

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1234

SPONSOR: Senator Silver

SUBJECT: Safe neighborhood improvement districts

DATE: March 29, 2000

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This bill amends the “Safe Neighborhoods Act” to authorize the creation of “neighborhood improvement districts” where 75 percent of the land is used for postsecondary educational purposes and where there is a plan to reduce crime through the use of a “university police patrol.” “University police patrol” is defined as a police patrol having law enforcement powers that serve a safe neighborhood improvement district with the same boundaries as that of the campus of a nonpublic university or college with an enrollment of 10,000 or more full-time students attending classes within the boundaries of the district. At present, the University of Miami is the only nonpublic university in Florida with an enrollment in excess of 10,000 students. The police patrol must be funded by the university or college or other funding sources authorized by law.

The bill grants such “university police patrols” law enforcement powers within the district and requires officers to meet the standards established by the Criminal Justice Standards and Training Commission and be certified as law enforcement officers by the commission. The bill declares that university police patrol officers are employees of the district.

The bill authorizes the local government creating a Local Government Neighborhood Improvement District that has a “university police patrol” to establish the qualifications of the district’s board of directors in the ordinance creating the district. The bill allows budget and fiscal matters pertaining to a neighborhood improvement district having a “university police patrol” to be established by interlocal agreement between the district and the local governing body.

The bill has no direct fiscal impact on state or local government.

This bill amends sections 163.340, 163.503, 163.5035, 163.506, 163.5151, and creates s. 163.5235 of the Florida Statutes.

## II. Present Situation:

### Neighborhood Improvement Districts

Chapter 163, part IV, F.S, the “Safe Neighborhoods Act,” allows for the creation of Safe Neighborhood Improvement Districts. The stated purpose of the act is to guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods; to promote the health, safety and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; to improve or redirect automobile traffic and provide pedestrian safety; to reduce crime rates and the opportunities for the commission of crime; and to provide improvements in neighborhoods so they are defensible against crime.

In 1998, the Legislature amended the act to include crime prevention through community policing innovations in the powers of neighborhood improvement districts. Section 163.340(23), F.S., defines "community policing innovation" to mean:

a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

### Creation and Powers of Local Government Neighborhood Improvement Districts

Safe Neighborhood Improvement Districts are formed by the adoption of a local planning ordinance authorizing the creation of such districts. There are a number of options available for the implementation of a safe neighborhood program.

Pursuant to s. 163.506, F.S., one of the available options under the Safe Neighborhoods Act is the Local Government Neighborhood Improvement District. The Local Government Neighborhood Improvement District utilizes community involvement through an advisory council, and may charge fees and/or taxes to accomplish the goals of neighborhood improvement. While neighborhood improvement is a tenant of this program, it is not its central focus; crime prevention is central with neighborhood improvement secondary. Each district is created by the enactment of a separate ordinance, which:

- Specifies the boundaries, size, and name of the district;
- Authorizes the district to receive grants from the city;
- Authorizes the assessment of an ad valorem tax of up to 2 mills;
- Authorizes the use of special assessments to support planning and implementation of district improvements;
- Designates the local governing body as the board of directors of the district;
- Establishes an advisory council comprised of property owners or residents in the district; and
- May prohibit use of any district power authorized by s. 163.514, F.S.

As an alternative to designating the local governing body as the board of directors, s. 163.506(3), F.S., allows a majority of the local governing body of a city or county to appoint a board of three to seven directors for the district who are residents of the proposed district and who are subject to ad valorem taxation in the residential neighborhood improvement district or who are property owners in a commercial neighborhood improvement district.

Pursuant to s. 163.514, F.S., unless prohibited by ordinance, all neighborhood improvement districts may:

- Enter into contracts;
- Acquire, own, lease, or improve its property;
- Accept grants and donations;
- Have exclusive control over its funds, unless agreed to otherwise;
- Cooperate and contract with other governmental agencies;
- Contract for services of planning consultants and crime prevention experts;
- Contract with county or municipal government for planning assistance, and increased levels of law enforcement protection and security;
- Promote the neighborhood to businesses and commercial entities;
- Improve facilities, undertake approaches to prevent crime, and modify the district plan to implement these changes;
- Identify areas with blighted influences, including areas with unlawful dumping or graffiti, and develop programs to eradicate blight; and
- Subject to referendum, make special assessments to pay for improvements in the district and cover other expenses.

All neighborhood improvement districts are required to analyze local crime activities and determine the relationships between land use and the frequency of crimes. They are authorized to implement necessary programs to reduce crime and promote safe neighborhoods.

### **Compliance with Chapter 189, F.S.**

Section 163.5035, F.S., requires safe neighborhood improvement districts to comply with all applicable provisions in chapter 189, F.S., relating to special districts. The section provides for the provisions of chapter 189, F.S., to prevail in cases where the provisions of this part conflict with provisions in chapter 189, F.S. Section 189.4155(5), F.S., provides:

Nothing in this section shall create or alter the respective rights of local governments or special districts to provide public facilities or services to a particular geographic area or location, nor shall this section alter or affect the police powers of any local government or the authority or requirements under chapter 163.

### **Fiscal Management and Budget Preparation**

Section 163.5151, F.S., provides, subject to agreement with the local governing body, for all funds of a neighborhood improvement district to be received, held, and secured in the same manner as other public funds by the appropriate fiscal officers of the local government in which the district is located. The funds of the district must be maintained under a separate account, and

must be used for purposes authorized by this part, and must be disbursed only by direction of or with approval of the district pursuant to requisitions signed by the manager or other designated chief fiscal officer of the district and countersigned by at least one other member of the board.

The section also requires district bylaws to provide for maintenance of minutes and other official records of its proceedings and actions; for preparation and adoption of an annual budget for each ensuing fiscal year; for internal supervision and control of its accounts; and for an external audit at least annually by an independent certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the district. A copy of the external audit must be filed with the city clerk or the clerk of the court, whichever is appropriate, within 90 days after the end of each fiscal year. The bylaws must specify the means by which each of these functions is to be performed and, as to those functions assigned to district personnel, the manner and schedule of performance.

Each special neighborhood improvement district must establish its budget pursuant to the provisions of chapter 200, F.S. Prior to adoption of the final budget and setting of the millage rate to be levied by the board, the board must submit a tentative budget and proposed millage rate of the district to the local governing body of the municipality or county in which the district is located for approval or disapproval. The governing body must have the power to modify the budget or millage submitted by the board. Subsequent to approval, the board must adopt its final budget and millage rate in accordance with the requirements of chapter 200, F.S.

### **University of Miami Police Patrol**

The Coral Gables campus of the University of Miami comprises 260 acres in an urban area, with 110 buildings. It has a student population exceeding 12,000. As a private entity, the University does not have police powers. However, according to the University, since 1947 the university has contracted with the City of Coral Gables to provide sworn police officers devoted to the University's Coral Gables campus. Under an agreement initiated in 1969, police services are provided at the University's Coral Gables campus by City of Coral Gables police officers. The University pays the officers' salaries, as well as for their badges, guns, and uniforms. University officers are ineligible for City benefits. Although the agreement cedes some control over campus police officers to the University, the City retains control over hiring and assigning the officers to off-campus duties. Based on the recommendation of the Police Standards and Training Commission provided in an October 8, 1976, letter, University police officers are classified as part-time sworn Coral Gables police officers. Currently, twenty-five university police officers provide police services to the University's Coral Gables campus.

According to the University's general counsel, the Chief of Police for the City of Coral Gables is philosophically opposed to the current arrangement and does not wish to continue the agreement with the University. Attempts to reach an alternative arrangement satisfactory to both parties have not been successful.

### **Public University Police Forces**

Section 240.268, F.S., directs each public university to provide for police officers for the university. University police are declared to be law enforcement officers of the state and have full

authority to bear arms in the performance of their duties and to execute search warrants within their territorial jurisdiction. University police must meet the minimum standards established by the Criminal Justice Standards and Training Commission and chapter 943, F.S. Each police officer must take the oath of office as established by the university; and the university may obtain and approve a bond on each officer, payable to the Governor and his or her successors in office, conditioned on the faithful performance of the duties of such university police officer. The university must provide a uniform set of identification credentials for each university police officer. In performance of any of the powers, duties, and functions authorized by law or this section, university police have the same rights, protections, and immunities afforded other peace or law enforcement officers.

The university, in concurrence with the Department of Law Enforcement, is directed to adopt rules, including, but not limited to, the appointment, employment, and removal of university police in accordance with the state Career Service System, and, further, establish in writing a policy manual, including, but not limited to, routine and emergency law enforcement situations.

### **Qualifications and Standards for Law Enforcement Officers**

Section 943.11, F.S., creates the Criminal Justice Standards and Training Commission (Commission) within the Department of Law Enforcement. Included in its powers are the authority to certify and revoke certification of officers, instructors, and criminal justice training schools; and establish uniform minimum employment standards for the various criminal justice disciplines. Section 943.13, F.S., establishes minimum qualifications for employment or appointment of law enforcement officers and correctional officers. Section 943.17, F.S., directs the Commission to establish and revise job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses.

### **III. Effect of Proposed Changes:**

This bill authorizes the creation of “neighborhood improvement districts” where 75 percent of the land is used for postsecondary educational purposes and where there is a plan to reduce crime through the use of a “university police patrol.” “University police patrol” is defined as a police patrol having law enforcement powers that serve a safe neighborhood improvement district with the same boundaries as that of the campus of a nonpublic university or college with an enrollment of 10,000 or more full-time students attending classes within the boundaries of the district. The police patrol must be funded by the university or college or other funding sources authorized by law.

Notwithstanding statutory provisions governing district board of directors, the bill authorizes the local government creating a Local Government Neighborhood Improvement District that has a university police patrol to establish the qualifications of the district’s board of directors in the ordinance creating the district. Similarly, notwithstanding statutory provisions governing fiscal management and budget preparation of neighborhood improvement districts, the bill allows budget and fiscal matters pertaining to a district having a university police patrol to be established by interlocal agreement between the district and the local governing body. The bill authorizes such interlocal agreements and interlocal agreements between such a district and any other unit of local government.

The bill provides that notwithstanding any provision of chapter 163, F.S., relating to intergovernmental programs, or chapter 189, F.S., relating to special districts, a university police patrol created by a safe neighborhood improvement district may exercise law enforcement powers within the district. The bill also declares that all university police patrol officers are law enforcement officers of this state with the right to make arrests and bear arms. University police patrol police officers are required to meet the standards established by the Criminal Justice Standards and Training Commission and be certified as law enforcement officers by the commission. The bill declares university police patrol police officers are employees of the district.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

The Florida Department of Law Enforcement indicates the department may experience minimal costs associated with the employment, training, and records maintenance of those officers being employed as “university police patrol” officers.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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