



648856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
	.	
	.	
	.	

The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Between lines 311 and 312
insert:

(1) Conditions the exercise of the powers provided in paragraphs (c), (i), and (j) on approval pursuant to a referendum as described in this paragraph.

1. Within 45 days following the date the governing body of the municipality or county enacts an ordinance pursuant to this subsection defining the boundaries of the proposed improvement district, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance or petition and compile a list of the names and last known



648856

14 addresses of the freeholders in the proposed local government
15 neighborhood improvement district from the tax assessment roll
16 of the county applicable as of December 31 in the year preceding
17 the year in which the ordinance was enacted. Except as otherwise
18 provided in this paragraph, the list shall constitute the
19 registration list for the purposes of the freeholders'
20 referendum required under this paragraph.

21 2. Within 45 days after compilation of the freeholders'
22 registration list pursuant to subparagraph 1., the city clerk or
23 the supervisor of elections shall notify each such freeholder of
24 the general provisions of this paragraph, including the taxing
25 authority and the date of the upcoming referendum, and the
26 method provided for submitting corrections to the registration
27 list if the status of the freeholder has changed since the
28 compilation of the tax rolls. Notification shall be by United
29 States mail and, in addition thereto, by publication one time in
30 a newspaper of general circulation in the county or municipality
31 in which the district is located.

32 3. Any freeholder whose name does not appear on the tax
33 rolls compiled pursuant to subparagraph 1. may register to vote
34 with the city clerk or the supervisor of elections. The
35 registration list shall remain open for 75 days after enactment
36 of the ordinance defining the local government neighborhood
37 improvement district.

38 4. Within 15 days after the closing of the registration
39 list, the city clerk or the supervisor of elections shall send a
40 ballot to each registered freeholder at his or her last known
41 mailing address by first-class United States mail. The ballot
42 shall include:



648856

- 43 a. A description of the general provisions of this
44 paragraph applicable to local government neighborhood
45 improvement districts;
46 b. The assessed value of the freeholder's property;
47 c. The percent of the freeholder's interest in such
48 property; and
49 d. Immediately following the information, the following:

50
51 "Do you favor authorizing the Local Government
52 Neighborhood Improvement District to levy up to 2
53 mills of ad valorem taxes by such proposed district?

54
55 Yes, for authorizing the levy of up to 2 mills of
56 ad valorem taxes by such proposed district.

57
58 No, against authorizing the levy of up to 2 mills
59 of ad valorem taxes by such proposed district."

60
61 "Do you favor authorizing the Local Government
62 Neighborhood Improvement District to borrow money,
63 including the issuance of bonds, as provided by s.
64 163.506(1) (i)?

65
66 Yes, for authorizing the borrowing of money for
67 district purposes.

68
69 No, against authorizing the borrowing of money for
70 district purposes."

71



648856

72 "Do you favor authorizing the Local Government
73 Neighborhood Improvement District to impose a special
74 assessment of not greater than \$1,500 for each
75 individual parcel of land per year to pay for the
76 expenses of operating the neighborhood improvement
77 district and for approved capital improvements?

78
79Yes, for the special assessment.

80
81No, against the special assessment.

82
83 5. Ballots shall be returned by United States mail or by
84 personal delivery.

85 6. All ballots received within 120 days after enactment of
86 the ordinance shall be tabulated by the city clerk or the
87 supervisor of elections, who shall certify the results thereof
88 to the city council or county commission no later than 5 days
89 after the 120-day period.

90 7. The freeholders shall be deemed to have approved of the
91 provisions of this paragraph at such time as the city clerk or
92 the supervisor of elections certifies to the governing body of
93 the municipality or county that approval has been given by
94 freeholders representing in excess of 50 percent of the assessed
95 value of the property within the local government neighborhood
96 improvement district.

97 8. The city clerk or the supervisor of elections, whichever
98 is appropriate, shall enclose with each ballot sent pursuant to
99 this paragraph two envelopes: a secrecy envelope, into which the
100 freeholder shall enclose the marked ballot; and a mailing



648856

101 envelope, into which the freeholder shall then place the secrecy
102 envelope, which shall be addressed to the city clerk or the
103 supervisor of elections. The back side of the mailing envelope
104 shall bear a certificate in substantially the following form:
105

106 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
107 AND COMPLETING VOTER'S CERTIFICATE.
108

109 VOTER'S CERTIFICATE
110

111 I,, am a duly qualified and registered freeholder of
112 the proposed... (name)... local government neighborhood
113 improvement district; and I am entitled to vote this ballot. I
114 do solemnly swear or affirm that I have not and will not vote
115 more than one ballot in this election. I understand that failure
116 to sign this certificate and have my signature witnessed will
117 invalidate my ballot.
118

119 ... (Voter's Signature)
120

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

123 I swear or affirm that the elector signed this voter's
124 certificate in my presence.
125

126 ... (Signature of Witness) ...

127 ... (Address) (City/State) ...
128

129 9. The certificate shall be arranged on the back of the



648856

130 mailing envelope so that the lines for the signatures of the
131 freeholder and the attesting witness are across the seal of the
132 envelope; however, no statement shall appear on the envelope
133 which indicates that a signature of the freeholder or witness
134 must cross the seal of the envelope. The freeholder and the
135 attesting witness shall execute the certificate on the envelope.

136 10. The city clerk or the supervisor of elections shall
137 enclose with each ballot sent to an freeholder pursuant to this
138 paragraph separate printed instructions in substantially the
139 following form:

140
141 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

142
143 a. VERY IMPORTANT. In order to ensure that your ballot will
144 be counted, it should be completed and returned as soon as
145 possible so that it can reach the city clerk or the supervisor
146 of elections no later than 7 p.m. on the (final day of the 120-
147 day period given here).

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

149 c. Place your marked ballot in the enclosed secrecy
150 envelope.

151 d. Insert the secrecy envelope into the enclosed mailing
152 envelope, which is addressed to the city clerk or the supervisor
153 of elections.

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

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

158 g. VERY IMPORTANT. In order for your ballot to be counted,



648856

159 it must include the signature and address of a witness 18 years
160 of age or older affixed to the voter's certificate.

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

163

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

165 And the title is amended as follows:

166

167 Delete line 33

168 and insert:

169 assessments; conditioning the exercise of power by the
170 local government neighborhood improvement district to
171 borrow money, issue bonds, collect special
172 assessments, and to levy ad valorem taxes upon real
173 and tangible personal property within the district
174 upon the approval of a referendum by the freeholders
175 of the district; removing provisions allowing an