

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Soto offered the following:

Amendment (with title amendment)

Between lines 887 and 888, insert:

Section 4. Paragraph (d) of subsection (2) of section 163.2511, Florida Statutes, is amended to read:

163.2511 Urban infill and redevelopment.—

(2) It is declared that:

(d) State urban policies should guide the state, regional agencies, local governments, and the private sector in preserving and redeveloping existing urban cores and promoting the adequate provision of infrastructure, human services, neighborhood improvement ~~safe neighborhoods~~, educational facilities, and economic development to sustain these cores into the future.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

16 Section 5. Paragraph (c) of subsection (3) of section
17 163.2517, Florida Statutes, is amended to read:

18 163.2517 Designation of urban infill and redevelopment
19 area.—

20 (3) A local government seeking to designate a geographic
21 area within its jurisdiction as an urban infill and
22 redevelopment area shall prepare a plan that describes the
23 infill and redevelopment objectives of the local government
24 within the proposed area. In lieu of preparing a new plan, the
25 local government may demonstrate that an existing plan or
26 combination of plans associated with a community redevelopment
27 area, Florida Main Street program, Front Porch Florida
28 Community, sustainable community, enterprise zone, or
29 neighborhood improvement district includes the factors listed in
30 paragraphs (a)-(n), including a collaborative and holistic
31 community participation process, or amend such existing plans to
32 include these factors. The plan shall demonstrate the local
33 government and community's commitment to comprehensively address
34 the urban problems within the urban infill and redevelopment
35 area and identify activities and programs to accomplish locally
36 identified goals such as code enforcement; improved educational
37 opportunities; reduction in crime; neighborhood revitalization
38 and preservation; provision of infrastructure needs, including
39 mass transit and multimodal linkages; and mixed-use planning to
40 promote multifunctional redevelopment to improve both the
41 residential and commercial quality of life in the area. The plan
42 shall also:

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

43 (c) Identify and map existing enterprise zones, community
44 redevelopment areas, community development corporations,
45 brownfield areas, downtown redevelopment districts, ~~safe~~
46 neighborhood improvement districts, historic preservation
47 districts, and empowerment zones or enterprise communities
48 located within the area proposed for designation as an urban
49 infill and redevelopment area and provide a framework for
50 coordinating infill and redevelopment programs within the urban
51 core.

52 Section 6. Paragraph (a) of subsection (6) of section
53 163.3182, Florida Statutes, is amended to read:

54 163.3182 Transportation deficiencies.—

55 (6) EXEMPTIONS.—

56 (a) The following public bodies or taxing authorities are
57 exempt from this section:

58 1. A special district that levies ad valorem taxes on
59 taxable real property in more than one county.

60 2. A special district for which the sole available source
61 of revenue is the authority to levy ad valorem taxes at the time
62 an ordinance is adopted under this section. However, revenues or
63 aid that may be dispensed or appropriated to a district as
64 defined in s. 388.011 at the discretion of an entity other than
65 such district are not deemed available.

66 3. A library district.

67 4. A neighborhood improvement district created under the
68 ~~Safe~~ Neighborhoods Improvement Act.

69 5. A metropolitan transportation authority.

70 6. A water management district created under s. 373.069.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

71 7. A community redevelopment agency.

72 Section 7. Paragraph (e) of subsection (2) of section
73 163.3246, Florida Statutes, is amended to read:

74 163.3246 Local government comprehensive planning
75 certification program.—

76 (2) In order to be eligible for certification under the
77 program, the local government must:

78 (e) Demonstrate that it has adopted programs in its local
79 comprehensive plan and land development regulations which:

80 1. Promote infill development and redevelopment, including
81 prioritized and timely permitting processes in which
82 applications for local development permits within the
83 certification area are acted upon expeditiously for proposed
84 development that is consistent with the local comprehensive
85 plan.

86 2. Promote the development of housing for low-income and
87 very-low-income households or specialized housing to assist
88 elderly and disabled persons to remain at home or in independent
89 living arrangements.

90 3. Achieve effective intergovernmental coordination and
91 address the extrajurisdictional effects of development within
92 the certified area.

93 4. Promote economic diversity and growth while encouraging
94 the retention of rural character, where rural areas exist, and
95 the protection and restoration of the environment.

96 5. Provide and maintain public urban and rural open space
97 and recreational opportunities.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

98 6. Manage transportation and land uses to support public
99 transit and promote opportunities for pedestrian and
100 nonmotorized transportation.

101 7. Use design principles to foster individual community
102 identity, create a sense of place, and promote pedestrian-
103 oriented ~~safe~~ neighborhoods and town centers.

104 8. Redevelop blighted areas.

105 9. Adopt a local mitigation strategy and have programs to
106 improve disaster preparedness and the ability to protect lives
107 and property, especially in coastal high-hazard areas.

108 10. Encourage clustered, mixed-use development that
109 incorporates greenspace and residential development within
110 walking distance of commercial development.

111 11. Encourage urban infill at appropriate densities and
112 intensities and separate urban and rural uses and discourage
113 urban sprawl while preserving public open space and planning for
114 buffer-type land uses and rural development consistent with
115 their respective character along and outside the certification
116 area.

117 12. Assure protection of key natural areas and
118 agricultural lands that are identified using state and local
119 inventories of natural areas. Key natural areas include, but are
120 not limited to:

121 a. Wildlife corridors.

122 b. Lands with high native biological diversity, important
123 areas for threatened and endangered species, species of special
124 concern, migratory bird habitat, and intact natural communities.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

125 c. Significant surface waters and springs, aquatic
126 preserves, wetlands, and outstanding Florida waters.

127 d. Water resources suitable for preservation of natural
128 systems and for water resource development.

129 e. Representative and rare native Florida natural systems.

130 13. Ensure the cost-efficient provision of public
131 infrastructure and services.

132 Section 8. Paragraph (c) of subsection (2) of section
133 163.387, Florida Statutes, is amended to read:

134 163.387 Redevelopment trust fund.—

135 (2)

136 (c) The following public bodies or taxing authorities are
137 exempt from paragraph (a):

138 1. A special district that levies ad valorem taxes on
139 taxable real property in more than one county.

140 2. A special district for which the sole available source
141 of revenue the district has the authority to levy is ad valorem
142 taxes at the time an ordinance is adopted under this section.
143 However, revenues or aid that may be dispensed or appropriated
144 to a district as defined in s. 388.011 at the discretion of an
145 entity other than such district shall not be deemed available.

146 3. A library district, except a library district in a
147 jurisdiction where the community redevelopment agency had
148 validated bonds as of April 30, 1984.

149 4. A neighborhood improvement district created under the
150 ~~Safe~~ Neighborhoods Improvement Act.

151 5. A metropolitan transportation authority.

152 6. A water management district created under s. 373.069.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

153 Section 9. Section 163.501, Florida Statutes, is amended
154 to read:

155 163.501 Short title.—This part may be cited as the "~~Safe~~
156 Neighborhoods Improvement Act."

157 Section 10. Section 163.502, Florida Statutes, is amended
158 to read:

159 163.502 ~~Safe~~ Neighborhoods improvement; legislative
160 findings and purpose.—

161 (1) The Legislature ~~hereby~~ finds and declares that among
162 the many causes of deterioration in the business and residential
163 neighborhoods of the state are the following: proliferation of
164 crime, automobile traffic flow strangled by outmoded street
165 patterns, unsuitable topography, faulty lot layouts,
166 fragmentation of land uses and parking areas necessitating
167 frequent automobile movement, lack of separation of pedestrian
168 areas from automobile traffic, lack of separation of vehicle
169 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
170 from automobile traffic, and lack of adequate public
171 improvements such as streets, street lights, street furniture,
172 street landscaping, sidewalks, traffic signals, way-finding
173 signs, mass transit, stormwater systems, and other public
174 utilities and improvements.

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

180 (3) The Legislature further finds and declares that the
181 provisions of this part and the powers granted to local
182 governments, property owners' associations, special dependent
183 districts, and community redevelopment neighborhood improvement
184 districts are desirable to guide and accomplish the coordinated,
185 balanced, and harmonious development of healthy and vibrant ~~safe~~
186 neighborhoods; to promote the health, ~~safety,~~ and general
187 welfare of these areas and their inhabitants, visitors, property
188 owners, and workers; to establish, maintain, and preserve
189 property values and preserve and foster the development of
190 attractive neighborhood and business environments; to prevent
191 ~~overcrowding and~~ congestion; and to improve or redirect
192 automobile traffic and provide pedestrian safety; ~~to reduce~~
193 ~~crime rates and the opportunities for the commission of crime;~~
194 ~~and to provide improvements in neighborhoods so they are~~
195 ~~defensible against crime.~~

196 (4) It is the intent of the Legislature to assist local
197 governments in implementing plans that improve the ~~employ crime~~
198 ~~prevention through community policing innovations, environmental~~
199 ~~design, environmental security, and defensible space techniques~~
200 ~~to establish safe~~ neighborhoods of this state. The Legislature,
201 therefore, declares that the development, redevelopment,
202 preservation, and revitalization of neighborhoods in this state,
203 and all the purposes of this part, are public purposes for which
204 public money may be borrowed, expended, loaned, and granted.

205 Section 11. Section 163.503, Florida Statutes, is amended
206 to read:

207 163.503 ~~Safe neighborhoods;~~ Definitions.—

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

208 (1) ~~"Safe Neighborhood improvement district," "district,"~~
209 or "neighborhood improvement district" means a district located
210 in an area in which more than 75 percent of the land is used for
211 residential purposes, or in an area in which more than 75
212 percent of the land is used for commercial, office, business, or
213 industrial purposes, excluding the land area used for public
214 facilities, ~~and where there is a plan to reduce crime through~~
215 ~~the implementation of crime prevention through environmental~~
216 ~~design, environmental security, or defensible space techniques,~~
217 ~~or through community policing innovations.~~ Nothing in This
218 section does not ~~shall~~ preclude the inclusion of public land in
219 a neighborhood improvement district although the amount of land
220 used for public facilities is excluded from the land use acreage
221 calculations.

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

225 (3) "Department" means the Department of Economic
226 Opportunity Legal Affairs.

227 (4) "Board" means the board of directors of a neighborhood
228 improvement district, which may be the governing body of a
229 municipality or county or the officers of a property owners'
230 association or the board of directors of a special neighborhood
231 improvement district or community redevelopment neighborhood
232 improvement district.

233 ~~(5) "Environmental security" means an urban planning and~~
234 ~~design process which integrates crime prevention with~~
235 ~~neighborhood design and community development.~~

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

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

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

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

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

251 Section 12. Section 163.5035, Florida Statutes, is amended
252 to read:

253 163.5035 ~~Safe~~ Neighborhood improvement districts;
254 compliance with special district provisions.—Any special
255 district created pursuant to this part shall comply with all
256 applicable provisions contained in chapter 189. In cases where a
257 provision contained in this part conflicts with a provision in
258 chapter 189, the provision in chapter 189 shall prevail.

259 Section 13. Section 163.504, Florida Statutes, is amended
260 to read:

261 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
262 ~~funds.~~—

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

263 ~~(1)~~ The governing body of any municipality or county may
264 authorize the formation of ~~safe~~ neighborhood improvement
265 districts through the adoption of an a planning ordinance that
266 ~~which~~ specifies that such districts may be created by one or
267 more of the methods established in ss. 163.506, 163.508,
268 163.511, and 163.512. A ~~No~~ district may not overlap the
269 jurisdictional boundaries of a municipality and the
270 unincorporated area of a county, unless approved ~~except~~ by
271 interlocal agreement.

272 ~~(2)~~ ~~If the governing body of a municipality or county~~
273 ~~elects to create a safe neighborhood improvement district, it~~
274 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
275 ~~Program, created pursuant to s. 163.517 and administered by the~~
276 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
277 ~~improvement plan for the district.~~

278 ~~(3)~~ ~~Municipalities and counties may implement the~~
279 ~~provisions of this section without planning funds from the~~
280 ~~Department of Legal Affairs. However, nothing in this section~~
281 ~~shall be construed to exempt any district from the requirements~~
282 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
283 ~~163.516.~~

284 Section 14. Section 163.5055, Florida Statutes, is amended
285 to read:

286 163.5055 Notice ~~Registration~~ of district establishment;
287 notice of dissolution.-

288 ~~(1)(a)~~ Each neighborhood improvement district authorized
289 and established under this part shall within 30 days thereof
290 notify register ~~with both~~ the Department of Economic Opportunity
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

291 ~~Community Affairs and the Department of Legal Affairs~~ by
292 providing the department ~~these departments~~ with the district's
293 name, location, size, and type, and such other information as
294 the department ~~departments~~ may request ~~require~~.

295 (2) ~~(b)~~ Each local governing body that ~~which~~ authorizes the
296 dissolution of a district shall notify ~~both~~ the Department of
297 Economic Opportunity ~~Community Affairs and the Department of~~
298 ~~Legal Affairs~~ within 30 days after the dissolution of the
299 district.

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

302 Section 15. Section 163.506, Florida Statutes, is amended
303 to read:

304 163.506 Local government neighborhood improvement
305 districts; creation; advisory council; dissolution.—

306 (1) After an ~~a~~ local ~~planning~~ ordinance has been adopted
307 authorizing the creation of local government neighborhood
308 improvement districts, the local governing body of a
309 municipality or county may create local government neighborhood
310 improvement districts by the enactment of a separate ordinance
311 for each district, ~~which ordinance:~~

312 (a) Specifies the boundaries, size, and name of the
313 district.

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

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

319 (d) Authorizes the use of special assessments to support
320 planning and implementation of district improvements pursuant to
321 the provisions of s. 163.514(16), if the district is a
322 residential local government neighborhood improvement district
323 ~~including community policing innovations.~~

324 (e) Designates the local governing body as the board of
325 directors of the district.

326 (f) Establishes an advisory council to the board of
327 directors comprised of property owners, representatives of
328 property owners, business owners, or residents of the district.

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

331 (h) Requires the district to notify the ~~Department of~~
332 ~~Legal Affairs and the~~ Department of Economic Opportunity
333 ~~Community Affairs~~ in writing of its establishment within 30 days
334 thereof pursuant to s. 163.5055.

335 (i) Authorizes the district to borrow money, contract
336 loans, and issue bonds, certificates, warrants, notes, or other
337 evidence of indebtedness from time to time to finance the
338 undertaking of any capital or other project for the purposes
339 permitted by the State Constitution and this part and pledge the
340 funds, credit, property, and taxing power of the improvement
341 district for the payment of such debts and bonds.

342 1. Bonds issued under this part shall be authorized by
343 resolution of the governing board of the district and, if
344 required by the State Constitution, by affirmative vote of the
345 electors of the district. Such bonds may be issued in one or
346 more series and shall bear such date or dates, be payable upon

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

347 demand or mature at such time or times, bear interest at such
348 rate or rates, be in such denomination or denominations, be in
349 such form, registered or not, with or without coupon, carry such
350 conversion or registration privileges, have such rank or
351 priority, be executed in such manner, be payable in such medium
352 of payment, at such place or places, and subject to such terms
353 of redemption, with or without premium, be secured in such
354 manner, and have such other characteristics as may be provided
355 by such resolution or trust indenture or mortgage issued
356 pursuant thereto.

357 2. The governing body of the district shall determine the
358 terms and manner of sale and distribution or other disposition
359 of any and all bonds it may issue, consistent with s. 218.385,
360 and shall have any and all powers necessary and convenient to
361 such disposition.

362 3. The governing body of the district may establish and
363 administer such sinking funds as it deems necessary or
364 convenient for the payment, purchase, or redemption of any
365 outstanding bonded indebtedness of the district.

366 4. The governing body of the improvement district may levy
367 ad valorem taxes upon real and tangible personal property within
368 the district as it deems necessary to make payment, including
369 principal and interest, upon the general obligation and ad
370 valorem bonded indebtedness of the district or into any sinking
371 fund created pursuant to this part.

372 5. This part shall be full authority for the issuance of
373 bonds authorized herein.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

374 (j) Authorizes the district to make and collect special
375 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
376 capital improvements within the district and for reasonable
377 expenses of operating the district, including the payment of
378 expenses included in the district's budget, if the district is a
379 commercial local government neighborhood improvement district.
380 Such assessments may not exceed \$500 for each individual parcel
381 of land per year.

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

384 (l) Conditions the exercise of the powers provided in
385 paragraphs (c), (i), and (j) on approval pursuant to a
386 referendum as described in this paragraph:

387 1. Within 45 days after the date the governing body of the
388 municipality or county enacts an ordinance calling a referendum
389 pursuant to this subsection, the city clerk or the supervisor of
390 elections, whichever is appropriate, shall certify such
391 ordinance and compile a list of the names and last known
392 addresses of the freeholders in the proposed local government
393 neighborhood improvement district from the tax assessment roll
394 of the county applicable as of December 31 in the year preceding
395 the year in which the ordinance was enacted. Except as otherwise
396 provided in this paragraph, the list shall constitute the
397 registration list for the purposes of the freeholders'
398 referendum required under this paragraph.

399 2. Within 45 days after compilation of the freeholders'
400 registration list pursuant to subparagraph 1., the city clerk or
401 the supervisor of elections shall notify each such freeholder of
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

402 the general provisions of this paragraph, including the taxing
403 authority and the date of the upcoming referendum, and the
404 method provided for submitting corrections to the registration
405 list if the status of the freeholder has changed since the
406 compilation of the tax rolls. Notification shall be by first-
407 class United States mail and, in addition thereto, by
408 publication one time in a newspaper of general circulation in
409 the county or municipality in which the district is located.

410 3. Any freeholder whose name does not appear on the tax
411 rolls compiled pursuant to subparagraph 1. may register to vote
412 with the city clerk or the supervisor of elections. The
413 registration list shall remain open for 75 days after enactment
414 of the ordinance calling for the referendum.

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

420 a. A description of the general provisions of this
421 paragraph applicable to local government neighborhood
422 improvement districts;

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

424 c. The percent of the freeholder's interest in such
425 property; and

426 d. Immediately following the information required in sub-
427 paragraphs a.-c., the following:

428
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

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

432
433Yes, for authorizing the levy of up to 2 mills of ad
434 valorem taxes by such proposed district.

435
436No, against authorizing the levy of up to 2 mills of ad
437 valorem taxes by such proposed district."

438
439 "Do you favor authorizing the Local Government
440 Neighborhood Improvement District to borrow money, including the
441 issuance of bonds, as provided by s. 163.506(1) (i)?

442
443Yes, for authorizing the borrowing of money for
444 district purposes.

445
446No, against authorizing the borrowing of money for
447 district purposes."

448
449 "Do you favor authorizing the Local Government
450 Neighborhood Improvement District to impose a special assessment
451 of not greater than \$500 for each individual parcel of land per
452 year to pay for the expenses of operating the neighborhood
453 improvement district and for approved capital improvements?

454
455Yes, for the special assessment.

456

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

457No, against the special assessment."

458
459 5. Ballots shall be returned by first-class United States
460 mail or by personal delivery.

461 6. All ballots received within 120 days after enactment of
462 the ordinance shall be tabulated by the city clerk or the
463 supervisor of elections, who shall certify the results thereof
464 to the city council or county commission no later than 5 days
465 after the 120-day period.

466 7. The freeholders shall be deemed to have approved of the
467 provisions of this paragraph at such time as the city clerk or
468 the supervisor of elections certifies to the governing body of
469 the municipality or county that approval has been given by
470 freeholders owning in excess of 50 percent of the assessed value
471 of the properties represented by ballots cast.

472 8. The city clerk or the supervisor of elections,
473 whichever is appropriate, shall enclose with each ballot sent
474 pursuant to this paragraph two envelopes: a secrecy envelope,
475 into which the freeholder shall enclose the marked ballot; and a
476 mailing envelope, into which the freeholder shall then place the
477 secrecy envelope, which shall be addressed to the city clerk or
478 the supervisor of elections. The back side of the mailing
479 envelope shall bear a certificate in substantially the following
480 form:

481
482 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
483 AND COMPLETING VOTER'S CERTIFICATE.

484
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

VOTER'S CERTIFICATE

485
486
487 I,, am a duly qualified and registered freeholder of
488 the proposed ...(name)... local government neighborhood
489 improvement district; and I am entitled to vote this ballot. I
490 do solemnly swear or affirm that I have not and will not vote
491 more than one ballot in this election. I understand that failure
492 to sign this certificate and have my signature witnessed will
493 invalidate my ballot.

494
495 ...(Voter's Signature)...

496
497 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
498 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

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

501
502 ...(Signature of Witness)...

503 ...(Address)...(City/State)...

504
505 9. The certificate shall be arranged on the back of the
506 mailing envelope so that the lines for the signatures of the
507 freeholder and the attesting witness are across the seal of the
508 envelope; however, no statement shall appear on the envelope
509 which indicates that a signature of the freeholder or witness
510 must cross the seal of the envelope. The freeholder and the
511 attesting witness shall execute the certificate on the envelope.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

512 10. The city clerk or the supervisor of elections shall
513 enclose with each ballot sent to a freeholder pursuant to this
514 paragraph separate printed instructions in substantially the
515 following form:

516
517 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.
518

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

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

525 c. Place your marked ballot in the enclosed secrecy
526 envelope.

527 d. Insert the secrecy envelope into the enclosed mailing
528 envelope, which is addressed to the city clerk or the supervisor
529 of elections.

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

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

534 g. VERY IMPORTANT. In order for your ballot to be counted,
535 it must include the signature and address of a witness 18 years
536 of age or older affixed to the Voter's Certificate.

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

539 (2) The advisory council shall perform such duties as may
540 be prescribed by the governing body and shall submit within the
541 time period specified by the governing body, acting as the board
542 of directors, a report on the district's activities and a
543 proposed budget to accomplish its objectives. In formulating a
544 plan for services or improvements the advisory board shall
545 consult in public session with the appropriate staff or
546 consultants of the local governing body ~~responsible for the~~
547 ~~district's plan.~~

548 ~~(3) As an alternative to designating the local governing~~
549 ~~body as the board of directors, a majority of the local~~
550 ~~governing body of a city or county may appoint a board of three~~
551 ~~to seven directors for the district who shall be residents of~~
552 ~~the proposed area and who are subject to ad valorem taxation in~~
553 ~~the residential neighborhood improvement district or who are~~
554 ~~property owners in a commercial neighborhood improvement~~
555 ~~district. The directors shall be appointed for staggered terms~~
556 ~~of 3 years. The initial appointments shall be as follows: one~~
557 ~~director for a 1-year term; one director for a 2-year term; and~~
558 ~~one director for a 3-year term. If more than three directors are~~
559 ~~to be appointed, the additional members shall initially be~~
560 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
561 ~~unexpired portion of a term in the same manner as the initial~~
562 ~~appointments were made. Each director shall hold office until~~
563 ~~his or her successor is appointed and qualified unless the~~
564 ~~director ceases to be qualified or is removed from office. Upon~~
565 ~~appointment and qualification and in January of each year, the~~

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

566 ~~directors shall organize by electing from their number a chair~~
567 ~~and a secretary.~~

568 (3)-(4) A district may be dissolved by the governing body
569 by rescinding the ordinance creating the district. The governing
570 body may rescind ~~shall consider rescinding~~ the ordinance if
571 presented with a petition requesting that it be rescinded.
572 Petitions related to a residential neighborhood improvement
573 district must contain ~~containing~~ the signatures of 60 percent of
574 the residents. Petitions related to a commercial neighborhood
575 improvement district must contain signatures representing owners
576 of 60 percent of the land area of the ~~of a~~ district.

577 Section 16. Section 163.508, Florida Statutes, is amended
578 to read:

579 163.508 Property owners' association neighborhood
580 improvement districts; creation; powers and duties; duration.—

581 (1) After an ~~a local planning~~ ordinance has been adopted
582 authorizing the creation of property owners' association
583 neighborhood improvement districts, the local governing body of
584 a municipality or county may create property owners' association
585 neighborhood improvement districts by the enactment of a
586 separate ordinance for each district, ~~which ordinance:~~

587 (a) Establishes that an incorporated property owners'
588 association representing 75 percent of all owners of property
589 within a proposed district meeting the requirements of this
590 section has petitioned the governing body of the municipality or
591 county for creation of a district for the area encompassed by
592 the property owned by members of the association.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

593 (b) Specifies the boundaries, size, and name of the
594 district.

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

597 1. Request grants ~~a matching grant from the state's Safe~~
598 ~~Neighborhoods Program to prepare the first year's safe~~
599 ~~neighborhood improvement plan. The provider of the local match~~
600 ~~for the state grant shall be mutually agreed upon between the~~
601 ~~governing body and the property owners' association. The~~
602 ~~governing body may agree to provide the match as a no-interest-~~
603 ~~bearing loan to be paid back from assessments imposed by the~~
604 ~~association on its members or shareholders.~~

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

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

611 (d) Provides for an audit of the property owners'
612 association.

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

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

617 (g) Requires the district to notify the ~~Department of~~
618 ~~Legal Affairs and the~~ Department of Economic Opportunity
619 ~~Community Affairs~~ in writing of its establishment within 30 days
620 thereof pursuant to s. 163.5055.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

621 (2) In order to qualify for the creation of a neighborhood
622 improvement district, the property owners shall form an
623 association in compliance with this section, or use an existing
624 property owners' association in compliance with this section,
625 which shall be a corporation, ~~for profit or not for profit.~~ At
626 least, ~~and of which not less than~~ 75 percent of all property
627 owners within the proposed area must consent ~~have consented~~ in
628 writing to become members ~~or shareholders~~. Upon such consent by
629 75 percent of the property owners in the proposed district, all
630 consenting property owners and their successors shall become
631 members of the association and shall be bound by the provisions
632 of the articles of incorporation, the bylaws of the association,
633 the covenants, the deed restrictions, the indentures, and any
634 other properly promulgated restrictions. The association shall
635 have no member ~~or shareholder~~ who is not a bona fide owner of
636 property within the proposed district. Upon receipt of its
637 certificate of incorporation, the property owners' association
638 shall notify the clerk of the city or county court, whichever is
639 appropriate, in writing, of such incorporation and shall list
640 the names and addresses of the officers of the association.

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

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

646 (b) To use ~~utilize~~ various legal instruments such as
647 covenants, deed restrictions, and indentures to preserve and

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

648 maintain the integrity of property, land, and rights-of-way
649 owned and conveyed to it within the district.

650 (c) To make and collect assessments against all property
651 within the boundaries of the district pursuant to the provisions
652 of s. 163.514(16) and to lease, maintain, repair, and
653 reconstruct any privatized street, land, or common area within
654 the district upon dedication thereof to the association.

655 (d) Without the joinder of any property owner, to modify,
656 move, or create any easement for ingress and egress or for the
657 purpose of utilities, if such easement constitutes part of or
658 crosses district property. However, this does ~~shall~~ not
659 authorize the association to modify or move any easement that
660 ~~which~~ is created in whole or in part for the use or benefit of
661 anyone other than association members, or that ~~which~~ crosses the
662 property of anyone other than association members, without the
663 consent or approval of such person as required by law or by the
664 instrument creating the easement. Nothing in this paragraph
665 shall affect the rights of ingress or egress of any member of
666 the association.

667 (4) A property owners' association neighborhood
668 improvement district shall continue in perpetuity as long as the
669 property owners' association created pursuant to this section
670 exists under the applicable laws of the state.

671 Section 17. Subsections (1), (7), (8), and (10) of section
672 163.511, Florida Statutes, are amended to read:

673 163.511 Special neighborhood improvement districts;
674 creation; referendum; board of directors; duration; extension.-

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

675 (1) After an ~~a local planning~~ ordinance has been adopted
676 authorizing the creation of special neighborhood improvement
677 districts, the governing body of a municipality or county may
678 declare the need for and create special residential or business
679 neighborhood improvement districts by the enactment of a
680 separate ordinance for each district, ~~which ordinance:~~

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

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

686 (c) Authorizes the use of special assessments to support
687 planning and implementation of district improvements pursuant to
688 the provisions of s. 163.514(16), ~~including community policing~~
689 ~~innovations.~~

690 (d) Specifies the boundaries, size, and name of the
691 district.

692 (e) Authorizes the district to receive a planning grant
693 from the department.

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

696 (g) May authorize a special neighborhood improvement
697 district to exercise the power of eminent domain pursuant to
698 chapters 73 and 74. Any property identified for eminent domain
699 by the district shall be subject to the approval of the local
700 governing body before eminent domain procedures are exercised.

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

703 (i) Requires the district to notify the ~~Department of~~
704 ~~Legal Affairs and the~~ Department of Economic Opportunity
705 ~~Community Affairs~~ in writing of its establishment within 30 days
706 thereof pursuant to s. 163.5055.

707 (j) May authorize a special neighborhood improvement
708 district to develop and implement community policing innovations
709 in consultation with the local law enforcement agency having
710 jurisdiction within the district boundaries.

711 (7) The business and affairs of a special neighborhood
712 improvement district shall be conducted and administered by a
713 board of three directors who shall be residents of or property
714 owners within the proposed area and who are subject to ad
715 valorem taxation in the district. Upon their initial appointment
716 and qualification and in January of each year thereafter, the
717 directors shall organize by electing from their number a chair
718 and a secretary, and may also employ staff and legal
719 representatives as deemed appropriate, who shall serve at the
720 pleasure of the board and may receive such compensation as shall
721 be fixed by the board. The secretary shall keep a record of the
722 proceedings of the district and shall be custodian of all books
723 and records of the district. The directors may ~~shall~~ not receive
724 any compensation for their services, nor may they be employed by
725 the district.

726 (8) Within 30 days of the approval of the creation of a
727 special neighborhood improvement district, if the district is in
728 a municipality, ~~a majority of~~ the governing body of the
729 municipality, or if the district is in the unincorporated area
730 of the county, ~~a majority of~~ the county commission, shall

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

731 appoint the three directors provided for herein for staggered
732 terms of 3 years. The initial appointments shall be as follows:
733 one for a 1-year term, one for a 2-year term, and one for a 3-
734 year term. Each director shall hold office until his or her
735 successor is appointed and qualified unless the director ceases
736 to be qualified to act as a director or is removed from office.
737 Vacancies on the board shall be filled for the unexpired portion
738 of a term in the same manner as the initial appointments were
739 made.

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

747 Section 18. Section 163.512, Florida Statutes, is amended
748 to read:

749 163.512 Community redevelopment neighborhood improvement
750 districts; creation; advisory council; dissolution.-

751 (1) Upon the recommendation of the community redevelopment
752 agency and after an ~~a local planning~~ ordinance has been adopted
753 authorizing the creation of community redevelopment neighborhood
754 improvement districts, the local governing body of a
755 municipality or county may create community redevelopment
756 neighborhood improvement districts by the enactment of a
757 separate ordinance for each district, which ~~ordinance~~:

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

758 (a) Specifies the boundaries, size, and name of the
759 district.

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

762 (c) Authorizes the use of the community redevelopment
763 trust fund created pursuant to s. 163.387 for the purposes of
764 implementing the district's ~~safe neighborhood~~ improvement plan
765 ~~and furthering crime prevention through community policing~~
766 ~~innovations, environmental design, environmental security, and~~
767 ~~defensible space techniques, if the expenditures from the~~
768 ~~community redevelopment trust fund~~ are consistent with the
769 community redevelopment plan created pursuant to s. 163.360.

770 (d) Designates the community redevelopment board of
771 commissioners established pursuant to s. 163.356 or s. 163.357
772 as the board of directors for the district.

773 (e) Establishes an advisory council to the board of
774 directors comprised of property owners or residents of the
775 district.

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

778 (g) Requires that the district's ~~safe~~ neighborhood
779 improvement plan be consistent with the community redevelopment
780 plan created pursuant to s. 163.360, and permits the ~~safe~~
781 neighborhood improvement plan to be included in the community
782 redevelopment plan as an optional element.

783 (h) Requires that the boundaries of the community
784 redevelopment district be contained in whole within the

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

785 community redevelopment area established pursuant to ss. 163.355
786 and 163.356.

787 (i) Requires the district to notify the ~~Department of~~
788 ~~Legal Affairs and the~~ Department of Economic Opportunity
789 ~~Community Affairs~~ in writing of its establishment within 30 days
790 thereof pursuant to s. 163.5055.

791 (2) The advisory council shall perform such duties as may
792 be prescribed by the community redevelopment board established
793 pursuant to s. 163.356 and shall submit within the time period
794 specified by the board of directors a report on the district's
795 activities and a proposed budget to accomplish its objectives.
796 In formulating a plan for services or improvements, the advisory
797 council shall consult in public session with the appropriate
798 staff or consultants of the community redevelopment board
799 ~~responsible for the district's plan.~~

800 (3) A district may be dissolved by the local governing
801 body by rescinding the ordinance creating the district. The
802 governing body may rescind ~~shall consider rescinding~~ the
803 ordinance if presented with a petition containing the signatures
804 of 60 percent of the residents of a district.

805 Section 19. Section 163.513, Florida Statutes, is
806 repealed.

807 Section 20. Section 163.514, Florida Statutes, is amended
808 to read:

809 163.514 Powers of neighborhood improvement districts.—
810 Unless prohibited by ordinance, the board of any district is
811 ~~shall be~~ empowered to:

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

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

814 (2) Have and use a corporate seal.

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

820 (4) Accept grants and donations of any type of property,
821 labor, or other thing of value from any public or private
822 source.

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

826 (6) Cooperate and contract with other governmental
827 agencies or other public bodies.

828 (7) Contract for services of planners, engineers,
829 attorneys, and other planning consultants, ~~experts on crime~~
830 ~~prevention through community policing innovations, environmental~~
831 ~~design, environmental security, or defensible space, or other~~
832 ~~experts~~ in areas pertaining to the operations of the board of
833 directors or the district.

834 (8) Contract with the county or municipal government for
835 planning assistance, legal advice, and ~~for~~ increased levels of
836 law enforcement protection and security, including additional
837 personnel.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

838 (9) Promote and advertise the commercial advantages of the
839 district so as to attract new businesses and encourage the
840 expansion of existing businesses.

841 (10) Promote and advertise the district to the public and
842 engage in cooperative advertising programs with businesses
843 located in the district.

844 (11) Improve, plan, design, construct, operate, provide,
845 and maintain street lighting, parks, streets, drainage,
846 utilities, swales, parking facilities, transit facilities,
847 landscaping, and open areas, and provide ~~safe~~ access to mass
848 transportation facilities in the district.

849 (12) Undertake innovative approaches to securing
850 neighborhoods from crime, such as crime prevention through
851 community policing innovations, environmental design,
852 environmental security, and defensible space.

853 (13) Privatize, close, vacate, plan, or replan streets,
854 roads, sidewalks, and alleys, subject to the concurrence of the
855 local governing body and, if required, the state Department of
856 Transportation.

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

859 (15) Identify areas with blighted influences, including,
860 but not limited to, areas where unlawful urban dumping or
861 graffiti are prevalent, and develop programs for eradication
862 thereof.

863 (16) (a) Subject to referendum approval, and for
864 residential local government, special, community redevelopment,
865 and property owners' association neighborhood improvement

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

866 districts only, make and collect special assessments pursuant to
867 ss. 197.3632 and 197.3635 to pay for improvements to the
868 district and for reasonable expenses of operating the district,
869 including the payment of expenses included in the district's
870 budget, subject to an affirmative vote by a majority of the
871 registered voters residing in the district. Such assessments
872 shall not exceed \$500 for each individual parcel of land per
873 year. Notwithstanding the provisions of s. 101.6102, the
874 referendum to approve the special assessment shall be by mail
875 ballot.

876 (b) In order to implement this subsection, the city clerk
877 or the supervisor of elections, whichever is appropriate, shall
878 compile a list of the names and last known addresses of the
879 electors in the neighborhood improvement district from the list
880 of registered voters of the county as of the last day of the
881 preceding month. The same shall constitute the registration list
882 for the purposes of a referendum. Within 45 days after
883 compilation of the voter registration list, the city clerk or
884 the supervisor of elections shall notify each elector of the
885 general provisions of this section, including the taxing
886 authority and the date of the upcoming referendum. Notification
887 shall be by United States mail and, in addition thereto, by
888 publication one time in a newspaper of general circulation in
889 the county or municipality in which the district is located.

890 (c) Any resident of the district whose name does not
891 appear on the list compiled pursuant to paragraph (b) may
892 register to vote as provided by law. The registration list shall

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

893 remain open for 75 days after the notification required in
894 paragraph (b).

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

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

901 2. Immediately following said information, the following:
902

903 "Do you favor the imposition of a special assessment of not
904 greater than \$500 for each individual parcel of land per year to
905 pay for the expenses of operating the neighborhood improvement
906 district?
907

908Yes, for the special assessment.
909

910No, against the special assessment."
911

912 (e) Ballots shall be returned by United States mail or by
913 personal delivery.

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

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

921 Section 21. Subsections (3) and (4) of section 163.5151,
922 Florida Statutes, are amended to read:

923 163.5151 Fiscal management; budget preparation.—

924 (3) Each local government and special neighborhood
925 improvement district levying an ad valorem tax on real or
926 personal property shall establish its budget pursuant to the
927 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
928 the final budget and setting of the millage rate to be levied by
929 the board, the board shall submit a tentative budget and
930 proposed millage rate of the district to the governing body of
931 the municipality in which the district is located, or to the
932 county if the district is located in the unincorporated portion
933 of the county, for approval or disapproval. Such governing body
934 shall have the power to modify the budget or millage submitted
935 by the board. Subsequent to approval, the board shall adopt its
936 final budget and millage rate in accordance with the
937 requirements of chapter 200.

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

943 Section 22. Section 163.516, Florida Statutes, is amended
944 to read:

945 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

- 949 (a) Demographics of the district.
- 950 ~~(b) Crime activity data and analysis.~~
- 951 (b)(e) Land use, zoning, housing, and traffic analysis.
- 952 ~~(d) Determination of the problems of the crime-to-~~
- 953 ~~environment relationship and the stability of the neighborhood~~
- 954 ~~improvement district.~~
- 955 (c)(e) Statement of the district's goal and objectives.
- 956 ~~(f) Assessment of crime prevention through community~~
- 957 ~~policing innovations, environmental design, environmental~~
- 958 ~~security, and defensible space strategies and tactics that will~~
- 959 ~~be applied to the crime-to-environment relationship problems.~~
- 960 ~~(g) Cost estimates and the methods of financing.~~
- 961 ~~(h) Outline of program participants and their functions~~
- 962 ~~and responsibilities.~~
- 963 ~~(i) Schedule for executing program activities.~~
- 964 ~~(j) Evaluation guidelines.~~
- 965 (2) Every safe neighborhood improvement plan must shall
- 966 show, by diagram and by general explanation:
- 967 (a) Such property as is intended for use as public parks,
- 968 recreation areas, streets, public utilities, and public
- 969 improvements of any nature.
- 970 (b) Specific identification of any publicly funded capital
- 971 improvement projects to be undertaken within the district.
- 972 ~~(c) Adequate assurances that the improvements will be~~
- 973 ~~carried out pursuant to the plan.~~
- 974 ~~(d) Provision for the retention of controls and the~~
- 975 ~~establishment of any restrictions or covenants running with land~~
- 976 ~~sold or leased for private use for such periods of time and~~

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

977 ~~under such conditions as the governing body of the municipality~~
978 ~~in which the district is located, or the county if the district~~
979 ~~is located in the unincorporated portion of the county, deems~~
980 ~~necessary to effectuate the purposes of this part.~~

981 ~~(c)(e)~~ Projected costs of improvements, including the
982 amount to be expended on publicly funded capital improvement
983 projects in the district and any indebtedness of the district,
984 the county, or the municipality proposed to be incurred if such
985 indebtedness is to be repaid with district revenues.

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

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

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

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

992 (a) Be consistent with the adopted comprehensive plan for
993 the county or municipality pursuant to the Community Planning
994 Act. No district plan shall be implemented unless the local
995 governing body has determined said plan is consistent.

996 (b) Be sufficiently complete to indicate such land
997 acquisition, demolition and removal of structures, street
998 modifications, redevelopment, and rehabilitation as may be
999 proposed to be carried out in the district.

1000 ~~(c) Provide some method for and measurement of the~~
1001 ~~reduction of crime within the district.~~

1002 ~~(4) The county, municipality, or district may prepare or~~
1003 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1004 ~~any person or agency, public or private, may submit such a plan~~

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1005 ~~to a district. Prior to its consideration of a safe neighborhood~~
1006 ~~improvement plan, the district shall submit such plan to the~~
1007 ~~local governing body for review and written approval as to its~~
1008 ~~consistency with the local government comprehensive plan. The~~
1009 ~~district must be notified of approval or disapproval within 60~~
1010 ~~days after receipt of the plan for review, and a revised version~~
1011 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1012 ~~district may not proceed with the safe neighborhood improvement~~
1013 ~~plan until final approval is given by the local governing body.~~

1014 (4)~~(5)~~ Prior to adoption of the safe neighborhood
1015 improvement plan, the board shall hold a public hearing on the
1016 plan after public notice thereof by publication in a newspaper
1017 of general circulation in the county or municipality in which
1018 the district is located. The notice shall describe the time,
1019 date, place, and purpose of the hearing; identify the boundaries
1020 of the district; and outline the general scope of the plan.

1021 (5)~~(6)~~ The board, after the public hearing, may approve
1022 the safe neighborhood improvement plan if it finds:

1023 (a) The plan has been approved as consistent with the
1024 local comprehensive plan by the local governing body; and

1025 (b) The plan will improve the promotion, appearance,
1026 ~~safety, security,~~ and public amenities of the neighborhood
1027 improvement district as stipulated in s. 163.502.

1028 (6)~~(7)~~ If, at any time after approval of the safe
1029 neighborhood improvement plan, it becomes desirable to amend or
1030 modify the plan, the board may do so. Prior to any such
1031 amendment or modification, the board shall obtain written
1032 approval of the local governing body concerning conformity to
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1033 the local government comprehensive plan and hold a public
1034 hearing on the proposed amendment or modification after public
1035 notice thereof by publication in a newspaper of general
1036 circulation in the county or municipality in which the district
1037 is located. The notice shall describe the time, place, and
1038 purpose of the hearing and generally describe the proposed
1039 amendment or modification.

1040 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1041 ~~municipality or county shall hold two public hearings to~~
1042 ~~consider the board-adopted safe neighborhood improvement plan as~~
1043 ~~an amendment or modification to the municipality's or county's~~
1044 ~~adopted local comprehensive plan.~~

1045 ~~(9) A safe neighborhood improvement plan for each district~~
1046 ~~shall be prepared and adopted by the municipality or county~~
1047 ~~prior to the levy and expenditure of any of the proceeds of any~~
1048 ~~tax assessment or fee authorized to such districts other than~~
1049 ~~for the preparation of the safe community or business~~
1050 ~~improvement plan.~~

1051 Section 23. Section 163.517, Florida Statutes, is
1052 repealed.

1053 Section 24. Section 163.519, Florida Statutes, is
1054 repealed.

1055 Section 25. Section 163.521, Florida Statutes, is
1056 repealed.

1057 Section 26. Section 163.5215, Florida Statutes, is
1058 repealed.

1059 Section 27. Section 163.522, Florida Statutes, is
1060 repealed.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1061 Section 28. Section 163.523, Florida Statutes, is
1062 repealed.

1063 Section 29. Section 163.524, Florida Statutes, is
1064 repealed.

1065 Section 30. Section 163.526, Florida Statutes, is
1066 repealed.

1067 Section 31. Paragraph (c) of subsection (1) of section
1068 376.84, Florida Statutes, is amended to read:

1069 376.84 Brownfield redevelopment economic incentives.—It is
1070 the intent of the Legislature that brownfield redevelopment
1071 activities be viewed as opportunities to significantly improve
1072 the utilization, general condition, and appearance of these
1073 sites. Different standards than those in place for new
1074 development, as allowed under current state and local laws,
1075 should be used to the fullest extent to encourage the
1076 redevelopment of a brownfield. State and local governments are
1077 encouraged to offer redevelopment incentives for this purpose,
1078 as an ongoing public investment in infrastructure and services,
1079 to help eliminate the public health and environmental hazards,
1080 and to promote the creation of jobs in these areas. Such
1081 incentives may include financial, regulatory, and technical
1082 assistance to persons and businesses involved in the
1083 redevelopment of the brownfield pursuant to this act.

1084 (1) Financial incentives and local incentives for
1085 redevelopment may include, but not be limited to:

1086 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1087 part IV of chapter 163 ss. 163.501-163.523.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1088 Section 32. Subsection (2) of section 775.083, Florida
1089 Statutes, is amended to read:

1090 775.083 Fines.—

1091 (2) In addition to the fines set forth in subsection (1),
1092 court costs shall be assessed and collected in each instance a
1093 defendant pleads nolo contendere to, or is convicted of, or
1094 adjudicated delinquent for, a felony, a misdemeanor, or a
1095 criminal traffic offense under state law, or a violation of any
1096 municipal or county ordinance if the violation constitutes a
1097 misdemeanor under state law. The court costs imposed by this
1098 section shall be \$50 for a felony and \$20 for any other offense
1099 and shall be deposited by the clerk of the court into an
1100 appropriate county account for disbursement for the purposes
1101 provided in this subsection. A county shall account for the
1102 funds separately from other county funds as crime prevention
1103 funds. The county, in consultation with the sheriff, must expend
1104 such funds for crime prevention programs in the county,
1105 including ~~safe~~ neighborhood improvement programs under part IV
1106 of chapter 163 ss. 163.501-163.523.

1107 Section 33. Paragraphs (a) and (c) of subsection (5) of
1108 section 932.7055, Florida Statutes, are amended to read:

1109 932.7055 Disposition of liens and forfeited property.—

1110 (5) (a) If the seizing agency is a county or municipal
1111 agency, the remaining proceeds shall be deposited in a special
1112 law enforcement trust fund established by the board of county
1113 commissioners or the governing body of the municipality. Such
1114 proceeds and interest earned therefrom shall be used for school
1115 resource officer, crime prevention, ~~safe~~ neighborhood

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1116 improvement, drug abuse education and prevention programs, or
1117 for other law enforcement purposes, which include defraying the
1118 cost of protracted or complex investigations, providing
1119 additional equipment or expertise, purchasing automated external
1120 defibrillators for use in law enforcement vehicles, and
1121 providing matching funds to obtain federal grants. The proceeds
1122 and interest may not be used to meet normal operating expenses
1123 of the law enforcement agency.

1124 (c) An agency or organization, other than the seizing
1125 agency, that wishes to receive such funds shall apply to the
1126 sheriff or chief of police for an appropriation and its
1127 application shall be accompanied by a written certification that
1128 the moneys will be used for an authorized purpose. Such requests
1129 for expenditures shall include a statement describing
1130 anticipated recurring costs for the agency for subsequent fiscal
1131 years. An agency or organization that receives money pursuant to
1132 this subsection shall provide an accounting for such moneys and
1133 shall furnish the same reports as an agency of the county or
1134 municipality that receives public funds. Such funds may be
1135 expended in accordance with the following procedures:

1136 1. Such funds may be used only for school resource
1137 officer, crime prevention, ~~safe~~ neighborhood improvement, drug
1138 abuse education, or drug prevention programs or such other law
1139 enforcement purposes as the board of county commissioners or
1140 governing body of the municipality deems appropriate.

1141 2. Such funds shall not be a source of revenue to meet
1142 normal operating needs of the law enforcement agency.

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1143 3. After July 1, 1992, and during every fiscal year
1144 thereafter, any local law enforcement agency that acquires at
1145 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1146 within a fiscal year must expend or donate no less than 15
1147 percent of such proceeds for the support or operation of any
1148 drug treatment, drug abuse education, drug prevention, crime
1149 prevention, ~~safe~~ neighborhood improvement, or school resource
1150 officer program ~~program(s)~~. The local law enforcement agency has
1151 the discretion to determine which program or programs ~~program(s)~~
1152 will receive the designated proceeds.

1153
1154 Notwithstanding the drug abuse education, drug treatment, drug
1155 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1156 school resource officer minimum expenditures or donations, the
1157 sheriff and the board of county commissioners or the chief of
1158 police and the governing body of the municipality may agree to
1159 expend or donate such funds over a period of years if the
1160 expenditure or donation of such minimum amount in any given
1161 fiscal year would exceed the needs of the county or municipality
1162 for such program or programs ~~program(s)~~. Nothing in this section
1163 precludes the expenditure or donation of forfeiture proceeds in
1164 excess of the minimum amounts established herein.

1165
1166
1167
1168 -----
1169 **T I T L E A M E N D M E N T**

1170 Between lines 40 and 41, insert:

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1171 amending ss. 163.2511, 163.2517, 163.3182, 163.3246, and
1172 163.387, F.S.; conforming provisions to changes made by the act;
1173 amending s. 163.501, F.S.; renaming the "Safe Neighborhoods Act"
1174 as the "Neighborhoods Improvement Act"; amending s. 163.502,
1175 F.S.; revising legislative findings and purpose; amending s.
1176 163.503, F.S.; revising and deleting definitions; amending s.
1177 163.5035, F.S.; conforming provisions to changes made by the
1178 act; amending s. 163.504, F.S.; authorizing the governing body
1179 of any municipality or county to form a neighborhood improvement
1180 district through the adoption of an ordinance rather than by a
1181 planning ordinance; removing provisions pertaining to the
1182 creation and funding of safe neighborhood improvement districts;
1183 amending s. 163.5055, F.S.; requiring each neighborhood
1184 improvement district authorized under law to notify the
1185 Department of Economic Opportunity of its existence rather than
1186 to register with the Department of Community Affairs and the
1187 Department of Legal Affairs; amending s. 163.506, F.S.; revising
1188 provisions authorizing a local governing body to create a local
1189 government neighborhood improvement district; removing the
1190 requirement that the neighborhood improvement district notify
1191 the Department of Community Affairs and the Department of Legal
1192 Affairs; specifying that the ordinance may authorize the
1193 improvement district to borrow money, contract loans, and issue
1194 bonds; authorizing the governing body of the improvement
1195 district to levy ad valorem taxes upon real and tangible
1196 personal property within the district; authorizing the district
1197 to make and collect special assessments; conditioning the
1198 exercise of power by the local government neighborhood

795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1199 improvement district to borrow money, contract loans, issue
1200 bonds, charge, collect, and enforce fees, make and collect
1201 special assessments, and levy ad valorem taxes upon real and
1202 tangible personal property within the district upon the approval
1203 of a referendum by the freeholders of the district; providing
1204 ballot requirements; removing provisions allowing an alternative
1205 organization for the board of directors; amending s. 163.508,
1206 F.S., relating to property owners' association neighborhood
1207 improvement districts; revising the requirements for creating a
1208 property owners' association neighborhood improvement district
1209 by the enactment of a separate ordinance for each district;
1210 authorizing the governing body to request grants from the state;
1211 amending s. 163.511, F.S., relating to special neighborhood
1212 improvement districts; revising provisions to conform to changes
1213 made by the act; revising the method of appointing and removing
1214 directors of the district; amending s. 163.512, F.S.; revising
1215 provisions authorizing a municipality or county to create a
1216 community redevelopment neighborhood improvement district;
1217 authorizing the district to receive grants and other funding;
1218 providing that the local governing body may dissolve the
1219 district under certain circumstances; repealing s. 163.513,
1220 F.S., relating to crime prevention through community policing
1221 innovations; amending s. 163.514, F.S.; revising the powers of
1222 neighborhood improvement districts; allowing the district to
1223 contract with legal counsel and other needed professionals;
1224 authorizing the district to collect special assessments under
1225 certain circumstances and following designated procedures;
1226 amending s. 163.5151, F.S.; requiring a local government and a
795587

Approved For Filing: 2/15/2012 4:55:19 PM

Amendment No.

1227 special neighborhood improvement district to prepare its budget
1228 in a specified manner if levying an ad valorem tax on real or
1229 personal property; amending s. 163.516, F.S.; requiring
1230 neighborhood improvement plans to be created for each
1231 improvement district; revising the contents of the neighborhood
1232 improvement district's plan; repealing s. 163.517, F.S.,
1233 relating to the Safe Neighborhoods Program; repealing s.
1234 163.519, F.S., relating to the duties of the Department of Legal
1235 Affairs relating to neighborhood improvement districts;
1236 repealing s. 163.521, F.S., relating to funding for a
1237 neighborhood improvement district inside an enterprise zone;
1238 repealing s. 163.5215, F.S., relating to the effect and
1239 construction of existing laws relating to neighborhood
1240 improvement districts; repealing s. 163.522, F.S., relating to
1241 state redevelopment programs; repealing s. 163.523, F.S.,
1242 relating to cooperation and involvement of community
1243 organizations in the creation of safe neighborhood improvement
1244 districts; repealing s. 163.524, F.S., relating to participation
1245 in the Neighborhood Preservation and Enhancement Program;
1246 repealing s. 163.526, F.S., relating to powers and duties of the
1247 Neighborhood Councils and the designated agency of the local
1248 government; amending ss. 376.84, 775.083, and 932.7055, F.S.;
1249 conforming provisions to changes made by the act;
1250

795587

Approved For Filing: 2/15/2012 4:55:19 PM