of the land is used for commercial, office,
 329 business, or industrial purposes, excluding the land area used
 330 for public facilities, ~~and where there is a plan to reduce crime~~
 331 ~~through the implementation of crime prevention through~~
 332 ~~environmental design, environmental security, or defensible~~
 333 ~~space techniques, or through community policing innovations.~~
 334 ~~Nothing in~~ This section does not ~~shall~~ preclude the inclusion of
 335 public land in a neighborhood improvement district although the
 336 amount of land used for public facilities is excluded from the
 337 land use acreage calculations.

338 (2) "Association" means a property owners' association that
 339 ~~which~~ is incorporated for the purpose of creating and operating
 340 a neighborhood improvement district.

341 (3) "Department" means the Department of Economic
 342 Opportunity ~~Legal Affairs~~.

343 (4) "Board" means the board of directors of a neighborhood
 344 improvement district, which may be the governing body of a
 345 municipality or county, ~~or~~ the officers of a property owners'
 346 association, or the board of directors of a special neighborhood
 347 improvement district or community redevelopment neighborhood
 348 improvement district.

Page 12 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

349 ~~(5) "Environmental security" means an urban planning and~~
 350 ~~design process which integrates crime prevention with~~
 351 ~~neighborhood design and community development.~~

352 ~~(6) "Crime prevention through environmental design" means~~
 353 ~~the planned use of environmental design concepts such as natural~~
 354 ~~access control, natural surveillance, and territorial~~
 355 ~~reinforcement in a neighborhood or community setting which is~~
 356 ~~designed to reduce criminal opportunity and foster positive~~
 357 ~~social interaction among the legitimate users of that setting.~~

358 ~~(7) "Defensible space" means an architectural perspective~~
 359 ~~on crime prevention through physical design of the environment~~
 360 ~~to create the ability to monitor and control the environment~~
 361 ~~along individual perceived zones of territorial influence that~~
 362 ~~result in a proprietary interest and a felt responsibility.~~

363 ~~(8) "Enterprise zone" means an area designated pursuant to~~
 364 ~~s. 290.0065.~~

365 ~~(9) "Community policing innovation" means techniques or~~
 366 ~~strategies as defined by s. 163.240.~~

367 Section 9. Section 163.5035, Florida Statutes, is amended
 368 to read:

369 163.5035 ~~Safe~~ Neighborhood improvement districts;
 370 compliance with special district provisions.—Any special
 371 district created pursuant to this part shall comply with all
 372 applicable provisions contained in chapter 189. In cases where a
 373 provision contained in this part conflicts with a provision in
 374 chapter 189, the provision in chapter 189 shall prevail.

375 Section 10. Section 163.504, Florida Statutes, is amended
 376 to read:

377 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~

578-02030-13

2013564c1

378 ~~funds.—~~

379 ~~(1)~~ The governing body of any municipality or county may
 380 authorize the formation of ~~safe~~ neighborhood improvement
 381 districts through the adoption of an a planning ordinance that
 382 ~~which~~ specifies that such districts may be created by one or
 383 more of the methods established in ss. 163.506, 163.508,
 384 163.511, and 163.512. A ~~Ne~~ district may not overlap the
 385 jurisdictional boundaries of a municipality and the
 386 unincorporated area of a county, unless approved ~~except~~ by
 387 interlocal agreement.

388 ~~(2) If the governing body of a municipality or county~~
 389 ~~elects to create a safe neighborhood improvement district, it~~
 390 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
 391 ~~Program, created pursuant to s. 163.517 and administered by the~~
 392 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
 393 ~~improvement plan for the district.~~

394 ~~(3) Municipalities and counties may implement the~~
 395 ~~provisions of this section without planning funds from the~~
 396 ~~Department of Legal Affairs. However, nothing in this section~~
 397 ~~shall be construed to exempt any district from the requirements~~
 398 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 399 ~~163.516.~~

400 Section 11. Section 163.5055, Florida Statutes, is amended
 401 to read:

402 163.5055 Notice Registration of district establishment;
 403 notice of dissolution.—

404 (1) ~~(a)~~ Each neighborhood improvement district that is
 405 authorized and established under this part shall, within 30 days
 406 after its establishment, notify thereof register with both the

578-02030-13

2013564c1

407 Department of Economic Opportunity ~~and the Department of Legal~~
 408 ~~Affairs~~ by providing the department ~~these departments~~ with the
 409 district's name, location, size, and type, and such other
 410 information as the ~~department~~ ~~departments~~ may request ~~require~~.

411 ~~(2)(b)~~ Each local governing body that authorizes the
 412 dissolution of a district shall notify ~~both~~ the Department of
 413 Economic Opportunity ~~and the Department of Legal Affairs~~ within
 414 30 days after the dissolution of the district.

415 ~~(2) This section shall apply to all neighborhood~~
 416 ~~improvement districts established on or after July 1, 1987.~~

417 Section 12. Section 163.506, Florida Statutes, is amended
 418 to read:

419 163.506 Local government neighborhood improvement
 420 districts; creation; advisory council; dissolution.—

421 (1) After an a local planning ordinance has been adopted
 422 authorizing the creation of local government neighborhood
 423 improvement districts, the local governing body of a
 424 municipality or county may create local government neighborhood
 425 improvement districts by the enactment of a separate ordinance
 426 for each district, ~~which ordinance:~~

427 (a) Specifies the boundaries, size, and name of the
 428 district.

429 (b) Authorizes the district to receive grants ~~a planning~~
 430 ~~grant from the department.~~

431 (c) Authorizes the local government neighborhood
 432 improvement district to levy an ad valorem tax on real and
 433 personal property of up to 2 mills annually.

434 (d) Authorizes the use of special assessments to support
 435 planning and implementation of district improvements pursuant to

578-02030-13

2013564c1

436 ~~the provisions of s. 163.514(16), if the district is a~~
 437 residential local government neighborhood improvement district
 438 ~~including community policing innovations.~~

439 (e) Designates the local governing body ~~as the board of~~
 440 ~~directors~~ of the district.

441 (f) Establishes an advisory council to the board of
 442 directors comprised of property owners, representatives of
 443 property owners, business owners, or residents of the district.

444 (g) May prohibit the use of any district power authorized
 445 by s. 163.514.

446 (h) Requires the district to notify the ~~Department of Legal~~
 447 ~~Affairs and the~~ Department of Economic Opportunity in writing of
 448 its establishment within 30 days after establishment thereof
 449 pursuant to s. 163.5055.

450 (i) Authorizes the district to borrow money, contract
 451 loans, and issue bonds, certificates, warrants, notes, or other
 452 evidence of indebtedness from time to time to finance the
 453 undertaking of any capital or other project for the purposes
 454 permitted by the State Constitution and this part and to pledge
 455 the funds, credit, property, and taxing power of the improvement
 456 district for the payment of such debts and bonds.

457 1. Bonds that are issued under this paragraph shall be
 458 authorized by resolution of the governing body of the district
 459 and, if required by the State Constitution, by affirmative vote
 460 of the electors of the district. Such bonds may be issued in one
 461 or more series and shall bear such date or dates, be payable
 462 upon demand or mature at such time or times, bear interest at
 463 such rate or rates, be in such denomination or denominations, be
 464 in such form, registered or not, with or without coupon, carry

578-02030-13

2013564c1

465 such conversion or registration privileges, have such rank or
 466 priority, be executed in such manner, be payable in such medium
 467 of payment, at such place or places, and subject to such terms
 468 of redemption, with or without premium, be secured in such
 469 manner, and have such other characteristics as may be provided
 470 by such resolution or trust indenture or mortgage issued
 471 pursuant thereto.

472 2. The governing body of the district shall determine the
 473 terms and manner of sale and distribution or other disposition
 474 of any bonds it issues, consistent with s. 218.385, and shall
 475 have all powers necessary for, and convenient to, such
 476 disposition.

477 3. The governing body of the district may establish and
 478 administer such sinking funds as it deems necessary or
 479 convenient for the payment, purchase, or redemption of any
 480 outstanding bonded indebtedness of the district.

481 4. The governing body of the district may levy ad valorem
 482 taxes upon real and tangible personal property within the
 483 district as it deems necessary to make payment, including
 484 principal and interest, upon the general obligation and ad
 485 valorem bonded indebtedness of the district or into any sinking
 486 fund created pursuant to this paragraph.

487 5. A district has full authority for the issuance of bonds
 488 authorized under this paragraph.

489 (j) Authorizes the district to make and collect special
 490 assessments pursuant to ss. 197.3632 and 197.3635 in order to
 491 pay for capital improvements within the district and for
 492 reasonable expenses of operating the district, including the
 493 payment of expenses included in the district's budget, if the

578-02030-13

2013564c1

494 district is a commercial local government neighborhood
 495 improvement district. Such assessments may not exceed \$500 for
 496 each individual parcel of land per year.

497 (k) Authorizes the district to charge, collect, and enforce
 498 fees and other user charges.

499 (l) Conditions the exercise of the powers provided in
 500 paragraphs (c), (i), and (j) on approval pursuant to a
 501 referendum as described in this paragraph:

502 1. Within 45 days after the date the governing body of the
 503 municipality or county enacts an ordinance calling a referendum
 504 pursuant to this subsection, the city clerk or the supervisor of
 505 elections, whichever is appropriate, shall certify such
 506 ordinance and compile a list of the names and last known
 507 addresses of the freeholders in the proposed local government
 508 neighborhood improvement district from the tax assessment roll
 509 of the county applicable as of December 31 in the year preceding
 510 the year in which the ordinance is enacted. Except as otherwise
 511 provided in this paragraph, the list shall constitute the
 512 registration list for purposes of the freeholder referendum
 513 required under this paragraph.

514 2. Within 45 days after compilation of the freeholder
 515 registration list pursuant to subparagraph 1., the city clerk or
 516 the supervisor of elections shall notify each such freeholder of
 517 the general provisions of this section, including the taxing
 518 authority and the date of the upcoming referendum, and the
 519 method provided for submitting corrections to the registration
 520 list if the status of the freeholder has changed since the
 521 compilation of the tax roll. Notification shall be by first-
 522 class mail and, in addition, by publication one time in a

578-02030-13 2013564c1

523 newspaper of general circulation in the county or municipality
 524 in which the district is located.

525 3. Any freeholder whose name does not appear on the
 526 registration list compiled pursuant to subparagraph 1. may
 527 register to vote with the city clerk or the supervisor of
 528 elections. The registration list must remain open for 75 days
 529 after enactment of the ordinance calling for the referendum.

530 4. Within 15 days after the closing of the registration
 531 list, the city clerk or the supervisor of elections shall send a
 532 ballot by first-class mail to each registered freeholder at his
 533 or her last known mailing address. The ballot must include:

534 a. A description of the general provisions of this section
 535 applicable to local government neighborhood improvement
 536 districts;

537 b. The assessed value of the freeholder's property;

538 c. The percent of the freeholder's interest in such
 539 property; and

540 d. Immediately following the information required in sub-
 541 paragraphs a.-c., the following:

542
 543 "Do you favor authorizing the ... Local Government
 544 Neighborhood Improvement District to levy up to 2 mills of ad
 545 valorem taxes by such proposed district?"

546
 547 ...Yes, for authorizing the levy of up to 2 mills of ad
 548 valorem taxes by such proposed district.

549
 550 ...No, against authorizing the levy of up to 2 mills of ad
 551 valorem taxes by such proposed district."

578-02030-13 2013564c1

552
 553 "Do you favor authorizing the ... Local Government
 554 Neighborhood Improvement District to borrow money, including by
 555 issuing bonds, as provided by s. 163.506(1)(i), Florida
 556 Statutes?"

557
 558 ...Yes, for authorizing the borrowing of money for
 559 district purposes.

560
 561 ...No, against authorizing the borrowing of money for
 562 district purposes."

563
 564 "Do you favor authorizing the ... Local Government
 565 Neighborhood Improvement District to impose a special assessment
 566 of not greater than \$500 for each individual parcel of land per
 567 year to pay for the expenses of operating the neighborhood
 568 improvement district and for approved capital improvements
 569 within the district?"

570
 571 ...Yes, for the special assessment.

572
 573 ...No, against the special assessment."

574
 575 5. Ballots shall be returned by first-class mail or by
 576 personal delivery.

577 6. All ballots that are received within 120 days after
 578 enactment of the ordinance shall be tabulated by the city clerk
 579 or the supervisor of elections, who shall certify the results to
 580 the city council or county commission no later than 5 days after

578-02030-13 2013564c1

581 the 120-day period.

582 7. The freeholders shall be deemed to have approved of the
 583 provisions of this paragraph at such time as the city clerk or
 584 the supervisor of elections certifies to the governing body of
 585 the municipality or county that approval has been given by
 586 freeholders owning in excess of 50 percent of the assessed value
 587 of the properties represented by ballots cast.

588 8. The city clerk or the supervisor of elections, whichever
 589 is appropriate, shall enclose, with each ballot that is sent to
 590 the freeholder pursuant to this paragraph, two envelopes: a
 591 secrecy envelope, into which the freeholder shall enclose the
 592 marked ballot; and a mailing envelope, into which the freeholder
 593 shall place the secrecy envelope, which shall be addressed to
 594 the city clerk or the supervisor of elections. The back side of
 595 the mailing envelope shall bear a certificate in substantially
 596 the following form:

597
 598 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
 599 AND COMPLETING VOTER'S CERTIFICATE.

600
 601 VOTER'S CERTIFICATE

602
 603 I, . . . , am a duly qualified and registered freeholder of
 604 the proposed . . . (name) . . . Local Government Neighborhood
 605 Improvement District, and I am entitled to vote this ballot. I
 606 do solemnly swear or affirm that I have not and will not vote
 607 more than one ballot in this election. I understand that failure
 608 to sign this certificate and have my signature witnessed will
 609 invalidate my ballot.

Page 21 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

610
 611 . . . (Voter's Signature) . . .

612
 613 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
 614 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

615
 616 I swear or affirm that the elector signed this voter's
 617 certificate in my presence.

618
 619 . . . (Signature of Witness) . . .
 620 . . . (Address) . . . (City/State) . . .

621
 622 9. The certificate shall be arranged on the back of the
 623 mailing envelope so that the lines for the signatures of the
 624 freeholder and the attesting witness are across the seal of the
 625 envelope; however, no statement shall appear on the envelope
 626 which indicates that a signature of the freeholder or witness
 627 must cross the seal of the envelope. The freeholder and the
 628 attesting witness shall execute the certificate on the envelope.

629 10. The city clerk or the supervisor of elections shall
 630 enclose with each ballot sent to a freeholder pursuant to this
 631 paragraph separate printed instructions in substantially the
 632 following form:

633
 634 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

635
 636 a. VERY IMPORTANT. In order to ensure that your ballot will
 637 be counted, it should be completed and returned as soon as
 638 possible so that it can reach the city clerk or the supervisor

Page 22 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

639 of elections no later than 7 p.m. on the (final day of the 120-
 640 day period given here).

641 b. Mark your ballot in secret as instructed on the ballot.

642 c. Place your marked ballot in the enclosed secrecy
 643 envelope.

644 d. Insert the secrecy envelope into the enclosed mailing
 645 envelope, which is addressed to the city clerk or the supervisor
 646 of elections.

647 e. Seal the mailing envelope and completely fill out the
 648 Voter's Certificate on the back of the mailing envelope.

649 f. VERY IMPORTANT. Sign your name on the line provided for
 650 "(Voter's Signature)."

651 g. VERY IMPORTANT. In order for your ballot to be counted,
 652 it must include the signature and address of a witness 18 years
 653 of age or older affixed to the Voter's Certificate.

654 h. Mail, deliver, or have delivered the completed mailing
 655 envelope. Be sure there is sufficient postage if mailed.

656 (2) The advisory council shall perform such duties as may
 657 be prescribed by the governing body and shall submit within the
 658 time period specified by the governing body, acting as the board
 659 of directors, a report on the district's activities and a
 660 proposed budget to accomplish its objectives. In formulating a
 661 plan for services or improvements, the advisory board shall
 662 consult in public session with the appropriate staff or
 663 consultants of the local governing body responsible for the
 664 district's plan.

665 ~~(3) As an alternative to designating the local governing~~
 666 ~~body as the board of directors, a majority of the local~~
 667 ~~governing body of a city or county may appoint a board of three~~

578-02030-13 2013564c1

668 ~~to seven directors for the district who shall be residents of~~
 669 ~~the proposed area and who are subject to ad valorem taxation in~~
 670 ~~the residential neighborhood improvement district or who are~~
 671 ~~property owners in a commercial neighborhood improvement~~
 672 ~~district. The directors shall be appointed for staggered terms~~
 673 ~~of 3 years. The initial appointments shall be as follows: one~~
 674 ~~director for a 1-year term; one director for a 2-year term; and~~
 675 ~~one director for a 3-year term. If more than three directors are~~
 676 ~~to be appointed, the additional members shall initially be~~
 677 ~~appointed for 3 year terms. Vacancies shall be filled for the~~
 678 ~~unexpired portion of a term in the same manner as the initial~~
 679 ~~appointments were made. Each director shall hold office until~~
 680 ~~his or her successor is appointed and qualified unless the~~
 681 ~~director ceases to be qualified or is removed from office. Upon~~
 682 ~~appointment and qualification and in January of each year, the~~
 683 ~~directors shall organize by electing from their number a chair~~
 684 ~~and a secretary.~~

685 (3) ~~(4)~~ A district may be dissolved by the governing body by
 686 rescinding the ordinance creating the district. The governing
 687 body may rescind ~~shall consider rescinding~~ the ordinance if
 688 presented with a petition requesting that it be rescinded.
 689 Petitions related to a residential neighborhood improvement
 690 district must contain ~~containing~~ the signatures of 60 percent of
 691 the residents. Petitions related to a commercial neighborhood
 692 improvement district must contain signatures representing owners
 693 of 60 percent of the land area of the ~~of a~~ district.

694 Section 13. Section 163.508, Florida Statutes, is amended
 695 to read:

696 163.508 Property owners' association neighborhood

578-02030-13

2013564c1

697 improvement districts; creation; powers and duties; duration.-

698 (1) After ~~an a local planning~~ ordinance has been adopted
699 authorizing the creation of property owners' association
700 neighborhood improvement districts, the local governing body of
701 a municipality or county may create property owners' association
702 neighborhood improvement districts by the enactment of a
703 separate ordinance for each district, ~~which ordinance:~~

704 (a) Establishes that an incorporated property owners'
705 association representing 75 percent of all owners of property
706 within a proposed district meeting the requirements of this
707 section has petitioned the governing body of the municipality or
708 county for creation of a district for the area encompassed by
709 the property owned by members of the association.

710 (b) Specifies the boundaries, size, and name of the
711 district.

712 (c) Authorizes the governing body through mutual agreement
713 with the property owners' association to:

714 1. Request grants a matching grant from the state's Safe
715 ~~Neighborhoods Program to prepare the first year's safe~~
716 ~~neighborhood improvement plan. The provider of the local match~~
717 ~~for the state grant shall be mutually agreed upon between the~~
718 ~~governing body and the property owners' association. The~~
719 ~~governing body may agree to provide the match as a no-interest-~~
720 ~~bearing loan to be paid back from assessments imposed by the~~
721 ~~association on its members or shareholders.~~

722 2. Provide staff and other technical assistance to the
723 property owners' association on a mutually agreed-upon basis,
724 contractual or otherwise.

725 3. ~~Prepare the first year's safe neighborhood improvement~~

578-02030-13

2013564c1

726 ~~plan, which shall comply with and be consistent with the~~
727 ~~governing body's adopted comprehensive plan.~~

728 (d) Provides for an audit of the property owners'
729 association.

730 (e) Designates the officers of the incorporated property
731 owners' association as the board of directors of the district.

732 (f) May prohibit the use of any district power authorized
733 by s. 163.514.

734 (g) Requires the district to notify the ~~Department of Legal~~
735 ~~Affairs and the~~ Department of Economic Opportunity in writing of
736 its establishment within 30 days after establishment thereof
737 pursuant to s. 163.5055.

738 (2) In order to qualify for the creation of a neighborhood
739 improvement district, the property owners shall form an
740 association in compliance with this section, or use an existing
741 property owners' association in compliance with this section,
742 which ~~must shall~~ be a not-for-profit corporation. ~~At least, for~~
743 ~~profit or not for profit, and of which not less than~~ 75 percent
744 of all property owners within the proposed area must consent
745 ~~have consented~~ in writing to become members ~~or shareholders~~.
746 Upon such consent by 75 percent of the property owners in the
747 proposed district, all consenting property owners and their
748 successors ~~shall~~ become members of the association and are shall
749 ~~be~~ bound by the provisions of the articles of incorporation, the
750 bylaws of the association, the covenants, the deed restrictions,
751 the indentures, and any other properly promulgated restrictions.
752 The association may not shall have a no member ~~or shareholder~~
753 who is not a bona fide owner of property within the proposed
754 district. Upon receipt of its certificate of incorporation, the

578-02030-13

2013564c1

755 property owners' association shall notify the clerk of the city
756 or county court, whichever is appropriate, in writing, of such
757 incorporation and shall list the names and addresses of the
758 officers of the association.

759 (3) Any incorporated property owners' association operating
760 pursuant to this part ~~has shall have~~ the power:

761 (a) To negotiate with the governing body of a municipality
762 or county for closing, privatizing, or modifying the rights-of-
763 way, and appurtenances thereto, within the district.

764 (b) To use ~~utilize~~ various legal instruments such as
765 covenants, deed restrictions, and indentures to preserve and
766 maintain the integrity of property, land, and rights-of-way
767 owned and conveyed to it within the district.

768 (c) To make and collect assessments against all property
769 within the boundaries of the district pursuant to the provisions
770 of s. 163.514(16) and to lease, maintain, repair, and
771 reconstruct any privatized street, land, or common area within
772 the district upon dedication thereof to the association.

773 (d) Without the joinder of any property owner, to modify,
774 move, or create any easement for ingress and egress or for the
775 purpose of utilities, if such easement constitutes part of or
776 crosses district property. However, this ~~does shall~~ not
777 authorize the association to modify or move any easement that
778 ~~which~~ is created in whole or in part for the use or benefit of
779 anyone other than association members, or that which crosses the
780 property of anyone other than association members, without the
781 consent or approval of such person as required by law or by the
782 instrument creating the easement. ~~Nothing in~~ This paragraph does
783 not shall affect the rights of ingress or egress of any member

Page 27 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

784 of the association.

785 (4) A property owners' association neighborhood improvement
786 district shall continue in perpetuity as long as the property
787 owners' association created pursuant to this section exists
788 under the applicable laws of the state.

789 Section 14. Subsections (1), (7), (8), and (10) of section
790 163.511, Florida Statutes, are amended to read:

791 163.511 Special neighborhood improvement districts;
792 creation; referendum; board of directors; duration; extension.—

793 (1) After an a local planning ordinance has been adopted
794 authorizing the creation of special neighborhood improvement
795 districts, the governing body of a municipality or county may
796 declare the need for and create special residential or business
797 neighborhood improvement districts by the enactment of a
798 separate ordinance for each district, ~~which ordinance:~~

799 (a) Conditions the implementation of the ordinance on the
800 approval of a referendum as provided in subsection (2).

801 (b) Authorizes the special neighborhood improvement
802 district to levy an ad valorem tax on real and personal property
803 of up to 2 mills annually.

804 (c) Authorizes the use of special assessments to support
805 planning and implementation of district improvements pursuant to
806 ~~the provisions of s. 163.514(16), including community policing~~
807 ~~innovations.~~

808 (d) Specifies the boundaries, size, and name of the
809 district.

810 (e) Authorizes the district to receive a planning grant
811 from the department.

812 (f) Provides for the appointment of a three-member ~~3-member~~

Page 28 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

813 board of directors for the district.

814 (g) May authorize a special neighborhood improvement
815 district to exercise the power of eminent domain pursuant to
816 chapters 73 and 74. Any property identified for eminent domain
817 by the district ~~is shall be~~ subject to the approval of the local
818 governing body before eminent domain procedures are exercised.

819 (h) May prohibit the use of any district power authorized
820 by s. 163.514.

821 (i) Requires the district to notify ~~the Department of Legal~~
822 ~~Affairs and~~ the Department of Economic Opportunity in writing of
823 its establishment within 30 days after establishment thereof
824 pursuant to s. 163.5055.

825 (j) May authorize a special neighborhood improvement
826 district to develop and implement community policing innovations
827 in consultation with the local law enforcement agency having
828 jurisdiction within the district boundaries.

829 (7) The business and affairs of a special neighborhood
830 improvement district shall be conducted and administered by a
831 board of three directors who must shall be residents of or
832 property owners within the proposed area and ~~who are~~ subject to
833 ad valorem taxation in the district. Upon their initial
834 appointment and qualification and in January of each year
835 thereafter, the directors shall organize by electing from their
836 number a chair and a secretary, and may also employ staff and
837 legal representatives as deemed appropriate, who shall serve at
838 the pleasure of the board and may receive such compensation as
839 shall be fixed by the board. The secretary shall keep a record
840 of the proceedings of the district and shall be custodian of all
841 books and records of the district. The directors may shall not

Page 29 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

842 receive any compensation for their services or, nor may they be
843 employed by the district.

844 (8) Within 30 days after ~~of~~ the approval of the creation of
845 a special neighborhood improvement district, the governing body
846 of the municipality if the district is in a municipality, ~~a~~
847 ~~majority of the governing body of the municipality,~~ or the
848 county commission if the district is in the unincorporated area
849 of the county, ~~a majority of the county commission,~~ shall
850 appoint the three directors provided for in this section herein
851 for staggered terms of 3 years. The initial appointments shall
852 be as follows: one for a 1-year term, one for a 2-year term, and
853 one for a 3-year term. Each director holds shall hold office
854 until his or her successor is appointed and qualified unless the
855 director ceases to be qualified to act as a director or is
856 removed from office. Vacancies on the board shall be filled for
857 the unexpired portion of a term in the same manner as the
858 initial appointments were made.

859 (10) The governing body of a municipality or county may
860 remove a director for inefficiency, neglect of duty, or
861 misconduct in office ~~only after a hearing and only if he or she~~
862 ~~has been given a copy of the charges at least 10 days prior to~~
863 ~~such hearing and has had an opportunity to be heard in person or~~
864 ~~by council.~~ A vacancy so created shall be filled as provided in
865 this section herein.

866 Section 15. Section 163.512, Florida Statutes, is amended
867 to read:

868 163.512 Community redevelopment neighborhood improvement
869 districts; creation; advisory council; dissolution.—

870 (1) Upon the recommendation of the community redevelopment

Page 30 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

871 agency and after ~~an a local planning~~ ordinance has been adopted
 872 authorizing the creation of community redevelopment neighborhood
 873 improvement districts, the local governing body of a
 874 municipality or county may create community redevelopment
 875 neighborhood improvement districts by the enactment of a
 876 separate ordinance for each district, ~~which ordinance:~~

877 (a) Specifies the boundaries, size, and name of the
 878 district.

879 (b) Authorizes the district to receive grants ~~a planning~~
 880 ~~grant from the department.~~

881 (c) Authorizes the use of the community redevelopment trust
 882 fund created pursuant to s. 163.387 for the purposes of
 883 implementing the district's safe neighborhood improvement plan
 884 ~~and furthering crime prevention through community policing~~
 885 ~~innovations, environmental design, environmental security, and~~
 886 ~~defensible space techniques, if the expenditures from the~~
 887 ~~community redevelopment trust fund~~ are consistent with the
 888 community redevelopment plan created pursuant to s. 163.360.

889 (d) Designates the community redevelopment board of
 890 commissioners established pursuant to s. 163.356 or s. 163.357
 891 as the board of directors for the district.

892 (e) Establishes an advisory council to the board of
 893 directors comprised of property owners or residents of the
 894 district.

895 (f) May prohibit the use of any district power authorized
 896 by s. 163.514.

897 (g) Requires that the district's safe neighborhood
 898 improvement plan be consistent with the community redevelopment
 899 plan created pursuant to s. 163.360, and permits the ~~safe~~

Page 31 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

900 neighborhood improvement plan to be included in the community
 901 redevelopment plan as an optional element.

902 (h) Requires that the boundaries of the community
 903 redevelopment district be contained in whole within the
 904 community redevelopment area established pursuant to ss. 163.355
 905 and 163.356.

906 (i) Requires that the district ~~to~~ notify the ~~Department of~~
 907 ~~Legal Affairs and the~~ Department of Economic Opportunity in
 908 writing of its establishment within 30 days after establishment
 909 ~~thereof~~ pursuant to s. 163.5055.

910 (2) The advisory council shall perform such duties as may
 911 be prescribed by the community redevelopment board established
 912 pursuant to s. 163.356 and shall submit within the time period
 913 specified by the board of directors a report on the district's
 914 activities and a proposed budget to accomplish its objectives.
 915 In formulating a plan for services or improvements, the advisory
 916 council shall consult in public session with the appropriate
 917 staff or consultants of the community redevelopment board
 918 ~~responsible for the district's plan.~~

919 (3) A district may be dissolved by the local governing body
 920 by rescinding the ordinance creating the district. The governing
 921 body may rescind ~~shall consider rescinding~~ the ordinance if
 922 presented with a petition containing the signatures of 60
 923 percent of the residents of a district.

924 Section 16. Section 163.513, Florida Statutes, is repealed.

925 Section 17. Section 163.514, Florida Statutes, is amended
 926 to read:

927 163.514 Powers of neighborhood improvement districts.—
 928 Unless prohibited by ordinance, the board of any district is

Page 32 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

929 ~~shall be~~ empowered to:

930 (1) Enter into contracts and agreements and sue and be sued
931 as a body corporate.

932 (2) Have and use a corporate seal.

933 (3) Acquire, own, convey, or otherwise dispose of, lease as
934 lessor or lessee, construct, maintain, improve, enlarge, raze,
935 relocate, operate, and manage property and facilities of
936 whatever type to which it holds title and grant and acquire
937 licenses, easements, and options with respect thereto.

938 (4) Accept grants and donations of any type of property,
939 labor, or other thing of value from any public or private
940 source.

941 (5) Have exclusive control of funds legally available to
942 it, subject to limitations imposed by law or by any agreement
943 validly entered into by it.

944 (6) Cooperate and contract with other governmental agencies
945 or other public bodies.

946 (7) Contract for services of planners, engineers,
947 attorneys, and other planning consultants, ~~experts on crime~~
948 ~~prevention through community policing innovations, environmental~~
949 ~~design, environmental security, or defensible space, or other~~
950 ~~experts~~ in areas pertaining to the operations of the board of
951 directors or the district.

952 (8) Contract with the county or municipal government for
953 planning assistance, legal advice, and ~~for~~ increased levels of
954 law enforcement protection and security, including additional
955 personnel.

956 (9) Promote and advertise the commercial advantages of the
957 district so as to attract new businesses and encourage the

Page 33 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

958 expansion of existing businesses.

959 (10) Promote and advertise the district to the public and
960 engage in cooperative advertising programs with businesses
961 located in the district.

962 (11) Improve, plan, design, construct, operate, provide,
963 and maintain street lighting, parks, streets, drainage,
964 utilities, swales, parking facilities, transit facilities,
965 landscaping, and open areas, and provide ~~safe~~ access to mass
966 transportation facilities in the district.

967 (12) Undertake innovative approaches to securing
968 neighborhoods from crime, such as crime prevention through
969 community policing innovations, environmental design,
970 environmental security, and defensible space.

971 (13) Privatize, close, vacate, plan, or replan streets,
972 roads, sidewalks, and alleys, subject to the concurrence of the
973 local governing body and, if required, the state Department of
974 Transportation.

975 (14) Prepare, adopt, implement, and modify a ~~safe~~
976 neighborhood improvement plan for the district.

977 (15) Identify areas that have ~~with~~ blighted influences,
978 including, but not limited to, areas where unlawful urban
979 dumping or graffiti are prevalent, and develop programs for
980 eradication thereof.

981 (16) (a) Subject to referendum approval, and for residential
982 local government, special, community redevelopment, and property
983 owners' association neighborhood improvement districts only,
984 make and collect special assessments pursuant to ss. 197.3632
985 and 197.3635 to pay for improvements to the district and for
986 reasonable expenses of operating the district, including the

Page 34 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

987 payment of expenses included in the district's budget, subject
 988 to an affirmative vote by a majority of the registered voters
 989 residing in the district. Such assessments ~~may shall~~ not exceed
 990 \$500 for each individual parcel of land per year.

991 Notwithstanding the provisions of s. 101.6102, the referendum to
 992 approve the special assessment ~~must shall~~ be by mail ballot.

993 (b) In order to implement this subsection, the city clerk
 994 or the supervisor of elections, whichever is appropriate, shall
 995 compile a list of the names and last known addresses of the
 996 electors in the neighborhood improvement district from the list
 997 of registered voters of the county as of the last day of the
 998 preceding month. The same shall constitute the registration list
 999 for the purposes of a referendum. Within 45 days after
 1000 compilation of the voter registration list, the city clerk or
 1001 the supervisor of elections shall notify each elector of the
 1002 general provisions of this ~~subsection section~~, including the
 1003 taxing authority and the date of the upcoming referendum.
 1004 Notification ~~must shall~~ be by United States mail and, in
 1005 addition ~~thereto~~, by publication one time in a newspaper of
 1006 general circulation in the county or municipality in which the
 1007 district is located.

1008 (c) Any resident of the district whose name does not appear
 1009 on the list compiled pursuant to paragraph (b) may register to
 1010 vote as provided by law. The registration list shall remain open
 1011 for 75 days after the notification required in paragraph (b).

1012 (d) Within 15 days after the closing of registration, the
 1013 city clerk or the supervisor of elections shall send a ballot to
 1014 each elector at his or her last known mailing address by first-
 1015 class ~~United States~~ mail. The ballot ~~must shall~~ include:

Page 35 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

1016 1. A description of the general provisions of this section
 1017 applicable to the neighborhood improvement district; and

1018 2. Immediately following said information, the following:

1019

1020 "Do you favor the imposition of a special assessment
 1021 of not greater than \$500 for each individual parcel of
 1022 land per year to pay for the expenses of operating the
 1023 neighborhood improvement district?

1024

1025 ...Yes, for the special assessment.

1026

1027 ...No, against the special assessment."

1028

1029 (e) Ballots shall be returned by United States mail or by
 1030 personal delivery.

1031

1032 (f) All ballots that are received within 60 days after the
 1033 closing of registration shall be tabulated by the city clerk or
 1034 the supervisor of elections, who shall certify the results
 1035 ~~thereof~~ to the city governing body or county commission no later
 1036 than 5 days after ~~the said~~ 60-day period.

1036

1037 (17) Exercise all lawful powers incidental to the effective
 1038 and expedient exercise of the foregoing powers.

1038

1039 Section 18. Subsections (3) and (4) of section 163.5151,
 1040 Florida Statutes, are amended to read:

1040

1041 163.5151 Fiscal management; budget preparation.—

1041

1042 (3) Each local government and special neighborhood
 1043 improvement district levying an ad valorem tax on real or
 1044 personal property shall establish a ~~its~~ budget pursuant to the
 1045 provisions of chapter 200. ~~Before adopting~~ Prior to adoption of

Page 36 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

1045 the final budget and setting of the millage rate to be levied by
 1046 the board, the board shall submit a tentative budget and
 1047 proposed millage rate of the district to the governing body of
 1048 the municipality in which the district is located, or to the
 1049 county if the district is located in the unincorporated portion
 1050 of the county, for approval or disapproval. Such governing body
 1051 ~~has shall have~~ the power to modify the budget or millage
 1052 submitted by the board. Subsequent to approval, the board shall
 1053 adopt its final budget and millage rate in accordance with the
 1054 requirements of chapter 200.

1055 (4) At the option of the county property appraiser for the
 1056 county within which the neighborhood improvement district is
 1057 located, ~~the~~ assessments levied by the district may shall be
 1058 collected in the same manner as all ad valorem taxes if so
 1059 requested by the local governing body pursuant to s. 197.363.

1060 Section 19. Section 163.516, Florida Statutes, is amended
 1061 to read:

1062 163.516 ~~Safe~~ Neighborhood improvement plans.—

1063 (1) A ~~safe~~ neighborhood improvement plan is mandated for
 1064 all neighborhood improvement districts. The plan must shall
 1065 contain at least the following elements:

1066 (a) Demographics of the district.

1067 ~~(b) Crime activity data and analysis.~~

1068 ~~(b)(c)~~ Land use, zoning, housing, and traffic analysis.

1069 ~~(d) Determination of the problems of the crime to~~
 1070 ~~environment relationship and the stability of the neighborhood~~
 1071 ~~improvement district.~~

1072 ~~(c)(e)~~ Statement of the district's goal and objectives.

1073 ~~(f) Assessment of crime prevention through community~~

578-02030-13 2013564c1

1074 ~~policing innovations, environmental design, environmental~~
 1075 ~~security, and defensible space strategies and tactics that will~~
 1076 ~~be applied to the crime to environment relationship problems.~~

1077 ~~(g) Cost estimates and the methods of financing.~~

1078 ~~(h) Outline of program participants and their functions and~~
 1079 ~~responsibilities.~~

1080 ~~(i) Schedule for executing program activities.~~

1081 ~~(j) Evaluation guidelines.~~

1082 (2) Every ~~safe~~ neighborhood improvement plan must shall
 1083 show, by diagram and by general explanation:

1084 (a) Such property as is intended for use as public parks,
 1085 recreation areas, streets, public utilities, and public
 1086 improvements of any nature.

1087 (b) Specific identification of any publicly funded capital
 1088 improvement projects to be undertaken within the district.

1089 ~~(c) Adequate assurances that the improvements will be~~
 1090 ~~carried out pursuant to the plan.~~

1091 ~~(d) Provision for the retention of controls and the~~
 1092 ~~establishment of any restrictions or covenants running with land~~
 1093 ~~sold or leased for private use for such periods of time and~~
 1094 ~~under such conditions as the governing body of the municipality~~
 1095 ~~in which the district is located, or the county if the district~~
 1096 ~~is located in the unincorporated portion of the county, deems~~
 1097 ~~necessary to effectuate the purposes of this part.~~

1098 ~~(c)(e)~~ Projected costs of improvements, including the
 1099 amount to be expended on publicly funded capital improvement
 1100 projects in the district and any indebtedness of the district,
 1101 the county, or the municipality proposed to be incurred if such
 1102 indebtedness is to be repaid with district revenues.

578-02030-13

2013564c1

1103 ~~(f) Promotion of advertising programs to be undertaken by~~
 1104 ~~the district or in conjunction with businesses in the district.~~

1105 ~~(g) Suggested physical improvements necessary for the~~
 1106 ~~safety of residents in or visitors to the district.~~

1107 ~~(h) Law enforcement and security plans for the district.~~

1108 (3) The ~~safe~~ neighborhood improvement plan must shall:

1109 (a) Be consistent with the adopted comprehensive plan for
 1110 the county or municipality pursuant to the Community Planning
 1111 Act. ~~A No~~ district plan may not shall be implemented unless the
 1112 local governing body has determined that the said plan is
 1113 consistent.

1114 (b) Be sufficiently complete to indicate such land
 1115 acquisition, demolition and removal of structures, street
 1116 modifications, redevelopment, and rehabilitation as may be
 1117 proposed to be carried out in the district.

1118 ~~(e) Provide some method for and measurement of the~~
 1119 ~~reduction of crime within the district.~~

1120 ~~(4) The county, municipality, or district may prepare or~~
 1121 ~~cause to be prepared a safe neighborhood improvement plan, or~~
 1122 ~~any person or agency, public or private, may submit such a plan~~
 1123 ~~to a district. Prior to its consideration of a safe neighborhood~~
 1124 ~~improvement plan, the district shall submit such plan to the~~
 1125 ~~local governing body for review and written approval as to its~~
 1126 ~~consistency with the local government comprehensive plan. The~~
 1127 ~~district must be notified of approval or disapproval within 60~~
 1128 ~~days after receipt of the plan for review, and a revised version~~
 1129 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
 1130 ~~district may not proceed with the safe neighborhood improvement~~
 1131 ~~plan until final approval is given by the local governing body.~~

Page 39 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

1132 ~~(4)(5) Before~~ Prior to adoption of the ~~safe~~ neighborhood
 1133 improvement plan, the board must shall hold a public hearing on
 1134 the plan after public notice thereof by publication in a
 1135 newspaper of general circulation in the county or municipality
 1136 in which the district is located. The notice must shall describe
 1137 the time, date, place, and purpose of the hearing; identify the
 1138 boundaries of the district; and outline the general scope of the
 1139 plan.

1140 ~~(5)(6)~~ The board, after the public hearing, may approve the
 1141 ~~safe~~ neighborhood improvement plan if it finds that:

1142 (a) The plan has been approved as consistent with the local
 1143 comprehensive plan by the local governing body; and

1144 (b) The plan will improve the promotion, appearance,
 1145 ~~safety, security,~~ and public amenities of the neighborhood
 1146 improvement district as stipulated in s. 163.502.

1147 ~~(6)(7)~~ If, at any time after approval of the ~~safe~~
 1148 neighborhood improvement plan, it becomes desirable to amend or
 1149 modify the plan, the board may do so. ~~Before~~ Prior to any such
 1150 amendment or modification, the board must shall obtain written
 1151 approval of the local governing body concerning conformity to
 1152 the local government comprehensive plan and must hold a public
 1153 hearing on the proposed amendment or modification after public
 1154 notice thereof by publication in a newspaper of general
 1155 circulation in the county or municipality in which the district
 1156 is located. The notice must shall describe the time, place, and
 1157 purpose of the hearing and generally describe the proposed
 1158 amendment or modification.

1159 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
 1160 ~~municipality or county shall hold two public hearings to~~

Page 40 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13 2013564c1

1161 ~~consider the board adopted safe neighborhood improvement plan as~~
 1162 ~~an amendment or modification to the municipality's or county's~~
 1163 ~~adopted local comprehensive plan.~~

1164 ~~(9) A safe neighborhood improvement plan for each district~~
 1165 ~~shall be prepared and adopted by the municipality or county~~
 1166 ~~prior to the levy and expenditure of any of the proceeds of any~~
 1167 ~~tax assessment or fee authorized to such districts other than~~
 1168 ~~for the preparation of the safe community or business~~
 1169 ~~improvement plan.~~

1170 Section 20. Section 163.517, Florida Statutes, is repealed.

1171 Section 21. Section 163.519, Florida Statutes, is repealed.

1172 Section 22. Section 163.521, Florida Statutes, is repealed.

1173 Section 23. Section 163.5215, Florida Statutes, is
 1174 repealed.

1175 Section 24. Section 163.522, Florida Statutes, is repealed.

1176 Section 25. Section 163.523, Florida Statutes, is repealed.

1177 Section 26. Subsection (13) is added to section 163.524,
 1178 Florida Statutes, to read:

1179 163.524 Neighborhood Preservation and Enhancement Program;
 1180 participation; creation of Neighborhood Preservation and
 1181 Enhancement Districts; creation of Neighborhood Councils and
 1182 Neighborhood Enhancement Plans.—

1183 (13) Effective July 1, 2013, this section applies only to a
 1184 Neighborhood Preservation and Enhancement District and a
 1185 Neighborhood Council that are active on or before June 30, 2013.
 1186 A Neighborhood Preservation and Enhancement District and a
 1187 Neighborhood Council may not be created after June 30, 2013.

1188 Section 27. Section 27. Subsection (4) is added to section
 1189 163.526, Florida Statutes, to read:

578-02030-13 2013564c1

1190 163.526 Neighborhood Councils and local government
 1191 designated agency; powers and duties.—

1192 (4) Effective July 1, 2013, this section applies only to a
 1193 a Neighborhood Council that was active on or before June 30,
 1194 2013.

1195 Section 28. Paragraph (c) of subsection (1) of section
 1196 376.84, Florida Statutes, is amended to read:

1197 376.84 Brownfield redevelopment economic incentives.—It is
 1198 the intent of the Legislature that brownfield redevelopment
 1199 activities be viewed as opportunities to significantly improve
 1200 the utilization, general condition, and appearance of these
 1201 sites. Different standards than those in place for new
 1202 development, as allowed under current state and local laws,
 1203 should be used to the fullest extent to encourage the
 1204 redevelopment of a brownfield. State and local governments are
 1205 encouraged to offer redevelopment incentives for this purpose,
 1206 as an ongoing public investment in infrastructure and services,
 1207 to help eliminate the public health and environmental hazards,
 1208 and to promote the creation of jobs in these areas. Such
 1209 incentives may include financial, regulatory, and technical
 1210 assistance to persons and businesses involved in the
 1211 redevelopment of the brownfield pursuant to this act.

1212 (1) Financial incentives and local incentives for
 1213 redevelopment may include, but not be limited to:

1214 (c) ~~Safe~~ Neighborhood improvement districts as provided in
 1215 part IV of chapter 163 ~~ss. 163.501-163.523.~~

1216 Section 29. Subsection (2) of section 775.083, Florida
 1217 Statutes, is amended to read:

1218 775.083 Fines.—

578-02030-13

2013564c1

1219 (2) In addition to the fines set forth in subsection (1),
 1220 court costs shall be assessed and collected in each instance a
 1221 defendant pleads nolo contendere to, or is convicted of, or
 1222 adjudicated delinquent for, a felony, a misdemeanor, or a
 1223 criminal traffic offense under state law, or a violation of any
 1224 municipal or county ordinance if the violation constitutes a
 1225 misdemeanor under state law. The court costs imposed by this
 1226 section shall be \$50 for a felony and \$20 for any other offense
 1227 and shall be deposited by the clerk of the court into an
 1228 appropriate county account for disbursement for the purposes
 1229 provided in this subsection. A county shall account for the
 1230 funds separately from other county funds as crime prevention
 1231 funds. The county, in consultation with the sheriff, must expend
 1232 such funds for crime prevention programs in the county,
 1233 including ~~safe~~ neighborhood improvement programs under part IV
 1234 of chapter 163 ss. 163.501-163.523.

1235 Section 30. Subsection (5) of section 932.7055, Florida
 1236 Statutes, is amended to read:

1237 932.7055 Disposition of liens and forfeited property.—

1238 (5) (a) If the seizing agency is a county or municipal
 1239 agency, the remaining proceeds shall be deposited in a special
 1240 law enforcement trust fund established by the board of county
 1241 commissioners or the governing body of the municipality. These
 1242 ~~Such~~ proceeds and interest earned therefrom shall be used for
 1243 school resource officer, crime prevention, ~~safe~~ neighborhood
 1244 improvement, drug abuse education and prevention programs, or
 1245 for other law enforcement purposes, which include defraying the
 1246 cost of protracted or complex investigations, providing
 1247 additional equipment or expertise, purchasing automated external

Page 43 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

1248 defibrillators for use in law enforcement vehicles, and
 1249 providing matching funds to obtain federal grants. The proceeds
 1250 and interest may not be used to meet normal operating expenses
 1251 of the law enforcement agency.

1252 (b) These funds may be expended upon request by the sheriff
 1253 to the board of county commissioners or by the chief of police
 1254 to the governing body of the municipality, accompanied by a
 1255 written certification that the request complies with the
 1256 provisions of this subsection, and only upon appropriation to
 1257 the sheriff's office or police department by the board of county
 1258 commissioners or the governing body of the municipality.

1259 (c) An agency or organization, other than the seizing
 1260 agency, that wishes to receive such funds shall apply to the
 1261 sheriff or chief of police for an appropriation and its
 1262 application shall be accompanied by a written certification that
 1263 the moneys will be used for an authorized purpose. Such requests
 1264 for expenditures must ~~shall~~ include a statement describing
 1265 anticipated recurring costs for the agency for subsequent fiscal
 1266 years. An agency or organization that receives money pursuant to
 1267 this subsection shall provide an accounting for such moneys and
 1268 shall furnish the same reports as an agency of the county or
 1269 municipality that receives public funds. Such funds may be
 1270 expended in accordance with the following procedures:

1271 1. Such funds may be used only for school resource officer,
 1272 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
 1273 education, or drug prevention programs or such other law
 1274 enforcement purposes as the board of county commissioners or
 1275 governing body of the municipality deems appropriate.

1276 2. Such funds may ~~shall~~ not be a source of revenue to meet

Page 44 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02030-13

2013564c1

1277 normal operating needs of the law enforcement agency.

1278 3. After July 1, 1992, and during every fiscal year
1279 thereafter, any local law enforcement agency that acquires at
1280 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1281 within a fiscal year must expend or donate at least ~~no less than~~
1282 15 percent of such proceeds for the support or operation of any
1283 drug treatment, drug abuse education, drug prevention, crime
1284 prevention, ~~safe~~ neighborhood improvement, or school resource
1285 officer program or programs ~~program(s)~~. The local law
1286 enforcement agency has the discretion to determine which program
1287 or programs ~~program(s)~~ will receive the designated proceeds.

1288
1289 Notwithstanding the drug abuse education, drug treatment, drug
1290 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1291 school resource officer minimum expenditures or donations, the
1292 sheriff and the board of county commissioners or the chief of
1293 police and the governing body of the municipality may agree to
1294 expend or donate such funds over a period of years if the
1295 expenditure or donation of such minimum amount in any given
1296 fiscal year would exceed the needs of the county or municipality
1297 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section
1298 does not preclude ~~precludes~~ the expenditure or donation of
1299 forfeiture proceeds in excess of the minimum amounts established
1300 in this subsection herein.

1301 Section 31. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

BILL: CS/CS/SB 770

INTRODUCER: Appropriations Subcommittee on Finance and Tax, Committee on Community Affairs and Senator Ring

SUBJECT: Neighborhood Improvement Districts

DATE: April 4, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/CS/SB 770 authorizes local government neighborhood improvement districts (NIDs) to borrow money and incur debt and to pledge special assessments to meet such obligations. Local government NIDs are also authorized to lease or lease-purchase property and to impose user fees and charges. All powers provided by the bill are conditioned upon referendum approval by the electors of the district.

In addition to local government NIDs' current authority to levy ad valorem taxes and special assessments, this bill allows these NIDs to impose user fees and charges.

The bill has no fiscal impact on state government; however, local governments may incur additional costs associated with conducting referenda.

This bill substantially amends section 163.506, Florida Statutes.

II. Present Situation:

Neighborhood Improvement Districts

Purposes and Creation

Part IV of ch. 163, F.S., is known as the “Safe Neighborhoods Act.” The intent of the Act is to:

- Guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods;
- Promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers;
- Establish, maintain, and preserve property values and foster the development of attractive neighborhoods and business environments;
- Prevent overcrowding and congestion;
- Improve or redirect traffic and provide pedestrian safety; and
- Reduce crime rates.¹

Section 163.503(1) defines the term “neighborhood improvement district” to mean:

A district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security or defensible space techniques, or through community policing innovations. . . .

The Safe Neighborhoods Act allows county or municipal governing bodies to create NIDs through the adoption of a planning ordinance. Each NID that is established is required to register within 30 days with both the Department of Economic Opportunity and the Department of Legal Affairs and provide the name, location, size, type of NID, and such other information that the departments may require.² Under current law, there are four types of NIDs:

- Local government NIDs,
- Property owners’ association NIDs,
- Community redevelopment NIDs, and
- Special NIDs, which are further classified as either residential or business.³

As of March 2013, there are 31 active NIDs in the state of Florida.⁴ Twenty-eight of these are local government NIDs, two are special residential NIDs and one is classified as a property owners’ association NID.

¹ See s. 163.502, F.S.

² Section 163.5055, F.S.

³ See ss. 163.506-163.512, F.S.

NID Boards and Revenue Sources

The board of directors of a local government NID is the local governing body of the municipality or county that created the NID; however, as an alternative, a majority of the local governing body may also appoint a different board.⁵ The officers of an incorporated property owners' association serve as the board of directors for property owners' association NIDs.⁶ The board of a special NID is a three-member body appointed by the governing body of the municipality or county that created the district.⁷ The board of a community redevelopment NID is the community redevelopment board of commissioners, which is designated by the governing body of the municipality or county that created the board.⁸

Local government NIDs are authorized to levy an ad valorem tax on real and personal property of up to two mills annually.⁹ Special NIDs have the same taxing authority; however, this authority is subject to referendum.¹⁰ Special *residential* NID ad valorem taxes are approved by a majority of the district electors voting in a referendum.¹¹ Special *business* NID ad valorem taxes are approved if freeholders representing in excess of 50 percent of the assessed value of the property within the district endorse the referendum.¹²

All NIDs are also authorized, subject to referendum approval, to make and collect special assessments.¹³ Assessments may not exceed \$500 for each individual parcel of land per year and require an affirmative vote by a majority of the registered voters residing in the district.¹⁴ Community redevelopment NIDs may also utilize community redevelopment trust funds to implement district planning and programming.¹⁵

NID Dissolutions

Local government and community redevelopment NIDs may be dissolved by the governing body that established them.¹⁶ Property owners' association NIDs continue in perpetuity as long as the

⁴ Florida Department of Economic Opportunity, Division of Community Development, *Official List of Special Districts Online*, available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (last visited March 21, 2013). See Option 7: Select Functions of Interest.

⁵ Sections 163.506(1)(e), 163.506(3), F.S.

⁶ Section 163.508(1)(e), F.S.

⁷ Section 163.511(1)(f), F.S.

⁸ Section 163.356, F.S.

⁹ Section 163.506(1)(c), F.S.

¹⁰ Section 163.511(1)(a) and (b), F.S.

¹¹ Section 163.511(3)(g), F.S.

¹² Section 163.511(4)(g), F.S.

¹³ Section 163.514(16), F.S. This authority and any of the other NID powers enumerated in s.163.514, F.S., may be prohibited by the NID's enacting ordinance.

¹⁴ *Id.*

¹⁵ Section 163.512(1)(c), F.S.

¹⁶ Sections 163.506(4) and 163.512(3), F.S.

property owners' association created when establishing the NID exists.¹⁷ Special NIDs are dissolved at the end of the tenth fiscal year of operation.¹⁸

NIDs and Bond Authority

Although NIDs have various powers, they do not have express authority to borrow funds. In 2006, the Florida Attorney General issued Opinion 2006-49, stating that an NID created by ordinance pursuant to s. 163.511, F.S., does not have the authority to borrow money to carry out the purposes of the district.¹⁹ The Attorney General's Office reasoned that a statutorily created entity is limited to such powers expressly granted by law or reasonably implied to carry out its expressly granted power. The opinion further stated that "[w]hen the Legislature has directed how a thing shall be done, that is in effect a prohibition against its being done any other way."

Other Sources of Funding for Local Government Improvement Efforts

County and municipal governments have authority under current law and under their constitutional home rule authority to raise revenue that could be used for many of the purposes identified by the Safe Neighborhoods Act.

Section 125.01(1)(q), F.S., provides that counties may establish:

municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which it may provide fire protection, law enforcement, beach erosion control, recreation service and facilities, water..., streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, indigent health care services, mental health care services, and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only.... This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

Section 125.01(1)(r), F.S., grants counties the power to levy and collect ad valorem taxes, and provides that no referendum is required for the levy by a county of ad valorem taxes for county purposes or for providing municipal services within any municipal service taxing unit. The distinction between a municipal service taxing unit and a municipal service benefit unit is that in a benefit unit the services are funded by a service charge or a special assessment rather than a tax.

¹⁷ Section 163.508(4), F.S.

¹⁸ Section 163.511(13), F.S. Special NIDs may continue for subsequent 10-year periods if the continuation of the district is approved through referendum.

¹⁹ Op. Atty Gen. Fla. 2006-49 (2006).

All taxes, other than ad valorem taxes, are reserved to the state.²⁰ Local governments may levy other taxes only if these taxes are authorized by general law. Not all local government revenue sources are taxes. Counties and municipalities may levy fees, assessments, or charges for services under their home rule authority. Special assessments may be used to fund certain services and to construct and maintain capital facilities, such as those appropriate for NIDs, if they meet two requirements: (1) the property subject to assessment must derive a special benefit from the service or improvement funded by the assessment, and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 163.506, F.S., to authorize local government NIDs to:

- Borrow money and incur indebtedness;
- Pledge special assessments to secure or repay district obligations; and
- Impose user fees and charges.

The bill authorizes the governing body of local government NIDs to issue a resolution authorizing bonds. Bonds must be approved by the board of the district, the governing body of the municipality or county that created the district, and by referendum. The referendum required for bonds is the same referendum currently required to impose special assessments.

Section 2 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

In addition to local government NIDs' current authority to levy ad valorem taxes and special assessments, this bill allows these NIDs to impose user fees and charges.

²⁰ Fla. Const. Art. VII, s. 1(a)

²¹ See *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992).

B. Private Sector Impact:

Taxpayers located in local government NIDs may be subject to user fees and charges.

C. Government Sector Impact:

Local governments may incur costs associated with conducting referenda.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Appropriations Subcommittee on Finance and Tax on April 4, 2013:**
The CS/CS:

- Requires that bonds must be approved by the governing body of the municipality or county that created the district.
- Restricts the revenue sources that can be pledged for bonds to special assessments.

CS by Community Affairs on March 7, 2013:

- Provides that bonds require a resolution of the district's governing body and may not be issued or sold for an amount greater than the amount assessed by the district.
- Conditions the powers authorized in the bill upon referendum approval by the electors of the district.

B. Amendments:

None.



679098

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on Finance and Tax (Ring)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (i) is added to subsection (1) of
section 163.506, Florida Statutes, to read:

163.506 Local government neighborhood improvement
districts; creation; advisory council; dissolution.—

(1) After a local planning ordinance has been adopted
authorizing the creation of local government neighborhood
improvement districts, the local governing body of a
municipality or county may create local government neighborhood



679098

13 improvement districts by the enactment of a separate ordinance
14 for each district, which ordinance:

15 (i) Authorizes the district to borrow money, contract
16 loans, and issue bonds, certificates, warrants, notes, or other
17 evidence of indebtedness to finance the undertaking of a capital
18 or other project for a purpose permitted by the State
19 Constitution and this part, and to pledge the funds, credit,
20 property, and special assessment power of the district for the
21 payment of such debts and bonds. Bonds that are issued under
22 this paragraph must be authorized by resolution of the board, by
23 resolution of the governing body of the municipality or county,
24 and by a referendum as described in s. 163.514(16). Such bonds
25 may be issued in one or more series and shall bear such date or
26 dates, be payable upon demand or mature at such time or times,
27 bear interest at such rate or rates, be in such denomination or
28 denominations, be in such form, registered or not, with or
29 without coupon, carry such conversion or registration
30 privileges, have such rank or priority, be executed in such
31 manner, be payable in such medium of payment, at such place or
32 places, and subject to such terms of redemption, with or without
33 premium, be secured in such manner, and have such other
34 characteristics as may be provided by such resolution or trust
35 indenture or mortgage issued pursuant thereto.

36 Section 2. This act shall take effect July 1, 2013.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete everything before the enacting clause
41 and insert:



679098

42
43
44
45
46
47
48
49
50

A bill to be entitled
An act relating to neighborhood improvement districts;
amending s. 163.506, F.S.; providing that an ordinance
that creates a neighborhood improvement district may
authorize the district to exercise certain powers, in
addition to those already granted to such districts;
specifying such powers; conditioning the exercise of
those powers on resolution and referendum; providing
an effective date.

By the Committee on Community Affairs; and Senator Ring

578-02029-13

2013770c1

A bill to be entitled

An act relating to neighborhood improvement districts; amending s. 163.506, F.S.; providing that an ordinance that creates a neighborhood improvement district may authorize the district to exercise certain powers, in addition to those already granted to such districts; specifying such powers; conditioning the exercise of those powers by the local government neighborhood improvement district upon referendum approval by the electors of the district; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (1) of section 163.506, Florida Statutes, to read:

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.—

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(i) Authorizes the district to exercise powers, in addition to those described in s. 163.514, deemed necessary and useful by the local governing body, including the power to borrow money and incur indebtedness; finance and refinance projects of the district; pledge revenues and ad valorem taxes to secure or repay obligations of the district; and lease or lease-purchase

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02029-13

2013770c1

property, as lessor or lessee, and impose user fees and charges.

1. Bonds that are issued under this paragraph shall be authorized by resolution of the governing body of the district and, if required by the State Constitution, by affirmative vote of the electors of the district. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, registered or not, with or without coupon, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto. A bond may not be issued or sold for a greater amount than the amount assessed by the district.

2. The exercise of the powers provided in this paragraph is conditioned upon referendum approval by the electors of the district.

Section 2. This act shall take effect July 1, 2013.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

BILL: CS/CS/CS/SB 556

INTRODUCER: Appropriations Subcommittee on Finance and Tax, Governmental Oversight and Accountability Committee, Judiciary Committee and Senator Ring

SUBJECT: Clerks of the Court

DATE: April 4, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	Fav/CS
2.	Naf	McVaney	GO	Fav/CS
3.	Babin	Diez-Arguelles	AFT	Fav/CS
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/CS/CS/SB 556 updates statutes relating to clerks of circuit courts (clerks of court).

The REC has not reviewed this bill. Staff estimates that the bill will not affect state revenue. The provision that increases the threshold for an automatic refund of overpayment from \$5 to \$10 will increase clerk of court revenue by an indeterminate amount.

The bill:

- Prescribes requirements related to electronic court filings.
- Requires removal of recorded court documents from the Official Records pursuant to a sealing or expunction order.
- Increases the threshold overpayment amount for which a clerk must make an automatic refund from \$5 to \$10.
- Clarifies that the state agency court-related fee exemption applies only to the agency and the party the agency is representing.
- Specifies the information required to request maintenance of a public record.

- Requires the property appraiser to provide value adjustment board petitioners with the property record card when requested.
- Exempts governmental entities from judgment enforcement fees when initiating supplemental proceedings to collect a judgment.

This bill substantially amends the following sections of the Florida Statutes: 28.13, 28.222, 28.24, 28.244, 28.345, 101.151, 119.0714, 194.032, and 938.30.

II. Present Situation:

Filings

The clerk of the court is required to keep all papers with the utmost care and security, and arranged in appropriate files.¹ The clerk of court is also required to ensure that the papers do not leave the office without permission from the court.² Current law does not specify requirements to maintain electronic filings.

Clerk of Court as County Recorder

The clerk of court generally acts as the county recorder.³ Current law does not require a clerk of court to remove recorded court documents from the Official Records pursuant to a sealing or expunction order.

Charges

Current law authorizes a clerk of court to charge for services rendered by the clerk's office in recording documents and instruments and in performing the clerk's duties.⁴

Refunds

If a clerk of court determines that an overpayment is made, the clerk must make a refund if the overpayment exceeds \$5.⁵ If the amount of the overpayment is \$5 or less, the clerk need only refund the amount if the person who made the overpayment submits a written request.⁶

Fee Exemption

Certain individuals and groups, such as judges, state attorneys, and public defenders, are exempt from all court-related fees and charges assessed by the clerks of court, when acting in their

¹ Section 28.13, F.S.

² *Id.*

³ Section 28.222(1), F.S. As county recorder, the clerk of the circuit court must record all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk. *Id.* Such instruments include, but are not limited to, deeds, leases, bills of sale, agreements, mortgages, notices or claims of lien, notices of levy, tax warrants, tax executions, notices of lis pendens, judgments, notices of liens for taxes payable to the United States, and certified copies of death certificates. Section 28.222(3), F.S.

⁴ Section 28.24, F.S.

⁵ Section 28.244, F.S.

⁶ *Id.*

official capacity.⁷ State agencies are also exempt from all court-related fees and charges assessed by the clerks of court.⁸

Public Records

The State Constitution guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.^{9,10} Only the Legislature may create a general exemption to public records access requirements.¹¹

A clerk of court is a custodian of public records.¹² As custodian, clerks are required to provide access and copies of public records, if the requesting party is entitled by law to view a given record. The clerk may charge a fee to certify or furnish copies of requested public records.¹³ Statutes exempt specified governmental entities from payment of such fees in certain instances.

Certain records are confidential or exempt¹⁴ from disclosure under public records laws, including personal information of certain individuals such as law enforcement personnel, firefighters, justices and judges, state attorneys, magistrates, and others as specified by statute.¹⁵ An individual whose information is exempt must submit a written request for exemption with any agency that holds an exempt record.¹⁶ There is no uniform, statewide process, but a clerk of court usually requires a person requesting maintenance of the exemption to specify the document type, name, identification number, and page number of the court record or official record that contains the confidential or exempt information.¹⁷

All information related to juvenile justice cases is confidential, except in limited circumstances.¹⁸ The clerk must keep official court records of juvenile justice cases separate from other records of the circuit court, and these juvenile justice records are not open to inspection by the public; however, parents, guardians, attorneys, law enforcement agencies, the Department of Juvenile

⁷ Section 28.345, F.S.

⁸ *Id.*

⁹ FLA. CONST., Art. I, s. 24(a).

¹⁰ Section 119.07(1)(a), F.S.

¹¹ FLA. CONST., Art. I, s. 24(c).

¹² Section 119.011(5), F.S., provides that the “custodian of public records” is the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

¹³ Section 119.07(4), F.S.

¹⁴ There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in the statutory exemption. See Attorney General Opinion 85-62, August 1, 1985.

¹⁵ Section 28.24, F.S. The exempt governmental entities are the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, private court-appointed counsel paid by the state, and authorized staff of any of the specified governmental entities acting on their behalf.

¹⁶ Section 119.071(4)(d)3., F.S.

¹⁷ Telephone call between Senate Governmental Oversight and Accountability staff and Florida Association of Court Clerks staff (March 18, 2013).

¹⁸ Section 985.04(1), F.S.

Justice, the Parole Commission, the Department of Corrections and the Justice Administrative Commission may access these records.¹⁹

Value Adjustment Board Hearing Records

Each county in Florida has a value adjustment board that hears objections to ad valorem tax assessments.²⁰ The clerk of the court usually serves as the county clerk and schedules appearances before the value adjustment board.²¹ The petitioner may request a copy of the property record card containing relevant information used in computing the current assessment, which the clerk of court is required to provide.²²

Financial Obligations Stemming from a Criminal Case

A court may require a person that owes money for a criminal case, which may include restitution, court costs, cost of prosecution, and cost of a public defender, to appear before the court to determine the person's financial ability to pay the obligation.²³ The court may convert the financial obligation into an obligation to perform community service²⁴

A governmental entity that attempts to satisfy such a judgment may do so without bond.²⁵

III. Effect of Proposed Changes:

This bill updates statutes relating to the clerks of court.

Electronic Filings and Charges

The bill:

- Requires a clerk of court to maintain electronic filings as it does paper filings.
- Specifies that a clerk of court may charge for services that are provided manually or electronically.
- Authorizes a clerk of court to electronically affix a date and time stamp to filings in lieu of an ink stamp.

Clerk of Court as County Recorder

The bill requires a county recorder to remove recorded court documents from the Official Records pursuant to a sealing or expunction order.

¹⁹ Section 985.045(2), F.S.

²⁰ Section 194.011, F.S.

²¹ Section 194.015, F.S.

²² Section 194.032, F.S.

²³ Section 938.30(2), F.S.

²⁴ Section 938.30(2), F.S.

²⁵ Section 938.30(6), F.S.

Refunds

The bill increases the threshold overpayment amount from \$5 to \$10, for which a clerk of court must make an automatic refund.

Fee Exemption

The bill clarifies that the state agency court-related fee exemption is limited to the agency and the party the agency is representing.

Public Records

The bill:

- Relocates the exemption from public records fees for specified governmental entities and amends the exemption to delete the requirement that such entities be entitled by law to view the exempt or confidential record.
- Requires requests for maintenance of public records exemptions to specifically include the document type, name, identification number, and page number of the court record or official record where the confidential or exempt information appears.
- Clarifies that public defender offices can access the official records of juveniles prior to being appointed to represent the juvenile, but only if the public defender is expected to appear on behalf of the juvenile.

Value Adjustment Board Hearing Records

Regarding challenges to a property assessment or the denial of a property exemption, the bill:

- Shifts the duty to provide the petitioner with a copy of the property record card from the clerk of court to the property appraiser, and the bill exempts the property appraiser from that requirement if the property appraiser makes the property record card available online.
- Specifies that the requirement that a copy of the property record card be provided applies regardless of whether the petitioner has initiated an evidence exchange.

Financial Obligations Stemming from a Criminal Case

The bill:

- Specifies that the current authority of the court to convert a financial obligation into community service is subject to s. 318.18, F.S., a specific process applicable to community service based on the inability to pay a civil traffic penalty.
- Authorizes a governmental entity to initiate supplemental proceedings to collect a judgment for fees and costs without having to pay judgment enforcement fees.

Clarifying Changes

The bill makes clarifying drafting changes.

The bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to impact county or municipal government.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The REC has not reviewed this bill. Staff estimates that the bill will not affect state revenue. The provision that increases the threshold for an automatic refund of overpayment from \$5 to \$10 will increase clerk of court revenue by an indeterminate amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Appropriations Subcommittee on Finance and Tax on April 4, 2013:
The CS/CS/CS:

- Grants public defender offices access to official records of juveniles prior to the public defender being officially appointed to represent the juvenile, but only if the public defender is expected to appear on behalf of the juvenile.

CS/CS by Governmental Oversight and Accountability on March 21, 2013:

The CS/CS:

- Removes from the CS a provision that would eliminate an exemption for indigent persons from payment of a charge for issuance of a summons.
- Removes from the CS a provision that would allow filing fees waived based on a determination of indigence to be included in the calculation of a payment plan.
- Amends the provision that requires the property appraiser to provide a copy of the property record card to the petitioner in certain hearings to exempt the property appraiser from providing a copy of the property record card if it is available online.

CS by Judiciary on March 6, 2013:

The CS removes from the bill:

- All references to the tax lien process.
- A provision that allowed the Florida Rules of Judicial Administration to specify entities authorized to access public records that are exempt or confidential.

B. Amendments:

None.



511242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on Finance and Tax (Ring)
recommended the following:

Senate Amendment (with title amendment)

Between lines 471 and 472
insert:

Section 10. Subsection (2) of section 985.045, Florida
Statutes, is amended to read:

985.045 Court records.—

(2) The clerk shall keep all official records required by
this section separate from other records of the circuit court,
except those records pertaining to motor vehicle violations,
which shall be forwarded to the Department of Highway Safety and
Motor Vehicles. Except as provided in ss. 943.053 and



511242

13 985.04(6)(b) and (7), official records required by this chapter
14 are not open to inspection by the public, but may be inspected
15 only upon order of the court by persons deemed by the court to
16 have a proper interest therein, except that a child and the
17 parents, guardians, or legal custodians of the child and their
18 attorneys, law enforcement agencies, the Department of Juvenile
19 Justice and its designees, the Parole Commission, the Department
20 of Corrections, and the Justice Administrative Commission shall
21 always have the right to inspect and copy any official record
22 pertaining to the child. Public defender offices shall have
23 access to official records of juveniles on whose behalf they are
24 expected to appear in detention or other hearings before an
25 appointment of representation. The court may permit authorized
26 representatives of recognized organizations compiling statistics
27 for proper purposes to inspect, and make abstracts from,
28 official records under whatever conditions upon the use and
29 disposition of such records the court may deem proper and may
30 punish by contempt proceedings any violation of those
31 conditions.

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete line 30

36 and insert:

37 to enforce judgment for costs and fines; amending s.
38 985.045, F.S.; providing that the office of the public
39 defender shall have access to certain juvenile records
40 before an appointment of representation; providing an

By the Committees on Governmental Oversight and Accountability;
and Judiciary; and Senator Ring

585-02863-13

2013556c2

1 A bill to be entitled
2 An act relating to clerks of the court; amending s.
3 28.13, F.S.; providing requirements for the storage of
4 papers and electronic filings and requiring that they
5 be stamped with the date and time of submission;
6 requiring the clerk to retain control and custody of
7 filed documents; amending s. 28.222, F.S.; authorizing
8 the clerk to remove certain court records from the
9 Official Records; amending s. 28.24, F.S.; deleting
10 provisions exempting specified persons from service
11 fees; amending s. 28.244, F.S.; increasing the
12 threshold amount for automatic repayment of
13 overpayments; amending s. 28.345, F.S.; requiring that
14 the clerk provide access to public records without
15 charge to certain persons, subject to a limitation and
16 an exception; authorizing the clerk to provide public
17 records in an electronic format under certain
18 circumstances; amending s. 101.151, F.S.; clarifying
19 when the office title "Clerk of the Circuit Court and
20 Comptroller" may be used; amending s. 119.0714, F.S.;
21 requiring that certain requests for maintenance of a
22 public record exemption specify certain information;
23 amending s. 194.032, F.S.; requiring that the property
24 appraiser, rather than the clerk, provide the property
25 record card to a petitioner regardless of whether the
26 petitioner initiates evidence exchange, unless the
27 property record card is available online from the
28 property appraiser; amending s. 938.30, F.S.;
29 providing that the state is not required to pay fees

Page 1 of 17

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02863-13

2013556c2

30 to enforce judgment for costs and fines; providing an
31 effective date.
32
33 Be It Enacted by the Legislature of the State of Florida:
34
35 Section 1. Section 28.13, Florida Statutes, is amended to
36 read:
37 28.13 ~~To keep~~ Papers and electronic filings.—The clerk of
38 the circuit court must maintain ~~shall keep~~ all papers and
39 electronic filings filed in the clerk's office with the utmost
40 care and security, storing them with related case arranged in
41 appropriate files and affixing a stamp, which may be electronic,
42 to each submission indicating ~~(endorsing upon each~~ the date and
43 time that ~~when~~ the submission came was filed. The clerk may,
44 ~~and shall~~ not permit any attorney or other person to remove
45 filed documents from the control or custody ~~take papers once~~
46 ~~filed out of the office~~ of the clerk without leave of the court,
47 except as otherwise ~~is hereinafter~~ provided by law.
48 Section 2. Present subsections (4) through (6) of section
49 28.222, Florida Statutes, are renumbered as subsections (5)
50 through (7), respectively, and a new subsection (4) is added to
51 that section to read:
52 28.222 Clerk to be county recorder.—
53 (4) The county recorder shall remove recorded court
54 documents from the Official Records pursuant to a sealing or
55 expunction order.
56 Section 3. Section 28.24, Florida Statutes, is amended to
57 read:
58 28.24 Service charges ~~by clerk of the circuit court.~~—The

Page 2 of 17

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02863-13 2013556c2

59 clerk of the circuit court shall charge for services rendered
60 manually or electronically by the clerk's office in recording
61 documents and instruments and in performing other specified ~~the~~
62 duties. ~~These charges may enumerated in amounts not to exceed~~
63 those specified in this section, except as provided in s.
64 28.345. ~~Notwithstanding any other provision of this section, the~~
65 ~~clerk of the circuit court shall provide without charge to the~~
66 ~~state attorney, public defender, guardian ad litem, public~~
67 ~~guardian, attorney ad litem, criminal conflict and civil~~
68 ~~regional counsel, and private court appointed counsel paid by~~
69 ~~the state, and to the authorized staff acting on behalf of each,~~
70 ~~access to and a copy of any public record, if the requesting~~
71 ~~party is entitled by law to view the exempt or confidential~~
72 ~~record, as maintained by and in the custody of the clerk of the~~
73 ~~circuit court as provided in general law and the Florida Rules~~
74 ~~of Judicial Administration. The clerk of the circuit court may~~
75 ~~provide the requested public record in an electronic format in~~
76 ~~lieu of a paper format when capable of being accessed by the~~
77 ~~requesting entity.~~

Charges

- 81 (1) For examining, comparing, correcting, verifying, and
- 82 certifying transcripts of record in appellate proceedings,
- 83 prepared by attorney for appellant or someone else other than
- 84 clerk, per page.....5.00
- 85 (2) For preparing, numbering, and indexing an original
- 86 record of appellate proceedings, per instrument.....3.50
- 87 (3) For certifying copies of any instrument in the public

585-02863-13 2013556c2

- 88 records.....2.00
- 89 (4) For verifying any instrument presented for
- 90 certification prepared by someone other than clerk, per page.3.50
- 91 (5) (a) For making copies by photographic process of any
- 92 instrument in the public records consisting of pages of not more
- 93 than 14 inches by 8 1/2 inches, per page.....1.00
- 94 (b) For making copies by photographic process of any
- 95 instrument in the public records of more than 14 inches by 8 1/2
- 96 inches, per page.....5.00
- 97 (6) For making microfilm copies of any public records:
- 98 (a) 16 mm 100' microfilm roll.....42.00
- 99 (b) 35 mm 100' microfilm roll.....60.00
- 100 (c) Microfiche, per fiche.....3.50
- 101 (7) For copying any instrument in the public records by
- 102 other than photographic process, per page.....6.00
- 103 (8) For writing any paper other than herein specifically
- 104 mentioned, same as for copying, including signing and sealing7.00
- 105 (9) For indexing each entry not recorded.....1.00
- 106 (10) For receiving money into the registry of court:
- 107 (a)1. First \$500, percent.....3
- 108 2. Each subsequent \$100, percent.....1.5
- 109 (b) Eminent domain actions, per deposit.....170.00
- 110 (11) For examining, certifying, and recording plats and for
- 111 recording condominium exhibits larger than 14 inches by 8 1/2
- 112 inches:
- 113 (a) First page.....30.00
- 114 (b) Each additional page.....15.00
- 115 (12) For recording, indexing, and filing any instrument not
- 116 more than 14 inches by 8 1/2 inches, including required notice

585-02863-13 2013556c2

117 to property appraiser where applicable:

118 (a) First page or fraction thereof.....5.00

119 (b) Each additional page or fraction thereof.....4.00

120 (c) For indexing instruments recorded in the official

121 records which contain more than four names, per additional name.00

122 (d) An additional service charge ~~must shall~~ be paid to the

123 clerk of the circuit court to be deposited in the Public Records

124 Modernization Trust Fund for each instrument listed in s.

125 28.222, except judgments received from the courts and notices of

126 lis pendens, recorded in the official records:

127 1. First page.....1.00

128 2. Each additional page.....0.50

129

130 Said fund ~~must shall~~ be held in trust by the clerk and used

131 exclusively for equipment and maintenance of equipment,

132 personnel training, and technical assistance in modernizing the

133 public records system of the office. In a county where the duty

134 of maintaining official records exists in an office other than

135 the office of the clerk of the circuit court, the clerk of the

136 circuit court is entitled to 25 percent of the moneys deposited

137 into the trust fund for equipment, maintenance of equipment,

138 training, and technical assistance in modernizing the system for

139 storing records in the office of the clerk of the circuit court.

140 The fund may not be used for the payment of travel expenses,

141 membership dues, bank charges, staff-recruitment costs, salaries

142 or benefits of employees, construction costs, general operating

143 expenses, or other costs not directly related to obtaining and

144 maintaining equipment for public records systems or for the

145 purchase of furniture or office supplies and equipment not

585-02863-13 2013556c2

146 related to the storage of records. On or before December 1,

147 1995, and on or before December 1 of each year immediately

148 preceding each year during which the trust fund is scheduled for

149 legislative review under s. 19(f)(2), Art. III of the State

150 Constitution, each clerk of the circuit court shall file a

151 report on the Public Records Modernization Trust Fund with the

152 President of the Senate and the Speaker of the House of

153 Representatives. The report must itemize each expenditure made

154 from the trust fund since the last report was filed; each

155 obligation payable from the trust fund on that date; and the

156 percentage of funds expended for each of the following:

157 equipment, maintenance of equipment, personnel training, and

158 technical assistance. The report must indicate the nature of the

159 system each clerk uses to store, maintain, and retrieve public

160 records and the degree to which the system has been upgraded

161 since the creation of the trust fund.

162 (e) An additional service charge of \$4 per page shall be

163 paid to the clerk of the circuit court for each instrument

164 listed in s. 28.222, except judgments received from the courts

165 and notices of lis pendens, recorded in the official records.

166 From the additional \$4 service charge collected:

167 1. If the counties maintain legal responsibility for the

168 costs of the court-related technology needs as defined in s.

169 29.008(1)(f)2. and (h), 10 cents shall be distributed to the

170 Florida Association of Court Clerks and Comptrollers, Inc., for

171 the cost of development, implementation, operation, and

172 maintenance of the clerks' Comprehensive Case Information

173 System; \$1.90 shall be retained by the clerk to be deposited in

174 the Public Records Modernization Trust Fund and used exclusively

585-02863-13 2013556c2

175 for funding court-related technology needs of the clerk as
 176 defined in s. 29.008(1)(f)2. and (h); and \$2 shall be
 177 distributed to the board of county commissioners to be used
 178 exclusively to fund court-related technology, and court
 179 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
 180 state trial courts, state attorney, public defender, and
 181 criminal conflict and civil regional counsel in that county. If
 182 the counties maintain legal responsibility for the costs of the
 183 court-related technology needs as defined in s. 29.008(1)(f)2.
 184 and (h), notwithstanding any other provision of law, the county
 185 is not required to provide additional funding beyond that
 186 provided herein for the court-related technology needs of the
 187 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
 188 and official records are the property of the State of Florida,
 189 including any records generated as part of the Comprehensive
 190 Case Information System funded pursuant to this paragraph and
 191 the clerk of court is designated as the custodian of such
 192 records, except in a county where the duty of maintaining
 193 official records exists in a county office other than the clerk
 194 of court or comptroller, such county office is designated the
 195 custodian of all official records, and the clerk of court is
 196 designated the custodian of all court records. The clerk of
 197 court or any entity acting on behalf of the clerk of court,
 198 including an association, ~~may shall~~ not charge a fee to any
 199 agency as defined in s. 119.011, the Legislature, or the State
 200 Court System for copies of records generated by the
 201 Comprehensive Case Information System or held by the clerk of
 202 court or any entity acting on behalf of the clerk of court,
 203 including an association.

585-02863-13 2013556c2

204 2. If the state becomes legally responsible for the costs
 205 of court-related technology needs as defined in s.
 206 29.008(1)(f)2. and (h), whether by operation of general law or
 207 by court order, \$4 shall be remitted to the Department of
 208 Revenue for deposit into the General Revenue Fund.
 209 (13) Oath, administering, attesting, and sealing, not
 210 otherwise provided for herein.....3.50
 211 (14) For validating certificates, any authorized bonds,
 212 each.....3.50
 213 (15) For preparing affidavit of domicile.....5.00
 214 (16) For exemplified certificates, including signing and
 215 sealing.....7.00
 216 (17) For authenticated certificates, including signing and
 217 sealing.....7.00
 218 (18) (a) For issuing and filing a subpoena for a witness,
 219 not otherwise provided for herein (includes writing, preparing,
 220 signing, and sealing).....7.00
 221 (b) For signing and sealing only.....2.00
 222 (19) For approving bond.....8.50
 223 (20) For searching of records, for each year's search...2.00
 224 (21) For processing an application for a tax deed sale
 225 (includes application, sale, issuance, and preparation of tax
 226 deed, and disbursement of proceeds of sale), other than excess
 227 proceeds.....60.00
 228 (22) For disbursement of excess proceeds of tax deed sale,
 229 first \$100 or fraction thereof.....10.00
 230 (23) Upon receipt of an application for a marriage license,
 231 for preparing and administering of oath; issuing, sealing, and
 232 recording of the marriage license; and providing a certified

585-02863-13 2013556c2

233 copy.....30.00

234 (24) For solemnizing matrimony.....30.00

235 (25) For sealing any court file or expungement of any

236 record.....42.00

237 (26) (a) For receiving and disbursing all restitution

238 payments, per payment.....3.50

239 (b) For receiving and disbursing all partial payments,

240 other than restitution payments, for which an administrative

241 processing service charge is not imposed pursuant to s. 28.246,

242 per month.....5.00

243 (c) For setting up a payment plan, a one-time

244 administrative processing charge in lieu of a per month charge

245 under paragraph (b).....25.00

246 (27) Postal charges incurred by the clerk of the circuit

247 court in any mailing by certified or registered mail must ~~shall~~

248 be paid by the party at whose instance the mailing is made.

249 (28) For furnishing an electronic copy of information

250 contained in a computer database: a fee as provided for in

251 chapter 119.

252 Section 4. Section 28.244, Florida Statutes, is amended to

253 read:

254 28.244 Refunds.—A clerk of the circuit court or a filing

255 officer of another office where records are filed who receives

256 payment for services provided and thereafter determines that an

257 overpayment has occurred shall refund to the person who made the

258 payment the amount of any overpayment that exceeds \$10 ~~\$5~~. If

259 the amount of the overpayment is \$10 ~~\$5~~ or less, the clerk of

260 the circuit court or a filing officer of another office where

261 records are filed is not required to refund the amount of the

585-02863-13 2013556c2

262 overpayment unless the person who made the overpayment makes a

263 written request.

264 Section 5. Section 28.345, Florida Statutes, is amended to

265 read:

266 28.345 State access to records; exemption from court-

267 related fees and charges.—

268 (1) Notwithstanding any other provision of law, the clerk

269 of the circuit court shall, upon request, provide access to

270 public records without charge to the state attorney, public

271 defender, guardian ad litem, public guardian, attorney ad litem,

272 criminal conflict and civil regional counsel, and private court-

273 appointed counsel paid by the state, and to authorized staff

274 acting on their behalf. The clerk of court may provide the

275 requested public record in an electronic format in lieu of a

276 paper format if the requesting entity is capable of accessing

277 such public record electronically.

278 (2) Notwithstanding any other provision of this chapter or

279 law to the contrary, judges and those court staff acting on

280 behalf of judges, state attorneys, guardians ad litem, public

281 guardians, attorneys ad litem, court-appointed private counsel,

282 criminal conflict and civil regional counsel, ~~and~~ public

283 defenders, ~~and state agencies,~~ while acting in their official

284 capacity, ~~and state agencies,~~ are exempt from all court-related

285 fees and charges assessed by the clerks of the circuit courts.

286 (3) The exemptions from fees or charges provided in this

287 section apply only to state agencies and state entities and the

288 party represented by the agency or entity.

289 Section 6. Paragraph (a) of subsection (2) of section

290 101.151, Florida Statutes, is amended to read:

585-02863-13

2013556c2

291 101.151 Specifications for ballots.-

292 (2) (a) The ballot ~~must include~~ ~~shall have~~ the following
293 office titles above ~~under which shall appear~~ the names of the
294 candidates for the respective offices in the following order:

295 1. The office titles of President and Vice President above
296 ~~and thereunder~~ the names of the candidates for President and
297 Vice President of the United States nominated by the political
298 party that received the highest vote for Governor in the last
299 general election of the Governor in this state, followed by;
300 ~~Then shall appear~~ the names of other candidates for President
301 and Vice President of the United States who have been properly
302 nominated.

303 2. The office titles of United States Senator and
304 Representative in Congress.

305 3. The office titles of Governor and Lieutenant Governor;
306 Attorney General; Chief Financial Officer; Commissioner of
307 Agriculture; State Attorney, with the applicable judicial
308 circuit; and Public Defender, with the applicable judicial
309 circuit.

310 4. The office titles of State Senator and State
311 Representative, with the applicable district for the office
312 printed beneath.

313 5. The office titles of Clerk of the Circuit Court, or,
314 when the Clerk of the Circuit Court also serves as the County
315 Comptroller, Clerk of the Circuit Court and Comptroller,
316 ~~(whichever is applicable and~~ when authorized by law;; Clerk of
317 the County Court, ~~(when authorized by law;~~ Sheriff;; Property
318 Appraiser;; Tax Collector;; District Superintendent of Schools;;
319 and Supervisor of Elections.

Page 11 of 17

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02863-13

2013556c2

320 6. The office titles of Board of County Commissioners, with
321 the applicable district printed beneath each office, and such
322 other county and district offices as are involved in the
323 election, in the order fixed by the Department of State,
324 followed, in the year of their election, by "Party Offices," and
325 thereunder the offices of state and county party executive
326 committee members.

327 Section 7. Paragraph (f) is added to subsection (2) of
328 section 119.0714, Florida Statutes, and section (3) is amended,
329 to read:

330 119.0714 Court files; court records; official records.-

331 (2) COURT RECORDS.-

332 (f) A request for maintenance of a public records exemption
333 in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must
334 specify the document type, name, identification number, and page
335 number of the court record that contains the exempt information.

336 (3) OFFICIAL RECORDS.-

337 ~~(a) A~~ Any person who prepares or files a record for
338 recording in the official records as provided in chapter 28 may
339 not include in that record a social security number or a bank
340 account, debit, charge, or credit card number unless otherwise
341 expressly required by law.

342 (a) (b) 1. If a social security number or a bank account,
343 debit, charge, or credit card number is included in an official
344 record, such number may be made available as part of the
345 official records available for public inspection and copying
346 unless redaction is requested by the holder of such number or by
347 the holder's attorney or legal guardian.

348 1.2. If such record is in electronic format, on January 1,

Page 12 of 17

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-02863-13 2013556c2

349 2011, and thereafter, the county recorder must use his or her
 350 best effort, as provided in paragraph (d)~~(h)~~, to keep social
 351 security numbers confidential and exempt as provided for in s.
 352 119.071(5) (a), and to keep complete bank account, debit, charge,
 353 and credit card numbers exempt as provided for in s.

354 119.071(5) (b), without any person having to request redaction.

355 2.3~~2.3~~ Section 119.071(5) (a)7. and 8. does not apply to the
 356 county recorder with respect to official records.

357 (b)~~(e)~~ The holder of a social security number or a bank
 358 account, debit, charge, or credit card number, or the holder's
 359 attorney or legal guardian, may request that a county recorder
 360 redact from an image or copy of an official record placed on a
 361 county recorder's publicly available Internet website or on a
 362 publicly available Internet website used by a county recorder to
 363 display public records, or otherwise made electronically
 364 available to the public, his or her social security number or
 365 bank account, debit, charge, or credit card number contained in
 366 that official record.

367 1.~~(a)~~ A request for redaction must be a signed, legibly
 368 written request and must be delivered by mail, facsimile,
 369 electronic transmission, or in person to the county recorder.
 370 The request must specify the identification page number of the
 371 record that contains the number to be redacted.

372 2.~~(e)~~ The county recorder does not have a duty to inquire
 373 beyond the written request to verify the identity of a person
 374 requesting redaction.

375 3.~~(f)~~ A fee may not be charged for redacting a social
 376 security number or a bank account, debit, charge, or credit card
 377 number.

585-02863-13 2013556c2

378 (c)~~(g)~~ A county recorder shall immediately and
 379 conspicuously post signs throughout his or her offices for
 380 public viewing, and shall immediately and conspicuously post on
 381 any Internet website or remote electronic site made available by
 382 the county recorder and used for the ordering or display of
 383 official records or images or copies of official records, a
 384 notice stating, in substantially similar form, the following:

385 1. On or after October 1, 2002, any person preparing or
 386 filing a record for recordation in the official records may not
 387 include a social security number or a bank account, debit,
 388 charge, or credit card number in such document unless required
 389 by law.

390 2. Any person has a right to request a county recorder to
 391 remove from an image or copy of an official record placed on a
 392 county recorder's publicly available Internet website or on a
 393 publicly available Internet website used by a county recorder to
 394 display public records, or otherwise made electronically
 395 available to the general public, any social security number
 396 contained in an official record. Such request must be made in
 397 writing and delivered by mail, facsimile, or electronic
 398 transmission, or delivered in person, to the county recorder.
 399 The request must specify the identification page number that
 400 contains the social security number to be redacted. A fee may
 401 not be charged for the redaction of a social security number
 402 pursuant to such a request.

403 (d)~~(h)~~ If the county recorder accepts or stores official
 404 records in an electronic format, the county recorder must use
 405 his or her best efforts to redact all social security numbers
 406 and bank account, debit, charge, or credit card numbers from

585-02863-13

2013556c2

407 electronic copies of the official record. The use of an
 408 automated program for redaction ~~is shall be~~ deemed to be the
 409 best effort in performing the redaction and ~~is shall be~~ deemed
 410 in compliance with the requirements of this subsection.

411 ~~(e)(i)~~ The county recorder is not liable for the
 412 inadvertent release of social security numbers, or bank account,
 413 debit, charge, or credit card numbers, filed with the county
 414 recorder.

415 (f) A request for maintenance of a public records exemption
 416 in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must
 417 specify the document type, name, identification number, and page
 418 number of the official record that contains the exempt
 419 information.

420 Section 8. Paragraph (a) of subsection (2) of section
 421 194.032, Florida Statutes, is amended to read:

422 194.032 Hearing purposes; timetable.—

423 (2)(a) The clerk of the governing body of the county shall
 424 prepare a schedule of appearances before the board based on
 425 petitions timely filed with him or her. The clerk shall notify
 426 each petitioner of the scheduled time of his or her appearance
 427 at least 25 calendar days before the day of the scheduled
 428 appearance. The notice ~~must shall~~ indicate whether the petition
 429 has been scheduled to be heard at a particular time or during a
 430 block of time. If the petition has been scheduled to be heard
 431 within a block of time, the beginning and ending of that block
 432 of time ~~must shall~~ be indicated on the notice; however, as
 433 provided in paragraph (b), a petitioner may not be required to
 434 wait for more than a reasonable time, not to exceed 2 hours,
 435 after the beginning of the block of time. If the petitioner

585-02863-13

2013556c2

436 checked the appropriate box on the petition form to request a
 437 copy of the property record card containing relevant information
 438 used in computing the current assessment, the property appraiser
 439 must provide the copy to the petitioner upon receipt of the
 440 petition from the clerk regardless of whether the petitioner
 441 initiates evidence exchange, unless the property record card is
 442 available online from the property appraiser ~~clerk shall provide~~
 443 ~~the copy of the card along with the notice.~~ Upon receipt of the
 444 notice, the petitioner may reschedule the hearing a single time
 445 by submitting to the clerk a written request to reschedule, at
 446 least 5 calendar days before the day of the originally scheduled
 447 hearing.

448 Section 9. Subsections (2) and (6) of section 938.30,
 449 Florida Statutes, are amended to read:

450 938.30 Financial obligations in criminal cases;
 451 supplementary proceedings.—

452 (2) The court may require a person liable for payment of an
 453 obligation to appear and be examined under oath concerning the
 454 person's financial ability to pay the obligation. The judge may
 455 convert the statutory financial obligation into a court-ordered
 456 obligation to perform community service, subject to the
 457 provisions of s. 318.18(8), after examining a person under oath
 458 and determining the a person's inability to pay. Any person who
 459 fails failing to attend a hearing may be arrested on warrant or
 460 capias ~~which may be~~ issued by the clerk upon order of the court.

461 (6) If judgment has not been previously entered on any
 462 court-imposed financial obligation, the court may enter judgment
 463 thereon and issue any writ necessary to enforce the judgment in
 464 the manner allowed in civil cases. Any judgment issued under

585-02863-13

2013556c2

465 this section constitutes a civil lien against the judgment
466 debtor's presently owned or after-acquired property, when
467 recorded pursuant to s. 55.10. Supplementary proceedings
468 undertaken by any governmental entity to satisfy a judgment
469 imposed pursuant to this section may proceed without bond and
470 without the payment of statutory fees associated with judgment
471 enforcement.

472 Section 10. This act shall take effect July 1, 2013.

**APPROPRIATIONS SUBCOMMITTEE ON
FINANCE AND TAX
COMMITTEE MEETING
APRIL 4, 2013**

**REVIEW OF SELECTED ECONOMIC DEVELOPMENT
TAX INCENTIVES**

REVIEW OF SELECTED ECONOMIC DEVELOPMENT TAX INCENTIVES

1. INTERNATIONAL BANKING FACILITY INCOME DEDUCTION ADDITIONAL INFORMATION	PAGE 1
2. SINGLE SALES FACTOR APPORTIONMENT ADDITIONAL INFORMATION	PAGE 3
3. RESEARCH & DEVELOPMENT TAX CREDIT	PAGE 5
4. CAPITAL INVESTMENT TAX CREDIT ADDITIONAL INFORMATION	PAGE 6
5. NEW MARKETS TAX CREDIT ADDITIONAL INFORMATION	PAGE 10
6. URBAN HIGH-CRIME AREA JOB TAX CREDIT ADDITIONAL INFORMATION	PAGE 13
7. RURAL JOB TAX CREDIT ADDITIONAL INFORMATION	PAGE 20
8. FLORIDA BROWNFIELDS REDEVELOPMENT ACT ADDITIONAL INFORMATION	PAGE 24
9. FLORIDA EMPLOYEES' SALARY INSURANCE PREMIUM TAX CREDIT ADDITIONAL INFORMATION	PAGE 32
10. FLORIDA ENTERPRISE ZONE PROGRAM ADDITIONAL INFORMATION	PAGE 34
11. FILM & ENTERTAINMENT INCENTIVES	PAGE 39
12. CORPORATE TAX INTERCOMPANY TRANSACTIONS	PAGE 43
13. MACHINERY & EQUIPMENT SALES TAX EXEMPTIONS	PAGE 47
14. ENERGY ECONOMIC ZONES PILOT PROGRAM	PAGE 54
15. INCENTIVES FOR SPACE ACTIVITIES	PAGE 57

INTERNATIONAL BANKING FACILITY INCOME DEDUCTION

Section 220.63(5), F.S.

INCENTIVE:

- Income from international banking activities is not subject to Florida Corporate Income Tax.
- Although the statute is more detailed, qualifying income generally includes income derived from:
 - loans to foreign persons,
 - deposits with foreign banks or other international banking facilities; and
 - foreign exchange trading or hedging transactions.

PURPOSE:

- To encourage banks that engage in international banking activities to locate their physical facilities in Florida.
- Note: At the time this deduction was adopted, federal banking laws were such that Florida's deduction was restricted to Florida banks that had international banking facilities. Because of changes to federal law, a bank paying tax in Florida can take advantage of the deduction even if the international banking facility is located in another state.

QUALIFYING REQUIREMENTS:

- The deduction applies only to income from international banking activities. International banking accounts must be segregated from other banking organization accounts.

APPROVAL / OVERSIGHT / LIMITATIONS:

- No prior approval necessary.
- DOR reviews deductions through its normal auditing procedures.

SIGNIFICANT HISTORY:

- 1981 – Created.
- 1994 – Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 allowed interstate branch banking throughout the U.S., except in states that passed laws to prohibit it.

FISCAL IMPACT:

- \$10.8 Million per year

ADDITIONAL INFORMATION:

- The international banking facility deduction was created during an expansion of U.S. banks into international banking, apparently pursuant to increased authority granted by the federal Edge Act of 1919. See 12 U.S.C. ss. 611-631.
- The initial intent of the federal authority was directed at U.S. banks being permitted to conduct more activities outside of the U.S.
- U.S. banks taking advantage of this authority had discretion in choosing the location of their facilities for managing these accounts. Florida's deduction was created in an apparent attempt to have these facilities located in Florida.

SINGLE SALES FACTOR APPORTIONMENT

Sections 220.153, F.S.

INCENTIVE:

- Allows a multi-state corporation to use single sales factor apportionment to determine its Florida corporate taxable income.
- Typically, Florida uses a 3-factor formula to determine taxable income. The use of a single sales factor apportionment formula benefits corporations with a large percentage of sales to out-of-state customers.

PURPOSE:

- To encourage capital investment in Florida.

SIGNIFICANT HISTORY:

- 2011 – created.

QUALIFYING REQUIREMENTS:

- The company must declare a 2-year period for measuring its capital investment in Florida, and then within that 2-year period invest at least \$250 million into Florida real property, fixtures, and equipment.
- Expenditures to acquire an existing business and expenditures in excess of \$125 million for land or buildings do not qualify.
- There is no requirement that the company demonstrate that the incentive caused it to make the investment in Florida.

APPROVAL / OVERSIGHT / LIMITATIONS:

- DEO reviews and approves the qualifying capital expenditures.
- DOR oversees the use of apportionment factors through its normal auditing procedures.
- The first year during which single sales factor appointment could be used is a taxable year beginning on or after January 1, 2013.

FISCAL IMPACT:

- \$7.6 Million, beginning in 2013-2014, as originally estimated by the Revenue Estimating Conference in 2011.
- To date, 5 companies have filed notices of intent to begin their 2-year measurement period. One of the 5 companies has completed its \$250 million investment.

ADDITIONAL INFORMATION:

Program Participants	
1	CSX
2	Publix
3	NextEra Energy
4	Mosaic
5	(Confidential due to nature of project)

RESEARCH & DEVELOPMENT TAX CREDIT

Section 220.196, F.S.

INCENTIVE:

- Provides a credit against Corporate Income Tax for increasing research and development expenses in Florida. The credit is equal to 10 percent of the annual increase. Florida's credit is based on a similar federal credit.

PURPOSE:

- To encourage research and development activities within Florida.

QUALIFYING REQUIREMENTS:

- Companies must increase their qualifying research expenses in Florida over their average qualifying research expenses in Florida during the 4 immediately preceding years.
- The company must qualify for and receive the federal research and development credit.

APPROVAL / OVERSIGHT / LIMITATIONS:

- No prior approval necessary.
- Department of Revenue oversees through its normal auditing procedures.
- For companies that have not existed for 4 years, the credit amount is reduced 25 percent for each year that the business did not exist.
- Total credits may not exceed \$9 million per calendar year.

SIGNIFICANT HISTORY:

- 2011 – created.

FISCAL IMPACT:

- \$9 Million per year, as originally estimated by the Revenue Estimating Conference in 2011.

CAPITAL INVESTMENT TAX CREDIT

Section 220.191, F.S.

INCENTIVE:

- Corporate Income Tax credits and/or Insurance Premium Tax credits are provided to high-impact sector and qualified target industry companies, as well as corporate headquarters, if they invest significant capital (\$25 million or more) within Florida.

- High-impact sectors have evolved over time, but currently include:
 - Transportation Equipment (Aviation/Aerospace),
 - Silicon Technology,
 - Information Technology,
 - Life Sciences,
 - Financial Services,
 - Corporate Headquarters, and
 - Clean Energy.

- Qualified Target Industry business sectors include:
 - All High-impact sectors, and
 - Homeland Security and Defense.

PURPOSE:

- To encourage qualifying companies to locate or expand physical facilities in Florida.

QUALIFYING REQUIREMENTS:

CURRENT CAPITAL INVESTMENT TAX CREDIT QUALIFYING PROJECT TYPES					
	High-Impact Tier 1	High-Impact Tier 2	High-Impact Tier 3	Target Industry	Headquarters
Investment Required	\$25 Million	\$50 Million	\$100 Million	\$100 Million	\$250 Million
Taxes that the Credit can be Applied Against	Corporate Income Tax or Insurance Premium	Corporate Income Tax or Insurance Premium	Corporate Income Tax or Insurance Premium	Corporate Income Tax or Insurance Premium	Corporate Income Tax
Jobs Requirement	100 New Jobs	100 New Jobs	100 New Jobs	100 New, 900 New or Retained	1,500 New
Annual Credit Amount	5% of Eligible Costs	5% of Eligible Costs	5% of Eligible Costs	50% of increased tax liability arising out of the project	Lesser of \$15 million or 5% of Eligible Costs
Annual Credit Limit	50% of tax arising out of project	75% of tax arising out of project	100% of tax arising out of project	50% of increased tax liability arising out of project	\$15 million per year
Credit Period	20 years	20 Years	20 Years	5 years	20 years
Credit Carryover	None	None	Amounts not used within the 20-yr period can be taken between years 21 and 30	None	Annual unused amounts can be carried forward within the 20-yr period
Disproportionately Affected County Waiver	Between 7/1/11 and 6/30/14, the high impact sector requirement is waived for any business that relocates all or a portion of its out-of-state business to Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton or Wakulla County.			N/A	N/A
Taxpayer Permitted to Transfer Credit?	Generally no. However, if a project establishes a new solar panel manufacturing facility and generates at least 400 jobs within 6 months of commencing operations and pays those jobs at least \$50,000 average annual salary, it may transfer its permissible credit to another business.				

APPROVAL / OVERSIGHT / LIMITATIONS:

- Businesses must apply and have their projects pre-approved through DEO.
- After credit is awarded, DEO reviews businesses annually to ensure continuing requirements are satisfied.
- DOR oversees credit use through DOR's normal auditing procedures.
- Taxpayer is only permitted to offset the income generated from the qualifying project.
- Taxpayer can only offset a set percentage of its income from the qualifying project.
- Except for certain projects, unused credits expire at the end of each year.

SIGNIFICANT HISTORY:

- 1998 – Capital Investment Tax Credit (CITC) was created for high-impact sectors. High-impact sectors included Aviation/Aerospace, Automotive, and Silicon Technology. The credit only applied against Florida's Corporate Income Tax.
- 1999 – CITC was amended to allow the credit to apply to insurance premium tax.
- 1999 – DEO expanded high-impact sectors to include Information Technology.
- 2002 – DEO expanded high-impact sectors to include Life Sciences.
- 2003 – CITC was amended to temporarily allow financial services businesses to qualify for the CITC through June 30, 2004.
- 2004 – DEO expanded high-impact sectors to include Financial Services.
- 2005 – CITC was expanded to allow target industry businesses to qualify.
- 2006 – CITC was expanded to allow corporate headquarters to qualify.
- 2006 – DEO expanded high-impact sectors to include corporate headquarters.
- 2008 – CITC was amended to allow certain solar projects to transfer the credits.
- 2008 – DEO expanded high-impact sectors to include clean energy.
- 2011 – CITC was amended to allow certain tax credits to be used outside of the normal 20-year period following commencement of operations.
- 2011 – High-impact sector requirement was temporarily waived from 7/1/2011 through 6/30/2014, for Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla counties, due to the significant impacts from the Deepwater Horizon oil spill.

FISCAL IMPACT:

The following information is valid as of December 2012:

Number of Applicants recommended from Enterprise Florida, Inc.	24
Number of Applicants Certified by DEO to Participate	23
Amount of Credit Initially Certified	\$2.6 billion
Number of Projects Completed and Audited	5
Number of Completed Projects Taking Credit	5
Amount of Credit Taken	\$90.2 million
Amount of Credit Taken in 2011	\$5.6 million

ADDITIONAL INFORMATION:

Active CITC Participants (as of March 3, 2013)			
	Company	Investment	Location
1	Bellsouth Telecommunications, Inc.	\$127m	Statewide
2	Chase (dba Pricing, Billing & Commerce Solutions)	\$82.8m	Hillsborough
3	Chico's FAS, Inc.	unconfirmed	Lee
4	Chromalloy Castings	unconfirmed	Hillsborough
5	Cox Target Media	unconfirmed	Pinellas
6	Darden Restaurants, Inc.	\$150.1m	Orange
7	Embraer Aircraft Holdings	unconfirmed	Brevard
8	Harris Corporation.	unconfirmed	Brevard
9	Jabil Circuit, Inc.	unconfirmed	Pinellas
10	Lockheed Martin Astronautics	\$356m	Brevard
11	Lockheed Martin Missiles and Fire Control	unconfirmed	Orange
12	Nabi Biopharmaceuticals	unconfirmed	Broward
13	Nipro Diagnostics, Inc.	\$38.9m	Broward
14	Planar Energy Devices, Inc.	unconfirmed	Alachua
15	SAFT Industrial Battery Group	unconfirmed	Duval
16	T. Rowe Price Associates, Inc.	unconfirmed	Pasco
17	The Boeing Company	unconfirmed	Brevard
18	The Depository Trust & Clearing Corporation	\$35.7m	Hillsborough
19	UBS AG	unconfirmed	Dade
20	Verizon Corporate Resources Group, LLC	unconfirmed	Seminole

NEW MARKETS TAX CREDIT

Sections 288.9916, F.S.

INCENTIVE:

- Corporate Income Tax credits or Insurance Premium Tax credits equal to 39 percent of qualified investments in Community Development Entities (CDEs). The CDEs use qualified investments to fund projects in low-income communities. Florida's program is related to a similar federal government program.

PURPOSE:

- To encourage capital investment in low-income communities.

QUALIFYING REQUIREMENTS:

- The investor must make a qualifying investment in a CDE.
- The CDE must be certified under the federal New Markets Tax Program.
- CDEs must use these funds to invest in qualifying businesses in low-income communities. These investments are typically made in the form of loans.

APPROVAL / OVERSIGHT / LIMITATIONS:

- DEO reviews projects and approves credit allocations.
- DOR reviews credit use through its normal auditing procedures.
- The 39 percent credit must be taken in portions spread over 5 taxable years.
- A qualifying business may not receive more than \$10 million in qualifying investments under the entire program.
- The total amount of annual credits that may be awarded to CDEs is \$33.6 million per state fiscal year, and the total amount of credits that may be awarded for all years of the program is \$163.8 million.
- The New Markets Development Program expires December 31, 2022.

SIGNIFICANT HISTORY:

- 2000 -- The federal New Markets Tax Program was created by the Community Renewal Tax Relief Act.
- 2009 -- Florida created its New Markets Development Program, with an annual cap on credits of \$20 million, and a total program credit limit of \$97.5 million.
- 2012 -- The credit limits were raised to \$33.6 million per year and \$163.8 million for the life of the program, and some clarifying amendments were made.

FISCAL IMPACT:

- \$33.6 million per year; \$163.8 million over the life of the program.
- To date, \$163.8 million has been allocated.

ADDITIONAL INFORMATION:

PARTICIPATING COMMUNITY DEVELOPMENT ENTITIES	
1	Whitney New Market Fund, LLC
2	Urban Development Fund, LLC
3	Stonehenge Community Development, LLC
4	USBCDE Sub-CDE LXV, LLC
5	Enhanced Community Development, LLC
6	Advantage-BizCapital BIDCO I, LLC
7	Advantage- Southeast Community Development Fund V, LLC

QUALIFIED LOW-INCOME COMMUNITY BUSINESSES RECEIVING INVESTMENTS			
	BUSINESS	LOCATION	USE OF INVESTMENT
1	Cocoa Expo Sports	Cocoa	Construct Facility
2	Agri-Source Fuels, LLC	Dade City	Facility Expansion & Working Capital
3			
4			
5	Halifax Media Holdings & Halifax Media Acquisition	Daytona Beach	Media Acquisitions & Working Capital
6			
7	Contego Services Group, LLC	Fort Lauderdale	Working Capital
8	Patriot Risk Management	Fort Lauderdale	Employees
9	Harlem Heights	Fort Myers	Construct a Community Arts & Education Center
10	Coppert Art, LLC & Tropical Imports by Damar, LLC	Fort Pierce	Refinance & Working Capital
11	Prioria Robotics, Inc.	Gainesville	Working Capital for Contracts to provide UAVs
12			
13	Second Campbell Associates, LLC	Homestead	Create a Training Facility for a Restaurant Chain
14	Basic Products, LLC (Jerome Brown BBQ)	Jacksonville	Facility Renovations, New Equipment, Inventory & Working Capital
15	Litmark, Inc.	Jacksonville	Purchase Realty
16			
17	Lake Montessori by Weston, Inc.	Leesburg	Purchase Business & Working Capital
18	Advanced Footcare, Inc.	Miami	Purchase & Improve Realty
19	Sunburst Farms, Inc.	Miami	Corporate Headquarters & Warehouse Facilities

20	Summit Aerospace Holdings, LLC	Miami	Employees & Inventory
21	Aspira of Florida	Miami	Purchase & Renovate a Middle School
22	International Cruise Food and Hotel Supplies Inc.	Miami	Improve Operations
23			
24	Atlas Paper Mills, LLC	Miami	Refinance / Working Capital
25	University Plaza Properties, LLC	Miami	Construct Nursing Facility & Working Capital
26	Florida Trading Import & Export, Inc. (American Spice Trading Co., Inc.)	Miami	Refinance, New Equipment, Inventory & Working Capital
27	DCR Engineering Services, Inc.	Mulberry	Business Expansion & New Employees
28	ABC's of Learning and Growing, Inc.	North Lauderdale	Improve Operations
29			
30			
31	Okeechobee Funeral Home	Okeechobee	Purchase Realty
32	Orlando Telephone Company	Orlando	Operating Facility Investment
33	Harvill's Produce Company, Inc.	Orlando	Refinance and Improve Realty
34			
35	Orlando Historic Aloft Hotel	Orlando	Construct Facility
36	ESP Management of Florida, Inc.	Orlando	Refinance
37	Community Maritime Park Associates, Inc.	Pensacola	Construct Facility
38	BN Bio-Fuels, LLC	Riviera Beach	Construct a Bio-Fuel Facility
39	SunnyLand Solar, Inc.	Tallahassee	Construct Manufacturing Facility
40	Solar Distributors of America	Tallahassee	Construct commercial solar array, establish Headquarters & Working Capital
41	SolarSink, LLC	Tallahassee	Establish Manufacturing Facility
42	Manna Pro Products Florida	Tampa	Refinance & Working Capital
43	Glazer Children's Museum	Tampa	Finance Facility & Working Capital
44	Tampa Bay History Center	Tampa	Working Capital & Facility Improvements
45	Tampa Bay Arena, L.P.	Tampa	Facility Renovation
46	Drug Abuse Comprehensive Coordinating Office Properties, Inc.	Tampa	Construct Facility

URBAN HIGH-CRIME AREA JOB TAX CREDIT

Sections 212.097 and 220.1895, F.S.

INCENTIVE:

- Provides a credit of \$500 to \$2,000 per qualified job against either Sales Tax or Corporate Income Tax for creating new jobs within designated urban areas nominated by local governments and qualified by the Department of Economic Opportunity as high-crime areas.

PURPOSE:

- To encourage the creation of jobs in urban areas of Florida.¹

QUALIFYING REQUIREMENTS:

- “Qualified high-crime areas” were nominated by local governments and ranked by DEO based on:
 - Arrest rates for violent crimes and other crimes such as drug sales, drug possession, prostitution, vandalism, and civil disturbances
 - Reported crime volume and rate of specific property crimes
 - Percentage of reported index crimes that are violent in nature
 - Overall index crime volume for the area, and
 - Overall index crime rate for the geographic area
- Rankings are based on comparisons to other nominated areas, not to the community as a whole.
- Qualified high-crime areas are designated in 3 tiers, with tier one containing the highest crime areas. Available credits per job created are higher in higher-crime tiers.
- An area that has been designated as a federal Empowerment Zone is also considered a qualified high-crime area.
- Eligible businesses include sole proprietorships, firms, partnerships, and corporations predominantly engaged in:
 - Agriculture, forestry and fishing
 - Manufacturing
 - Retail
 - Public warehousing and storage
 - Hotels and other lodging places
 - Research and development
 - Motion picture production and allied services

¹ *State of Florida Job Creation Plan*, pg. 34.

- Public golf courses
- Amusement parks
- Targeted industries eligible for the targeted industry business tax refund
- Call centers or similar customer service operations that service a multistate or international market
- A qualified employee must work for an eligible business at least 36 hours per week for at least 3 months.
- A new business with at least 10 employees in a tier one area is eligible for tax credits; tiers two and three require 20 and 30 new employees, respectively.
- An existing business within a tier one area must add at least 5 employees; existing businesses in tiers two and three must add 10 and 15 more employees, respectively.
- To be eligible for this credit, an existing business's number of eligible employees as of one year before the application date must be at least as great as the number of qualified employees on January 1, 2009, or on the application date on which a credit was based for any previous application.
- A new or existing business will receive an additional \$500 credit for any qualified employee who is a welfare transition program participant.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity must approve all applications for this credit.
- The maximum credit amount that may be approved during any calendar year is \$5 million, and \$1 million is reserved for tier-one areas.
- Up to 15 high-crime areas are authorized by Florida Statutes but only 13 applications were submitted by local governments. These areas have not changed since the program's original application period in 1998.
- A municipality, or a county and one or more municipalities together, may not nominate more than one high-crime area. This limitation does not apply to Miami-Dade County.
- The size of a designated area is limited to 20 square miles in a community having more than 150,000 persons, and in smaller communities the allowable size is smaller. The designated area may consist of up to 3 noncontiguous parcels.

SIGNIFICANT HISTORY:

- Created in 1997.
- In 2001 qualified target industry businesses and motion picture production and allied services were added to the list of eligible businesses.
- In 2012, dates for the reference period number of employees for existing businesses applying for the credit for a second time or more were changed so that when a business is applying for the second time or more, the number of qualified employees the business has at the time must be no lower than the number of qualified employees that the employer had on January 1, 2009, or on the date of its previous application for this credit. The change also allowed a business to reapply for credits that had been disallowed under the law as it existed at the time of application, but would have been allowed under the law as amended.

FISCAL IMPACT:

- 13 Urban High-Crime Areas have been designated by DEO based on nominations by local governments.
- \$2.5 m in credits were approved in 2012.
- \$21.9 m in credits have been approved since the program's inception.

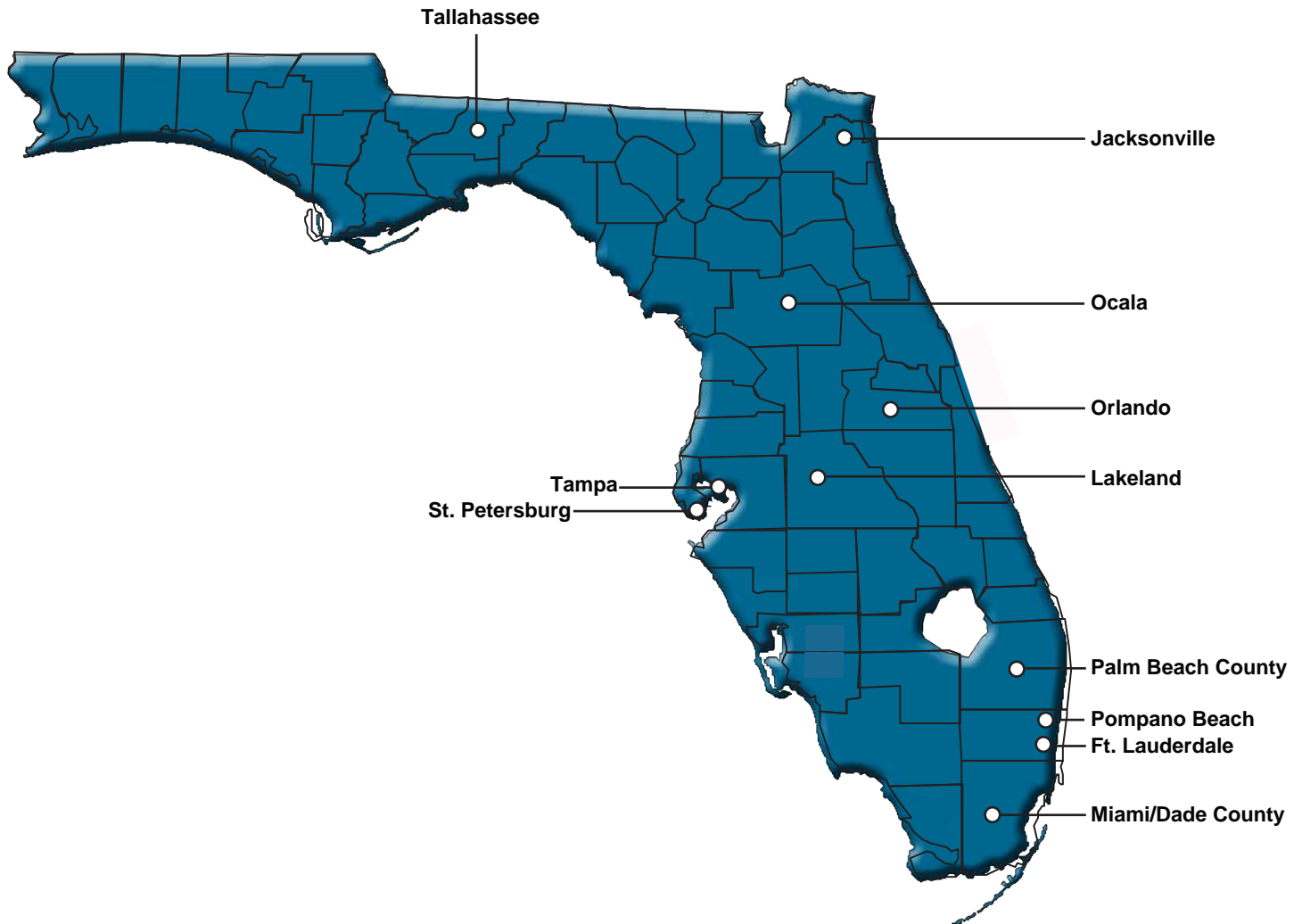
ADDITIONAL INFORMATION:

- Under this program the credit is based on the creation of new jobs; there is no ongoing obligation for the state to provide credits in the future. Job creation is measured over a 12-month period, and any change to the program could be crafted to allow any eligible business to receive credits for jobs created during its current 12-month measurement period.
- 46 percent (\$10.1 million) of the credits approved under this program have gone to hotel projects, and 2 companies—Universal City Development Partners, Ltd., and UCF Hotel Venture—have received 80 percent of those credits.
- Retail or distribution projects have received \$6.2 million in credits, and a handful of large businesses—Wal-Mart, Home Depot, Winn Dixie, Publix, Target, Lowes, and IKEA—account for \$5.6 million.
- Mail order fulfillment centers have received credits worth \$2.5 million.
- Auto dealers have received \$1 million in credits.
- Credits have been received by projects located in 11 Urban High Crime Areas, but 91 percent of credits have gone to 4 areas, namely, Orlando (48 percent), Miami-Dade (20 percent), Palm Beach (13 percent), and Jacksonville (11 percent).

- 76 percent of credits approved have gone to businesses that serve a predominantly local or regional market (retail and auto dealers) or could not easily locate elsewhere (hotels).

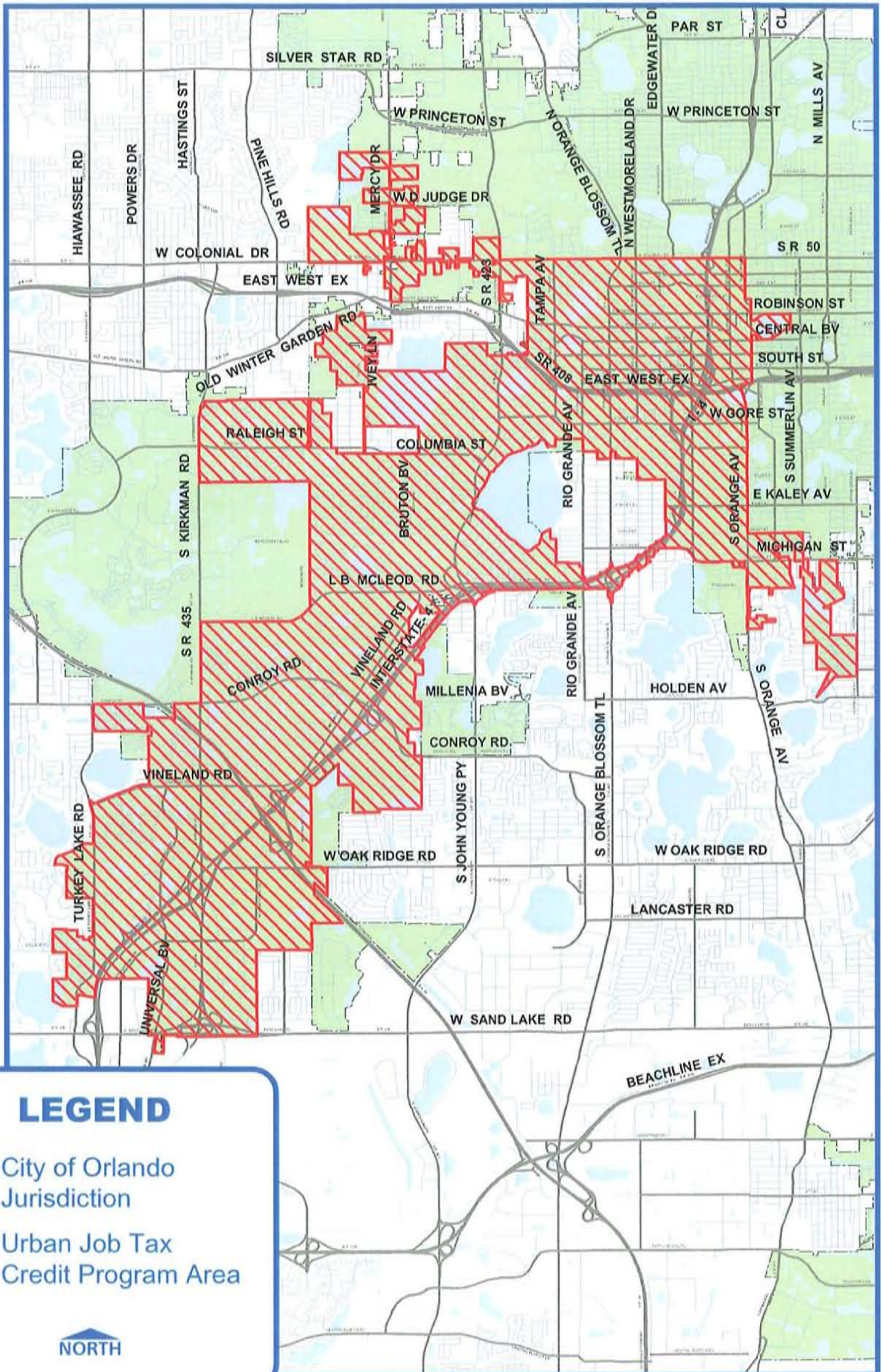
FLORIDA URBAN JOB TAX CREDIT PROGRAM

Effective January 2013



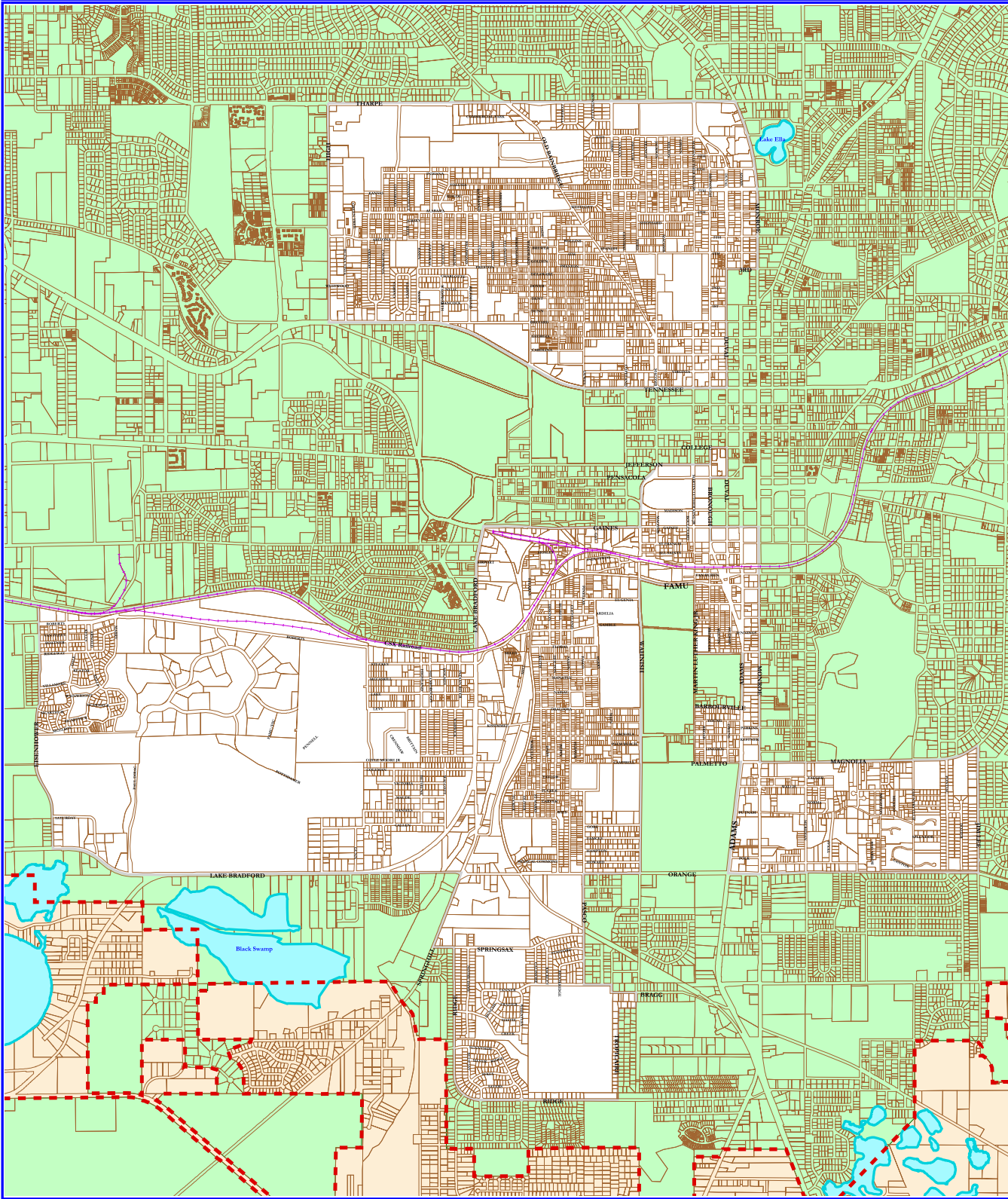
**Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street; MSC 160
Tallahassee, Florida 32399**

Urban Job Tax Credit Program Area



City of Tallahassee

Urban Job Tax Credit Program Area



	City Limits
	Lakes
	Railroad
	Parcels
	UJTCP Area
	Tallahassee
	Leon County

1 0 1 2 Miles

1 0 1 2 3 Kilometers

19
Map produced by Tallahassee-Leon County Planning Department - March 11, 2003

RURAL JOB TAX CREDIT

Sections 212.098 and 220.1895, F.S.

INCENTIVE:

- Provides a credit of \$1,000 to \$1,500 per qualified job against either Sales Tax or Corporate Income Tax for creating new jobs in rural counties.

PURPOSE:

- To encourage meaningful employment opportunities that will improve the quality of life of those employed and to encourage economic expansion of new and existing businesses in rural areas of Florida.²

QUALIFYING REQUIREMENTS:

- A “Qualified Rural Area” is any area that is:
 - Within a Rural Area of Critical Economic concern;
 - A county with a population of fewer than 75,000; or
 - A county with a population of 125,000 or fewer that is contiguous to a county with a population of fewer than 75,000.
- Eligible businesses include sole proprietorships, firms, partnerships, and corporations predominantly engaged in:
 - Agriculture, forestry and fishing
 - Manufacturing
 - Public warehousing and storage
 - Hotels and other lodging places
 - Motion picture production and allied services
 - Public golf courses
 - Amusement parks
 - Targeted industries eligible for the targeted industry business tax refund
 - Call centers or similar customer service operations that service a multistate or international market
- A qualified employee must work for an eligible business at least 36 hours per week for at least 3 months.
- A new business with at least 10 employees is eligible for tax credits.
- An existing business with fewer than 50 employees must increase employment by at least 20 percent; and existing business with more than 50 employees must add at least 10 employees.

² *State of Florida Job Creation Plan*, pg. 36.

- For existing businesses, the number of qualified employees required for the credit is measured against the number of qualified employees the business had one year prior to application for the credit.
- A new or existing business will receive an addition \$500 credit for any qualified employee who is a welfare transition program participant.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity must approve all applications for this credit.
- The maximum credit amount available to any one business in a single year is \$500,000.
- The maximum credit amount that may be approved during any calendar year is \$5 million.

SIGNIFICANT HISTORY:

- Created in 1997.
- In 2001 qualified target industry businesses and motion picture production and allied services were added to the list of eligible businesses, and total tax credits available to a business in any one calendar year were limited to \$500,000.

FISCAL IMPACT:

- 32 rural counties, 3 cities, and one rural area qualify for the program.
- \$0.2 m in credits were approved in 2012.
- \$4.5 m in credits have been approved since the program's inception.

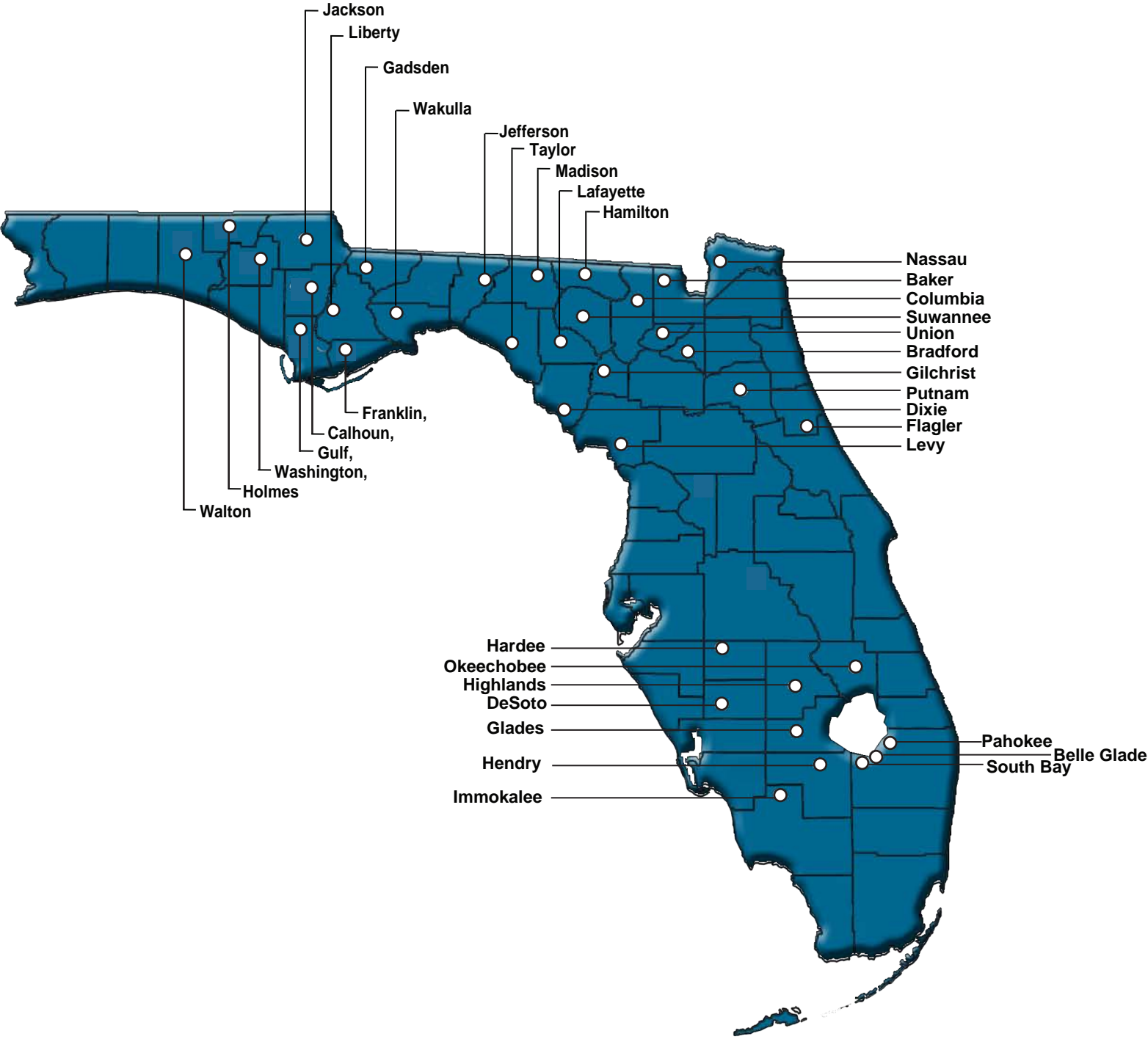
ADDITIONAL INFORMATION:

- Under this program the credit is based on the creation of new jobs; there is no ongoing obligation for the state to provide credits in the future. Job creation is measured over a 12 month period, and any change to the program could be crafted to allow any eligible business to receive credits for jobs created during its current 12-month measurement period.
- 64 applicants, representing 4,714 jobs, have been funded by this program since its inception.
- The largest single industry by number of projects is hospitality, with 24 projects and 915 jobs.
- The greatest number of credited jobs—1,490—was created in distribution centers for major retailers.
- Other industries that have received credits under this program are:
 - Food processing (980 jobs),
 - Manufacturing (420 jobs),

- Transportation and related services (332 jobs),
 - Construction and construction materials (271 jobs),
 - Business services (256 jobs), and
 - Real estate development (31 jobs).
- Projects located in 20 counties have received credits under this program.

FLORIDA RURAL JOB TAX CREDIT PROGRAM

Effective January 2013



**Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street; MSC 160
Tallahassee, Florida 32399**

FLORIDA BROWNFIELDS REDEVELOPMENT ACT

Sections 220.1845, 212.08(5)(o), 288.107, and 376.77-376.85, F.S.

INCENTIVE:

- Florida’s Brownfields Redevelopment Program offers 3 incentives for cleaning up and developing brownfield areas.
- **Voluntary Cleanup Tax Credits** are transferable corporate income tax credits for 50% of the cost of site rehabilitation, with an additional 25% credit when cleanup is complete. These credits are available to projects that are executed under a Brownfield Site Rehabilitation agreement with DEP, and are limited to \$500,000 per project per year and \$5 million annually.
- **Building Materials Sales Tax Refunds** are available in brownfield areas for construction of housing projects that set aside at least 20% of the units for low-income and moderate income persons, or mixed-use projects that set aside at least 20% of the square footage for housing reserved for low-income and moderate-income persons.
- **Brownfield Redevelopment Bonus Refund**, a tax refund of up to \$2,500 for each new job created by a pre-approved business in a brownfield area. The business must create at least 10 new jobs and satisfy other criteria, and the total amount of money available for refunds for a given year is subject to appropriation.

PURPOSE:

- To encourage cleanup and development of sites that are “abandoned, idled, or underused properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.”³
- The program provides incentives to rehabilitate contaminated sites, and develop “brownfield areas” which are contiguous areas of one or more brownfield sites, **some of which may not be contaminated**. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by actual **or perceived** environmental contamination. There are no objective criteria for designating brownfield sites or brownfield areas.

³ Office of Program Policy Analysis and Government Accountability Report No. 11-15, “Over 600 Brownfield Acres Cleaned Up; Businesses Tax Advantage of Program Incentives,” p. 1.

QUALIFYING REQUIREMENTS:

- A local government may designate a brownfield area by resolution.
- Voluntary Cleanup Tax Credits are 50 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation in the previous year. An additional 25 percent of total cleanup costs is available in the final year of cleanup. This credit is also available for cleanup of a drycleaning-solvent contaminated site.
- Building materials sales tax refunds are available for housing projects and mixed use projects in brownfield areas if at least 20 percent of the project is set aside for low-income and moderate-income persons.
- Brownfield Redevelopment Bonus Refund, a tax refund of up to \$2,500 for each new job created by a pre-approved business in a brownfield area, is limited to a qualified target industry business, or a business that provides benefits to its employees and that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities or at least \$500,000 in brownfield areas that do not require site cleanup. At least 10 new full-time permanent jobs must be created, and the actual amount of the refund is 20 percent of the average annual wage for the jobs created.

APPROVAL / OVERSIGHT / LIMITATIONS:

- Voluntary Cleanup Tax Credits require a Site Rehabilitation Agreement between the responsible party and either the Department of Environmental Protection (DEP) or a county with authorized program authority and DEP must authorize the credits.
- Voluntary Cleanup Tax Credits for any project are limited to \$500,000 per year, and the total amount of tax credits that may be granted under this program is limited to \$5 million annually. As of June 30, 2012, there was a backlog for unissued credits of \$13.6 million.
- The Department of Revenue also oversees these tax credits and building materials sales tax refunds through its normal auditing procedures.
- Brownfield Redevelopment Bonus Refunds require a recommendation by resolution of the governing board of the county or municipality that certain types of businesses be approved by the Department of Economic Opportunity.
- The total amount of bonus refunds approved in any fiscal year is limited by the amount appropriated to the Economic Development Incentives Account for this purpose.

SIGNIFICANT HISTORY:

- Created in 1997 as a voluntary program in which a local government may designate a brownfield area by resolution.

- In 2000 additional types of businesses were made eligible for the Brownfield Redevelopment Bonus Refund, and in 2009 the minimum investment required to qualify for the bonus refund was reduced for investments in brownfield areas that do not require site cleanup.
- In 2011 the annual authorization for the Voluntary Cleanup Tax Credit was increased from \$2 million to \$5 million.

FISCAL IMPACT:

- As of June 30, 2012, brownfield areas have been designated in 43 counties. There are 312 designated areas covering 226,948 acres.
- The extent of property subject to cleanup is much smaller--167 brownfield site rehabilitation agreements have been executed covering 3,642 acres. This equals 1.6% of total brownfield areas.
- Rehabilitation has been completed on 54 sites, totaling 812 acres, or 22% of the area covered by rehabilitation agreements.
- Voluntary Cleanup Tax Credits--\$5 million annually, \$20.5 million credits issued since program began through FY 2011-12. As of June 30, 2012, there was a backlog for unissued credits of \$13.6 million.
- Building Materials Sales Tax Refunds— \$1.2 m in FY 2011-12, \$7.0 m since FY 2005-06.
- Brownfield Redevelopment Bonus Refund--\$8.0 m through FY 2011-12.

ADDITIONAL INFORMATION:

- Maps of all brownfield sites and areas can be viewed on the DEP website: <http://ca.dep.state.fl.us/mapdirect/?focus=brnfls>
- Some local governments have designated brownfield areas that are far larger than actual brownfield sites; others have limited the brownfield area designations.
- There are advantages to expansive brownfield areas because it is easier to initiate a site rehabilitation agreement for voluntary cleanup in a designated brownfield area.
- The Legislature could limit Brownfield Redevelopment Bonus Refunds and building materials sales tax refunds to actual brownfield sites and locations within a limited distance of these sites.
- The attached maps show where brownfield areas are located in the state and details of brownfield areas and sites in parts of Miami-Dade County and the cities of Orlando and Tampa.

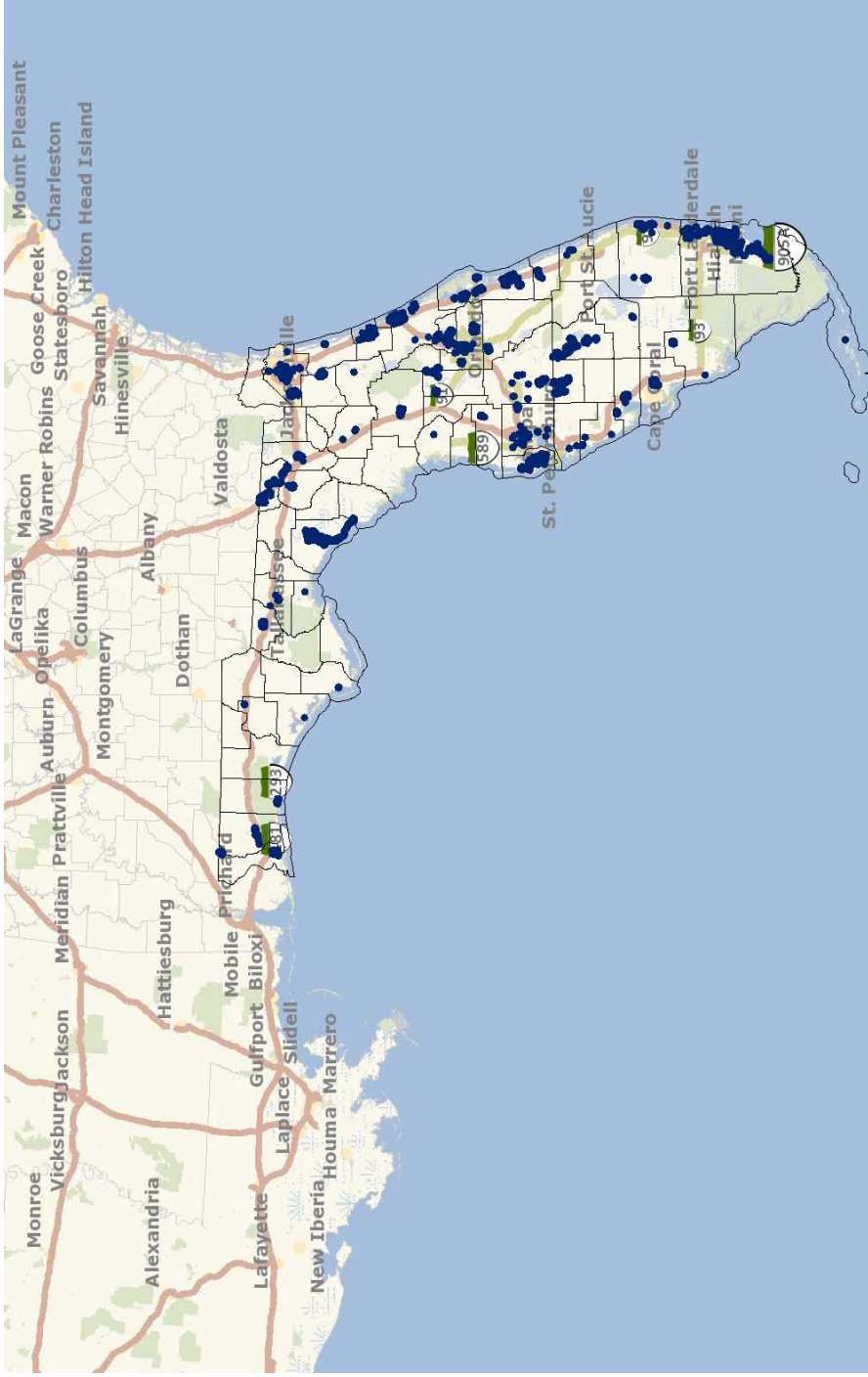
- 42 projects have been **approved** for Brownfield Redevelopment Bonus incentive payments worth \$12.8 million (\$1 million was for a project that was subsequently terminated).⁴
- 15 projects have **received** Brownfield Redevelopment Bonus incentive payments of \$2.2 million.
- The single largest business type to receive bonus incentives is retail, with 16 projects. Other recipients include manufacturing (10 projects), wholesale distributors (4 projects), restaurants (3 projects), hotels and call centers (2 projects each), and recycling and smelting (1 project each).

⁴ Department of Economic Opportunity Economic Development Incentives Portal, Report Generated on 03/03/13

Map Direct: Brownfields



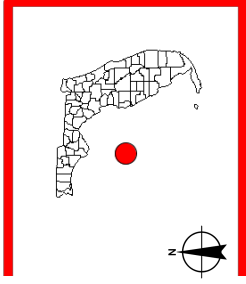
32°53'37.6118", -93°32'23.6683"



22°15'30.2177", -92°09'18.8977"



22°23'43.5616", -77°46'18.1223"



Scale 1:8,277,092

Satellite Photo

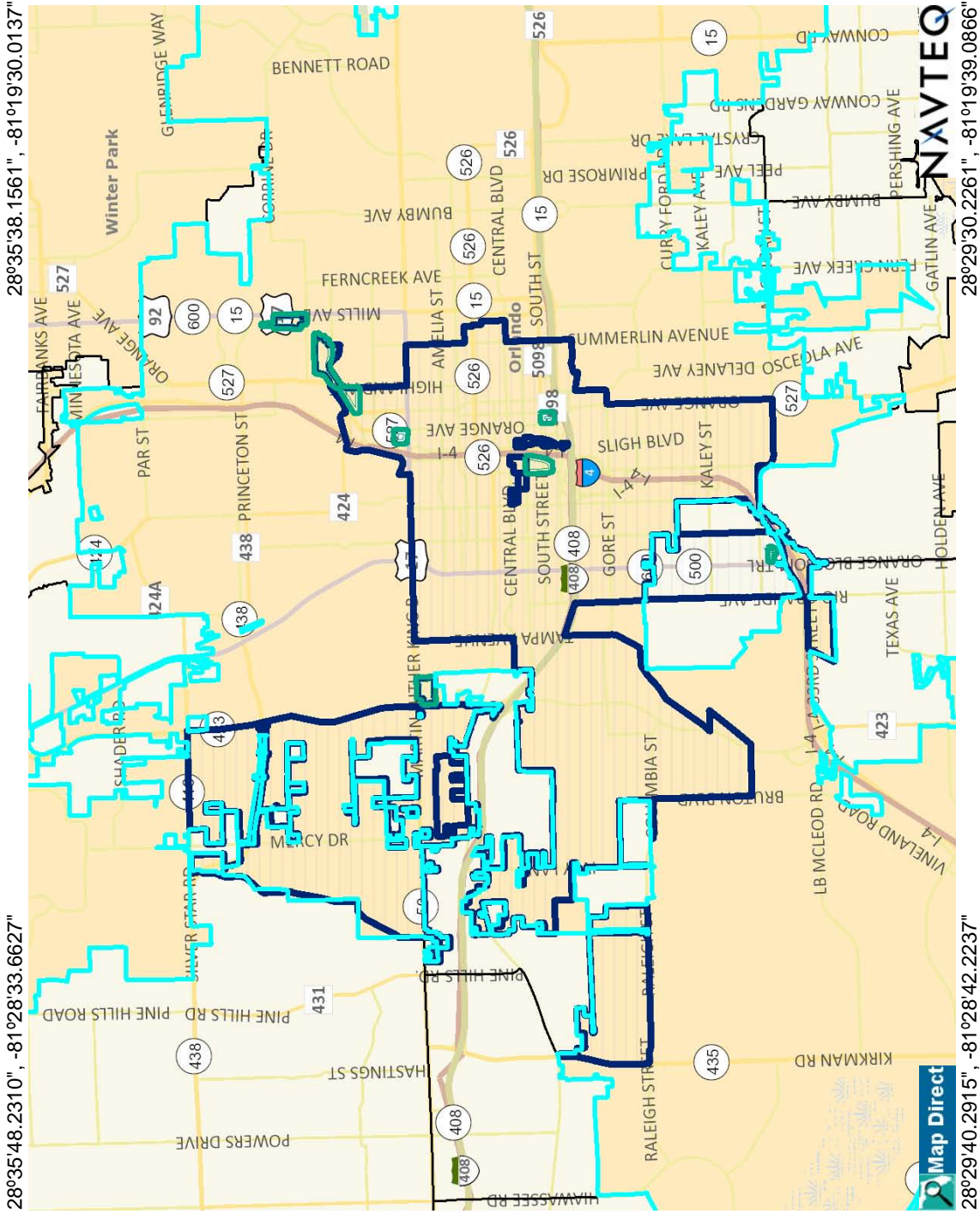
Counties

Brownfield Areas



Florida Department of Environmental Protection Disclaimer: This map created in Map Direct on Mon, 4 Mar 2013 14:32:39 UTC is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, and for varying purposes. The road data is provided as a service to the user and is not intended for a navigational purpose, satisfactory quality and non-infringement. YOU SHOULD THEREFORE VERIFY ANY INFORMATION OBTAINED FROM THIS SITE BEFORE ACTING ON IT.

Map Direct: Brownfields



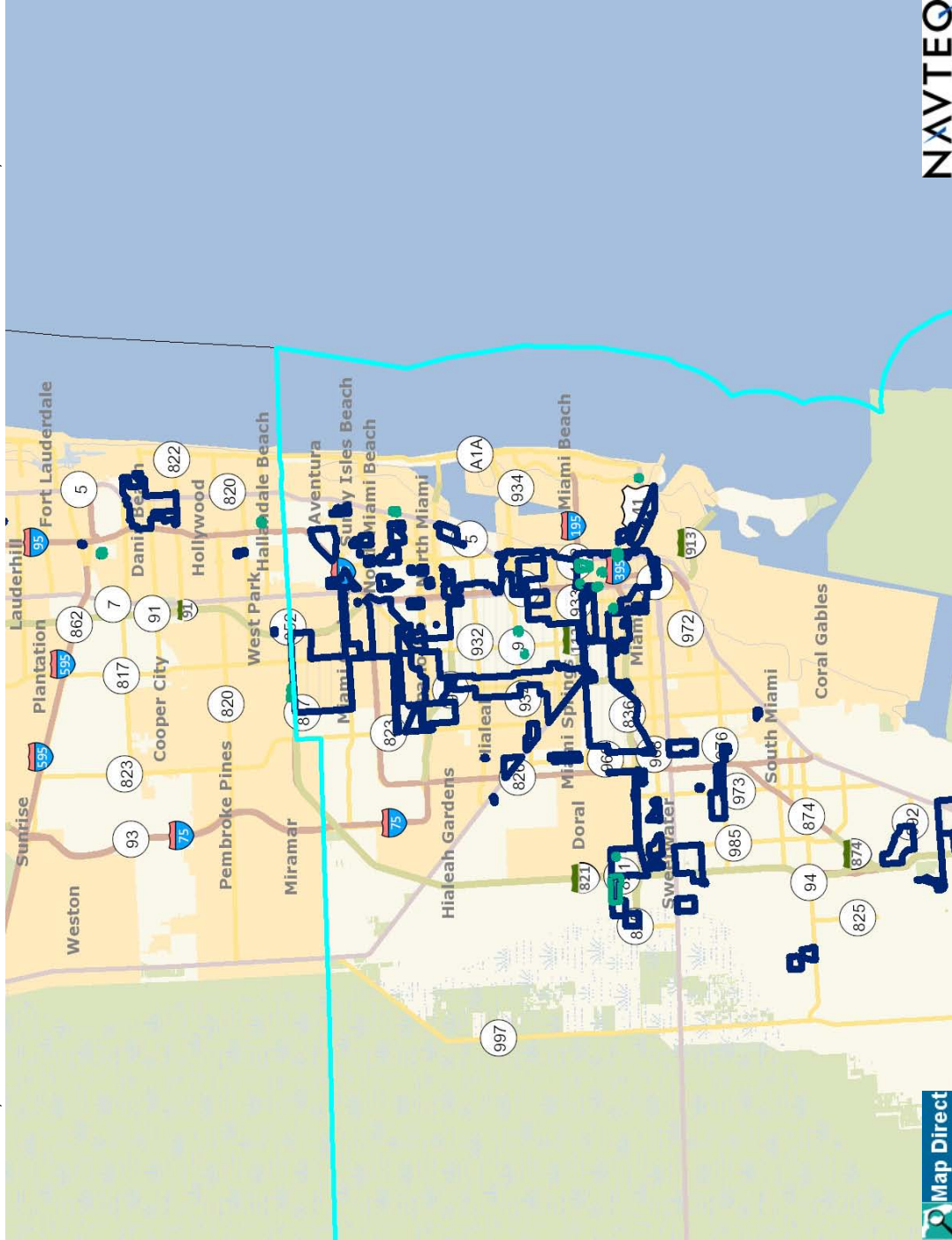
Florida Department of Environmental Protection Disclaimer: This map created in Map Direct on Mon, 4 Mar 2013 15:10:37 UTC is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, and for differing purposes. The user is responsible for determining the accuracy, reliability, and completeness of any information displayed on this map. Map Direct does not warrant, represent, or guarantee the accuracy of any information displayed on this map. Map Direct is not responsible for any errors or omissions, or for any consequences arising from the use of the information. YOU SHOULD THEREFORE VERIFY ANY INFORMATION OBTAINED FROM THIS SITE BEFORE ACTING ON IT.

Map Direct: Brownfields



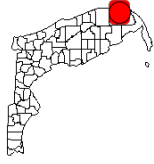
26°08'27.9585", -80°36'0.6570"

26°07'11.5231", -79°49'52.7811"



25°36'30.2758", -80°36'59.1585"

25°35'14.1766", -79°51'4.4944"



Scale 1:413,855

Aerial Imagery 2004-2009

Counties



Aerial Imagery Flight Dates
2004-2009

Brownfield Sites

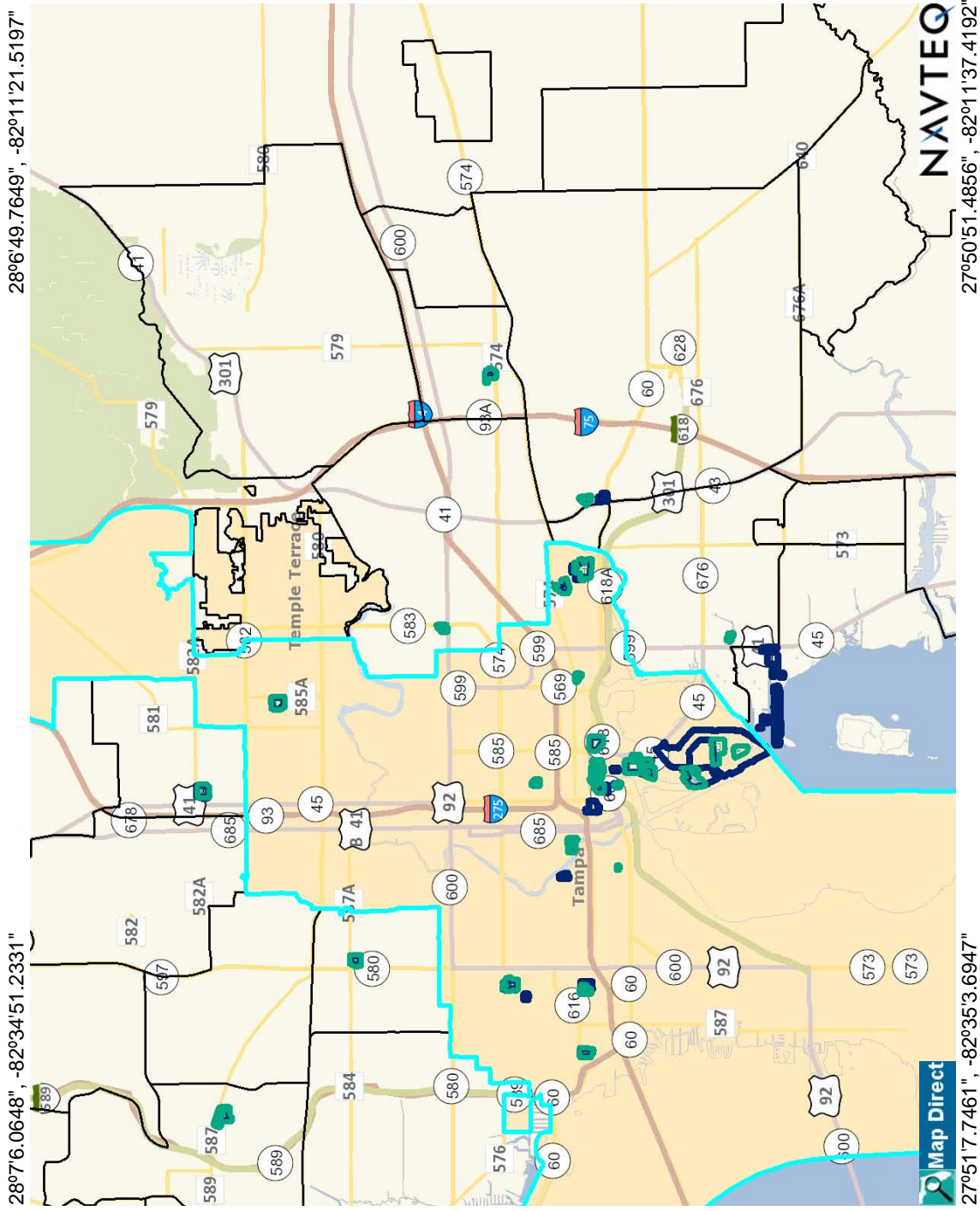


Brownfield Areas



Florida Department of Environmental Protection Disclaimer: This map created in Map Direct on Mon, 4 Mar 2013 14:55:19 UTC is intended for display purposes only. It was created using data from different sources collected at different scales, with different intended accuracy, or for purposes other than those intended for this use. The user assumes all responsibility for any errors, omissions, or inaccuracies in the data provided. The user shall not be held liable for any damages, including consequential damages, arising from the use of this information. YOU SHOULD THEREFORE VERIFY ANY INFORMATION OBTAINED FROM THIS SITE BEFORE ACTING ON IT.

Map Direct: Brownfields



Scale 1:206,928

- Aerial Imagery 2004-2009
- TIGER 2010 Places
- Counties
- Aerial Imagery Flight Dates 2004-2009
- Brownfield Sites
- Brownfield Areas

Florida Department of Environmental Protection Disclaimer: This map created in Map Direct on Mon, 4 Mar 2013 15:04:04 UTC is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, or for different purposes. The road data is provided as a service and is not intended for navigation purposes. The accuracy of any data is not guaranteed. You should verify any information obtained from this map before acting on it.

FLORIDA EMPLOYEES' SALARY INSURANCE PREMIUM TAX CREDIT

Section 624.509(5), F.S.

INCENTIVE:

- This statute provides a credit against the insurance premium tax equal to 15 percent of the amount paid by an insurer in salaries to employees located or based within Florida.

PURPOSE:

- To encourage insurance companies to locate employees in Florida.

QUALIFYING REQUIREMENTS:

- Employees of the insurance company, or employees of an affiliated group of corporations who perform insurance-related activities, must be located or based within Florida to qualify for the credit.

APPROVAL / OVERSIGHT / LIMITATIONS:

- "Salaries" does not include amounts paid as commissions, and "employees" does not include independent contractors or persons required to hold a license under the Florida Insurance Code (including insurance agents), except for adjusters, managing general agents, and service representatives.
- The sum of the salary credit and the credit for Florida corporate income taxes paid cannot exceed 65 percent of the premium tax due after deducting the taxes paid under s. 175.101 and s. 185.08, F.S., (Municipal Firefighters' Pension Fund and Municipal Police Retirement Fund Credits) and any assessments under s. 440.51, F.S.(Workers Compensation Assessments Credits).

SIGNIFICANT HISTORY:

- In 1949, the Legislature provided an insurance premium tax exemption for insurers that maintained their home offices in Florida.
- In 1953 it reduced premium taxes of a foreign insurance company incorporated under the laws of another state or foreign country, if the company owned and substantially occupied any building in the state as a regional home office.

- In 1985, the U.S. Supreme Court ruled in *Metropolitan Life Insurance Company v. Ward* that a domestic preference provision in Alabama's insurance tax law similar to the preference provision in Florida at the time violated the Equal Protection Clause.
- Florida and other states looked for ways to provide tax breaks to their domestic insurance companies that would pass constitutional muster, and in 1987 the Florida Legislature responded by repealing its own domestic preference provision and replacing it with a Florida Employees' Salary Credit.
- Chapter 87- 99, L.O.F, provided a credit against the net insurance premium tax equal to 10 percent of the amount paid by an insurer in salaries to employees located or based within Florida.
- The salary credit was increased to 15 percent by ch. 88-206, L.O.F, which also increased the amount of credit granted for corporate income taxes and Florida employees' salaries.

FISCAL IMPACT:

- In 2011, \$219.8 m in Florida employees' salary credit was taken against the insurance premium tax.

ADDITIONAL INFORMATION:

- Since 2006, the actual salary credits **taken** have ranged from \$202 million in 2006 to \$234.4 million in 2010.
- Total salary credits **available** have ranged from \$312.3 million in 2007 to \$399.1 million in 2008. Some credits are unused because the total amount of combined salary and corporate income tax credits that can be taken is capped at 65 percent of premium tax due after deductions.
- According to research done by NCSL, Arkansas is the only other state that provides an across-the-board salary credit against insurance premium tax. Several states allow premium tax credits for creating new jobs under programs meant to encourage job creation.
- Citizens Insurance is subject to the insurance premium tax laws, including the credit for employees' salaries. This credit is available to any insurance company with employees located in Florida, up to 65 percent of its net premium tax.

FLORIDA ENTERPRISE ZONE PROGRAM

PURPOSE:

- The Florida Enterprise Zone Program was created in 1982 to encourage economic development in economically distressed areas of the state by providing incentives and inducing private investment.

INCENTIVES: The Florida Enterprise Zone Program includes a variety of tax incentives available to qualified businesses.

- **Enterprise Zone Jobs Tax Credit – Sales and Use Tax (s. 212.096, F.S.) or Corporate Income Tax (s. 220.181, F.S.)**
Businesses located in an enterprise zone can receive sales tax or corporate income tax credits for wages paid to new employees who have been employed for at least three months and are residents of a Florida enterprise zone. The amount of the credit is limited to 20% of monthly wages, or 30% of monthly wages if at least 20 percent of all full-time employees are enterprise zone residents. For rural enterprise zones, the credit is limited to 30% of monthly wages, or 45% of monthly wages if at least 20 percent of all full-time employees are enterprise zone residents. The qualified business may receive the credit for up to 24 months.
- **Enterprise Zone Property Tax Credit - Corporate Income Tax (s. 220.182, F.S.)**
New or expanded businesses located in an enterprise zone can receive corporate income tax credits for property taxes paid in Florida. To qualify, a business must hire 5 or more additional full-time employees. The amount of the credit is limited to \$25,000 per business, or \$50,000 if at least 20 percent of full-time employees are enterprise zone residents. The qualified business may receive the credit for up to 5 years.
- **Sales Tax Refund for Building Materials Used in an Enterprise Zone (s. 212.08(5)(g), F.S.)**
A refund is available for sales taxes paid on the purchase of building materials used to rehabilitate real property located in an enterprise zone. The amount of the refund is limited to \$5,000 per parcel of property, or \$10,000 if at least 20 percent of full-time employees are enterprise zone residents. The refund is limited to one per parcel of property.

- **Sales Tax Refund for Business Machinery and Equipment Used in an Enterprise Zone (s. 212.08(5)(h), F.S.)**

A refund is available for sales taxes paid on the purchase of certain business property, (e.g., tangible personal property such as office equipment, warehouse equipment, and some industrial machinery and equipment). The minimum purchase price of equipment is \$5,000 per unit. The amount of the refund is limited to \$5,000, or \$10,000 if at least 20 percent of full-time employees are enterprise zone residents.

- **Sales Tax Exemption for Electrical Energy Used in an Enterprise Zone (s.212.08(15), F.S.)**

Qualified businesses located in an enterprise zone are eligible for a sales tax exemption on their electricity purchases if the municipality in which they are located has enacted an ordinance providing an exemption from municipal utility tax. The sales tax exemption is 50 percent or 100 percent if at least 20 percent of full-time employees are enterprise zone residents. The qualified business may receive the exemption for up to 5 years.

QUALIFYING REQUIREMENTS:

- Sections 290.001-290.016, F.S., authorize the creation of enterprise zones and establish criteria and goals for the program. Prior to submitting an application for an enterprise zone, a local governed body must determine that an area:
 - Has pervasive poverty, unemployment, physical deterioration, and economic disinvestment;
 - Needs rehabilitation or redevelopment for the public health, safety, and welfare of the residents in the county or municipality; and
 - Can be revitalized through the inducement of the private sector.
- An enterprise zone is subject to the following mileage limitations:
 - Up to 20 square miles for a rural enterprise zone or for communities with a population of 150,000 or more.
 - Up to 10 square miles for communities with a population between 50,000 and 150,000.
 - Up to 5 square miles for communities with a population between 20,000 and 50,000.
 - Up to 3 square miles for communities with a population less than 20,000.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity is responsible for approving applications for enterprise zones, and also approves changes to the boundaries of an enterprise zone. As part of the application process for an enterprise zone, the county or municipality in which the designation will be located is also responsible for creating an Enterprise Zone Development Agency and an enterprise zone development plan.

SIGNIFICANT HISTORY:

- Created in 1982 and revised several times since.
- There are currently 65 enterprise zones.
- The Florida Enterprise Zone Program is repealed December 31, 2015.

FISCAL IMPACT:**Enterprise zone incentives (\$ claimed)**

Category	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Jobs Credit - Sales Tax	6,777,250	6,087,843	5,732,605	5,227,245	5,683,252	757,739	865,560
Jobs Credit – Corporate Tax	4,253,621	5,919,236	5,507,311	5,072,555	4,348,031	4,956,598	4,455,624
Property Tax Credits	1,267,999	2,291,961	2,184,036	1,910,708	1,384,668	1,994,562	1,022,199
Building Materials Refunds	7,415,711	18,855,129	25,665,025	30,994,860	54,012,915	13,590,376	2,462,136
Business Equipment Refunds	2,940,864	1,771,396	1,269,955	1,139,066	1,035,562	679,440	1,228,479
Electric Energy Exemption	778,090	793,179	606	1,007,007	1,138,054	972,185	900,476
Total all zones	23,433,535	35,718,744	40,359,538	45,351,441	67,602,482	22,950,900	10,934,474

ADDITIONAL INFORMATION:**OPPAGA Report No. 11-01 (January 2011)**

- Other states' enterprise zone programs are similar to Florida's.
- Research in Florida and other states has found mixed results regarding program effectiveness.
- Low program participation limited progress towards meeting major legislative goals.
- EZ coordinators rated program performance and incentives as moderately effective.
- EZ coordinators suggested program improvements (e.g., reducing incentive thresholds).

The Legislature could consider several options to modify the Enterprise Zone Program:

- Modify program eligibility requirements to encourage participation.
- Target program incentives to encourage job creation.
- Implement a one-year program moratorium.
- Abolish the program.
- Allow the program to sunset on December 31, 2015.

A copy of the OPPAGA report can be found here:

www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1101rpt.pdf

Florida Enterprise Zone Program Annual Reports

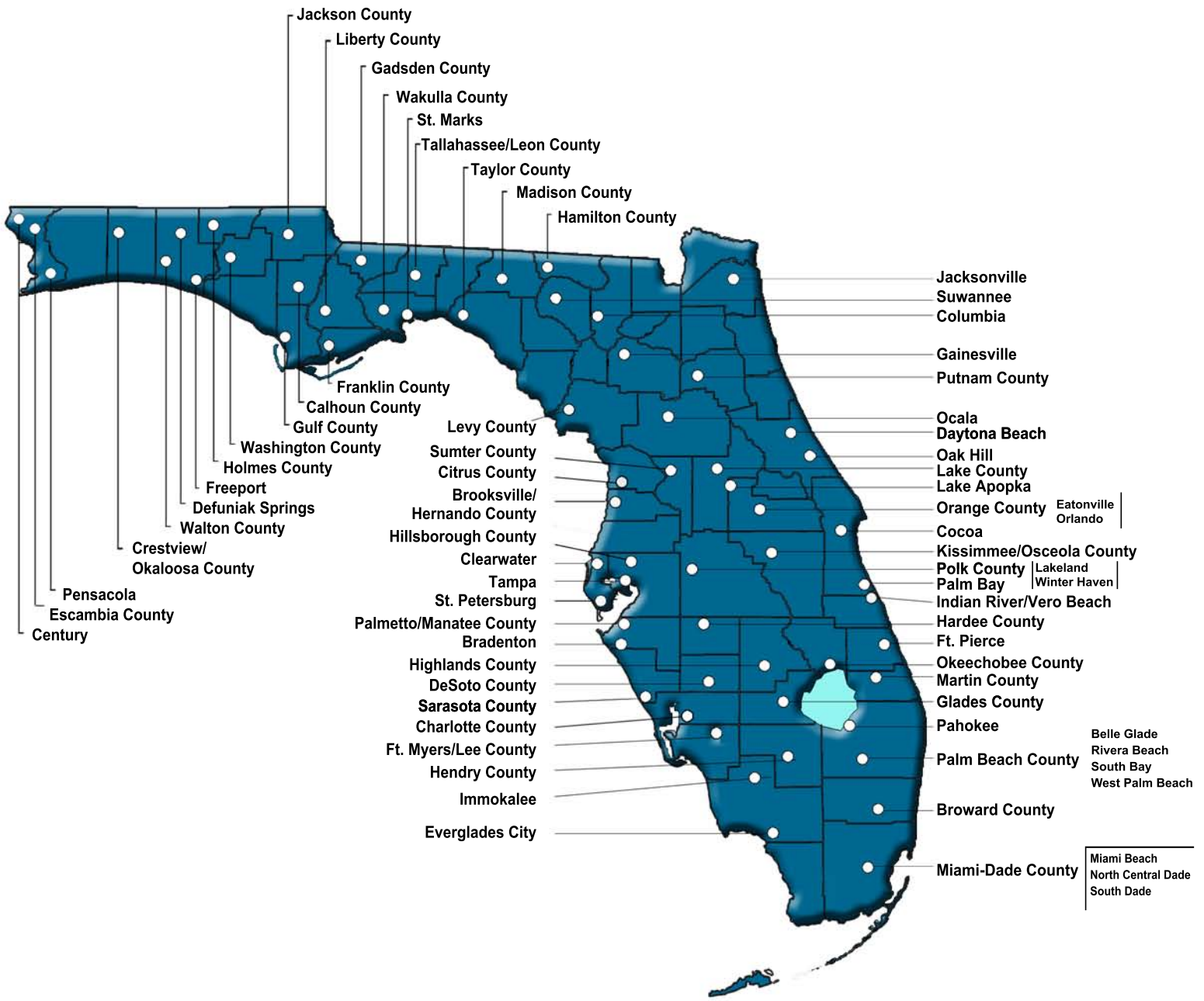
By March 1st of each year, the Department of Economic Opportunity submits a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each year’s annual report is based on information provided by the local Enterprise Zone Development Agencies and the Florida Department of Revenue. The purpose of the reports is to examine the impact of the program and monitor the use of state and local incentives.

Summary: FY 05-06 to FY 11-12

Category	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	Total
Businesses Moved into or Created	3,324	4,976	2,719	3,104	7,559	4,103	4,500	30,285
Jobs Created	12,490	11,456	9,600	9,073	6,784	11,559	11,602	72,564
State Incentives Claimed	\$23.43m	\$35.72m	\$40.36m	\$45.35m	\$67.60m	\$22.95m	\$10.93m	\$246.34m
Number of Zones	55	56	56	56	59	59	63	

FLORIDA ENTERPRISE ZONES

EFFECTIVE JANUARY 1, 2013



Florida Department of Economic Opportunity
 Division of Community Development
 107 East Madison Street; MSC 160
 Tallahassee, Florida 32399
www.floridaenterprisezone.com

ENTERTAINMENT INDUSTRY FINANCIAL INCENTIVE PROGRAM

Sections 288.1254, F.S.

INCENTIVE:

- Transferable Corporate Income Tax credits and/or Sales and Use Tax credits are provided to companies that produce films, commercials, music videos, television shows, video games, etc. within Florida.

PURPOSE:

- To encourage the use of Florida as a site for filming, for the digital production of films, and to sustain the workforce and infrastructure for film, digital media, and entertainment production.

QUALIFYING REQUIREMENTS:

- Productions that qualify include motion pictures, television programs, digital effects and animation sequences, commercials, music videos, industrial/educational films, telenovelas, game shows, and digital media projects (video games, animations, interactive websites, etc.)
- 60 percent of the production cast and certain crew positions must be filled by Florida residents (75 percent for digital media projects).
- The project cannot include obscene content.
- The credit is calculated based upon qualifying expenditures. Qualifying expenditures include:
 - Goods and services, purchased or leased from a supplier in Florida, and
 - Salary or wage payments to Florida residents (\$400,000 per person limit).

Entertainment Industry Financial Incentive Program			
FY 2010/11 – 2015/16	\$296 million		
Queue	General Production	Commercials and Music Videos	Independent and Emerging Media
Credit Allocation	94% \$284 million	3% \$8.9 million	3% \$8.9 million
Required Expenses	\$625,000	\$500,000	\$100,000
Credit Calculation	20% of Expenses	20% of Expenses	20% of Expenses
Bonus Credits	15% Film Students 5% Qual. Prod. Facility 5% Off-season 5% Underutilized region 5% Family-friendly	None	5% family-friendly 5% Off-Season
Maximum Credit	30% \$8 million per project	20% \$500,000 per project	30% \$125,000 per project
Internal Allocation Limit	No greater than 45% of credits awarded after 4/1/2012 can go to high-impact television	None	None
Credit Carryforwards	5 years	5 years	5 years
Credit Transfers	Transferable	Transferable	Transferable

APPROVAL / OVERSIGHT / LIMITATIONS:

- Applicants must apply to DEO to determine if their project qualifies.
- DEO certifies credit amount after production is completed.
- DOR oversees credit use through DOR's normal auditing procedures.
- Anecdotal evidence suggests that credits are sold at 85-98% of their value.

SIGNIFICANT HISTORY:

- 2003 – Florida created the Entertainment Industry Financial Incentive Program. Initially, the program was structured as a reimbursement program, rather than a tax credit program. Qualifying projects could earn payments based on expenses.
- 2005 – The program was expanded to cover more types of projects and to remove time restraints (prior to 2005, certain projects had to have minimum airtimes).
- 2007 – The program was substantially reworded and amended to bring it up to date to industry practices.
- 2009 – The program was amended to increase the queue allocation for independent Florida filmmakers and to allow excess amounts to flow to digital media projects.
- 2010 – The program was substantially rewritten and changed into a tax credit program. Tax credits were allocated for FY 2010-11 through FY 2014-15, totaling \$242 million.
- 2011 – The program was amended to limit the allocation of credits to television series, provide additional credits for certain activities, and permit limited transfers of credits. An additional \$12 million of credit was added for FYs 2012-13, 2013-14, and 2014-15, raising the total credit under the program to \$254 million.
- 2012 – The program was amended to add an additional year of allocations of \$42 million (FY 2015-16), and to delay the television series limitations that were passed in 2011.

FISCAL IMPACT:

FISCAL YEAR	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
ANNUAL	\$53.5m	\$74.5m	\$42m	\$42m	\$42m	\$42m
TOTAL	\$296 million					

TOP 5 CREDIT ALLOCATION CATEGORIES AND PERCENT OF TOTAL CREDIT ALLOCATIONS		
HIGH-IMPACT TELEVISION SERIES	\$118.6m	40.6%
VIDEO GAMES	\$56.8m	19.4%
MOTION PICTURES	\$47.5m	16.3%
TELENOVELA TELEVISION SERIES	\$26.4m	9.0%
OTHER (INCLUDES 13 CATEGORIES, EACH CLAIMING LESS THAN 3.4% OF TOTAL CREDIT)	\$43.0m	14.7%

QUALIFIED PRODUCTION COMPANY SALES TAX EXEMPTION

Sections 288.1258, 212.031(1)(a)9. and 212.08(5)(f), F.S.

INCENTIVES:

- A purchase or lease of motion picture and sound recording equipment is exempt from sales tax. The exemption may include a building and its structural components when they are closely related to the motion picture or sound recording equipment.
- A lease of property that is used as an integral part of a motion picture is exempt from the sales tax on commercial rentals.

PURPOSE:

- To encourage commercial filming and recording activities in Florida

QUALIFYING REQUIREMENTS:

- The exemption is for companies that produce motion pictures, television programs, commercials, music videos and sound recordings.

APPROVAL / OVERSIGHT / LIMITATIONS:

- Production companies apply to DOR for a certificate of exemption.
- DEO ultimately approves the applicants.

SIGNIFICANT HISTORY:

- 1983 – Created sales tax exemption, which would be obtained by a refund through the Department of Revenue.
- 2000 – Restructured the program to create oversight of production companies by the Office of Film and Entertainment.

FISCAL IMPACT:

- \$30.1 million

INTERCOMPANY TRANSACTIONS

1. A Corporation's State Income Tax Liability

a. Tax Rate

Forty-seven states and the District of Columbia impose a corporate income tax. The rates vary between 1 and 12 percent. The states that do not impose a tax are Nevada, South Dakota, Washington, and Wyoming. Texas and Ohio could be said not to have income taxes, but they do have similar tax burdens that are not measured on income.

b. Type of Income

Some states have a unique definition of "income." For instance, Delaware does not impose tax on income from intangible assets.

c. Consolidated Filing / Separate Return Filing

Many modern businesses are not made up of a single corporation doing business one state, but rather consist of many commonly-owned corporations doing business in many states. Some states permit separate filing by each individual corporation. However, as of 2010, twenty-two states required all related corporations to join in a single return (often referred to as a "combined report"). These combined reporting states then determine what their share of the total "corporate family" income is through their apportionment formula.

All southeastern states are "separate return" states. Additionally, some states throughout the Midwest and Northeast remain separate return states.

Separate return states are especially susceptible to the techniques described below.

2. Use of Intercompany Transactions

a. Basics

When a business transaction crosses state lines, it has the potential to "shift" income from one state to the other. For example, if a business in Florida buys a product from a business in Alabama, the Alabama business will have an item of income, while the Florida company will have a business expense (less income).

Some businesses use this “shifting” feature of multi-state transactions to move income to a no-tax or lower-tax state. By creating a subsidiary in a no-tax or lower-tax state and having that subsidiary conduct business with related corporations, a business can “shift” income to the no-tax or lower-tax state.

b. Leases

i. Intangible Holding Companies

Intangible Holding Companies are probably the most well-known method for using intercompany transactions to lower taxes. The basic structure is to create a holding company in a state that either does not have a tax or does not tax income from intangible assets. The main business then transfers its intangible assets (usually a trademark) to the holding company. The holding company then charges its related companies in other states a fee for the use of the intangible asset in the other state. In paying for the use of the intangible, the companies that are located in states that impose taxes (in-state companies) are creating business expenses.

This technique was involved in the recent case reported in Florida.

ii. Real Estate Investment Trusts

Real Estate Investment Trusts use the same type of structure, but rather than lease payments for an intangible asset, the in-state companies pay rent for the use of realty. The rental payments are made to a Real Estate Investment Trust that then pays out dividends to a company located in a no-tax state. By doing this, the in-state companies create a rental expense.

This technique is not effective in Florida due to Florida’s sales tax on commercial rents.

c. Transfer Pricing Issues

Related companies can also be used to reduce income through the use of inflated pricing. When a company calculates its income from the sale of a product, the income generally is the sales price of the item minus all of the costs of producing it.

The purchaser of a product can insert a related company between itself and a supplier in an effort to inflate the price it pays for supplies. For instance, a Florida company purchasing supplies could have the supplier sell the product to a related company in a low-tax or no-tax state. The related company could then inflate the price of the product when selling it to the Florida company. By doing so, the Florida company reduces its income because of the higher cost of goods.

d. Loans

Related companies can be established in no-tax states to make loans. In paying the interest on the loan, the in-state company creates an interest deduction.

e. Management Fees

Related companies can be established to provide management services. In paying for the management services, the in-state company creates a regular business expense.

3. Methods to Impose Tax

a. Add-Back Statute

A legislative approach to address these techniques is to require the Florida company to disregard or “add-back” the business expense for the payment to the related subsidiary.

In 2009, the Senate Committee on Finance and Taxation considered and passed a bill that contained an add-back provision. It addressed payments to related companies for intangible assets, interest, and management fees.

b. Impose Tax on “Out-of-State” Company

i. Nexus

A state could attempt address these related-company issues by attempting to subject the no-tax state subsidiary to tax. The primary obstacle to overcome is the Commerce Clause requirements of the federal Constitution. The U.S. Supreme Court has interpreted the Commerce Clause to require that a company must have a sufficient presence within the taxing state to support taxation. The Court has not provided a lot of guidance on what presence is sufficient in the context of income taxes. Oftentimes, these related companies will not have employees or a location within the state.

ii. Litigation Has Mixed Results

States that have attempted to impose tax have had varying results:

Toys-R-Us.....Taxable. South Carolina (1993)
SYL, Inc.....Not Taxable. Maryland (1999)
Lane Bryant.....Not Taxable. New Jersey (2003)
Autozone.....Not Taxable. Louisiana (2004)
KFC.....Taxable. Iowa (2010)
Conagra Brands, Inc.....Not Taxable. West Virginia (2012)

c. Consolidated Reporting (“Combined Reporting”)

The approach taken by 22 states is to require all related companies to join in a single return. With this approach, all of the income of every related corporation is included; the state just uses its apportionment factor to determine the portion of the combined income that is subject to tax.

SELECTED SALES TAX EXEMPTIONS FOR INDUSTRIAL MACHINERY AND EQUIPMENT

Generally, the sale at retail of tangible personal property, including industrial machinery and equipment, is subject to sales tax. Currently, there are several sales tax exemptions for machinery and equipment available to eligible businesses under specified conditions. These exemptions generally apply to manufacturing, defense and space activities.

PURPOSE:

- To encourage manufacturing, defense, and space activities within Florida.

INCENTIVES:

- Industrial Machinery and Equipment for New and Expanding Businesses or for Spaceports (s. 212.08(5)(b), F.S.)
- Industrial Machinery and Equipment Used in Semiconductor, Defense or Space Technology Production (s. 212.08(5)(j), F.S.)
- Research and Development Costs (ss. 212.052 and 212.08(18), F.S.)
- Repair Parts, Materials and Labor Charges for Industrial Machinery and Equipment (s. 212.08(7)(xx), F.S.)

INDUSTRIAL MACHINERY AND EQUIPMENT FOR NEW AND EXPANDING BUSINESSES OR FOR SPACEPORTS

Section 212.08(5)(b), F.S.

INCENTIVE:

- Industrial machinery and equipment purchased for exclusive use by a **new** business in spaceport activities or for use in a new business that manufactures, processes, compounds, or produces for sales items of tangible personal property at a fixed location in this state are exempt from sales and use tax.
- Industrial machinery and equipment purchased for exclusive use by an **expanding** facility engaged in spaceport activities or used in an expanding manufacturing facility that manufactures, processes, compounds, or produces for sales items of tangible personal property at a fixed location in this state are exempt from sales and use tax if the items are used to increase the productive output of a facility by at least 5%.

PURPOSE:

- To encourage manufacturing and spaceport activities within Florida.

QUALIFYING REQUIREMENTS:

- To qualify, the business must be new or increase production at the facility by at least 5% over the previous 12 month period.
- “Industrial machinery and equipment” is defined as tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the **manufacturing, processing, compounding, or production** of tangible personal property for sale or is exclusively used in spaceport activities.
- This exemption does not apply to machinery and equipment purchased by electric utilities, communications companies, oil or gas exploration or production, publishing firms that do not export at least 50% of their finished product out of state, or hotels and restaurants.
- “Spaceport activities” means activities directed or sponsored by Space Florida on spaceport territory.

APPROVAL / OVERSIGHT / LIMITATIONS:

- To receive these exemptions, a qualifying business must apply to the Department of Revenue for a temporary tax exemption permit.

SIGNIFICANT HISTORY:

- Created in 1978 and amended several times since.
- When the exemption was enacted in 1978, it applied to sales tax in excess of \$100,000. This threshold was reduced to \$50,000 in 1996. In 1999, the exemption was extended to included machinery and equipment used for phosphate and other solid mineral severance. In 2006, the \$50,000 tax threshold for expanding manufacturing businesses was eliminated. In 2012, the productive output requirement for expanding businesses was lowered from 10% to 5%.

FISCAL IMPACT:

\$41.7m per state fiscal year

INDUSTRIAL MACHINERY AND EQUIPMENT USED IN SEMICONDUCTOR, DEFENSE OR SPACE TECHNOLOGY PRODUCTION

Section 212.08(5)(j), F.S.

INCENTIVE:

- Industrial machinery and equipment used in **semiconductor** facilities to manufacture, process, compound or produce semiconductor products for sale or for use by these facilities is exempt from sales and use tax.
- Industrial machinery and equipment used in **defense or space technology** facilities to *design*, manufacture, *assemble*, process, compound or produce defense or space technology products for sale or for use by these facilities is exempt from sales and use tax.

PURPOSE:

- To encourage the development of defense and space technology facilities within Florida.

QUALIFYING REQUIREMENTS:

- The facilities must be certified by the Department of Economic Opportunity and the certification is valid for 2 years. A business may renew the certification biennially.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity is responsible for processing applications and certifying businesses.

SIGNIFICANT HISTORY:

- Created in 2000 to provide a full exemption for industrial M&E used in semiconductor facilities and a 25% exemption for industrial M&E used in defense or space technology facilities. A business using the exemption was required to apply for certification each year.
- In 2006, the exemption for industrial M&E used in defense or space technology facilities was increased to 100% and the certification was extended to 2 years. The definition of “space technology products” was expanded to include space flight vehicles and components of space technology products. The exemption was also extended to include M&E used to “design” or “assemble” defense or space technology products.

FISCAL IMPACT:

\$4.5m per state fiscal year

RESEARCH AND DEVELOPMENT COSTS

Sections 212.052 and 212.08(18), F.S.

INCENTIVE:

- Tangible personal property manufactured, produced, compounded, processed or fabricated for use directly or solely in research or development, and machinery and equipment used predominately for research and development is exempt from sales and use tax.

PURPOSE:

- To encourage research and development activities within Florida.

QUALIFYING REQUIREMENTS:

- “Machinery and equipment” includes, but is not limited to, molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing and measuring equipment, test beds, computers, and software.
- Must use machinery and equipment for research and development purposes at least 50% of the time, however, there is no requirement that machinery and equipment have a depreciable life of 3 years or more.
- Purchasers must provide an affidavit to seller stating the machinery and equipment will be used for research and development.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Revenue oversees through its normal auditing procedures.

SIGNIFICANT HISTORY:

- Enacted in 2006.

FISCAL IMPACT:

\$46.8m per state fiscal year

REPAIR PARTS, MATERIALS AND LABOR CHARGES FOR INDUSTRIAL MACHINERY AND EQUIPMENT

Section 212.08(7)(xx), F.S.

INCENTIVE:

- Parts, materials and labor charges for the repair of industrial machinery and equipment are exempt from sales and use tax.

PURPOSE:

- To encourage manufacturing activities within Florida.

QUALIFYING REQUIREMENTS:

- The exemption is available to those industries classified under specified Standard Industrial Classification (SIC) Industry Major Group Numbers provided in statute. These classifications generally include mining, construction, and manufacturing industries.
- Purchasers must provide an exemption certificate to the seller stating that the repair parts, materials and labor charges will be used for the repair of machinery and equipment.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Revenue oversees through its normal auditing procedures.

SIGNIFICANT HISTORY:

- Enacted in 1999. This exemption was phased in over a 4-year period. Starting July 1, 1999, only 25% of the charges for repair parts and labor were exempt. The exemption increased by 25% on July 1 of each year until it reached 100% on July 1, 2002.

FISCAL IMPACT:

\$10.3m per state fiscal year

ENERGY ECONOMIC ZONE PILOT PROGRAM

Section 377.809, F.S.

PURPOSE:

- The Florida Energy Economic Zone Pilot Program was created in 2009 to help communities cultivate green economic development, encourage renewable electric energy generation, and promote product manufacturing that contributes to energy conservation and green jobs.

INCENTIVES: All incentives and benefits provided for enterprise zones are available to the energy economic zones. However, the total amount of incentives is limited to \$300,000 annually for each zone.

- **Enterprise Zone Jobs Tax Credit – Sales and Use Tax (s. 212.096, F.S.) or Corporate Income Tax (s. 220.181, F.S.)**

Businesses located in an enterprise zone can receive sales tax or corporate income tax credits for wages paid to new employees who have been employed for at least three months and are residents of a Florida enterprise zone. The amount of the credit is limited to 20% of monthly wages, or 30% of monthly wages if at least 20 percent of all full-time employees are enterprise zone residents. For rural enterprise zones, the credit is limited to 30% of monthly wages, or 45% of monthly wages if at least 20 percent of all full-time employees are enterprise zone residents. The qualified business may receive the credit for up to 24 months.

- **Enterprise Zone Property Tax Credit - Corporate Income Tax (s. 220.182, F.S.)**

New or expanded businesses located in an enterprise zone can receive corporate income tax credits for property taxes paid in Florida. To qualify, a business must hire 5 or more additional full-time employees. The amount of the credit is limited to \$25,000 per business, or \$50,000 if at least 20 percent of full-time employees are enterprise zone residents. The qualified business may receive the credit for up to 5 years.

- **Sales Tax Refund for Building Materials Used in an Enterprise Zone (s. 212.08(5)(g), F.S.)**

A refund is available for sales taxes paid on the purchase of building materials used to rehabilitate real property located in an enterprise zone. The amount of the refund is limited to \$5,000 per parcel of property, or \$10,000 if at least 20 percent of full-time employees are enterprise zone residents. The refund is limited to one per parcel of property.

- **Sales Tax Refund for Business Machinery and Equipment Used in an Enterprise Zone (s. 212.08(5)(h), F.S.)**

A refund is available for sales taxes paid on the purchase of certain business property, (e.g., tangible personal property such as office equipment, warehouse equipment, and some industrial machinery and equipment). The minimum purchase price of equipment is \$5,000 per unit. The amount of the refund is limited to \$5,000, or \$10,000 if at least 20 percent of full-time employees are enterprise zone residents.

- **Sales Tax Exemption for Electrical Energy Used in an Enterprise Zone (s.212.08(15), F.S.)**

Qualified businesses located in an enterprise zone are eligible for a sales tax exemption on their electricity purchases if the municipality in which they are located has enacted an ordinance providing an exemption from municipal utility tax. The sales tax exemption is 50 percent or 100 percent if at least 20 percent of full-time employees are enterprise zone residents. The qualified business may receive the exemption for up to 5 years.

- **Sales Tax Exemption for Machinery and Equipment used in the Production of Renewable Energy (s. 212.08(5)(c), F.S.)**

The purchase of machinery and equipment used in the production of renewable energy is exempt from sales and use tax.

QUALIFYING REQUIREMENTS:

- The incentives and benefits are available to energy economic zones designated before July 1, 2010.
- By March 1, 2012, each local governing body with jurisdiction over an energy economic zone, must by local ordinance, establish the boundary of the energy economic zones, specify applicable energy-efficiency standards and determine the eligibility criteria for the application of state and local incentives and benefits.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity, Department of Transportation and the Department of Agriculture and Consumer Services provide technical assistance to designated communities.
- The governing body of an energy economic zone is responsible for allocating the incentives and verifying that businesses are eligible.
- The Department of Economic Opportunity must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2015, evaluating whether the pilot program has demonstrated success.

SIGNIFICANT HISTORY:

- Created in 2009 and revised in 2011 to include tax incentives.
- There are currently two designated Energy Economic Zone Pilot Program Communities located in the City of Miami Beach and Sarasota County.

FISCAL IMPACT:

\$300,000 per energy economic zone in any state fiscal year

INCENTIVES SPECIFIC TO SPACEFLIGHT ACTIVITY

Since the creation of Spaceport Florida in 1989, the state has pursued space-related businesses as part of its economic development policy.

- The Spaceport Florida Authority Act included tax exemptions for rocket fuel as well as orbital space facilities, space propulsion systems, space vehicles, satellites, space stations, and tangible personal property placed or used on any of these devices.
- In 2000, an exemption was created for renting or leasing property used or occupied predominantly for space flight business purposes.
- In 2011, spaceflight business tax credits were created to attract launch, payload, research and development, and other space business to Florida. For a spaceflight business meeting job creation and other criteria, nontransferable corporate income tax credits can be used to offset up to 50 percent of the business's corporate income tax liability and transferable credits may be sold in an amount equal to the business's net operating loss.
 - The credits in this program are limited to tax returns filed on or after October 1, 2015, and no credit may be approved after October 1, 2017.
 - The maximum amount of nontransferable credit that may be approved under this program is \$3 million, and the maximum amount of transferable credit is \$7 million.
- Spaceflight activity is also eligible for many other tax incentives relating to machinery and equipment purchases.

SPACEPORT TAX EXEMPTIONS

Sections 206.42 and 212.08(16), F.S.

INCENTIVE:

- Provides tax exemptions for:
 - Rocket fuel, defined as fuel being produced for and sold and exclusively used for space flight, from sales tax and the tax on aviation fuel;
 - Any orbital space facility, space propulsion system, or space vehicle, satellite, or station of any kind possessing space flight capacity, including the components thereof; and
 - Tangible personal property placed on or used aboard any orbital space facility, space propulsion system, or space vehicle, satellite, or station of any kind, irrespective of whether such tangible personal property is returned to this state for subsequent use, storage, or consumption in any manner.

PURPOSE:

- These exemptions were enacted as part of the Spaceport Florida Authority Act, and the purpose of that act was to:
 - (P)rovide a unified direction for space-related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space-related businesses suitable to the state, and to further the coordination and development of Florida's economy.⁵

QUALIFYING REQUIREMENTS:

- In order to qualify for any of these exemptions, a transaction must meet the statutory criteria, as cited above.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Revenue's normal oversight of tax exemption claims applies to these exemptions.

SIGNIFICANT HISTORY:

- Created in 1989.

⁵ Chapter 89-300, L.O.F., sec. 2.

FISCAL IMPACT:

- The Florida Tax Handbook reports that the exemption for satellites or other space vehicles reduces sales tax revenue by \$70.6 million annually,⁶ but this estimate has not been examined closely in recent years.

⁶2012 Florida Tax Handbook, p. 159.

SALES TAX EXEMPTION FOR SPACEFLIGHT COMMERCIAL LEASES

Section 212.031(1)(a)12., F.S.

INCENTIVE:

- Provides a sales tax exemption for renting or leasing property used or occupied predominantly for space flight business purposes.

PURPOSE:

- Is consistent with other tax preferences provided to the space industry to attract and maintain space-related businesses suitable to the state.

QUALIFYING REQUIREMENTS:

- To qualify for this exemption, property must be used or occupied predominantly for “space flight business” purposes, which means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, or components thereof, and also means the following activities supporting spaceflight:
 - Vehicle launch activities,
 - Flight operations,
 - Ground control or ground support, and
 - All administrative activities related thereto.

APPROVAL / OVERSIGHT / LIMITATIONS:

- Possession by a landlord of a signed written statement from the tenant claiming the exemption relieves the landlord from the responsibility of collecting the tax.
- The Department of Revenue looks solely to the tenant for recovery of the tax if it determines that the exemption was not applicable.

SIGNIFICANT HISTORY:

- Created in 2000.

FISCAL IMPACT:

- This exemption is estimated to reduce state revenue by \$600,000 annually.

SPACEFLIGHT BUSINESS TAX CREDITS

Sections 220.194, F.S.

INCENTIVE:

- Provides nontransferable corporate income tax credits for up to 50 percent of the business's corporate income tax liability; and
- Provides transferable tax credits equal to the amount of a certified spaceflight business's Florida net operating loss, if the activity that gave rise to the net operating loss occurred after July 1, 2011.

PURPOSE:

- To create incentives to attract launch, payload, research and development, and other space business to this state.⁷

QUALIFYING REQUIREMENTS:

- The applicant must be a spaceflight business with a physical address in Florida.
- The applicant must have engaged in a qualifying spaceflight project before taking or transferring a credit.
- The applicant must have created 35 new fulltime jobs in this state directly associated with spaceflight projects during its immediately preceding 3 taxable years, and these jobs must pay at least 115 percent of the statewide or countywide average annual private sector wage for the preceding 3 taxable years.
- The applicant must have invested a total of at least \$15 million in this state on a spaceflight project during its immediately preceding 3 taxable years.

APPROVAL / OVERSIGHT / LIMITATIONS:

- The Department of Economic Opportunity must approve all applications for this credit, as well as the transfer of transferable credits.
- A certified spaceflight business may be approved for nontransferable credits only once and for transferable credits only once, and may not be approved for both types of credits in a single year.
- Credits must be based upon tax liabilities directly related to spaceflight projects as verified by an audit or examination by a certified public accountant and verified by DEO.

⁷ Section 220.194, F.S.

- Previously claimed tax credits may be forfeited if DOR determines that the taxpayer was not entitled to the credits.
- DEO may revoke or modify a certificate granting eligibility for tax credits if it finds that the certified spaceflight business made a false statement or representation on its application or other document filed in an attempt to receive these tax credits.
- This program is limited to returns filed for any tax period beginning October 1, 2015, and no credit may be approved after October 1, 2017.
- The maximum nontransferable credit amount available to any one business in a single year is \$1 million, and the total amount of nontransferable credits that may be approved during the life of the program is \$3 million.
- The maximum transferable credit amount available to any one business in a single year is \$2.5 million, and the total amount of transferable credits that may be approved during the life of the program is \$7 million.

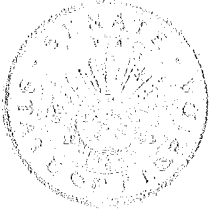
SIGNIFICANT HISTORY:

- Created in 2011.⁸

FISCAL IMPACT:

- \$10 million in FY 2015-16 through 2017-18.

⁸ Chapter 2011-76, L.O.F.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Chair*
Appropriations
Appropriations Subcommittee on Finance and Tax
Environmental Preservation and Conservation
Ethics and Elections
Gaming
Judiciary
Military Affairs, Space, and Domestic Security
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR ANDY GARDINER
13th District

April 4, 2013

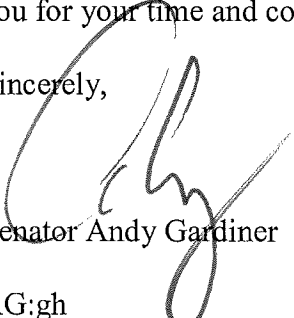
The Honorable Dorothy Hukill, Chair
Appropriations Subcommittee on Finance and Tax
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Hukill:

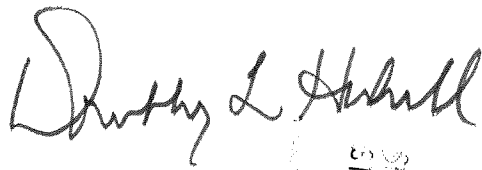
I am writing to respectfully request that I be excused from the Appropriations Subcommittee on Finance and Tax meeting scheduled for Thursday, April 4. I have had an issue arise that requires my immediate attention.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,


Senator Andy Gardiner

AG:gh



Cc: Jose Diez-Arguelles, Staff Director
Cheryl Dewees, Administrative Assistant

SENATE APPROPRIATIONS
RECEIVED
13 APR -4 AM 9:57
SENATE CLERK
STAFF DIR. STAFF

REPLY TO:

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic SND

Bill Number 770
(if applicable)

Name Margo Bailey

Amendment Barcode _____
(if applicable)

Job Title lobbyist

Address 2700 N. Miami Ave Apt 211

Phone _____

Street

Miami

FL

33127

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13

Meeting Date

Topic Clerks' records Bill Number 556
(if applicable)

Name Nancy Daniels Amendment Barcode _____
(if applicable)

Job Title Public Defender 2nd Judicial Circuit

Address Leon County Courthouse, 301 S Monroe Phone 850 606-1010
Street

Tallahassee FL 32301 E-mail nancy.daniels@
City State Zip fld2.com

Speaking: For Against Information

Representing Florida Public Defender Association

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13

Meeting Date

Topic NFD

Bill Number 770
(if applicable)

Name David Cruz

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 701-3676

Street

Tally
City

FL
State

32302
Zip

E-mail _____

Speaking: For Against Information

Representing FL League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic NID

Bill Number 770
(if applicable)

Name Desorae Giles-Smith

Amendment Barcode _____
(if applicable)

Job Title Assistant City Manager

Address 8501 West OP Blvd
Street

Phone 954-730-3000

Lauderhill FL 33313
City State Zip

E-mail dgiles@lauderkhill-fl.gov

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/24/13

Meeting Date

Topic Neighborhood Involvement Districts Bill Number SB 564
(if applicable)

Name Kathy Russell Amendment Barcode _____
(if applicable)

Job Title Dir of Gov Relations

Address 400 S. Orange Ave Phone (407) 383 2075
Street

Orlando FL 32801
City State Zip

E-mail _____

Speaking: For Against Information

Representing City of Orlando

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13

Meeting Date

Topic Neighborhood Improvement Districts

Bill Number SB 504
(if applicable)

Name Stephanie Howell

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 141464
Street

Phone 407 212 2081

Orlando FL 32874
City State Zip

E-mail stephanie@howell
consulting.com

Speaking: For Against Information

Representing Downtown South Neighborhood Improvement District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13
Meeting Date

Topic N I D

Bill Number 564
(if applicable)

Name David Cruz

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 701-3676

Street
Tally
City FL 32302
State *Zip*

E-mail _____

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)