

By the Committee on Judiciary; and 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; conditioning the exercise of power by the
34 local government neighborhood improvement district to
35 borrow money, issue bonds, collect special
36 assessments, and to levy ad valorem taxes upon real
37 and tangible personal property within the district
38 upon the approval of a referendum by the freeholders
39 of the district; removing provisions allowing an
40 alternative organization for the board of directors;
41 amending s. 163.508, F.S., relating to property
42 owners' association neighborhood improvement
43 districts; revising the requirements for creating a
44 property owners' association neighborhood improvement
45 district by the enactment of a separate ordinance for
46 each district; authorizing the governing body to
47 request grants from the state; amending s. 163.511,
48 F.S., relating to special neighborhood improvement
49 districts; revising provisions to conform to changes
50 made by the act; revising the method of appointing and
51 removing directors of the district; amending s.
52 163.512, F.S.; revising provisions authorizing a
53 municipality or county to create a community
54 redevelopment neighborhood improvement district;
55 authorizing the district to receive grants and other
56 funding; providing that the local governing body may
57 dissolve the district under certain circumstances;
58 repealing s. 163.513, F.S., relating to crime

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59 prevention through community policing innovations;
60 amending s. 163.514, F.S.; specifying the powers of
61 neighborhood improvement districts; allowing the
62 district to contract with legal counsel and other
63 needed professionals; authorizing the districts to
64 collect special assessments under certain
65 circumstances and following designated procedures;
66 amending s. 163.5151, F.S.; requiring a local
67 government to prepare its budget in a specified manner
68 if levying an ad valorem tax on real or personal
69 property; amending s. 163.516, F.S.; requiring
70 neighborhood improvement plans to be created for each
71 improvement district; specifying the contents of the
72 neighborhood improvement district's plan; repealing s.
73 163.517, F.S., relating to the safe neighborhoods
74 program; repealing s. 163.519, F.S., relating to the
75 duties of the Department of Legal Affairs; repealing
76 s. 163.521, F.S., relating to the neighborhood
77 improvement district inside an enterprise zone;
78 repealing s. 163.5215, F.S., relating to the effect
79 and construction of the existing laws; repealing s.
80 163.522, F.S., relating to state redevelopment
81 programs; repealing s. 163.523, F.S., relating to safe
82 neighborhood districts; repealing s. 163.524, F.S.,
83 relating to the Neighborhood Preservation and
84 Enhancement Program; repealing s. 163.526, F.S.,
85 relating to Neighborhood Councils and the local
86 government designated agency; providing an effective
87 date.

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

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

Section 2. Section 163.502, Florida Statutes, is amended to read:

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

(1) The Legislature ~~hereby~~ finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, ~~and~~ excessive noise levels from automobile traffic, and 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.

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

(3) The Legislature further finds and declares that the

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117 provisions of this part and the powers granted to local
118 governments, property owners' associations, special dependent
119 districts, and community redevelopment neighborhood improvement
120 districts are desirable to guide and accomplish the coordinated,
121 balanced, and harmonious development of healthy and vibrant ~~safe~~
122 neighborhoods; to promote the health, safety, and general
123 welfare of these areas and their inhabitants, visitors, property
124 owners, and workers; to establish, maintain, and preserve
125 property values and preserve and foster the development of
126 attractive neighborhood and business environments; to prevent
127 ~~overcrowding and congestion; and~~ to improve or redirect
128 automobile traffic and provide pedestrian safety; ~~to reduce~~
129 ~~crime rates and the opportunities for the commission of crime;~~
130 ~~and to provide improvements in neighborhoods so they are~~
131 ~~defensible against crime.~~

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

141 Section 3. Section 163.503, Florida Statutes, is amended to
142 read:

143 163.503 ~~Safe neighborhoods;~~ Definitions.—

144 (1) "~~Safe~~ Neighborhood improvement district," "district,"
145 or "neighborhood improvement district" means a district located

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146 in an area in which more than 75 percent of the land is used for
147 residential purposes, or in an area in which more than 75
148 percent of the land is used for commercial, office, business, or
149 industrial purposes, excluding the land area used for public
150 facilities, ~~and where there is a plan to reduce crime through~~
151 ~~the implementation of crime prevention through environmental~~
152 ~~design, environmental security, or defensible space techniques,~~
153 ~~or through community policing innovations.~~ Nothing in This
154 section does not ~~shall~~ preclude the inclusion of public land in
155 a neighborhood improvement district although the amount of land
156 used for public facilities is excluded from the land use acreage
157 calculations.

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

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

162 (4) "Board" means the board of directors of a neighborhood
163 improvement district, which may be the governing body of a
164 municipality or county or the officers of a property owners'
165 association or the board of directors of a special neighborhood
166 improvement district or community redevelopment neighborhood
167 improvement district.

168 ~~(5) "Environmental security" means an urban planning and~~
169 ~~design process which integrates crime prevention with~~
170 ~~neighborhood design and community development.~~

171 ~~(6) "Crime prevention through environmental design" means~~
172 ~~the planned use of environmental design concepts such as natural~~
173 ~~access control, natural surveillance, and territorial~~
174 ~~reinforcement in a neighborhood or community setting which is~~

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175 ~~designed to reduce criminal opportunity and foster positive~~
176 ~~social interaction among the legitimate users of that setting.~~

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

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

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

186 Section 4. Section 163.5035, Florida Statutes, is amended
187 to read:

188 163.5035 ~~Safe~~ Neighborhood improvement districts;
189 compliance with special district provisions.—Any special
190 district created pursuant to this part shall comply with all
191 applicable provisions contained in chapter 189. In cases where a
192 provision contained in this part conflicts with a provision in
193 chapter 189, the provision in chapter 189 shall prevail.

194 Section 5. Section 163.504, Florida Statutes, is amended to
195 read:

196 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
197 ~~funds.~~—

198 ~~(1)~~ The governing body of any municipality or county may
199 authorize the formation of ~~safe~~ neighborhood improvement
200 districts through the adoption of an a ~~planning~~ ordinance that
201 ~~which~~ specifies that such districts may be created by one or
202 more of the methods established in ss. 163.506, 163.508,
203 163.511, and 163.512. A ~~No~~ district may not overlap the

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204 jurisdictional boundaries of a municipality and the
205 unincorporated area of a county, unless approved ~~except~~ by
206 interlocal agreement.

207 ~~(2) If the governing body of a municipality or county~~
208 ~~elects to create a safe neighborhood improvement district, it~~
209 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
210 ~~Program, created pursuant to s. 163.517 and administered by the~~
211 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
212 ~~improvement plan for the district.~~

213 ~~(3) Municipalities and counties may implement the~~
214 ~~provisions of this section without planning funds from the~~
215 ~~Department of Legal Affairs. However, nothing in this section~~
216 ~~shall be construed to exempt any district from the requirements~~
217 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
218 ~~163.516.~~

219 Section 6. Section 163.5055, Florida Statutes, is amended
220 to read:

221 163.5055 Notice ~~Registration~~ of district establishment;
222 notice of dissolution.-

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

230 (2) ~~(b)~~ Each local governing body that ~~which~~ authorizes the
231 dissolution of a district shall notify both the Department of
232 Community Affairs and the Department of Legal Affairs within 30

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233 days after the dissolution of the district.

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

236 Section 7. Section 163.506, Florida Statutes, is amended to
237 read:

238 163.506 Local government neighborhood improvement
239 districts; creation; advisory council; dissolution.—

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

246 (a) Specifies the boundaries, size, and name of the
247 district.

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

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

253 (d) Authorizes the use of special assessments to support
254 planning and implementation of district improvements pursuant to
255 the provisions of s. 163.514(16), if the district is a
256 residential local government neighborhood improvement district
257 ~~including community policing innovations.~~

258 (e) Designates the local governing body as the board of
259 directors of the district.

260 (f) Establishes an advisory council to the board of
261 directors comprised of property owners, representatives of

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262 property owners, business owners, or residents of the district.

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

265 (h) Requires the district to notify the Department of Legal
266 Affairs and the Department of Community Affairs in writing of
267 its establishment within 30 days thereof pursuant to s.
268 163.5055.

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

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

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291 2. The governing body of the district shall determine the
292 terms and manner of sale and distribution or other disposition
293 of any and all bonds it may issue, consistent with s. 218.385,
294 and shall have any and all powers necessary and convenient to
295 such disposition.

296 3. The governing body of the district may establish and
297 administer such sinking funds as it deems necessary or
298 convenient for the payment, purchase, or redemption of any
299 outstanding bonded indebtedness of the district.

300 4. The governing body of the improvement district may levy
301 ad valorem taxes upon real and tangible personal property within
302 the district as it deems necessary to make payment, including
303 principal and interest, upon the general obligation and ad
304 valorem bonded indebtedness of the district or into any sinking
305 fund created pursuant to this part.

306 5. This part shall be full authority for the issuance of
307 bonds authorized herein.

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

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

318 (l) Conditions the exercise of the powers provided in
319 paragraphs (c), (i), and (j) on approval pursuant to a

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320 referendum as described in this paragraph.

321 1. Within 45 days following the date the governing body of
322 the municipality or county enacts an ordinance pursuant to this
323 subsection defining the boundaries of the proposed improvement
324 district, the city clerk or the supervisor of elections,
325 whichever is appropriate, shall certify such ordinance or
326 petition and compile a list of the names and last known
327 addresses of the freeholders in the proposed local government
328 neighborhood improvement district from the tax assessment roll
329 of the county applicable as of December 31 in the year preceding
330 the year in which the ordinance was enacted. Except as otherwise
331 provided in this paragraph, the list shall constitute the
332 registration list for the purposes of the freeholders'
333 referendum required under this paragraph.

334 2. Within 45 days after compilation of the freeholders'
335 registration list pursuant to subparagraph 1., the city clerk or
336 the supervisor of elections shall notify each such freeholder of
337 the general provisions of this paragraph, including the taxing
338 authority and the date of the upcoming referendum, and the
339 method provided for submitting corrections to the registration
340 list if the status of the freeholder has changed since the
341 compilation of the tax rolls. Notification shall be by United
342 States mail and, in addition thereto, by publication one time in
343 a newspaper of general circulation in the county or municipality
344 in which the district is located.

345 3. Any freeholder whose name does not appear on the tax
346 rolls compiled pursuant to subparagraph 1. may register to vote
347 with the city clerk or the supervisor of elections. The
348 registration list shall remain open for 75 days after enactment

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349 of the ordinance defining the local government neighborhood
350 improvement district.

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

356 a. A description of the general provisions of this
357 paragraph applicable to local government neighborhood
358 improvement districts;

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

360 c. The percent of the freeholder's interest in such
361 property; and

362 d. Immediately following the information, the following:

363

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

367

368Yes, for authorizing the levy of up to 2 mills of
369 ad valorem taxes by such proposed district.

370

371No, against authorizing the levy of up to 2 mills
372 of ad valorem taxes by such proposed district."

373

374 "Do you favor authorizing the Local Government
375 Neighborhood Improvement District to borrow money,
376 including the issuance of bonds, as provided by s.
377 163.506(1) (i)?

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378

379Yes, for authorizing the borrowing of money for
380 district purposes.

381

382No, against authorizing the borrowing of money for
383 district purposes."

384

385 "Do you favor authorizing the Local Government
386 Neighborhood Improvement District to impose a special
387 assessment of not greater than \$1,500 for each
388 individual parcel of land per year to pay for the
389 expenses of operating the neighborhood improvement
390 district and for approved capital improvements?

391

392Yes, for the special assessment.

393

394No, against the special assessment.

395

396 5. Ballots shall be returned by United States mail or by
397 personal delivery.

398 6. All ballots received within 120 days after enactment of
399 the ordinance shall be tabulated by the city clerk or the
400 supervisor of elections, who shall certify the results thereof
401 to the city council or county commission no later than 5 days
402 after the 120-day period.

403

404 7. The freeholders shall be deemed to have approved of the
405 provisions of this paragraph at such time as the city clerk or
406 the supervisor of elections certifies to the governing body of
the municipality or county that approval has been given by

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407 freeholders representing in excess of 50 percent of the assessed
408 value of the property within the local government neighborhood
409 improvement district.

410 8. The city clerk or the supervisor of elections, whichever
411 is appropriate, shall enclose with each ballot sent pursuant to
412 this paragraph two envelopes: a secrecy envelope, into which the
413 freeholder shall enclose the marked ballot; and a mailing
414 envelope, into which the freeholder shall then place the secrecy
415 envelope, which shall be addressed to the city clerk or the
416 supervisor of elections. The back side of the mailing envelope
417 shall bear a certificate in substantially the following form:

418
419 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
420 AND COMPLETING VOTER'S CERTIFICATE.

421
422 VOTER'S CERTIFICATE

423
424 I,, am a duly qualified and registered freeholder of
425 the proposed...(name)... local government neighborhood
426 improvement district; and I am entitled to vote this ballot. I
427 do solemnly swear or affirm that I have not and will not vote
428 more than one ballot in this election. I understand that failure
429 to sign this certificate and have my signature witnessed will
430 invalidate my ballot.

431
432 ...(Voter's Signature)

433
434 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18 YEARS
435 OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

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436 I swear or affirm that the elector signed this voter's
437 certificate in my presence.

438
439 ...(Signature of Witness)...
440 ...(Address).....(City/State)...

441
442 9. The certificate shall be arranged on the back of the
443 mailing envelope so that the lines for the signatures of the
444 freeholder and the attesting witness are across the seal of the
445 envelope; however, no statement shall appear on the envelope
446 which indicates that a signature of the freeholder or witness
447 must cross the seal of the envelope. The freeholder and the
448 attesting witness shall execute the certificate on the envelope.

449 10. The city clerk or the supervisor of elections shall
450 enclose with each ballot sent to an freeholder pursuant to this
451 paragraph separate printed instructions in substantially the
452 following form:

453
454 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

455
456 a. VERY IMPORTANT. In order to ensure that your ballot will
457 be counted, it should be completed and returned as soon as
458 possible so that it can reach the city clerk or the supervisor
459 of elections no later than 7 p.m. on the (final day of the 120-
460 day period given here).

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

462 c. Place your marked ballot in the enclosed secrecy
463 envelope.

464 d. Insert the secrecy envelope into the enclosed mailing

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465 envelope, which is addressed to the city clerk or the supervisor
466 of elections.

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

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

471 g. VERY IMPORTANT. In order for your ballot to be counted,
472 it must include the signature and address of a witness 18 years
473 of age or older affixed to the voter's certificate.

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

476 (2) The advisory council shall perform such duties as may
477 be prescribed by the governing body and shall submit within the
478 time period specified by the governing body, acting as the board
479 of directors, a report on the district's activities and a
480 proposed budget to accomplish its objectives. In formulating a
481 plan for services or improvements the advisory board shall
482 consult in public session with the appropriate staff or
483 consultants of the local governing body ~~responsible for the~~
484 ~~district's plan.~~

485 ~~(3) As an alternative to designating the local governing~~
486 ~~body as the board of directors, a majority of the local~~
487 ~~governing body of a city or county may appoint a board of three~~
488 ~~to seven directors for the district who shall be residents of~~
489 ~~the proposed area and who are subject to ad valorem taxation in~~
490 ~~the residential neighborhood improvement district or who are~~
491 ~~property owners in a commercial neighborhood improvement~~
492 ~~district. The directors shall be appointed for staggered terms~~
493 ~~of 3 years. The initial appointments shall be as follows: one~~

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494 ~~director for a 1-year term; one director for a 2-year term; and~~
 495 ~~one director for a 3-year term. If more than three directors are~~
 496 ~~to be appointed, the additional members shall initially be~~
 497 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
 498 ~~unexpired portion of a term in the same manner as the initial~~
 499 ~~appointments were made. Each director shall hold office until~~
 500 ~~his or her successor is appointed and qualified unless the~~
 501 ~~director ceases to be qualified or is removed from office. Upon~~
 502 ~~appointment and qualification and in January of each year, the~~
 503 ~~directors shall organize by electing from their number a chair~~
 504 ~~and a secretary.~~

505 ~~(3)(4)~~ A district may be dissolved by the governing body by
 506 rescinding the ordinance creating the district. The governing
 507 body may rescind ~~shall consider rescinding~~ the ordinance if
 508 presented with a petition requesting that it be rescinded.
 509 Petitions related to a residential neighborhood improvement
 510 district must contain ~~containing~~ the signatures of 60 percent of
 511 the residents. Petitions related to a commercial neighborhood
 512 improvement district must contain signatures representing owners
 513 of 60 percent of the land area of the ~~of a~~ district.

514 Section 8. Section 163.508, Florida Statutes, is amended to
 515 read:

516 163.508 Property owners' association neighborhood
 517 improvement districts; creation; powers and duties; duration.—

518 (1) After an a local planning ordinance has been adopted
 519 authorizing the creation of property owners' association
 520 neighborhood improvement districts, the local governing body of
 521 a municipality or county may create property owners' association
 522 neighborhood improvement districts by the enactment of a

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523 separate ordinance for each district, ~~which ordinance:~~

524 (a) Establishes that an incorporated property owners'
525 association representing 75 percent of all owners of property
526 within a proposed district meeting the requirements of this
527 section has petitioned the governing body of the municipality or
528 county for creation of a district for the area encompassed by
529 the property owned by members of the association.

530 (b) Specifies the boundaries, size, and name of the
531 district.

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

534 1. Request grants ~~a matching grant from the state's Safe~~
535 ~~Neighborhoods Program to prepare the first year's safe~~
536 ~~neighborhood improvement plan. The provider of the local match~~
537 ~~for the state grant shall be mutually agreed upon between the~~
538 ~~governing body and the property owners' association. The~~
539 ~~governing body may agree to provide the match as a no-interest-~~
540 ~~bearing loan to be paid back from assessments imposed by the~~
541 ~~association on its members or shareholders.~~

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

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

548 (d) Provides for an audit of the property owners'
549 association.

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

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

554 (g) Requires the district to notify the Department of Legal
555 Affairs and the Department of Community Affairs in writing of
556 its establishment within 30 days thereof pursuant to s.
557 163.5055.

558 (2) In order to qualify for the creation of a neighborhood
559 improvement district, the property owners shall form an
560 association in compliance with this section, or use an existing
561 property owners' association in compliance with this section,
562 which shall be a corporation, ~~for profit or not for profit.~~ At
563 least, ~~and of which not less than~~ 75 percent of all property
564 owners within the proposed area must consent ~~have consented~~ in
565 writing to become members ~~or shareholders~~. Upon such consent by
566 75 percent of the property owners in the proposed district, all
567 consenting property owners and their successors shall become
568 members of the association and shall be bound by the provisions
569 of the articles of incorporation, the bylaws of the association,
570 the covenants, the deed restrictions, the indentures, and any
571 other properly promulgated restrictions. The association shall
572 have no member ~~or shareholder~~ who is not a bona fide owner of
573 property within the proposed district. Upon receipt of its
574 certificate of incorporation, the property owners' association
575 shall notify the clerk of the city or county court, whichever is
576 appropriate, in writing, of such incorporation and shall list
577 the names and addresses of the officers of the association.

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

580 (a) To negotiate with the governing body of a municipality

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581 or county for closing, privatizing, or modifying the rights-of-
582 way, and appurtenances thereto, within the district.

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

587 (c) To make and collect assessments against all property
588 within the boundaries of the district pursuant to the provisions
589 of s. 163.514(16) and to lease, maintain, repair, and
590 reconstruct any privatized street, land, or common area within
591 the district upon dedication thereof to the association.

592 (d) Without the joinder of any property owner, to modify,
593 move, or create any easement for ingress and egress or for the
594 purpose of utilities, if such easement constitutes part of or
595 crosses district property. However, this does ~~shall~~ not
596 authorize the association to modify or move any easement that
597 ~~which~~ is created in whole or in part for the use or benefit of
598 anyone other than association members, or which crosses the
599 property of anyone other than association members, without the
600 consent or approval of such person as required by law or by the
601 instrument creating the easement. Nothing in this paragraph
602 shall affect the rights of ingress or egress of any member of
603 the association.

604 (4) A property owners' association neighborhood improvement
605 district shall continue in perpetuity as long as the property
606 owners' association created pursuant to this section exists
607 under the applicable laws of the state.

608 Section 9. Subsections (1), (7), (8), and (10) of section
609 163.511, Florida Statutes, are amended to read:

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610 163.511 Special neighborhood improvement districts;
611 creation; referendum; board of directors; duration; extension.-

612 (1) After an ~~a local planning~~ ordinance has been adopted
613 authorizing the creation of special neighborhood improvement
614 districts, the governing body of a municipality or county may
615 declare the need for and create special residential or business
616 neighborhood improvement districts by the enactment of a
617 separate ordinance for each district, ~~which ordinance:~~

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

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

623 (c) Authorizes the use of special assessments to support
624 planning and implementation of district improvements pursuant to
625 the provisions of s. 163.514(16), ~~including community policing~~
626 ~~innovations.~~

627 (d) Specifies the boundaries, size, and name of the
628 district.

629 (e) Authorizes the district to receive a planning grant
630 from the department.

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

633 (g) May authorize a special neighborhood improvement
634 district to exercise the power of eminent domain pursuant to
635 chapters 73 and 74. Any property identified for eminent domain
636 by the district shall be subject to the approval of the local
637 governing body before eminent domain procedures are exercised.

638 (h) May prohibit the use of any district power authorized

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639 by s. 163.514.

640 (i) Requires the district to notify the Department of Legal
641 Affairs and the Department of Community Affairs in writing of
642 its establishment within 30 days thereof pursuant to s.
643 163.5055.

644 (j) May authorize a special neighborhood improvement
645 district to develop and implement community policing innovations
646 in consultation with the local law enforcement agency having
647 jurisdiction within the district boundaries.

648 (7) The business and affairs of a special neighborhood
649 improvement district shall be conducted and administered by a
650 board of three directors who shall be residents of or property
651 owners within the proposed area and who are subject to ad
652 valorem taxation in the district. Upon their initial appointment
653 and qualification and in January of each year thereafter, the
654 directors shall organize by electing from their number a chair
655 and a secretary, and may also employ staff and legal
656 representatives as deemed appropriate, who shall serve at the
657 pleasure of the board and may receive such compensation as shall
658 be fixed by the board. The secretary shall keep a record of the
659 proceedings of the district and shall be custodian of all books
660 and records of the district. The directors may ~~shall~~ not receive
661 any compensation for their services, nor may they be employed by
662 the district.

663 (8) Within 30 days of the approval of the creation of a
664 special neighborhood improvement district, if the district is in
665 a municipality, ~~a majority of~~ the governing body of the
666 municipality, or if the district is in the unincorporated area
667 of the county, ~~a majority of~~ the county commission, shall

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668 appoint the three directors provided for herein for staggered
669 terms of 3 years. The initial appointments shall be as follows:
670 one for a 1-year term, one for a 2-year term, and one for a 3-
671 year term. Each director shall hold office until his or her
672 successor is appointed and qualified unless the director ceases
673 to be qualified to act as a director or is removed from office.
674 Vacancies on the board shall be filled for the unexpired portion
675 of a term in the same manner as the initial appointments were
676 made.

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

684 Section 10. Section 163.512, Florida Statutes, is amended
685 to read:

686 163.512 Community redevelopment neighborhood improvement
687 districts; creation; advisory council; dissolution.-

688 (1) Upon the recommendation of the community redevelopment
689 agency and after an ~~a local planning~~ ordinance has been adopted
690 authorizing the creation of community redevelopment neighborhood
691 improvement districts, the local governing body of a
692 municipality or county may create community redevelopment
693 neighborhood improvement districts by the enactment of a
694 separate ordinance for each district, ~~which ordinance:~~

695 (a) Specifies the boundaries, size, and name of the
696 district.

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

699 (c) Authorizes the use of the community redevelopment trust
700 fund created pursuant to s. 163.387 for the purposes of
701 implementing the district's ~~safe neighborhood~~ improvement plan
702 ~~and furthering crime prevention through community policing~~
703 ~~innovations, environmental design, environmental security, and~~
704 ~~defensible space techniques, if the expenditures ~~from the~~~~

705 ~~community redevelopment trust fund~~ are consistent with the
706 community redevelopment plan created pursuant to s. 163.360.
707 (d) Designates the community redevelopment board of
708 commissioners established pursuant to s. 163.356 or s. 163.357
709 as the board of directors for the district.

710 (e) Establishes an advisory council to the board of
711 directors comprised of property owners or residents of the
712 district.

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

715 (g) Requires that the district's ~~safe~~ neighborhood
716 improvement plan be consistent with the community redevelopment
717 plan created pursuant to s. 163.360, and permits the ~~safe~~
718 neighborhood improvement plan to be included in the community
719 redevelopment plan as an optional element.

720 (h) Requires that the boundaries of the community
721 redevelopment district be contained in whole within the
722 community redevelopment area established pursuant to ss. 163.355
723 and 163.356.

724 (i) Requires the district to notify the Department of Legal
725 Affairs and the Department of Community Affairs in writing of

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726 its establishment within 30 days thereof pursuant to s.
727 163.5055.

728 (2) The advisory council shall perform such duties as may
729 be prescribed by the community redevelopment board established
730 pursuant to s. 163.356 and shall submit within the time period
731 specified by the board of directors a report on the district's
732 activities and a proposed budget to accomplish its objectives.
733 In formulating a plan for services or improvements, the advisory
734 council shall consult in public session with the appropriate
735 staff or consultants of the community redevelopment board
736 ~~responsible for the district's plan.~~

737 (3) A district may be dissolved by the local governing body
738 by rescinding the ordinance creating the district. The governing
739 body may rescind ~~shall consider rescinding~~ the ordinance if
740 presented with a petition containing the signatures of 60
741 percent of the residents of a district.

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

743 Section 12. Section 163.514, Florida Statutes, is amended
744 to read:

745 163.514 Powers of neighborhood improvement districts.—
746 Unless prohibited by ordinance, the board of any district is
747 ~~shall be~~ empowered to:

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

750 (2) Have and use a corporate seal.

751 (3) Acquire, own, convey, or otherwise dispose of, lease as
752 lessor or lessee, construct, maintain, improve, enlarge, raze,
753 relocate, operate, and manage property and facilities of
754 whatever type to which it holds title and grant and acquire

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755 licenses, easements, and options with respect thereto.

756 (4) Accept grants and donations of any type of property,
757 labor, or other thing of value from any public or private
758 source.

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

762 (6) Cooperate and contract with other governmental agencies
763 or other public bodies.

764 (7) Contract for services of planners, engineers,
765 attorneys, and other planning consultants, ~~experts on crime~~
766 ~~prevention through community policing innovations, environmental~~
767 ~~design, environmental security, or defensible space, or other~~
768 ~~experts~~ in areas pertaining to the operations of the board of
769 directors or the district.

770 (8) Contract with the county or municipal government for
771 planning assistance, legal advice, and for increased levels of
772 law enforcement protection and security, including additional
773 personnel.

774 (9) Promote and advertise the commercial advantages of the
775 district so as to attract new businesses and encourage the
776 expansion of existing businesses.

777 (10) Promote and advertise the district to the public and
778 engage in cooperative advertising programs with businesses
779 located in the district.

780 (11) Improve, plan, design, construct, operate, provide,
781 and maintain street lighting, parks, streets, drainage,
782 utilities, swales, parking facilities, transit, landscaping, and
783 open areas, and provide ~~safe~~ access to mass transportation

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784 facilities in the district.

785 (12) Undertake innovative approaches to securing
786 neighborhoods from crime, such as crime prevention through
787 community policing innovations, environmental design,
788 environmental security, and defensible space.

789 (13) Privatize, close, vacate, plan, or replan streets,
790 roads, sidewalks, and alleys, subject to the concurrence of the
791 local governing body and, if required, the state Department of
792 Transportation.

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

795 (15) Identify areas with blighted influences, including,
796 but not limited to, areas where unlawful urban dumping or
797 graffiti are prevalent, and develop programs for eradication
798 thereof.

799 (16) (a) Subject to referendum approval, and for special,
800 community redevelopment, and property owners' association
801 neighborhood improvement districts only, make and collect
802 special assessments pursuant to ss. 197.3632 and 197.3635 to pay
803 for improvements to the district and for reasonable expenses of
804 operating the district, including the payment of expenses
805 included in the district's budget, subject to an affirmative
806 vote by a majority of the registered voters residing in the
807 district. Such assessments shall not exceed \$500 for each
808 individual parcel of land per year. Notwithstanding the
809 provisions of s. 101.6102, the referendum to approve the special
810 assessment shall be by mail ballot.

811 (b) In order to implement this subsection, the city clerk
812 or the supervisor of elections, whichever is appropriate, shall

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813 compile a list of the names and last known addresses of the
814 electors in the neighborhood improvement district from the list
815 of registered voters of the county as of the last day of the
816 preceding month. The same shall constitute the registration list
817 for the purposes of a referendum. Within 45 days after
818 compilation of the voter registration list, the city clerk or
819 the supervisor of elections shall notify each elector of the
820 general provisions of this section, including the taxing
821 authority and the date of the upcoming referendum. Notification
822 shall be by United States mail and, in addition thereto, by
823 publication one time in a newspaper of general circulation in
824 the county or municipality in which the district is located.

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

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

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

835 2. Immediately following said information, the following:

836

837 "Do you favor the imposition of a special assessment
838 of not greater than \$500 for each individual parcel of
839 land per year to pay for the expenses of operating the
840 neighborhood improvement district?

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842 ...Yes, for the special assessment.

843

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

845

846 (e) Ballots shall be returned by United States mail or by
847 personal delivery.

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

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

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

857 163.5151 Fiscal management; budget preparation.-

858 (3) Each local government and special neighborhood
859 improvement district levying an ad valorem tax on real or
860 personal property shall establish its budget pursuant to the
861 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
862 the final budget and setting of the millage rate to be levied by
863 the board, the board shall submit a tentative budget and
864 proposed millage rate of the district to the governing body of
865 the municipality in which the district is located, or to the
866 county if the district is located in the unincorporated portion
867 of the county, for approval or disapproval. Such governing body
868 shall have the power to modify the budget or millage submitted
869 by the board. Subsequent to approval, the board shall adopt its
870 final budget and millage rate in accordance with the

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871 requirements of chapter 200.

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

877 Section 14. Section 163.516, Florida Statutes, is amended
878 to read:

879 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

883 (a) Demographics of the district.

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

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

886 ~~(d) Determination of the problems of the crime-to-~~
887 ~~environment relationship and the stability of the neighborhood~~
888 ~~improvement district.~~

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

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

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

895 ~~(h) Outline of program participants and their functions and~~
896 ~~responsibilities.~~

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

898 ~~(j) Evaluation guidelines.~~

899 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~

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900 show, by diagram and by general explanation:

901 (a) Such property as is intended for use as public parks,
902 recreation areas, streets, public utilities, and public
903 improvements of any nature.

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

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

908 ~~(d) Provision for the retention of controls and the
909 establishment of any restrictions or covenants running with land
910 sold or leased for private use for such periods of time and
911 under such conditions as the governing body of the municipality
912 in which the district is located, or the county if the district
913 is located in the unincorporated portion of the county, deems
914 necessary to effectuate the purposes of this part.~~

915 (c) ~~(e)~~ Projected costs of improvements, including the
916 amount to be expended on publicly funded capital improvement
917 projects in the district and any indebtedness of the district,
918 the county, or the municipality proposed to be incurred if such
919 indebtedness is to be repaid with district revenues.

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

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

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

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

926 (a) Be consistent with the adopted comprehensive plan for
927 the county or municipality pursuant to the Local Government
928 Comprehensive Planning and Land Development Regulation Act. No

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929 district plan shall be implemented unless the local governing
930 body has determined said plan is consistent.

931 (b) Be sufficiently complete to indicate such land
932 acquisition, demolition and removal of structures, street
933 modifications, redevelopment, and rehabilitation as may be
934 proposed to be carried out in the district.

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

937 ~~(4) The county, municipality, or district may prepare or~~
938 ~~cause to be prepared a safe neighborhood improvement plan, or~~
939 ~~any person or agency, public or private, may submit such a plan~~
940 ~~to a district. Prior to its consideration of a safe neighborhood~~
941 ~~improvement plan, the district shall submit such plan to the~~
942 ~~local governing body for review and written approval as to its~~
943 ~~consistency with the local government comprehensive plan. The~~
944 ~~district must be notified of approval or disapproval within 60~~
945 ~~days after receipt of the plan for review, and a revised version~~
946 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
947 ~~district may not proceed with the safe neighborhood improvement~~
948 ~~plan until final approval is given by the local governing body.~~

949 (4)~~(5)~~ Prior to adoption of the ~~safe~~ neighborhood
950 improvement plan, the board shall hold a public hearing on the
951 plan after public notice thereof by publication in a newspaper
952 of general circulation in the county or municipality in which
953 the district is located. The notice shall describe the time,
954 date, place, and purpose of the hearing; identify the boundaries
955 of the district; and outline the general scope of the plan.

956 (5)~~(6)~~ The board, after the public hearing, may approve the
957 ~~safe~~ neighborhood improvement plan if it finds:

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

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

963 (6) ~~(7)~~ If, at any time after approval of the ~~safe~~
964 neighborhood improvement plan, it becomes desirable to amend or
965 modify the plan, the board may do so. Prior to any such
966 amendment or modification, the board shall obtain written
967 approval of the local governing body concerning conformity to
968 the local government comprehensive plan and hold a public
969 hearing on the proposed amendment or modification after public
970 notice thereof by publication in a newspaper of general
971 circulation in the county or municipality in which the district
972 is located. The notice shall describe the time, place, and
973 purpose of the hearing and generally describe the proposed
974 amendment or modification.

975 ~~(8) Pursuant to ss. 163.3184, 163.3187, and 163.3189, the~~
976 ~~governing body of a municipality or county shall hold two public~~
977 ~~hearings to consider the board-adopted safe neighborhood~~
978 ~~improvement plan as an amendment or modification to the~~
979 ~~municipality's or county's adopted local comprehensive plan.~~

980 ~~(9) A safe neighborhood improvement plan for each district~~
981 ~~shall be prepared and adopted by the municipality or county~~
982 ~~prior to the levy and expenditure of any of the proceeds of any~~
983 ~~tax assessment or fee authorized to such districts other than~~
984 ~~for the preparation of the safe community or business~~
985 ~~improvement plan.~~

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

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- 987 Section 16. Section 163.519, Florida Statutes, is repealed.
- 988 Section 17. Section 163.521, Florida Statutes, is repealed.
- 989 Section 18. Section 163.5215, Florida Statutes, is
990 repealed.
- 991 Section 19. Section 163.522, Florida Statutes, is repealed.
- 992 Section 20. Section 163.523, Florida Statutes, is repealed.
- 993 Section 21. Section 163.524, Florida Statutes, is repealed.
- 994 Section 22. Section 163.526, Florida Statutes, is repealed.
- 995 Section 23. This act shall take effect July 1, 2011.