

HB 781

2011

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

HB 781

2011

29 necessary for payment on the general obligation bonds;
30 authorizing the district to make and collect special
31 assessments; removing provisions allowing an alternative
32 organization for the board of directors; amending s.
33 163.508, F.S., relating to property owners' association
34 neighborhood improvement districts; revising the
35 requirements for creating a property owners' association
36 neighborhood improvement district by the enactment of a
37 separate ordinance for each district; authorizing the
38 governing body to request grants from the state; amending
39 s. 163.511, F.S., relating to special neighborhood
40 improvement districts; revising provisions to conform to
41 changes made by the act; revising the method of appointing
42 and removing directors of the district; amending s.
43 163.512, F.S.; revising provisions authorizing a
44 municipality or county to create a community redevelopment
45 neighborhood improvement district; authorizing the
46 district to receive grants and other funding; providing
47 that the local governing body may dissolve the district
48 under certain circumstances; repealing s. 163.513, F.S.,
49 relating to crime prevention through community policing
50 innovations; amending s. 163.514, F.S.; specifying the
51 powers of neighborhood improvement districts; allowing the
52 district to contract with legal counsel and other needed
53 professionals; authorizing the districts to collect
54 special assessments under certain circumstances and
55 following designated procedures; amending s. 163.5151,
56 F.S.; requiring a local government to prepare its budget

HB 781

2011

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

75 |
 76 | Be It Enacted by the Legislature of the State of Florida:

77 |
 78 | Section 1. 163.501 Short title.—This part may be cited as
 79 | the "~~Safe~~ Neighborhoods Improvement Act."

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

82 | 163.502 ~~Safe~~ Neighborhoods improvement; legislative
 83 | findings and purpose.—

84 | (1) The Legislature ~~hereby~~ finds and declares that among

HB 781

2011

85 the many causes of deterioration in the business and residential
 86 neighborhoods of the state are the following: proliferation of
 87 crime, automobile traffic flow strangled by outmoded street
 88 patterns, unsuitable topography, faulty lot layouts,
 89 fragmentation of land uses and parking areas necessitating
 90 frequent automobile movement, lack of separation of pedestrian
 91 areas from automobile traffic, lack of separation of vehicle
 92 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
 93 from automobile traffic, and lack of adequate public
 94 improvements such as streets, street lights, street furniture,
 95 street landscaping, sidewalks, traffic signals, way-finding
 96 signs, mass transit, stormwater systems, and other public
 97 utilities and improvements.

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

103 (3) The Legislature further finds and declares that the
 104 provisions of this part and the powers granted to local
 105 governments, property owners' associations, special dependent
 106 districts, and community redevelopment neighborhood improvement
 107 districts are desirable to guide and accomplish the coordinated,
 108 balanced, and harmonious development of healthy and vibrant ~~safe~~
 109 neighborhoods; to promote the health, safety, and general
 110 welfare of these areas and their inhabitants, visitors, property
 111 owners, and workers; to establish, maintain, and preserve
 112 property values and preserve and foster the development of

HB 781

2011

113 attractive neighborhood and business environments; to prevent
 114 ~~overcrowding and congestion; and to improve or redirect~~
 115 ~~automobile traffic and provide pedestrian safety; to reduce~~
 116 ~~crime rates and the opportunities for the commission of crime;~~
 117 ~~and to provide improvements in neighborhoods so they are~~
 118 ~~defensible against crime.~~

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

128 Section 3. Section 163.503, Florida Statutes, is amended
 129 to read:

130 163.503 ~~Safe neighborhoods;~~ Definitions.—

131 (1) "~~Safe Neighborhood improvement district,~~" "district,"
 132 or "neighborhood improvement district" means a district located
 133 in an area in which more than 75 percent of the land is used for
 134 residential purposes, or in an area in which more than 75
 135 percent of the land is used for commercial, office, business, or
 136 industrial purposes, excluding the land area used for public
 137 facilities, ~~and where there is a plan to reduce crime through~~
 138 ~~the implementation of crime prevention through environmental~~
 139 ~~design, environmental security, or defensible space techniques,~~
 140 ~~or through community policing innovations. Nothing in This~~

HB 781

2011

141 | section does not ~~shall~~ preclude the inclusion of public land in
 142 | a neighborhood improvement district although the amount of land
 143 | used for public facilities is excluded from the land use acreage
 144 | calculations.

145 | (2) "Association" means a property owners' association
 146 | which is incorporated for the purpose of creating and operating
 147 | a neighborhood improvement district.

148 | (3) "Department" means the Department of Legal Affairs.

149 | (4) "Board" means the board of directors of a neighborhood
 150 | improvement district, which may be the governing body of a
 151 | municipality or county or the officers of a property owners'
 152 | association or the board of directors of a special neighborhood
 153 | improvement district or community redevelopment neighborhood
 154 | improvement district.

155 | ~~(5) "Environmental security" means an urban planning and
 156 | design process which integrates crime prevention with
 157 | neighborhood design and community development.~~

158 | ~~(6) "Crime prevention through environmental design" means
 159 | the planned use of environmental design concepts such as natural
 160 | access control, natural surveillance, and territorial
 161 | reinforcement in a neighborhood or community setting which is
 162 | designed to reduce criminal opportunity and foster positive
 163 | social interaction among the legitimate users of that setting.~~

164 | ~~(7) "Defensible space" means an architectural perspective
 165 | on crime prevention through physical design of the environment
 166 | to create the ability to monitor and control the environment
 167 | along individual perceived zones of territorial influence that
 168 | result in a proprietary interest and a felt responsibility.~~

HB 781

2011

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

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

173 Section 4. Section 163.5035, Florida Statutes, is amended
 174 to read:

175 163.5035 ~~Safe~~ Neighborhood improvement districts;
 176 compliance with special district provisions.—Any special
 177 district created pursuant to this part shall comply with all
 178 applicable provisions contained in chapter 189. In cases where a
 179 provision contained in this part conflicts with a provision in
 180 chapter 189, the provision in chapter 189 shall prevail.

181 Section 5. Section 163.504, Florida Statutes, is amended
 182 to read:

183 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
 184 ~~funds.~~—

185 ~~(1)~~ The governing body of any municipality or county may
 186 authorize the formation of ~~safe~~ neighborhood improvement
 187 districts through the adoption of an a ~~planning~~ ordinance that
 188 ~~which~~ specifies that such districts may be created by one or
 189 more of the methods established in ss. 163.506, 163.508,
 190 163.511, and 163.512. A ~~No~~ district may not overlap the
 191 jurisdictional boundaries of a municipality and the
 192 unincorporated area of a county, unless approved ~~except~~ by
 193 interlocal agreement.

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

HB 781

2011

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

200 ~~(3) Municipalities and counties may implement the~~
 201 ~~provisions of this section without planning funds from the~~
 202 ~~Department of Legal Affairs. However, nothing in this section~~
 203 ~~shall be construed to exempt any district from the requirements~~
 204 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 205 ~~163.516.~~

206 Section 6. Section 163.5055, Florida Statutes, is amended
 207 to read:

208 163.5055 Notice Registration of district establishment;
 209 notice of dissolution.-

210 (1)(~~a~~) Each neighborhood improvement district authorized
 211 and established under this part shall within 30 days thereof
 212 notify register ~~with both~~ the Department of Community Affairs
 213 and the Department of Legal Affairs by providing these
 214 departments with the district's name, location, size, and type,
 215 and such other information as the departments may request
 216 require.

217 (2)(~~b~~) Each local governing body that ~~which~~ authorizes the
 218 dissolution of a district shall notify both the Department of
 219 Community Affairs and the Department of Legal Affairs within 30
 220 days after the dissolution of the district.

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

223 Section 7. Section 163.506, Florida Statutes, is amended
 224 to read:

HB 781

2011

225 | 163.506 Local government neighborhood improvement
 226 | districts; creation; advisory council; dissolution.—

227 | (1) After an ~~a local planning~~ ordinance has been adopted
 228 | authorizing the creation of local government neighborhood
 229 | improvement districts, the local governing body of a
 230 | municipality or county may create local government neighborhood
 231 | improvement districts by the enactment of a separate ordinance
 232 | for each district, ~~which ordinance:~~

233 | (a) Specifies the boundaries, size, and name of the
 234 | district.

235 | (b) Authorizes the district to receive grants ~~a planning~~
 236 | ~~grant from the department.~~

237 | (c) Authorizes the local government neighborhood
 238 | improvement district to levy an ad valorem tax on real and
 239 | personal property of up to 2 mills annually.

240 | (d) Authorizes the use of special assessments to support
 241 | planning and implementation of district improvements pursuant to
 242 | the provisions of s. 163.514(16), if the district is a
 243 | residential local government neighborhood improvement district
 244 | ~~including community policing innovations.~~

245 | (e) Designates the local governing body as the board of
 246 | directors of the district.

247 | (f) Establishes an advisory council to the board of
 248 | directors comprised of property owners, representatives of
 249 | property owners, business owners, or residents of the district.

250 | (g) May prohibit the use of any district power authorized
 251 | by s. 163.514.

252 | (h) Requires the district to notify the Department of

253 | Legal Affairs and the Department of Community Affairs in writing
 254 | of its establishment within 30 days thereof pursuant to s.
 255 | 163.5055.

256 | (i) Authorizes the district to borrow money, contract
 257 | loans, and issue bonds, certificates, warrants, notes, or other
 258 | evidence of indebtedness from time to time to finance the
 259 | undertaking of any capital or other project for the purposes
 260 | permitted by the State Constitution and this part and may pledge
 261 | the funds, credit, property, and taxing power of the improvement
 262 | district for the payment of such debts and bonds.

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

278 | 2. The governing body of the district shall determine the
 279 | terms and manner of sale and distribution or other disposition
 280 | of any and all bonds it may issue, consistent with s. 218.385,

281 and shall have any and all powers necessary and convenient to
 282 such disposition.

283 3. The governing body of the district may establish and
 284 administer such sinking funds as it deems necessary or
 285 convenient for the payment, purchase, or redemption of any
 286 outstanding bonded indebtedness of the district.

287 4. The governing body of the improvement district may levy
 288 ad valorem taxes upon real and tangible personal property within
 289 the district as it deems necessary to make payment, including
 290 principal and interest, upon the general obligation and ad
 291 valorem bonded indebtedness of the district or into any sinking
 292 fund created pursuant to this part.

293 5. This part shall be full authority for the issuance of
 294 bonds authorized herein.

295 (j) Authorizes the district to make and collect special
 296 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
 297 capital improvements within the district and for reasonable
 298 expenses of operating the district, including the payment of
 299 expenses included in the district's budget, if the district is a
 300 commercial local government neighborhood improvement district.

301 Such assessments may not exceed \$1,500 for each individual
 302 parcel of land per year.

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

305 (2) The advisory council shall perform such duties as may
 306 be prescribed by the governing body and shall submit within the
 307 time period specified by the governing body, acting as the board
 308 of directors, a report on the district's activities and a

309 | proposed budget to accomplish its objectives. In formulating a
 310 | plan for services or improvements the advisory board shall
 311 | consult in public session with the appropriate staff or
 312 | consultants of the local governing body ~~responsible for the~~
 313 | ~~district's plan.~~

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

334 | (3)-(4) A district may be dissolved by the governing body
 335 | by rescinding the ordinance creating the district. The governing
 336 | body may rescind ~~shall consider rescinding~~ the ordinance if

HB 781

2011

337 presented with a petition requesting that it be rescinded.
 338 Petitions related to a residential neighborhood improvement
 339 district must contain ~~containing~~ the signatures of 60 percent of
 340 the residents. Petitions related to a commercial neighborhood
 341 improvement district must contain signatures representing owners
 342 of 60 percent of the land area of the ~~of a~~ district.

343 Section 8. Section 163.508, Florida Statutes, is amended
 344 to read:

345 163.508 Property owners' association neighborhood
 346 improvement districts; creation; powers and duties; duration.—

347 (1) After an ~~a local planning~~ ordinance has been adopted
 348 authorizing the creation of property owners' association
 349 neighborhood improvement districts, the local governing body of
 350 a municipality or county may create property owners' association
 351 neighborhood improvement districts by the enactment of a
 352 separate ordinance for each district, ~~which ordinance:~~

353 (a) Establishes that an incorporated property owners'
 354 association representing 75 percent of all owners of property
 355 within a proposed district meeting the requirements of this
 356 section has petitioned the governing body of the municipality or
 357 county for creation of a district for the area encompassed by
 358 the property owned by members of the association.

359 (b) Specifies the boundaries, size, and name of the
 360 district.

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

363 1. Request grants ~~a matching grant from the state's Safe~~
 364 ~~Neighborhoods Program to prepare the first year's safe~~

HB 781

2011

365 ~~neighborhood improvement plan. The provider of the local match~~
366 ~~for the state grant shall be mutually agreed upon between the~~
367 ~~governing body and the property owners' association. The~~
368 ~~governing body may agree to provide the match as a no-interest-~~
369 ~~bearing loan to be paid back from assessments imposed by the~~
370 ~~association on its members or shareholders.~~

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

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

377 (d) Provides for an audit of the property owners'
378 association.

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

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

383 (g) Requires the district to notify the Department of
384 Legal Affairs and the Department of Community Affairs in writing
385 of its establishment within 30 days thereof pursuant to s.
386 163.5055.

387 (2) In order to qualify for the creation of a neighborhood
388 improvement district, the property owners shall form an
389 association in compliance with this section, or use an existing
390 property owners' association in compliance with this section,
391 which shall be a corporation, for profit or not for profit. At
392 least, ~~and of which not less than 75 percent of all property~~

393 owners within the proposed area must consent ~~have consented~~ in
 394 writing to become members ~~or shareholders~~. Upon such consent by
 395 75 percent of the property owners in the proposed district, all
 396 consenting property owners and their successors shall become
 397 members of the association and shall be bound by the provisions
 398 of the articles of incorporation, the bylaws of the association,
 399 the covenants, the deed restrictions, the indentures, and any
 400 other properly promulgated restrictions. The association shall
 401 have no member ~~or shareholder~~ who is not a bona fide owner of
 402 property within the proposed district. Upon receipt of its
 403 certificate of incorporation, the property owners' association
 404 shall notify the clerk of the city or county court, whichever is
 405 appropriate, in writing, of such incorporation and shall list
 406 the names and addresses of the officers of the association.

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

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

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

416 (c) To make and collect assessments against all property
 417 within the boundaries of the district pursuant to the provisions
 418 of s. 163.514(16) and to lease, maintain, repair, and
 419 reconstruct any privatized street, land, or common area within
 420 the district upon dedication thereof to the association.

HB 781

2011

421 (d) Without the joinder of any property owner, to modify,
 422 move, or create any easement for ingress and egress or for the
 423 purpose of utilities, if such easement constitutes part of or
 424 crosses district property. However, this does ~~shall~~ not
 425 authorize the association to modify or move any easement that
 426 ~~which~~ is created in whole or in part for the use or benefit of
 427 anyone other than association members, or which crosses the
 428 property of anyone other than association members, without the
 429 consent or approval of such person as required by law or by the
 430 instrument creating the easement. Nothing in this paragraph
 431 shall affect the rights of ingress or egress of any member of
 432 the association.

433 (4) A property owners' association neighborhood
 434 improvement district shall continue in perpetuity as long as the
 435 property owners' association created pursuant to this section
 436 exists under the applicable laws of the state.

437 Section 9. Subsections (1), (7), (8), and (10) of section
 438 163.511, Florida Statutes, are amended to read:

439 163.511 Special neighborhood improvement districts;
 440 creation; referendum; board of directors; duration; extension.-

441 (1) After an ~~a local planning~~ ordinance has been adopted
 442 authorizing the creation of special neighborhood improvement
 443 districts, the governing body of a municipality or county may
 444 declare the need for and create special residential or business
 445 neighborhood improvement districts by the enactment of a
 446 separate ordinance for each district, ~~which ordinance:~~

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

HB 781

2011

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

452 (c) Authorizes the use of special assessments to support
 453 planning and implementation of district improvements pursuant to
 454 the provisions of s. 163.514(16), ~~including community policing~~
 455 ~~innovations.~~

456 (d) Specifies the boundaries, size, and name of the
 457 district.

458 (e) Authorizes the district to receive a planning grant
 459 from the department.

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

462 (g) May authorize a special neighborhood improvement
 463 district to exercise the power of eminent domain pursuant to
 464 chapters 73 and 74. Any property identified for eminent domain
 465 by the district shall be subject to the approval of the local
 466 governing body before eminent domain procedures are exercised.

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

469 (i) Requires the district to notify the Department of
 470 Legal Affairs and the Department of Community Affairs in writing
 471 of its establishment within 30 days thereof pursuant to s.
 472 163.5055.

473 (j) May authorize a special neighborhood improvement
 474 district to develop and implement community policing innovations
 475 in consultation with the local law enforcement agency having
 476 jurisdiction within the district boundaries.

HB 781

2011

477 (7) The business and affairs of a special neighborhood
478 improvement district shall be conducted and administered by a
479 board of three directors who shall be residents of or property
480 owners within the proposed area and who are subject to ad
481 valorem taxation in the district. Upon their initial appointment
482 and qualification and in January of each year thereafter, the
483 directors shall organize by electing from their number a chair
484 and a secretary, and may also employ staff and legal
485 representatives as deemed appropriate, who shall serve at the
486 pleasure of the board and may receive such compensation as shall
487 be fixed by the board. The secretary shall keep a record of the
488 proceedings of the district and shall be custodian of all books
489 and records of the district. The directors may ~~shall~~ not receive
490 any compensation for their services, nor may they be employed by
491 the district.

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

HB 781

2011

505 made.

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

513 Section 10. Section 163.512, Florida Statutes, is amended
 514 to read:

515 163.512 Community redevelopment neighborhood improvement
 516 districts; creation; advisory council; dissolution.—

517 (1) Upon the recommendation of the community redevelopment
 518 agency and after an ~~a local planning~~ ordinance has been adopted
 519 authorizing the creation of community redevelopment neighborhood
 520 improvement districts, the local governing body of a
 521 municipality or county may create community redevelopment
 522 neighborhood improvement districts by the enactment of a
 523 separate ordinance for each district, ~~which ordinance:~~

524 (a) Specifies the boundaries, size, and name of the
 525 district.

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

528 (c) Authorizes the use of the community redevelopment
 529 trust fund created pursuant to s. 163.387 for the purposes of
 530 implementing the district's ~~safe neighborhood~~ improvement plan
 531 ~~and furthering crime prevention through community policing~~
 532 ~~innovations, environmental design, environmental security, and~~

HB 781

2011

533 ~~defensible space techniques~~, if the expenditures ~~from the~~
534 ~~community redevelopment trust fund~~ are consistent with the
535 community redevelopment plan created pursuant to s. 163.360.

536 (d) Designates the community redevelopment board of
537 commissioners established pursuant to s. 163.356 or s. 163.357
538 as the board of directors for the district.

539 (e) Establishes an advisory council to the board of
540 directors comprised of property owners or residents of the
541 district.

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

544 (g) Requires that the district's ~~safe~~ neighborhood
545 improvement plan be consistent with the community redevelopment
546 plan created pursuant to s. 163.360, and permits the ~~safe~~
547 neighborhood improvement plan to be included in the community
548 redevelopment plan as an optional element.

549 (h) Requires that the boundaries of the community
550 redevelopment district be contained in whole within the
551 community redevelopment area established pursuant to ss. 163.355
552 and 163.356.

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

557 (2) The advisory council shall perform such duties as may
558 be prescribed by the community redevelopment board established
559 pursuant to s. 163.356 and shall submit within the time period
560 specified by the board of directors a report on the district's

HB 781

2011

561 activities and a proposed budget to accomplish its objectives.
 562 In formulating a plan for services or improvements, the advisory
 563 council shall consult in public session with the appropriate
 564 staff or consultants of the community redevelopment board
 565 ~~responsible for the district's plan.~~

566 (3) A district may be dissolved by the local governing
 567 body by rescinding the ordinance creating the district. The
 568 governing body may rescind ~~shall consider rescinding~~ the
 569 ordinance if presented with a petition containing the signatures
 570 of 60 percent of the residents of a district.

571 Section 11. Section 163.513, Florida Statutes, is
 572 repealed.

573 Section 12. Section 163.514, Florida Statutes, is amended
 574 to read:

575 163.514 Powers of neighborhood improvement districts.—
 576 Unless prohibited by ordinance, the board of any district is
 577 ~~shall be~~ empowered to:

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

580 (2) Have and use a corporate seal.

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

586 (4) Accept grants and donations of any type of property,
 587 labor, or other thing of value from any public or private
 588 source.

HB 781

2011

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

592 (6) Cooperate and contract with other governmental
593 agencies or other public bodies.

594 (7) Contract for services of planners, engineers,
595 attorneys, and other planning consultants, ~~experts on crime~~
596 ~~prevention through community policing innovations, environmental~~
597 ~~design, environmental security, or defensible space, or other~~
598 ~~experts~~ in areas pertaining to the operations of the board of
599 directors or the district.

600 (8) Contract with the county or municipal government for
601 planning assistance, legal advice, and for increased levels of
602 law enforcement protection and security, including additional
603 personnel.

604 (9) Promote and advertise the commercial advantages of the
605 district so as to attract new businesses and encourage the
606 expansion of existing businesses.

607 (10) Promote and advertise the district to the public and
608 engage in cooperative advertising programs with businesses
609 located in the district.

610 (11) Improve, plan, design, construct, operate, provide,
611 and maintain street lighting, parks, streets, drainage,
612 utilities, swales, parking facilities, transit, landscaping, and
613 open areas, and provide ~~safe~~ access to mass transportation
614 facilities in the district.

615 (12) Undertake innovative approaches to securing
616 neighborhoods from crime, such as crime prevention through

617 community policing innovations, environmental design,
 618 environmental security, and defensible space.

619 (13) Privatize, close, vacate, plan, or replan streets,
 620 roads, sidewalks, and alleys, subject to the concurrence of the
 621 local governing body and, if required, the state Department of
 622 Transportation.

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

625 (15) Identify areas with blighted influences, including,
 626 but not limited to, areas where unlawful urban dumping or
 627 graffiti are prevalent, and develop programs for eradication
 628 thereof.

629 (16) (a) Subject to referendum approval, and for special,
 630 community redevelopment, and property owners' association
 631 neighborhood improvement districts only, make and collect
 632 special assessments pursuant to ss. 197.3632 and 197.3635 to pay
 633 for improvements to the district and for reasonable expenses of
 634 operating the district, including the payment of expenses
 635 included in the district's budget, subject to an affirmative
 636 vote by a majority of the registered voters residing in the
 637 district. Such assessments shall not exceed \$500 for each
 638 individual parcel of land per year. Notwithstanding the
 639 provisions of s. 101.6102, the referendum to approve the special
 640 assessment shall be by mail ballot.

641 (b) In order to implement this subsection, the city clerk
 642 or the supervisor of elections, whichever is appropriate, shall
 643 compile a list of the names and last known addresses of the
 644 electors in the neighborhood improvement district from the list

HB 781

2011

645 of registered voters of the county as of the last day of the
 646 preceding month. The same shall constitute the registration list
 647 for the purposes of a referendum. Within 45 days after
 648 compilation of the voter registration list, the city clerk or
 649 the supervisor of elections shall notify each elector of the
 650 general provisions of this section, including the taxing
 651 authority and the date of the upcoming referendum. Notification
 652 shall be by United States mail and, in addition thereto, by
 653 publication one time in a newspaper of general circulation in
 654 the county or municipality in which the district is located.

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

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

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

666 2. Immediately following said information, the following:

667
 668 "Do you favor the imposition of a special assessment
 669 of not greater than \$500 for each individual parcel of
 670 land per year to pay for the expenses of operating the
 671 neighborhood improvement district?
 672

673 | Yes, for the special assessment.

674

675 | No, against the special assessment."

676

677 | (e) Ballots shall be returned by United States mail or by
678 | personal delivery.

679 | (f) All ballots received within 60 days after the closing
680 | of registration shall be tabulated by the city clerk or the
681 | supervisor of elections, who shall certify the results thereof
682 | to the city governing body or county commission no later than 5
683 | days after said 60-day period.

684 | (17) Exercise all lawful powers incidental to the
685 | effective and expedient exercise of the foregoing powers.

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

688 | 163.5151 Fiscal management; budget preparation.—

689 | (3) Each local government and special neighborhood
690 | improvement district levying an ad valorem tax on real or
691 | personal property shall establish its budget pursuant to the
692 | provisions of chapter 200. Before adopting ~~Prior to adoption of~~
693 | the final budget and setting of the millage rate to be levied by
694 | the board, the board shall submit a tentative budget and
695 | proposed millage rate of the district to the governing body of
696 | the municipality in which the district is located, or to the
697 | county if the district is located in the unincorporated portion
698 | of the county, for approval or disapproval. Such governing body
699 | shall have the power to modify the budget or millage submitted
700 | by the board. Subsequent to approval, the board shall adopt its

HB 781

2011

701 final budget and millage rate in accordance with the
 702 requirements of chapter 200.

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

708 Section 14. Section 163.516, Florida Statutes, is amended
 709 to read:

710 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

714 (a) Demographics of the district.

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

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

717 ~~(d) Determination of the problems of the crime-to-~~
 718 ~~environment relationship and the stability of the neighborhood~~
 719 ~~improvement district.~~

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

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

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

726 ~~(h) Outline of program participants and their functions~~
 727 ~~and responsibilities.~~

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

HB 781

2011

729 ~~(j) Evaluation guidelines.~~

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

731 show, by diagram and by general explanation:

732 (a) Such property as is intended for use as public parks,

733 recreation areas, streets, public utilities, and public

734 improvements of any nature.

735 (b) Specific identification of any publicly funded capital

736 improvement projects to be undertaken within the district.

737 ~~(c) Adequate assurances that the improvements will be~~

738 ~~carried out pursuant to the plan.~~

739 ~~(d) Provision for the retention of controls and the~~

740 ~~establishment of any restrictions or covenants running with land~~

741 ~~sold or leased for private use for such periods of time and~~

742 ~~under such conditions as the governing body of the municipality~~

743 ~~in which the district is located, or the county if the district~~

744 ~~is located in the unincorporated portion of the county, deems~~

745 ~~necessary to effectuate the purposes of this part.~~

746 (c)~~(e)~~ Projected costs of improvements, including the

747 amount to be expended on publicly funded capital improvement

748 projects in the district and any indebtedness of the district,

749 the county, or the municipality proposed to be incurred if such

750 indebtedness is to be repaid with district revenues.

751 ~~(f) Promotion of advertising programs to be undertaken by~~

752 ~~the district or in conjunction with businesses in the district.~~

753 ~~(g) Suggested physical improvements necessary for the~~

754 ~~safety of residents in or visitors to the district.~~

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

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

HB 781

2011

757 (a) Be consistent with the adopted comprehensive plan for
 758 the county or municipality pursuant to the Local Government
 759 Comprehensive Planning and Land Development Regulation Act. No
 760 district plan shall be implemented unless the local governing
 761 body has determined said plan is consistent.

762 (b) Be sufficiently complete to indicate such land
 763 acquisition, demolition and removal of structures, street
 764 modifications, redevelopment, and rehabilitation as may be
 765 proposed to be carried out in the district.

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

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

780 (4) ~~(5)~~ Prior to adoption of the safe neighborhood
 781 improvement plan, the board shall hold a public hearing on the
 782 plan after public notice thereof by publication in a newspaper
 783 of general circulation in the county or municipality in which
 784 the district is located. The notice shall describe the time,

HB 781

2011

785 date, place, and purpose of the hearing; identify the boundaries
 786 of the district; and outline the general scope of the plan.

787 (5)~~(6)~~ The board, after the public hearing, may approve
 788 the ~~safe~~ neighborhood improvement plan if it finds:

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

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

794 (6)~~(7)~~ If, at any time after approval of the ~~safe~~
 795 neighborhood improvement plan, it becomes desirable to amend or
 796 modify the plan, the board may do so. Prior to any such
 797 amendment or modification, the board shall obtain written
 798 approval of the local governing body concerning conformity to
 799 the local government comprehensive plan and hold a public
 800 hearing on the proposed amendment or modification after public
 801 notice thereof by publication in a newspaper of general
 802 circulation in the county or municipality in which the district
 803 is located. The notice shall describe the time, place, and
 804 purpose of the hearing and generally describe the proposed
 805 amendment or modification.

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

811 ~~(9) A safe neighborhood improvement plan for each district~~
 812 ~~shall be prepared and adopted by the municipality or county~~

HB 781

2011

813 ~~prior to the levy and expenditure of any of the proceeds of any~~
 814 ~~tax assessment or fee authorized to such districts other than~~
 815 ~~for the preparation of the safe community or business~~
 816 ~~improvement plan.~~

817 Section 15. Section 163.517, Florida Statutes, is
 818 repealed.

819 Section 16. Section 163.519, Florida Statutes, is
 820 repealed.

821 Section 17. Section 163.521, Florida Statutes, is
 822 repealed.

823 Section 18. Section 163.5215, Florida Statutes, is
 824 repealed.

825 Section 19. Section 163.522, Florida Statutes, is
 826 repealed.

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

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

831 Section 22. Section 163.526, Florida Statutes, is
 832 repealed.

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