

By Senator Simmons

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1                                   A bill to be entitled  
2           An act relating to neighborhood improvement districts;  
3           amending s. 163.501, F.S.; revising the short title to  
4           become the "Neighborhoods Improvement Act"; amending  
5           s. 163.502, F.S.; revising legislative findings and  
6           purpose; amending s. 163.503, F.S.; revising a  
7           definition and removing definitions for "environmental  
8           security," "crime prevention," "defensible space,"  
9           "enterprise zone," and "community policing  
10          innovation"; amending s. 163.5035, F.S.; conforming  
11          provisions to changes made by the act; amending s.  
12          163.504, F.S.; authorizing the governing body of any  
13          municipality or county to form a neighborhood  
14          improvement district through the adoption of an  
15          ordinance rather than by a planning ordinance;  
16          removing provisions pertaining to the creation and  
17          funding of safe neighborhood districts; amending s.  
18          163.5055, F.S.; requiring each neighborhood  
19          improvement district authorized under law to notify  
20          the Department of Community Affairs and the Department  
21          of Legal Affairs of their existence rather than to  
22          register with them; amending s. 163.506, F.S.;  
23          revising provisions authorizing a local governing body  
24          to create a local government neighborhood improvement  
25          district; specifying that the ordinance may authorize  
26          the improvement district to borrow money, issue bonds,  
27          and collect special assessments; authorizing the  
28          governing body of the improvement district to levy ad  
29          valorem taxes upon real and tangible personal property

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30 within the district which the governing body deems  
31 necessary for payment on the general obligation bonds;  
32 authorizing the district to make and collect special  
33 assessments; removing provisions allowing an  
34 alternative organization for the board of directors;  
35 amending s. 163.508, F.S., relating to property  
36 owners' association neighborhood improvement  
37 districts; revising the requirements for creating a  
38 property owners' association neighborhood improvement  
39 district by the enactment of a separate ordinance for  
40 each district; authorizing the governing body to  
41 request grants from the state; amending s. 163.511,  
42 F.S., relating to special neighborhood improvement  
43 districts; revising provisions to conform to changes  
44 made by the act; revising the method of appointing and  
45 removing directors of the district; amending s.  
46 163.512, F.S.; revising provisions authorizing a  
47 municipality or county to create a community  
48 redevelopment neighborhood improvement district;  
49 authorizing the district to receive grants and other  
50 funding; providing that the local governing body may  
51 dissolve the district under certain circumstances;  
52 repealing s. 163.513, F.S., relating to crime  
53 prevention through community policing innovations;  
54 amending s. 163.514, F.S.; specifying the powers of  
55 neighborhood improvement districts; allowing the  
56 district to contract with legal counsel and other  
57 needed professionals; authorizing the districts to  
58 collect special assessments under certain

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59 circumstances and following designated procedures;  
60 amending s. 163.5151, F.S.; requiring a local  
61 government to prepare its budget in a specified manner  
62 if levying an ad valorem tax on real or personal  
63 property; amending s. 163.516, F.S.; requiring  
64 neighborhood improvement plans to be created for each  
65 improvement district; specifying the contents of the  
66 neighborhood improvement district's plan; repealing s.  
67 163.517, F.S., relating to the safe neighborhoods  
68 program; repealing s. 163.519, F.S., relating to the  
69 duties of the Department of Legal Affairs; repealing  
70 s. 163.521, F.S., relating to the neighborhood  
71 improvement district inside an enterprise zone;  
72 repealing s. 163.5215, F.S., relating to the effect  
73 and construction of the existing laws; repealing s.  
74 163.522, F.S., relating to state redevelopment  
75 programs; repealing s. 163.523, F.S., relating to safe  
76 neighborhood districts; repealing s. 163.524, F.S.,  
77 relating to the Neighborhood Preservation and  
78 Enhancement Program; repealing s. 163.526, F.S.,  
79 relating to Neighborhood Councils and the local  
80 government designated agency; providing an effective  
81 date.

82  
83 Be It Enacted by the Legislature of the State of Florida:

84  
85 Section 1. 163.501 Short title.—This part may be cited as  
86 the "~~Safe~~ Neighborhoods Improvement Act."

87 Section 2. Section 163.502, Florida Statutes, is amended to

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88 read:

89 163.502 ~~Safe~~ Neighborhoods improvement; legislative  
90 findings and purpose.—

91 (1) The Legislature ~~hereby~~ finds and declares that among  
92 the many causes of deterioration in the business and residential  
93 neighborhoods of the state are the following: proliferation of  
94 crime, automobile traffic flow strangled by outmoded street  
95 patterns, unsuitable topography, faulty lot layouts,  
96 fragmentation of land uses and parking areas necessitating  
97 frequent automobile movement, lack of separation of pedestrian  
98 areas from automobile traffic, lack of separation of vehicle  
99 traffic lanes and railroad traffic, ~~and~~ excessive noise levels  
100 from automobile traffic, and lack of adequate public  
101 improvements such as streets, street lights, street furniture,  
102 street landscaping, sidewalks, traffic signals, way-finding  
103 signs, mass transit, stormwater systems, and other public  
104 utilities and improvements.

105 (2) The Legislature further finds and declares that healthy  
106 and vibrant ~~safe~~ neighborhoods are the product of planning and  
107 implementation of appropriate environmental design concepts,  
108 comprehensive planning ~~crime prevention programs~~, land use  
109 recommendations, and beautification techniques.

110 (3) The Legislature further finds and declares that the  
111 provisions of this part and the powers granted to local  
112 governments, property owners' associations, special dependent  
113 districts, and community redevelopment neighborhood improvement  
114 districts are desirable to guide and accomplish the coordinated,  
115 balanced, and harmonious development of healthy and vibrant ~~safe~~  
116 neighborhoods; to promote the health, safety, and general

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117 welfare of these areas and their inhabitants, visitors, property  
118 owners, and workers; to establish, maintain, and preserve  
119 property values and preserve and foster the development of  
120 attractive neighborhood and business environments; to prevent  
121 ~~overcrowding and congestion; and~~ to improve or redirect  
122 automobile traffic and provide pedestrian safety; ~~to reduce~~  
123 ~~crime rates and the opportunities for the commission of crime;~~  
124 ~~and to provide improvements in neighborhoods so they are~~  
125 ~~defensible against crime.~~

126 (4) It is the intent of the Legislature to assist local  
127 governments in implementing plans that improve the ~~employ crime~~  
128 ~~prevention through community policing innovations, environmental~~  
129 ~~design, environmental security, and defensible space techniques~~  
130 ~~to establish safe neighborhoods~~ of this state. The Legislature,  
131 therefore, declares that the development, redevelopment,  
132 preservation, and revitalization of neighborhoods in this state,  
133 and all the purposes of this part, are public purposes for which  
134 public money may be borrowed, expended, loaned, and granted.

135 Section 3. Section 163.503, Florida Statutes, is amended to  
136 read:

137 163.503 ~~Safe neighborhoods;~~ Definitions.—

138 (1) "~~Safe~~ Neighborhood improvement district," "district,"  
139 or "neighborhood improvement district" means a district located  
140 in an area in which more than 75 percent of the land is used for  
141 residential purposes, or in an area in which more than 75  
142 percent of the land is used for commercial, office, business, or  
143 industrial purposes, excluding the land area used for public  
144 facilities, ~~and where there is a plan to reduce crime through~~  
145 ~~the implementation of crime prevention through environmental~~

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146 ~~design, environmental security, or defensible space techniques,~~  
147 ~~or through community policing innovations. Nothing in This~~  
148 section does not shall preclude the inclusion of public land in  
149 a neighborhood improvement district although the amount of land  
150 used for public facilities is excluded from the land use acreage  
151 calculations.

152 (2) "Association" means a property owners' association  
153 which is incorporated for the purpose of creating and operating  
154 a neighborhood improvement district.

155 (3) "Department" means the Department of Legal Affairs.

156 (4) "Board" means the board of directors of a neighborhood  
157 improvement district, which may be the governing body of a  
158 municipality or county or the officers of a property owners'  
159 association or the board of directors of a special neighborhood  
160 improvement district or community redevelopment neighborhood  
161 improvement district.

162 ~~(5) "Environmental security" means an urban planning and~~  
163 ~~design process which integrates crime prevention with~~  
164 ~~neighborhood design and community development.~~

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

171 ~~(7) "Defensible space" means an architectural perspective~~  
172 ~~on crime prevention through physical design of the environment~~  
173 ~~to create the ability to monitor and control the environment~~  
174 ~~along individual perceived zones of territorial influence that~~

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175 ~~result in a proprietary interest and a felt responsibility.~~

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

178 ~~(9) "Community policing innovation" means techniques or~~  
179 ~~strategies as defined by s. 163.340.~~

180 Section 4. Section 163.5035, Florida Statutes, is amended  
181 to read:

182 163.5035 ~~Safe~~ Neighborhood improvement districts;  
183 compliance with special district provisions.—Any special  
184 district created pursuant to this part shall comply with all  
185 applicable provisions contained in chapter 189. In cases where a  
186 provision contained in this part conflicts with a provision in  
187 chapter 189, the provision in chapter 189 shall prevail.

188 Section 5. Section 163.504, Florida Statutes, is amended to  
189 read:

190 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~  
191 ~~funds.~~—

192 ~~(1)~~ The governing body of any municipality or county may  
193 authorize the formation of ~~safe~~ neighborhood improvement  
194 districts through the adoption of an a ~~planning~~ ordinance that  
195 ~~which~~ specifies that such districts may be created by one or  
196 more of the methods established in ss. 163.506, 163.508,  
197 163.511, and 163.512. A ~~No~~ district may not overlap the  
198 jurisdictional boundaries of a municipality and the  
199 unincorporated area of a county, unless approved ~~except~~ by  
200 interlocal agreement.

201 ~~(2) If the governing body of a municipality or county~~  
202 ~~elects to create a safe neighborhood improvement district, it~~  
203 ~~shall be eligible to request a grant from the Safe Neighborhoods~~

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204 ~~Program, created pursuant to s. 163.517 and administered by the~~  
205 ~~Department of Legal Affairs, to prepare a safe neighborhood~~  
206 ~~improvement plan for the district.~~

207 ~~(3) Municipalities and counties may implement the~~  
208 ~~provisions of this section without planning funds from the~~  
209 ~~Department of Legal Affairs. However, nothing in this section~~  
210 ~~shall be construed to exempt any district from the requirements~~  
211 ~~of providing a safe neighborhood improvement plan pursuant to s.~~  
212 ~~163.516.~~

213 Section 6. Section 163.5055, Florida Statutes, is amended  
214 to read:

215 163.5055 Notice ~~Registration~~ of district establishment;  
216 notice of dissolution.-

217 (1) ~~(a)~~ Each neighborhood improvement district authorized  
218 and established under this part shall within 30 days thereof  
219 notify register ~~with both~~ the Department of Community Affairs  
220 and the Department of Legal Affairs by providing these  
221 departments with the district's name, location, size, and type,  
222 and such other information as the departments may request  
223 ~~require~~.

224 (2) ~~(b)~~ Each local governing body that ~~which~~ authorizes the  
225 dissolution of a district shall notify both the Department of  
226 Community Affairs and the Department of Legal Affairs within 30  
227 days after the dissolution of the district.

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

230 Section 7. Section 163.506, Florida Statutes, is amended to  
231 read:

232 163.506 Local government neighborhood improvement



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233 districts; creation; advisory council; dissolution.—

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

240 (a) Specifies the boundaries, size, and name of the  
241 district.

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

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

247 (d) Authorizes the use of special assessments to support  
248 planning and implementation of district improvements pursuant to  
249 the provisions of s. 163.514(16), if the district is a  
250 residential local government neighborhood improvement district  
251 ~~including community policing innovations.~~

252 (e) Designates the local governing body as the board of  
253 directors of the district.

254 (f) Establishes an advisory council to the board of  
255 directors comprised of property owners, representatives of  
256 property owners, business owners, or residents of the district.

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

259 (h) Requires the district to notify the Department of Legal  
260 Affairs and the Department of Community Affairs in writing of  
261 its establishment within 30 days thereof pursuant to s.

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262 163.5055.

263 (i) Authorizes the district to borrow money, contract  
264 loans, and issue bonds, certificates, warrants, notes, or other  
265 evidence of indebtedness from time to time to finance the  
266 undertaking of any capital or other project for the purposes  
267 permitted by the State Constitution and this part and may pledge  
268 the funds, credit, property, and taxing power of the improvement  
269 district for the payment of such debts and bonds.

270 1. Bonds issued under this part shall be authorized by  
271 resolution of the governing board of the district and, if  
272 required by the State Constitution, by affirmative vote of the  
273 electors of the district. Such bonds may be issued in one or  
274 more series and shall bear such date or dates, be payable upon  
275 demand or mature at such time or times, bear interest at such  
276 rate or rates, be in such denomination or denominations, be in  
277 such form, registered or not, with or without coupon, carry such  
278 conversion or registration privileges, have such rank or  
279 priority, be executed in such manner, be payable in such medium  
280 of payment, at such place or places, and subject to such terms  
281 of redemption, with or without premium, be secured in such  
282 manner, and have such other characteristics as may be provided  
283 by such resolution or trust indenture or mortgage issued  
284 pursuant thereto.

285 2. The governing body of the district shall determine the  
286 terms and manner of sale and distribution or other disposition  
287 of any and all bonds it may issue, consistent with s. 218.385,  
288 and shall have any and all powers necessary and convenient to  
289 such disposition.

290 3. The governing body of the district may establish and

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291 administer such sinking funds as it deems necessary or  
292 convenient for the payment, purchase, or redemption of any  
293 outstanding bonded indebtedness of the district.

294 4. The governing body of the improvement district may levy  
295 ad valorem taxes upon real and tangible personal property within  
296 the district as it deems necessary to make payment, including  
297 principal and interest, upon the general obligation and ad  
298 valorem bonded indebtedness of the district or into any sinking  
299 fund created pursuant to this part.

300 5. This part shall be full authority for the issuance of  
301 bonds authorized herein.

302 (j) Authorizes the district to make and collect special  
303 assessments pursuant to ss. 197.3632 and 197.3635 to pay for  
304 capital improvements within the district and for reasonable  
305 expenses of operating the district, including the payment of  
306 expenses included in the district's budget, if the district is a  
307 commercial local government neighborhood improvement district.  
308 Such assessments may not exceed \$1,500 for each individual  
309 parcel of land per year.

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

312 (2) The advisory council shall perform such duties as may  
313 be prescribed by the governing body and shall submit within the  
314 time period specified by the governing body, acting as the board  
315 of directors, a report on the district's activities and a  
316 proposed budget to accomplish its objectives. In formulating a  
317 plan for services or improvements the advisory board shall  
318 consult in public session with the appropriate staff or  
319 consultants of the local governing body ~~responsible for the~~

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320 district's plan.

321 ~~(3) As an alternative to designating the local governing~~  
322 ~~body as the board of directors, a majority of the local~~  
323 ~~governing body of a city or county may appoint a board of three~~  
324 ~~to seven directors for the district who shall be residents of~~  
325 ~~the proposed area and who are subject to ad valorem taxation in~~  
326 ~~the residential neighborhood improvement district or who are~~  
327 ~~property owners in a commercial neighborhood improvement~~  
328 ~~district. The directors shall be appointed for staggered terms~~  
329 ~~of 3 years. The initial appointments shall be as follows: one~~  
330 ~~director for a 1-year term; one director for a 2-year term; and~~  
331 ~~one director for a 3-year term. If more than three directors are~~  
332 ~~to be appointed, the additional members shall initially be~~  
333 ~~appointed for 3-year terms. Vacancies shall be filled for the~~  
334 ~~unexpired portion of a term in the same manner as the initial~~  
335 ~~appointments were made. Each director shall hold office until~~  
336 ~~his or her successor is appointed and qualified unless the~~  
337 ~~director ceases to be qualified or is removed from office. Upon~~  
338 ~~appointment and qualification and in January of each year, the~~  
339 ~~directors shall organize by electing from their number a chair~~  
340 ~~and a secretary.~~

341 ~~(3)-(4)~~ A district may be dissolved by the governing body by  
342 rescinding the ordinance creating the district. The governing  
343 body may rescind ~~shall consider rescinding~~ the ordinance if  
344 presented with a petition requesting that it be rescinded.  
345 Petitions related to a residential neighborhood improvement  
346 district must contain ~~containing~~ the signatures of 60 percent of  
347 the residents. Petitions related to a commercial neighborhood  
348 improvement district must contain signatures representing owners

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349 of 60 percent of the land area of the ~~of a~~ district.

350 Section 8. Section 163.508, Florida Statutes, is amended to  
351 read:

352 163.508 Property owners' association neighborhood  
353 improvement districts; creation; powers and duties; duration.—

354 (1) After an ~~a local planning~~ ordinance has been adopted  
355 authorizing the creation of property owners' association  
356 neighborhood improvement districts, the local governing body of  
357 a municipality or county may create property owners' association  
358 neighborhood improvement districts by the enactment of a  
359 separate ordinance for each district, ~~which ordinance:~~

360 (a) Establishes that an incorporated property owners'  
361 association representing 75 percent of all owners of property  
362 within a proposed district meeting the requirements of this  
363 section has petitioned the governing body of the municipality or  
364 county for creation of a district for the area encompassed by  
365 the property owned by members of the association.

366 (b) Specifies the boundaries, size, and name of the  
367 district.

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

370 1. Request grants ~~a matching grant from the state's Safe~~  
371 ~~Neighborhoods Program to prepare the first year's safe~~  
372 ~~neighborhood improvement plan. The provider of the local match~~  
373 ~~for the state grant shall be mutually agreed upon between the~~  
374 ~~governing body and the property owners' association. The~~  
375 ~~governing body may agree to provide the match as a no-interest-~~  
376 ~~bearing loan to be paid back from assessments imposed by the~~  
377 ~~association on its members or shareholders.~~

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

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

384 (d) Provides for an audit of the property owners'  
385 association.

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

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

390 (g) Requires the district to notify the Department of Legal  
391 Affairs and the Department of Community Affairs in writing of  
392 its establishment within 30 days thereof pursuant to s.  
393 163.5055.

394 (2) In order to qualify for the creation of a neighborhood  
395 improvement district, the property owners shall form an  
396 association in compliance with this section, or use an existing  
397 property owners' association in compliance with this section,  
398 which shall be a corporation, ~~for profit or not for profit.~~ At  
399 least, ~~and of which not less than~~ 75 percent of all property  
400 owners within the proposed area must consent ~~have consented~~ in  
401 writing to become members ~~or shareholders~~. Upon such consent by  
402 75 percent of the property owners in the proposed district, all  
403 consenting property owners and their successors shall become  
404 members of the association and shall be bound by the provisions  
405 of the articles of incorporation, the bylaws of the association,  
406 the covenants, the deed restrictions, the indentures, and any

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407 other properly promulgated restrictions. The association shall  
408 have no member ~~or shareholder~~ who is not a bona fide owner of  
409 property within the proposed district. Upon receipt of its  
410 certificate of incorporation, the property owners' association  
411 shall notify the clerk of the city or county court, whichever is  
412 appropriate, in writing, of such incorporation and shall list  
413 the names and addresses of the officers of the association.

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

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

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

423 (c) To make and collect assessments against all property  
424 within the boundaries of the district pursuant to the provisions  
425 of s. 163.514(16) and to lease, maintain, repair, and  
426 reconstruct any privatized street, land, or common area within  
427 the district upon dedication thereof to the association.

428 (d) Without the joinder of any property owner, to modify,  
429 move, or create any easement for ingress and egress or for the  
430 purpose of utilities, if such easement constitutes part of or  
431 crosses district property. However, this does ~~shall~~ not  
432 authorize the association to modify or move any easement that  
433 ~~which~~ is created in whole or in part for the use or benefit of  
434 anyone other than association members, or which crosses the  
435 property of anyone other than association members, without the

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436 consent or approval of such person as required by law or by the  
437 instrument creating the easement. Nothing in this paragraph  
438 shall affect the rights of ingress or egress of any member of  
439 the association.

440 (4) A property owners' association neighborhood improvement  
441 district shall continue in perpetuity as long as the property  
442 owners' association created pursuant to this section exists  
443 under the applicable laws of the state.

444 Section 9. Subsections (1), (7), (8), and (10) of section  
445 163.511, Florida Statutes, are amended to read:

446 163.511 Special neighborhood improvement districts;  
447 creation; referendum; board of directors; duration; extension.-

448 (1) After an ~~a local planning~~ ordinance has been adopted  
449 authorizing the creation of special neighborhood improvement  
450 districts, the governing body of a municipality or county may  
451 declare the need for and create special residential or business  
452 neighborhood improvement districts by the enactment of a  
453 separate ordinance for each district, ~~which ordinance:~~

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

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

459 (c) Authorizes the use of special assessments to support  
460 planning and implementation of district improvements pursuant to  
461 the provisions of s. 163.514(16), ~~including community policing~~  
462 ~~innovations.~~

463 (d) Specifies the boundaries, size, and name of the  
464 district.



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465 (e) Authorizes the district to receive a planning grant  
466 from the department.

467 (f) Provides for the appointment of a 3-member board of  
468 directors for the district.

469 (g) May authorize a special neighborhood improvement  
470 district to exercise the power of eminent domain pursuant to  
471 chapters 73 and 74. Any property identified for eminent domain  
472 by the district shall be subject to the approval of the local  
473 governing body before eminent domain procedures are exercised.

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

476 (i) Requires the district to notify the Department of Legal  
477 Affairs and the Department of Community Affairs in writing of  
478 its establishment within 30 days thereof pursuant to s.  
479 163.5055.

480 (j) May authorize a special neighborhood improvement  
481 district to develop and implement community policing innovations  
482 in consultation with the local law enforcement agency having  
483 jurisdiction within the district boundaries.

484 (7) The business and affairs of a special neighborhood  
485 improvement district shall be conducted and administered by a  
486 board of three directors who shall be residents of or property  
487 owners within the proposed area and who are subject to ad  
488 valorem taxation in the district. Upon their initial appointment  
489 and qualification and in January of each year thereafter, the  
490 directors shall organize by electing from their number a chair  
491 and a secretary, and may also employ staff and legal  
492 representatives as deemed appropriate, who shall serve at the  
493 pleasure of the board and may receive such compensation as shall

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494 be fixed by the board. The secretary shall keep a record of the  
495 proceedings of the district and shall be custodian of all books  
496 and records of the district. The directors may ~~shall~~ not receive  
497 any compensation for their services, nor may they be employed by  
498 the district.

499 (8) Within 30 days of the approval of the creation of a  
500 special neighborhood improvement district, if the district is in  
501 a municipality, ~~a majority of~~ the governing body of the  
502 municipality, or if the district is in the unincorporated area  
503 of the county, ~~a majority of~~ the county commission, shall  
504 appoint the three directors provided for herein for staggered  
505 terms of 3 years. The initial appointments shall be as follows:  
506 one for a 1-year term, one for a 2-year term, and one for a 3-  
507 year term. Each director shall hold office until his or her  
508 successor is appointed and qualified unless the director ceases  
509 to be qualified to act as a director or is removed from office.  
510 Vacancies on the board shall be filled for the unexpired portion  
511 of a term in the same manner as the initial appointments were  
512 made.

513 (10) The governing body of a municipality or county may  
514 remove a director for inefficiency, neglect of duty, or  
515 misconduct in office ~~only after a hearing and only if he or she~~  
516 ~~has been given a copy of the charges at least 10 days prior to~~  
517 ~~such hearing and has had an opportunity to be heard in person or~~  
518 ~~by counsel.~~ A vacancy so created shall be filled as provided  
519 herein.

520 Section 10. Section 163.512, Florida Statutes, is amended  
521 to read:

522 163.512 Community redevelopment neighborhood improvement

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523 districts; creation; advisory council; dissolution.—

524 (1) Upon the recommendation of the community redevelopment  
525 agency and after an ~~a local planning~~ ordinance has been adopted  
526 authorizing the creation of community redevelopment neighborhood  
527 improvement districts, the local governing body of a  
528 municipality or county may create community redevelopment  
529 neighborhood improvement districts by the enactment of a  
530 separate ordinance for each district, ~~which ordinance:~~

531 (a) Specifies the boundaries, size, and name of the  
532 district.

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

535 (c) Authorizes the use of the community redevelopment trust  
536 fund created pursuant to s. 163.387 for the purposes of  
537 implementing the district's ~~safe neighborhood~~ improvement plan  
538 ~~and furthering crime prevention through community policing~~  
539 ~~innovations, environmental design, environmental security, and~~  
540 ~~defensible space techniques, if the expenditures ~~from the~~~~

541 ~~community redevelopment trust fund~~ are consistent with the  
542 community redevelopment plan created pursuant to s. 163.360.  
543 (d) Designates the community redevelopment board of  
544 commissioners established pursuant to s. 163.356 or s. 163.357  
545 as the board of directors for the district.

546 (e) Establishes an advisory council to the board of  
547 directors comprised of property owners or residents of the  
548 district.

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

551 (g) Requires that the district's ~~safe~~ neighborhood

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552 improvement plan be consistent with the community redevelopment  
553 plan created pursuant to s. 163.360, and permits the ~~safe~~  
554 neighborhood improvement plan to be included in the community  
555 redevelopment plan as an optional element.

556 (h) Requires that the boundaries of the community  
557 redevelopment district be contained in whole within the  
558 community redevelopment area established pursuant to ss. 163.355  
559 and 163.356.

560 (i) Requires the district to notify the Department of Legal  
561 Affairs and the Department of Community Affairs in writing of  
562 its establishment within 30 days thereof pursuant to s.  
563 163.5055.

564 (2) The advisory council shall perform such duties as may  
565 be prescribed by the community redevelopment board established  
566 pursuant to s. 163.356 and shall submit within the time period  
567 specified by the board of directors a report on the district's  
568 activities and a proposed budget to accomplish its objectives.  
569 In formulating a plan for services or improvements, the advisory  
570 council shall consult in public session with the appropriate  
571 staff or consultants of the community redevelopment board  
572 ~~responsible for the district's plan.~~

573 (3) A district may be dissolved by the local governing body  
574 by rescinding the ordinance creating the district. The governing  
575 body may rescind ~~shall consider rescinding~~ the ordinance if  
576 presented with a petition containing the signatures of 60  
577 percent of the residents of a district.

578 Section 11. Section 163.513, Florida Statutes, is repealed.

579 Section 12. Section 163.514, Florida Statutes, is amended  
580 to read:

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581 163.514 Powers of neighborhood improvement districts.-  
582 Unless prohibited by ordinance, the board of any district is  
583 ~~shall be~~ empowered to:

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

586 (2) Have and use a corporate seal.

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

592 (4) Accept grants and donations of any type of property,  
593 labor, or other thing of value from any public or private  
594 source.

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

598 (6) Cooperate and contract with other governmental agencies  
599 or other public bodies.

600 (7) Contract for services of planners, engineers,  
601 attorneys, and other ~~planning consultants, experts on crime~~  
602 ~~prevention through community policing innovations, environmental~~  
603 ~~design, environmental security, or defensible space, or other~~  
604 ~~experts~~ in areas pertaining to the operations of the board of  
605 directors or the district.

606 (8) Contract with the county or municipal government for  
607 planning assistance, legal advice, and for increased levels of  
608 law enforcement protection and security, including additional  
609 personnel.

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610 (9) Promote and advertise the commercial advantages of the  
611 district so as to attract new businesses and encourage the  
612 expansion of existing businesses.

613 (10) Promote and advertise the district to the public and  
614 engage in cooperative advertising programs with businesses  
615 located in the district.

616 (11) Improve, plan, design, construct, operate, provide,  
617 and maintain street lighting, parks, streets, drainage,  
618 utilities, swales, parking facilities, transit, landscaping, and  
619 open areas, and provide ~~safe~~ access to mass transportation  
620 facilities in the district.

621 (12) Undertake innovative approaches to securing  
622 neighborhoods from crime, such as crime prevention through  
623 community policing innovations, environmental design,  
624 environmental security, and defensible space.

625 (13) Privatize, close, vacate, plan, or replan streets,  
626 roads, sidewalks, and alleys, subject to the concurrence of the  
627 local governing body and, if required, the state Department of  
628 Transportation.

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

631 (15) Identify areas with blighted influences, including,  
632 but not limited to, areas where unlawful urban dumping or  
633 graffiti are prevalent, and develop programs for eradication  
634 thereof.

635 (16) (a) Subject to referendum approval, and for special,  
636 community redevelopment, and property owners' association  
637 neighborhood improvement districts only, make and collect  
638 special assessments pursuant to ss. 197.3632 and 197.3635 to pay

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639 for improvements to the district and for reasonable expenses of  
640 operating the district, including the payment of expenses  
641 included in the district's budget, subject to an affirmative  
642 vote by a majority of the registered voters residing in the  
643 district. Such assessments shall not exceed \$500 for each  
644 individual parcel of land per year. Notwithstanding the  
645 provisions of s. 101.6102, the referendum to approve the special  
646 assessment shall be by mail ballot.

647 (b) In order to implement this subsection, the city clerk  
648 or the supervisor of elections, whichever is appropriate, shall  
649 compile a list of the names and last known addresses of the  
650 electors in the neighborhood improvement district from the list  
651 of registered voters of the county as of the last day of the  
652 preceding month. The same shall constitute the registration list  
653 for the purposes of a referendum. Within 45 days after  
654 compilation of the voter registration list, the city clerk or  
655 the supervisor of elections shall notify each elector of the  
656 general provisions of this section, including the taxing  
657 authority and the date of the upcoming referendum. Notification  
658 shall be by United States mail and, in addition thereto, by  
659 publication one time in a newspaper of general circulation in  
660 the county or municipality in which the district is located.

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

665 (d) Within 15 days after the closing of registration, the  
666 city clerk or the supervisor of elections shall send a ballot to  
667 each elector at his or her last known mailing address by first-

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668 class United States mail. The ballot shall include:

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

671 2. Immediately following said information, the following:

672

673 "Do you favor the imposition of a special assessment  
674 of not greater than \$500 for each individual parcel of  
675 land per year to pay for the expenses of operating the  
676 neighborhood improvement district?

677

678 ....Yes, for the special assessment.

679

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

681

682 (e) Ballots shall be returned by United States mail or by  
683 personal delivery.

684 (f) All ballots received within 60 days after the closing  
685 of registration shall be tabulated by the city clerk or the  
686 supervisor of elections, who shall certify the results thereof  
687 to the city governing body or county commission no later than 5  
688 days after said 60-day period.

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

691 Section 13. Subsections (3) and (4) of section 163.5151,  
692 Florida Statutes, are amended to read:

693 163.5151 Fiscal management; budget preparation.—

694 (3) Each local government and special neighborhood  
695 improvement district levying an ad valorem tax on real or  
696 personal property shall establish its budget pursuant to the



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697 provisions of chapter 200. Before adopting ~~Prior to adoption of~~  
698 the final budget and setting of the millage rate to be levied by  
699 the board, the board shall submit a tentative budget and  
700 proposed millage rate of the district to the governing body of  
701 the municipality in which the district is located, or to the  
702 county if the district is located in the unincorporated portion  
703 of the county, for approval or disapproval. Such governing body  
704 shall have the power to modify the budget or millage submitted  
705 by the board. Subsequent to approval, the board shall adopt its  
706 final budget and millage rate in accordance with the  
707 requirements of chapter 200.

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

713 Section 14. Section 163.516, Florida Statutes, is amended  
714 to read:

715 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

719 (a) Demographics of the district.

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

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

722 ~~(d) Determination of the problems of the crime-to-~~  
723 ~~environment relationship and the stability of the neighborhood~~  
724 ~~improvement district.~~

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

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726 ~~(f) Assessment of crime prevention through community~~  
727 ~~policing innovations, environmental design, environmental~~  
728 ~~security, and defensible space strategies and tactics that will~~  
729 ~~be applied to the crime to environment relationship problems.~~

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

731 ~~(h) Outline of program participants and their functions and~~  
732 ~~responsibilities.~~

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

734 ~~(j) Evaluation guidelines.~~

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

737 (a) Such property as is intended for use as public parks,  
738 recreation areas, streets, public utilities, and public  
739 improvements of any nature.

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

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

744 ~~(d) Provision for the retention of controls and the~~  
745 ~~establishment of any restrictions or covenants running with land~~  
746 ~~sold or leased for private use for such periods of time and~~  
747 ~~under such conditions as the governing body of the municipality~~  
748 ~~in which the district is located, or the county if the district~~  
749 ~~is located in the unincorporated portion of the county, deems~~  
750 ~~necessary to effectuate the purposes of this part.~~

751 (c) ~~(e)~~ Projected costs of improvements, including the  
752 amount to be expended on publicly funded capital improvement  
753 projects in the district and any indebtedness of the district,  
754 the county, or the municipality proposed to be incurred if such

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755 indebtedness is to be repaid with district revenues.

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

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

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

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

762 (a) Be consistent with the adopted comprehensive plan for  
763 the county or municipality pursuant to the Local Government  
764 Comprehensive Planning and Land Development Regulation Act. No  
765 district plan shall be implemented unless the local governing  
766 body has determined said plan is consistent.

767 (b) Be sufficiently complete to indicate such land  
768 acquisition, demolition and removal of structures, street  
769 modifications, redevelopment, and rehabilitation as may be  
770 proposed to be carried out in the district.

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

773 ~~(4) The county, municipality, or district may prepare or~~  
774 ~~cause to be prepared a safe neighborhood improvement plan, or~~  
775 ~~any person or agency, public or private, may submit such a plan~~  
776 ~~to a district. Prior to its consideration of a safe neighborhood~~  
777 ~~improvement plan, the district shall submit such plan to the~~  
778 ~~local governing body for review and written approval as to its~~  
779 ~~consistency with the local government comprehensive plan. The~~  
780 ~~district must be notified of approval or disapproval within 60~~  
781 ~~days after receipt of the plan for review, and a revised version~~  
782 ~~of the plan may be submitted to satisfy any inconsistencies. The~~  
783 ~~district may not proceed with the safe neighborhood improvement~~

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784 ~~plan until final approval is given by the local governing body.~~

785 (4)~~(5)~~ Prior to adoption of the ~~safe~~ neighborhood  
786 improvement plan, the board shall hold a public hearing on the  
787 plan after public notice thereof by publication in a newspaper  
788 of general circulation in the county or municipality in which  
789 the district is located. The notice shall describe the time,  
790 date, place, and purpose of the hearing; identify the boundaries  
791 of the district; and outline the general scope of the plan.

792 (5)~~(6)~~ The board, after the public hearing, may approve the  
793 ~~safe~~ neighborhood improvement plan if it finds:

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

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

799 (6)~~(7)~~ If, at any time after approval of the ~~safe~~  
800 neighborhood improvement plan, it becomes desirable to amend or  
801 modify the plan, the board may do so. Prior to any such  
802 amendment or modification, the board shall obtain written  
803 approval of the local governing body concerning conformity to  
804 the local government comprehensive plan and hold a public  
805 hearing on the proposed amendment or modification after public  
806 notice thereof by publication in a newspaper of general  
807 circulation in the county or municipality in which the district  
808 is located. The notice shall describe the time, place, and  
809 purpose of the hearing and generally describe the proposed  
810 amendment or modification.

811 ~~(8) Pursuant to ss. 163.3184, 163.3187, and 163.3189, the~~  
812 ~~governing body of a municipality or county shall hold two public~~

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813 ~~hearings to consider the board-adopted safe neighborhood~~  
814 ~~improvement plan as an amendment or modification to the~~  
815 ~~municipality's or county's adopted local comprehensive plan.~~

816 ~~(9) A safe neighborhood improvement plan for each district~~  
817 ~~shall be prepared and adopted by the municipality or county~~  
818 ~~prior to the levy and expenditure of any of the proceeds of any~~  
819 ~~tax assessment or fee authorized to such districts other than~~  
820 ~~for the preparation of the safe community or business~~  
821 ~~improvement plan.~~

822 Section 15. Section 163.517, Florida Statutes, is repealed.

823 Section 16. Section 163.519, Florida Statutes, is repealed.

824 Section 17. Section 163.521, Florida Statutes, is repealed.

825 Section 18. Section 163.5215, Florida Statutes, is  
826 repealed.

827 Section 19. Section 163.522, Florida Statutes, is repealed.

828 Section 20. Section 163.523, Florida Statutes, is repealed.

829 Section 21. Section 163.524, Florida Statutes, is repealed.

830 Section 22. Section 163.526, Florida Statutes, is repealed.

831 Section 23. This act shall take effect July 1, 2011.