

By the Committee on Community Affairs; and Senator Simmons

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1 A bill to be entitled
2 An act relating to neighborhood improvement districts;
3 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
4 and 163.387, F.S.; conforming provisions to changes
5 made by the act; amending s. 163.501, F.S.; renaming
6 the "Safe Neighborhoods Act" as the "Neighborhoods
7 Improvement Act"; amending s. 163.502, F.S.; revising
8 legislative findings and purpose; amending s. 163.503,
9 F.S.; revising and deleting definitions; amending s.
10 163.5035, F.S.; conforming provisions to changes made
11 by the act; amending s. 163.504, F.S.; authorizing the
12 governing body of any municipality or county to form a
13 neighborhood improvement district through the adoption
14 of an ordinance rather than by a planning ordinance;
15 removing provisions pertaining to the creation and
16 funding of safe neighborhood improvement districts;
17 amending s. 163.5055, F.S.; requiring each
18 neighborhood improvement district authorized under law
19 to notify the Department of Economic Opportunity and
20 the Department of Legal Affairs of its existence
21 rather than to register with such departments;
22 amending s. 163.506, F.S.; revising provisions
23 authorizing a local governing body to create a local
24 government neighborhood improvement district;
25 specifying that the ordinance may authorize the
26 improvement district to borrow money, contract loans,
27 and issue bonds; authorizing the governing body of the
28 improvement district to levy ad valorem taxes upon
29 real and tangible personal property within the

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

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

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88 participation in the Neighborhood Preservation and
89 Enhancement Program; repealing s. 163.526, F.S.,
90 relating to powers and duties of the Neighborhood
91 Councils and the designated agency of the local
92 government; amending ss. 376.84, 775.083, and
93 932.7055, F.S.; conforming provisions to changes made
94 by the act; providing an effective date.
95

96 Be It Enacted by the Legislature of the State of Florida:
97

98 Section 1. Paragraph (d) of subsection (2) of section
99 163.2511, Florida Statutes, is amended to read:

100 163.2511 Urban infill and redevelopment.—

101 (2) It is declared that:

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

109 Section 2. Paragraph (c) of subsection (3) of section
110 163.2517, Florida Statutes, is amended to read:

111 163.2517 Designation of urban infill and redevelopment
112 area.—

113 (3) A local government seeking to designate a geographic
114 area within its jurisdiction as an urban infill and
115 redevelopment area shall prepare a plan that describes the
116 infill and redevelopment objectives of the local government

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117 within the proposed area. In lieu of preparing a new plan, the
118 local government may demonstrate that an existing plan or
119 combination of plans associated with a community redevelopment
120 area, Florida Main Street program, Front Porch Florida
121 Community, sustainable community, enterprise zone, or
122 neighborhood improvement district includes the factors listed in
123 paragraphs (a)-(n), including a collaborative and holistic
124 community participation process, or amend such existing plans to
125 include these factors. The plan shall demonstrate the local
126 government and community's commitment to comprehensively address
127 the urban problems within the urban infill and redevelopment
128 area and identify activities and programs to accomplish locally
129 identified goals such as code enforcement; improved educational
130 opportunities; reduction in crime; neighborhood revitalization
131 and preservation; provision of infrastructure needs, including
132 mass transit and multimodal linkages; and mixed-use planning to
133 promote multifunctional redevelopment to improve both the
134 residential and commercial quality of life in the area. The plan
135 shall also:

136 (c) Identify and map existing enterprise zones, community
137 redevelopment areas, community development corporations,
138 brownfield areas, downtown redevelopment districts, ~~safe~~
139 neighborhood improvement districts, historic preservation
140 districts, and empowerment zones or enterprise communities
141 located within the area proposed for designation as an urban
142 infill and redevelopment area and provide a framework for
143 coordinating infill and redevelopment programs within the urban
144 core.

145 Section 3. Paragraph (a) of subsection (6) of section

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146 163.3182, Florida Statutes, is amended to read:

147 163.3182 Transportation deficiencies.—

148 (6) EXEMPTIONS.—

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

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

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

159 3. A library district.

160 4. A neighborhood improvement district created under the
161 ~~Safe~~ Neighborhoods Improvement Act.

162 5. A metropolitan transportation authority.

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

164 7. A community redevelopment agency.

165 Section 4. Paragraph (e) of subsection (2) of section
166 163.3246, Florida Statutes, is amended to read:

167 163.3246 Local government comprehensive planning
168 certification program.—

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

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

173 1. Promote infill development and redevelopment, including
174 prioritized and timely permitting processes in which

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175 applications for local development permits within the
176 certification area are acted upon expeditiously for proposed
177 development that is consistent with the local comprehensive
178 plan.

179 2. Promote the development of housing for low-income and
180 very-low-income households or specialized housing to assist
181 elderly and disabled persons to remain at home or in independent
182 living arrangements.

183 3. Achieve effective intergovernmental coordination and
184 address the extrajurisdictional effects of development within
185 the certified area.

186 4. Promote economic diversity and growth while encouraging
187 the retention of rural character, where rural areas exist, and
188 the protection and restoration of the environment.

189 5. Provide and maintain public urban and rural open space
190 and recreational opportunities.

191 6. Manage transportation and land uses to support public
192 transit and promote opportunities for pedestrian and
193 nonmotorized transportation.

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

197 8. Redevelop blighted areas.

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

201 10. Encourage clustered, mixed-use development that
202 incorporates greenspace and residential development within
203 walking distance of commercial development.

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204 11. Encourage urban infill at appropriate densities and
205 intensities and separate urban and rural uses and discourage
206 urban sprawl while preserving public open space and planning for
207 buffer-type land uses and rural development consistent with
208 their respective character along and outside the certification
209 area.

210 12. Assure protection of key natural areas and agricultural
211 lands that are identified using state and local inventories of
212 natural areas. Key natural areas include, but are not limited
213 to:

214 a. Wildlife corridors.

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

218 c. Significant surface waters and springs, aquatic
219 preserves, wetlands, and outstanding Florida waters.

220 d. Water resources suitable for preservation of natural
221 systems and for water resource development.

222 e. Representative and rare native Florida natural systems.

223 13. Ensure the cost-efficient provision of public
224 infrastructure and services.

225 Section 5. Paragraph (c) of subsection (2) of section
226 163.387, Florida Statutes, is amended to read:

227 163.387 Redevelopment trust fund.—

228 (2)

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

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

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

239 3. A library district, except a library district in a
240 jurisdiction where the community redevelopment agency had
241 validated bonds as of April 30, 1984.

242 4. A neighborhood improvement district created under the
243 ~~Safe~~ Neighborhoods Improvement Act.

244 5. A metropolitan transportation authority.

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

246 Section 6. Section 163.501, Florida Statutes, is amended to
247 read:

248 163.501 Short title.—This part may be cited as the "~~Safe~~
249 Neighborhoods Improvement Act."

250 Section 7. Section 163.502, Florida Statutes, is amended to
251 read:

252 163.502 ~~Safe~~ Neighborhoods improvement; legislative
253 findings and purpose.—

254 (1) The Legislature ~~hereby~~ finds and declares that among
255 the many causes of deterioration in the business and residential
256 neighborhoods of the state are the following: proliferation of
257 crime, automobile traffic flow strangled by outmoded street
258 patterns, unsuitable topography, faulty lot layouts,
259 fragmentation of land uses and parking areas necessitating
260 frequent automobile movement, lack of separation of pedestrian
261 areas from automobile traffic, lack of separation of vehicle

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262 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
263 from automobile traffic, and lack of adequate public
264 improvements such as streets, street lights, street furniture,
265 street landscaping, sidewalks, traffic signals, way-finding
266 signs, mass transit, stormwater systems, and other public
267 utilities and improvements.

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

273 (3) The Legislature further finds and declares that the
274 provisions of this part and the powers granted to local
275 governments, property owners' associations, special dependent
276 districts, and community redevelopment neighborhood improvement
277 districts are desirable to guide and accomplish the coordinated,
278 balanced, and harmonious development of healthy and vibrant ~~safe~~
279 neighborhoods; to promote the health, ~~safety~~, and general
280 welfare of these areas and their inhabitants, visitors, property
281 owners, and workers; to establish, maintain, and preserve
282 property values and preserve and foster the development of
283 attractive neighborhood and business environments; to prevent
284 ~~overcrowding and congestion; and~~ to improve or redirect
285 automobile traffic and provide pedestrian safety; ~~to reduce~~
286 ~~crime rates and the opportunities for the commission of crime;~~
287 ~~and to provide improvements in neighborhoods so they are~~
288 ~~defensible against crime.~~

289 (4) It is the intent of the Legislature to assist local
290 governments in implementing plans that improve the ~~employ~~ ~~crime~~

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291 ~~prevention through community policing innovations, environmental~~
292 ~~design, environmental security, and defensible space techniques~~
293 ~~to establish safe neighborhoods of this state.~~ The Legislature,
294 therefore, declares that the development, redevelopment,
295 preservation, and revitalization of neighborhoods in this state,
296 and all the purposes of this part, are public purposes for which
297 public money may be borrowed, expended, loaned, and granted.

298 Section 8. Section 163.503, Florida Statutes, is amended to
299 read:

300 163.503 ~~Safe neighborhoods;~~ Definitions.—

301 (1) ~~"Safe Neighborhood improvement district," "district,"~~
302 or "neighborhood improvement district" means a district located
303 in an area in which more than 75 percent of the land is used for
304 residential purposes, or in an area in which more than 75
305 percent of the land is used for commercial, office, business, or
306 industrial purposes, excluding the land area used for public
307 facilities, ~~and where there is a plan to reduce crime through~~
308 ~~the implementation of crime prevention through environmental~~
309 ~~design, environmental security, or defensible space techniques,~~
310 ~~or through community policing innovations.~~ Nothing in This
311 section does not ~~shall~~ preclude the inclusion of public land in
312 a neighborhood improvement district although the amount of land
313 used for public facilities is excluded from the land use acreage
314 calculations.

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

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

319 (4) "Board" means the board of directors of a neighborhood

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320 improvement district, which may be the governing body of a
321 municipality or county or the officers of a property owners'
322 association or the board of directors of a special neighborhood
323 improvement district or community redevelopment neighborhood
324 improvement district.

325 ~~(5) "Environmental security" means an urban planning and~~
326 ~~design process which integrates crime prevention with~~
327 ~~neighborhood design and community development.~~

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

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

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

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

343 Section 9. Section 163.5035, Florida Statutes, is amended
344 to read:

345 163.5035 ~~Safe~~ Neighborhood improvement districts;
346 compliance with special district provisions.—Any special
347 district created pursuant to this part shall comply with all
348 applicable provisions contained in chapter 189. In cases where a

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349 provision contained in this part conflicts with a provision in
350 chapter 189, the provision in chapter 189 shall prevail.

351 Section 10. Section 163.504, Florida Statutes, is amended
352 to read:

353 163.504 ~~Safe Neighborhood improvement districts, planning~~
354 ~~funds.~~—

355 ~~(1)~~ The governing body of any municipality or county may
356 authorize the formation of ~~safe~~ neighborhood improvement
357 districts through the adoption of an a ~~planning~~ ordinance that
358 ~~which~~ specifies that such districts may be created by one or
359 more of the methods established in ss. 163.506, 163.508,
360 163.511, and 163.512. A ~~No~~ district may not overlap the
361 jurisdictional boundaries of a municipality and the
362 unincorporated area of a county, unless approved ~~except~~ by
363 interlocal agreement.

364 ~~(2) If the governing body of a municipality or county~~
365 ~~elects to create a safe neighborhood improvement district, it~~
366 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
367 ~~Program, created pursuant to s. 163.517 and administered by the~~
368 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
369 ~~improvement plan for the district.~~

370 ~~(3) Municipalities and counties may implement the~~
371 ~~provisions of this section without planning funds from the~~
372 ~~Department of Legal Affairs. However, nothing in this section~~
373 ~~shall be construed to exempt any district from the requirements~~
374 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
375 ~~163.516.~~

376 Section 11. Section 163.5055, Florida Statutes, is amended
377 to read:

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378 163.5055 Notice ~~Registration~~ of district establishment;
379 notice of dissolution.-

380 (1) ~~(a)~~ Each neighborhood improvement district authorized
381 and established under this part shall within 30 days thereof
382 notify ~~register with both~~ the Department of Economic Opportunity
383 ~~Community Affairs~~ and the Department of Legal Affairs by
384 providing these departments with the district's name, location,
385 size, and type, and such other information as the departments
386 may request ~~require~~.

387 (2) ~~(b)~~ Each local governing body that ~~which~~ authorizes the
388 dissolution of a district shall notify both the Department of
389 Economic Opportunity ~~Community Affairs~~ and the Department of
390 Legal Affairs within 30 days after the dissolution of the
391 district.

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

394 Section 12. Section 163.506, Florida Statutes, is amended
395 to read:

396 163.506 Local government neighborhood improvement
397 districts; creation; advisory council; dissolution.-

398 (1) After an ~~a local planning~~ ordinance has been adopted
399 authorizing the creation of local government neighborhood
400 improvement districts, the local governing body of a
401 municipality or county may create local government neighborhood
402 improvement districts by the enactment of a separate ordinance
403 for each district, ~~which ordinance:~~

404 (a) Specifies the boundaries, size, and name of the
405 district.

406 (b) Authorizes the district to receive grants ~~a planning~~

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407 ~~grant from the department.~~

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

411 (d) Authorizes the use of special assessments to support
412 planning and implementation of district improvements pursuant to
413 the provisions of s. 163.514(16), if the district is a
414 residential local government neighborhood improvement district
415 ~~including community policing innovations.~~

416 (e) Designates the local governing body as the board of
417 directors of the district.

418 (f) Establishes an advisory council to the board of
419 directors comprised of property owners, representatives of
420 property owners, business owners, or residents of the district.

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

423 (h) Requires the district to notify the Department of Legal
424 Affairs and the Department of Economic Opportunity Community
425 ~~Affairs~~ in writing of its establishment within 30 days thereof
426 pursuant to s. 163.5055.

427 (i) Authorizes the district to borrow money, contract
428 loans, and issue bonds, certificates, warrants, notes, or other
429 evidence of indebtedness from time to time to finance the
430 undertaking of any capital or other project for the purposes
431 permitted by the State Constitution and this part and pledge the
432 funds, credit, property, and taxing power of the improvement
433 district for the payment of such debts and bonds.

434 1. Bonds issued under this part shall be authorized by
435 resolution of the governing board of the district and, if

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436 required by the State Constitution, by affirmative vote of the
437 electors of the district. Such bonds may be issued in one or
438 more series and shall bear such date or dates, be payable upon
439 demand or mature at such time or times, bear interest at such
440 rate or rates, be in such denomination or denominations, be in
441 such form, registered or not, with or without coupon, carry such
442 conversion or registration privileges, have such rank or
443 priority, be executed in such manner, be payable in such medium
444 of payment, at such place or places, and subject to such terms
445 of redemption, with or without premium, be secured in such
446 manner, and have such other characteristics as may be provided
447 by such resolution or trust indenture or mortgage issued
448 pursuant thereto.

449 2. The governing body of the district shall determine the
450 terms and manner of sale and distribution or other disposition
451 of any and all bonds it may issue, consistent with s. 218.385,
452 and shall have any and all powers necessary and convenient to
453 such disposition.

454 3. The governing body of the district may establish and
455 administer such sinking funds as it deems necessary or
456 convenient for the payment, purchase, or redemption of any
457 outstanding bonded indebtedness of the district.

458 4. The governing body of the improvement district may levy
459 ad valorem taxes upon real and tangible personal property within
460 the district as it deems necessary to make payment, including
461 principal and interest, upon the general obligation and ad
462 valorem bonded indebtedness of the district or into any sinking
463 fund created pursuant to this part.

464 5. This part shall be full authority for the issuance of

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465 bonds authorized herein.

466 (j) Authorizes the district to make and collect special
467 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
468 capital improvements within the district and for reasonable
469 expenses of operating the district, including the payment of
470 expenses included in the district's budget, if the district is a
471 commercial local government neighborhood improvement district.
472 Such assessments may not exceed \$1,500 for each individual
473 parcel of land per year.

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

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

479 1. Within 45 days after the date the governing body of the
480 municipality or county enacts an ordinance pursuant to this
481 subsection defining the boundaries of the proposed improvement
482 district, the city clerk or the supervisor of elections,
483 whichever is appropriate, shall certify such ordinance or
484 petition and compile a list of the names and last known
485 addresses of the freeholders in the proposed local government
486 neighborhood improvement district from the tax assessment roll
487 of the county applicable as of December 31 in the year preceding
488 the year in which the ordinance was enacted. Except as otherwise
489 provided in this paragraph, the list shall constitute the
490 registration list for the purposes of the freeholders'
491 referendum required under this paragraph.

492 2. Within 45 days after compilation of the freeholders'
493 registration list pursuant to subparagraph 1., the city clerk or

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494 the supervisor of elections shall notify each such freeholder of
495 the general provisions of this paragraph, including the taxing
496 authority and the date of the upcoming referendum, and the
497 method provided for submitting corrections to the registration
498 list if the status of the freeholder has changed since the
499 compilation of the tax rolls. Notification shall be by first-
500 class United States mail and, in addition thereto, by
501 publication one time in a newspaper of general circulation in
502 the county or municipality in which the district is located.

503 3. Any freeholder whose name does not appear on the tax
504 rolls compiled pursuant to subparagraph 1. may register to vote
505 with the city clerk or the supervisor of elections. The
506 registration list shall remain open for 75 days after enactment
507 of the ordinance defining the local government neighborhood
508 improvement district.

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

514 a. A description of the general provisions of this
515 paragraph applicable to local government neighborhood
516 improvement districts;

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

518 c. The percent of the freeholder's interest in such
519 property; and

520 d. Immediately following the information required in sub-
521 paragraphs a.-c., the following:

522

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

526
527Yes, for authorizing the levy of up to 2 mills of ad
528 valorem taxes by such proposed district.

529
530No, against authorizing the levy of up to 2 mills of ad
531 valorem taxes by such proposed district."

532
533 "Do you favor authorizing the Local Government
534 Neighborhood Improvement District to borrow money, including the
535 issuance of bonds, as provided by s. 163.506(1) (i)?

536
537Yes, for authorizing the borrowing of money for
538 district purposes.

539
540No, against authorizing the borrowing of money for
541 district purposes."

542
543 "Do you favor authorizing the Local Government
544 Neighborhood Improvement District to impose a special assessment
545 of not greater than \$1,500 for each individual parcel of land
546 per year to pay for the expenses of operating the neighborhood
547 improvement district and for approved capital improvements?

548
549Yes, for the special assessment.

550
551No, against the special assessment."

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552
553 5. Ballots shall be returned by first-class United States
554 mail or by personal delivery.

555 6. All ballots received within 120 days after enactment of
556 the ordinance shall be tabulated by the city clerk or the
557 supervisor of elections, who shall certify the results thereof
558 to the city council or county commission no later than 5 days
559 after the 120-day period.

560 7. The freeholders shall be deemed to have approved of the
561 provisions of this paragraph at such time as the city clerk or
562 the supervisor of elections certifies to the governing body of
563 the municipality or county that approval has been given by
564 freeholders representing in excess of 50 percent of the assessed
565 value of the property within the local government neighborhood
566 improvement district.

567 8. The city clerk or the supervisor of elections, whichever
568 is appropriate, shall enclose with each ballot sent pursuant to
569 this paragraph two envelopes: a secrecy envelope, into which the
570 freeholder shall enclose the marked ballot; and a mailing
571 envelope, into which the freeholder shall then place the secrecy
572 envelope, which shall be addressed to the city clerk or the
573 supervisor of elections. The back side of the mailing envelope
574 shall bear a certificate in substantially the following form:

575
576 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
577 AND COMPLETING VOTER'S CERTIFICATE.

578
579 VOTER'S CERTIFICATE
580

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581 I,, am a duly qualified and registered freeholder of
582 the proposed . . . (name) . . . local government neighborhood
583 improvement district; and I am entitled to vote this ballot. I
584 do solemnly swear or affirm that I have not and will not vote
585 more than one ballot in this election. I understand that failure
586 to sign this certificate and have my signature witnessed will
587 invalidate my ballot.

588

589 . . . (Voter's Signature) . . .

590

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

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

595

596 . . . (Signature of Witness) . . .

597 . . . (Address) . . . (City/State) . . .

598

599 9. The certificate shall be arranged on the back of the
600 mailing envelope so that the lines for the signatures of the
601 freeholder and the attesting witness are across the seal of the
602 envelope; however, no statement shall appear on the envelope
603 which indicates that a signature of the freeholder or witness
604 must cross the seal of the envelope. The freeholder and the
605 attesting witness shall execute the certificate on the envelope.

606 10. The city clerk or the supervisor of elections shall
607 enclose with each ballot sent to a freeholder pursuant to this
608 paragraph separate printed instructions in substantially the
609 following form:

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610

611 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

612

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

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

619 c. Place your marked ballot in the enclosed secrecy
620 envelope.

621 d. Insert the secrecy envelope into the enclosed mailing
622 envelope, which is addressed to the city clerk or the supervisor
623 of elections.

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

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

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

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

633 (2) The advisory council shall perform such duties as may
634 be prescribed by the governing body and shall submit within the
635 time period specified by the governing body, acting as the board
636 of directors, a report on the district's activities and a
637 proposed budget to accomplish its objectives. In formulating a
638 plan for services or improvements the advisory board shall

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639 consult in public session with the appropriate staff or
640 consultants of the local governing body ~~responsible for the~~
641 ~~district's plan.~~

642 ~~(3) As an alternative to designating the local governing~~
643 ~~body as the board of directors, a majority of the local~~
644 ~~governing body of a city or county may appoint a board of three~~
645 ~~to seven directors for the district who shall be residents of~~
646 ~~the proposed area and who are subject to ad valorem taxation in~~
647 ~~the residential neighborhood improvement district or who are~~
648 ~~property owners in a commercial neighborhood improvement~~
649 ~~district. The directors shall be appointed for staggered terms~~
650 ~~of 3 years. The initial appointments shall be as follows: one~~
651 ~~director for a 1-year term; one director for a 2-year term; and~~
652 ~~one director for a 3-year term. If more than three directors are~~
653 ~~to be appointed, the additional members shall initially be~~
654 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
655 ~~unexpired portion of a term in the same manner as the initial~~
656 ~~appointments were made. Each director shall hold office until~~
657 ~~his or her successor is appointed and qualified unless the~~
658 ~~director ceases to be qualified or is removed from office. Upon~~
659 ~~appointment and qualification and in January of each year, the~~
660 ~~directors shall organize by electing from their number a chair~~
661 ~~and a secretary.~~

662 ~~(3)~~(4) A district may be dissolved by the governing body by
663 rescinding the ordinance creating the district. The governing
664 body may rescind ~~shall consider rescinding~~ the ordinance if
665 presented with a petition requesting that it be rescinded.
666 Petitions related to a residential neighborhood improvement
667 district must contain ~~containing~~ the signatures of 60 percent of

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668 the residents. Petitions related to a commercial neighborhood
669 improvement district must contain signatures representing owners
670 of 60 percent of the land area of the ~~of a~~ district.

671 Section 13. Section 163.508, Florida Statutes, is amended
672 to read:

673 163.508 Property owners' association neighborhood
674 improvement districts; creation; powers and duties; duration.—

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

681 (a) Establishes that an incorporated property owners'
682 association representing 75 percent of all owners of property
683 within a proposed district meeting the requirements of this
684 section has petitioned the governing body of the municipality or
685 county for creation of a district for the area encompassed by
686 the property owned by members of the association.

687 (b) Specifies the boundaries, size, and name of the
688 district.

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

691 1. Request grants ~~a matching grant from the state's Safe~~
692 ~~Neighborhoods Program to prepare the first year's safe~~
693 ~~neighborhood improvement plan. The provider of the local match~~
694 ~~for the state grant shall be mutually agreed upon between the~~
695 ~~governing body and the property owners' association. The~~
696 ~~governing body may agree to provide the match as a no interest~~

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697 ~~bearing loan to be paid back from assessments imposed by the~~
698 ~~association on its members or shareholders.~~

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

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

705 (d) Provides for an audit of the property owners'
706 association.

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

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

711 (g) Requires the district to notify the Department of Legal
712 Affairs and the Department of Economic Opportunity Community
713 ~~Affairs~~ in writing of its establishment within 30 days thereof
714 pursuant to s. 163.5055.

715 (2) In order to qualify for the creation of a neighborhood
716 improvement district, the property owners shall form an
717 association in compliance with this section, or use an existing
718 property owners' association in compliance with this section,
719 which shall be a corporation, ~~for profit or not for profit.~~ At
720 least, ~~and of which not less than~~ 75 percent of all property
721 owners within the proposed area must consent ~~have consented~~ in
722 writing to become members ~~or shareholders~~. Upon such consent by
723 75 percent of the property owners in the proposed district, all
724 consenting property owners and their successors shall become
725 members of the association and shall be bound by the provisions

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726 of the articles of incorporation, the bylaws of the association,
727 the covenants, the deed restrictions, the indentures, and any
728 other properly promulgated restrictions. The association shall
729 have no member ~~or shareholder~~ who is not a bona fide owner of
730 property within the proposed district. Upon receipt of its
731 certificate of incorporation, the property owners' association
732 shall notify the clerk of the city or county court, whichever is
733 appropriate, in writing, of such incorporation and shall list
734 the names and addresses of the officers of the association.

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

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

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

744 (c) To make and collect assessments against all property
745 within the boundaries of the district pursuant to the provisions
746 of s. 163.514(16) and to lease, maintain, repair, and
747 reconstruct any privatized street, land, or common area within
748 the district upon dedication thereof to the association.

749 (d) Without the joinder of any property owner, to modify,
750 move, or create any easement for ingress and egress or for the
751 purpose of utilities, if such easement constitutes part of or
752 crosses district property. However, this does ~~shall~~ not
753 authorize the association to modify or move any easement that
754 ~~which~~ is created in whole or in part for the use or benefit of

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755 anyone other than association members, or that ~~which~~ crosses the
756 property of anyone other than association members, without the
757 consent or approval of such person as required by law or by the
758 instrument creating the easement. Nothing in this paragraph
759 shall affect the rights of ingress or egress of any member of
760 the association.

761 (4) A property owners' association neighborhood improvement
762 district shall continue in perpetuity as long as the property
763 owners' association created pursuant to this section exists
764 under the applicable laws of the state.

765 Section 14. Subsections (1), (7), (8), and (10) of section
766 163.511, Florida Statutes, are amended to read:

767 163.511 Special neighborhood improvement districts;
768 creation; referendum; board of directors; duration; extension.-

769 (1) After an ~~a local planning~~ ordinance has been adopted
770 authorizing the creation of special neighborhood improvement
771 districts, the governing body of a municipality or county may
772 declare the need for and create special residential or business
773 neighborhood improvement districts by the enactment of a
774 separate ordinance for each district, ~~which ordinance:~~

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

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

780 (c) Authorizes the use of special assessments to support
781 planning and implementation of district improvements pursuant to
782 the provisions of s. 163.514(16), ~~including community policing~~
783 ~~innovations.~~

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784 (d) Specifies the boundaries, size, and name of the
785 district.

786 (e) Authorizes the district to receive a planning grant
787 from the department.

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

790 (g) May authorize a special neighborhood improvement
791 district to exercise the power of eminent domain pursuant to
792 chapters 73 and 74. Any property identified for eminent domain
793 by the district shall be subject to the approval of the local
794 governing body before eminent domain procedures are exercised.

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

797 (i) Requires the district to notify the Department of Legal
798 Affairs and the Department of Economic Opportunity ~~Community~~
799 ~~Affairs~~ in writing of its establishment within 30 days thereof
800 pursuant to s. 163.5055.

801 (j) May authorize a special neighborhood improvement
802 district to develop and implement community policing innovations
803 in consultation with the local law enforcement agency having
804 jurisdiction within the district boundaries.

805 (7) The business and affairs of a special neighborhood
806 improvement district shall be conducted and administered by a
807 board of three directors who shall be residents of or property
808 owners within the proposed area and who are subject to ad
809 valorem taxation in the district. Upon their initial appointment
810 and qualification and in January of each year thereafter, the
811 directors shall organize by electing from their number a chair
812 and a secretary, and may also employ staff and legal

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813 representatives as deemed appropriate, who shall serve at the
814 pleasure of the board and may receive such compensation as shall
815 be fixed by the board. The secretary shall keep a record of the
816 proceedings of the district and shall be custodian of all books
817 and records of the district. The directors may ~~shall~~ not receive
818 any compensation for their services, nor may they be employed by
819 the district.

820 (8) Within 30 days of the approval of the creation of a
821 special neighborhood improvement district, if the district is in
822 a municipality, ~~a majority of~~ the governing body of the
823 municipality, or if the district is in the unincorporated area
824 of the county, ~~a majority of~~ the county commission, shall
825 appoint the three directors provided for herein for staggered
826 terms of 3 years. The initial appointments shall be as follows:
827 one for a 1-year term, one for a 2-year term, and one for a 3-
828 year term. Each director shall hold office until his or her
829 successor is appointed and qualified unless the director ceases
830 to be qualified to act as a director or is removed from office.
831 Vacancies on the board shall be filled for the unexpired portion
832 of a term in the same manner as the initial appointments were
833 made.

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

841 Section 15. Section 163.512, Florida Statutes, is amended

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842 to read:

843 163.512 Community redevelopment neighborhood improvement
844 districts; creation; advisory council; dissolution.—

845 (1) Upon the recommendation of the community redevelopment
846 agency and after an ~~a local planning~~ ordinance has been adopted
847 authorizing the creation of community redevelopment neighborhood
848 improvement districts, the local governing body of a
849 municipality or county may create community redevelopment
850 neighborhood improvement districts by the enactment of a
851 separate ordinance for each district, ~~which ordinance:~~

852 (a) Specifies the boundaries, size, and name of the
853 district.

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

856 (c) Authorizes the use of the community redevelopment trust
857 fund created pursuant to s. 163.387 for the purposes of
858 implementing the district's ~~safe neighborhood~~ improvement plan
859 ~~and furthering crime prevention through community policing~~
860 ~~innovations, environmental design, environmental security, and~~
861 ~~defensible space techniques, if the expenditures ~~from the~~
862 ~~community redevelopment trust fund~~ are consistent with the
863 community redevelopment plan created pursuant to s. 163.360.~~

864 (d) Designates the community redevelopment board of
865 commissioners established pursuant to s. 163.356 or s. 163.357
866 as the board of directors for the district.

867 (e) Establishes an advisory council to the board of
868 directors comprised of property owners or residents of the
869 district.

870 (f) May prohibit the use of any district power authorized

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871 by s. 163.514.

872 (g) Requires that the district's ~~safe~~ neighborhood
873 improvement plan be consistent with the community redevelopment
874 plan created pursuant to s. 163.360, and permits the ~~safe~~
875 neighborhood improvement plan to be included in the community
876 redevelopment plan as an optional element.

877 (h) Requires that the boundaries of the community
878 redevelopment district be contained in whole within the
879 community redevelopment area established pursuant to ss. 163.355
880 and 163.356.

881 (i) Requires the district to notify the Department of Legal
882 Affairs and the Department of Economic Opportunity Community
883 ~~Affairs~~ in writing of its establishment within 30 days thereof
884 pursuant to s. 163.5055.

885 (2) The advisory council shall perform such duties as may
886 be prescribed by the community redevelopment board established
887 pursuant to s. 163.356 and shall submit within the time period
888 specified by the board of directors a report on the district's
889 activities and a proposed budget to accomplish its objectives.
890 In formulating a plan for services or improvements, the advisory
891 council shall consult in public session with the appropriate
892 staff or consultants of the community redevelopment board
893 ~~responsible for the district's plan.~~

894 (3) A district may be dissolved by the local governing body
895 by rescinding the ordinance creating the district. The governing
896 body may rescind ~~shall consider rescinding~~ the ordinance if
897 presented with a petition containing the signatures of 60
898 percent of the residents of a district.

899 Section 16. Section 163.513, Florida Statutes, is repealed.

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900 Section 17. Section 163.514, Florida Statutes, is amended
901 to read:

902 163.514 Powers of neighborhood improvement districts.—
903 Unless prohibited by ordinance, the board of any district is
904 ~~shall be~~ empowered to:

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

907 (2) Have and use a corporate seal.

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

913 (4) Accept grants and donations of any type of property,
914 labor, or other thing of value from any public or private
915 source.

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

919 (6) Cooperate and contract with other governmental agencies
920 or other public bodies.

921 (7) Contract for services of planners, engineers,
922 attorneys, and other ~~planning consultants, experts on crime~~
923 ~~prevention through community policing innovations, environmental~~
924 ~~design, environmental security, or defensible space, or other~~
925 ~~experts~~ in areas pertaining to the operations of the board of
926 directors or the district.

927 (8) Contract with the county or municipal government for
928 planning assistance, legal advice, and ~~for~~ increased levels of

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929 law enforcement protection and security, including additional
930 personnel.

931 (9) Promote and advertise the commercial advantages of the
932 district so as to attract new businesses and encourage the
933 expansion of existing businesses.

934 (10) Promote and advertise the district to the public and
935 engage in cooperative advertising programs with businesses
936 located in the district.

937 (11) Improve, plan, design, construct, operate, provide,
938 and maintain street lighting, parks, streets, drainage,
939 utilities, swales, parking facilities, transit facilities,
940 landscaping, and open areas, and provide ~~safe~~ access to mass
941 transportation facilities in the district.

942 (12) Undertake innovative approaches to securing
943 neighborhoods from crime, such as crime prevention through
944 community policing innovations, environmental design,
945 environmental security, and defensible space.

946 (13) Privatize, close, vacate, plan, or replan streets,
947 roads, sidewalks, and alleys, subject to the concurrence of the
948 local governing body and, if required, the state Department of
949 Transportation.

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

952 (15) Identify areas with blighted influences, including,
953 but not limited to, areas where unlawful urban dumping or
954 graffiti are prevalent, and develop programs for eradication
955 thereof.

956 (16) (a) Subject to referendum approval, and for residential
957 local government, special, community redevelopment, and property

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958 owners' association neighborhood improvement districts only,
959 make and collect special assessments pursuant to ss. 197.3632
960 and 197.3635 to pay for improvements to the district and for
961 reasonable expenses of operating the district, including the
962 payment of expenses included in the district's budget, subject
963 to an affirmative vote by a majority of the registered voters
964 residing in the district. Such assessments shall not exceed \$500
965 for each individual parcel of land per year. Notwithstanding the
966 provisions of s. 101.6102, the referendum to approve the special
967 assessment shall be by mail ballot.

968 (b) In order to implement this subsection, the city clerk
969 or the supervisor of elections, whichever is appropriate, shall
970 compile a list of the names and last known addresses of the
971 electors in the neighborhood improvement district from the list
972 of registered voters of the county as of the last day of the
973 preceding month. The same shall constitute the registration list
974 for the purposes of a referendum. Within 45 days after
975 compilation of the voter registration list, the city clerk or
976 the supervisor of elections shall notify each elector of the
977 general provisions of this section, including the taxing
978 authority and the date of the upcoming referendum. Notification
979 shall be by United States mail and, in addition thereto, by
980 publication one time in a newspaper of general circulation in
981 the county or municipality in which the district is located.

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

986 (d) Within 15 days after the closing of registration, the

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987 city clerk or the supervisor of elections shall send a ballot to
988 each elector at his or her last known mailing address by first-
989 class United States mail. The ballot shall include:

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

992 2. Immediately following said information, the following:

993

994 "Do you favor the imposition of a special assessment of not
995 greater than \$500 for each individual parcel of land per year to
996 pay for the expenses of operating the neighborhood improvement
997 district?

998

999Yes, for the special assessment.

1000

1001No, against the special assessment."

1002

1003 (e) Ballots shall be returned by United States mail or by
1004 personal delivery.

1005 (f) All ballots received within 60 days after the closing
1006 of registration shall be tabulated by the city clerk or the
1007 supervisor of elections, who shall certify the results thereof
1008 to the city governing body or county commission no later than 5
1009 days after said 60-day period.

1010 (17) Exercise all lawful powers incidental to the effective
1011 and expedient exercise of the foregoing powers.

1012 Section 18. Subsections (3) and (4) of section 163.5151,
1013 Florida Statutes, are amended to read:

1014 163.5151 Fiscal management; budget preparation.-

1015 (3) Each local government and special neighborhood

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1016 improvement district levying an ad valorem tax on real or
1017 personal property shall establish its budget pursuant to the
1018 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
1019 the final budget and setting of the millage rate to be levied by
1020 the board, the board shall submit a tentative budget and
1021 proposed millage rate of the district to the governing body of
1022 the municipality in which the district is located, or to the
1023 county if the district is located in the unincorporated portion
1024 of the county, for approval or disapproval. Such governing body
1025 shall have the power to modify the budget or millage submitted
1026 by the board. Subsequent to approval, the board shall adopt its
1027 final budget and millage rate in accordance with the
1028 requirements of chapter 200.

1029 (4) At the option of the county property appraiser for the
1030 county within which the neighborhood improvement district is
1031 located, ~~the~~ assessments levied by the district may ~~shall~~ be
1032 collected in the same manner as all ad valorem taxes if so
1033 requested by the local governing body pursuant to s. 197.363.

1034 Section 19. Section 163.516, Florida Statutes, is amended
1035 to read:

1036 163.516 ~~Safe~~ Neighborhood improvement plans.—

1037 (1) A ~~safe~~ neighborhood improvement plan is mandated for
1038 all neighborhood improvement districts. The plan must ~~shall~~
1039 contain at least the following elements:

1040 (a) Demographics of the district.

1041 ~~(b) Crime activity data and analysis.~~

1042 ~~(b)(c)~~ (b) Land use, zoning, housing, and traffic analysis.

1043 ~~(d) Determination of the problems of the crime-to-~~
1044 ~~environment relationship and the stability of the neighborhood~~

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1045 ~~improvement district.~~

1046 (c)-(e) Statement of the district's goal and objectives.

1047 ~~(f) Assessment of crime prevention through community~~
1048 ~~policing innovations, environmental design, environmental~~
1049 ~~security, and defensible space strategies and tactics that will~~
1050 ~~be applied to the crime-to-environment relationship problems.~~

1051 ~~(g) Cost estimates and the methods of financing.~~

1052 ~~(h) Outline of program participants and their functions and~~
1053 ~~responsibilities.~~

1054 ~~(i) Schedule for executing program activities.~~

1055 ~~(j) Evaluation guidelines.~~

1056 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
1057 show, by diagram and by general explanation:

1058 (a) Such property as is intended for use as public parks,
1059 recreation areas, streets, public utilities, and public
1060 improvements of any nature.

1061 (b) Specific identification of any publicly funded capital
1062 improvement projects to be undertaken within the district.

1063 ~~(c) Adequate assurances that the improvements will be~~
1064 ~~carried out pursuant to the plan.~~

1065 ~~(d) Provision for the retention of controls and the~~
1066 ~~establishment of any restrictions or covenants running with land~~
1067 ~~sold or leased for private use for such periods of time and~~
1068 ~~under such conditions as the governing body of the municipality~~
1069 ~~in which the district is located, or the county if the district~~
1070 ~~is located in the unincorporated portion of the county, deems~~
1071 ~~necessary to effectuate the purposes of this part.~~

1072 (c)-(e) Projected costs of improvements, including the
1073 amount to be expended on publicly funded capital improvement

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1074 projects in the district and any indebtedness of the district,
1075 the county, or the municipality proposed to be incurred if such
1076 indebtedness is to be repaid with district revenues.

1077 ~~(f) Promotion of advertising programs to be undertaken by~~
1078 ~~the district or in conjunction with businesses in the district.~~

1079 ~~(g) Suggested physical improvements necessary for the~~
1080 ~~safety of residents in or visitors to the district.~~

1081 ~~(h) Law enforcement and security plans for the district.~~

1082 (3) The ~~safe~~ neighborhood improvement plan must ~~shall~~:

1083 (a) Be consistent with the adopted comprehensive plan for
1084 the county or municipality pursuant to the Community Planning
1085 Act. No district plan shall be implemented unless the local
1086 governing body has determined said plan is consistent.

1087 (b) Be sufficiently complete to indicate such land
1088 acquisition, demolition and removal of structures, street
1089 modifications, redevelopment, and rehabilitation as may be
1090 proposed to be carried out in the district.

1091 ~~(c) Provide some method for and measurement of the~~
1092 ~~reduction of crime within the district.~~

1093 ~~(4) The county, municipality, or district may prepare or~~
1094 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1095 ~~any person or agency, public or private, may submit such a plan~~
1096 ~~to a district. Prior to its consideration of a safe neighborhood~~
1097 ~~improvement plan, the district shall submit such plan to the~~
1098 ~~local governing body for review and written approval as to its~~
1099 ~~consistency with the local government comprehensive plan. The~~
1100 ~~district must be notified of approval or disapproval within 60~~
1101 ~~days after receipt of the plan for review, and a revised version~~
1102 ~~of the plan may be submitted to satisfy any inconsistencies. The~~

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1103 ~~district may not proceed with the safe neighborhood improvement~~
1104 ~~plan until final approval is given by the local governing body.~~

1105 (4)~~(5)~~ Prior to adoption of the ~~safe~~ neighborhood
1106 improvement plan, the board shall hold a public hearing on the
1107 plan after public notice thereof by publication in a newspaper
1108 of general circulation in the county or municipality in which
1109 the district is located. The notice shall describe the time,
1110 date, place, and purpose of the hearing; identify the boundaries
1111 of the district; and outline the general scope of the plan.

1112 (5)~~(6)~~ The board, after the public hearing, may approve the
1113 ~~safe~~ neighborhood improvement plan if it finds:

1114 (a) The plan has been approved as consistent with the local
1115 comprehensive plan by the local governing body; and

1116 (b) The plan will improve the promotion, appearance,
1117 ~~safety, security,~~ and public amenities of the neighborhood
1118 improvement district as stipulated in s. 163.502.

1119 (6)~~(7)~~ If, at any time after approval of the ~~safe~~
1120 neighborhood improvement plan, it becomes desirable to amend or
1121 modify the plan, the board may do so. Prior to any such
1122 amendment or modification, the board shall obtain written
1123 approval of the local governing body concerning conformity to
1124 the local government comprehensive plan and hold a public
1125 hearing on the proposed amendment or modification after public
1126 notice thereof by publication in a newspaper of general
1127 circulation in the county or municipality in which the district
1128 is located. The notice shall describe the time, place, and
1129 purpose of the hearing and generally describe the proposed
1130 amendment or modification.

1131 ~~(8) Pursuant to s. 163.3184, the governing body of a~~

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1132 ~~municipality or county shall hold two public hearings to~~
1133 ~~consider the board-adopted safe neighborhood improvement plan as~~
1134 ~~an amendment or modification to the municipality's or county's~~
1135 ~~adopted local comprehensive plan.~~

1136 ~~(9) A safe neighborhood improvement plan for each district~~
1137 ~~shall be prepared and adopted by the municipality or county~~
1138 ~~prior to the levy and expenditure of any of the proceeds of any~~
1139 ~~tax assessment or fee authorized to such districts other than~~
1140 ~~for the preparation of the safe community or business~~
1141 ~~improvement plan.~~

1142 Section 20. Section 163.517, Florida Statutes, is repealed.

1143 Section 21. Section 163.519, Florida Statutes, is repealed.

1144 Section 22. Section 163.521, Florida Statutes, is repealed.

1145 Section 23. Section 163.5215, Florida Statutes, is
1146 repealed.

1147 Section 24. Section 163.522, Florida Statutes, is repealed.

1148 Section 25. Section 163.523, Florida Statutes, is repealed.

1149 Section 26. Section 163.524, Florida Statutes, is repealed.

1150 Section 27. Section 163.526, Florida Statutes, is repealed.

1151 Section 28. Paragraph (c) of subsection (1) of section
1152 376.84, Florida Statutes, is amended to read:

1153 376.84 Brownfield redevelopment economic incentives.—It is
1154 the intent of the Legislature that brownfield redevelopment
1155 activities be viewed as opportunities to significantly improve
1156 the utilization, general condition, and appearance of these
1157 sites. Different standards than those in place for new
1158 development, as allowed under current state and local laws,
1159 should be used to the fullest extent to encourage the
1160 redevelopment of a brownfield. State and local governments are

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1161 encouraged to offer redevelopment incentives for this purpose,
1162 as an ongoing public investment in infrastructure and services,
1163 to help eliminate the public health and environmental hazards,
1164 and to promote the creation of jobs in these areas. Such
1165 incentives may include financial, regulatory, and technical
1166 assistance to persons and businesses involved in the
1167 redevelopment of the brownfield pursuant to this act.

1168 (1) Financial incentives and local incentives for
1169 redevelopment may include, but not be limited to:

1170 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1171 part IV of chapter 163 ss. 163.501-163.523.

1172 Section 29. Subsection (2) of section 775.083, Florida
1173 Statutes, is amended to read:

1174 775.083 Fines.—

1175 (2) In addition to the fines set forth in subsection (1),
1176 court costs shall be assessed and collected in each instance a
1177 defendant pleads nolo contendere to, or is convicted of, or
1178 adjudicated delinquent for, a felony, a misdemeanor, or a
1179 criminal traffic offense under state law, or a violation of any
1180 municipal or county ordinance if the violation constitutes a
1181 misdemeanor under state law. The court costs imposed by this
1182 section shall be \$50 for a felony and \$20 for any other offense
1183 and shall be deposited by the clerk of the court into an
1184 appropriate county account for disbursement for the purposes
1185 provided in this subsection. A county shall account for the
1186 funds separately from other county funds as crime prevention
1187 funds. The county, in consultation with the sheriff, must expend
1188 such funds for crime prevention programs in the county,
1189 including ~~safe~~ neighborhood improvement programs under part IV

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1190 of chapter 163 ~~ss. 163.501-163.523.~~

1191 Section 30. Paragraphs (a) and (c) of subsection (5) of
1192 section 932.7055, Florida Statutes, are amended to read:

1193 932.7055 Disposition of liens and forfeited property.—

1194 (5) (a) If the seizing agency is a county or municipal
1195 agency, the remaining proceeds shall be deposited in a special
1196 law enforcement trust fund established by the board of county
1197 commissioners or the governing body of the municipality. Such
1198 proceeds and interest earned therefrom shall be used for school
1199 resource officer, crime prevention, ~~safe~~ neighborhood
1200 improvement, drug abuse education and prevention programs, or
1201 for other law enforcement purposes, which include defraying the
1202 cost of protracted or complex investigations, providing
1203 additional equipment or expertise, purchasing automated external
1204 defibrillators for use in law enforcement vehicles, and
1205 providing matching funds to obtain federal grants. The proceeds
1206 and interest may not be used to meet normal operating expenses
1207 of the law enforcement agency.

1208 (c) An agency or organization, other than the seizing
1209 agency, that wishes to receive such funds shall apply to the
1210 sheriff or chief of police for an appropriation and its
1211 application shall be accompanied by a written certification that
1212 the moneys will be used for an authorized purpose. Such requests
1213 for expenditures shall include a statement describing
1214 anticipated recurring costs for the agency for subsequent fiscal
1215 years. An agency or organization that receives money pursuant to
1216 this subsection shall provide an accounting for such moneys and
1217 shall furnish the same reports as an agency of the county or
1218 municipality that receives public funds. Such funds may be

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1219 expended in accordance with the following procedures:

1220 1. Such funds may be used only for school resource officer,
1221 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1222 education, or drug prevention programs or such other law
1223 enforcement purposes as the board of county commissioners or
1224 governing body of the municipality deems appropriate.

1225 2. Such funds shall not be a source of revenue to meet
1226 normal operating needs of the law enforcement agency.

1227 3. After July 1, 1992, and during every fiscal year
1228 thereafter, any local law enforcement agency that acquires at
1229 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1230 within a fiscal year must expend or donate no less than 15
1231 percent of such proceeds for the support or operation of any
1232 drug treatment, drug abuse education, drug prevention, crime
1233 prevention, ~~safe~~ neighborhood improvement, or school resource
1234 officer program ~~program(s)~~. The local law enforcement agency has
1235 the discretion to determine which program or programs ~~program(s)~~
1236 will receive the designated proceeds.

1237
1238 Notwithstanding the drug abuse education, drug treatment, drug
1239 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1240 school resource officer minimum expenditures or donations, the
1241 sheriff and the board of county commissioners or the chief of
1242 police and the governing body of the municipality may agree to
1243 expend or donate such funds over a period of years if the
1244 expenditure or donation of such minimum amount in any given
1245 fiscal year would exceed the needs of the county or municipality
1246 for such program or programs ~~program(s)~~. Nothing in this section
1247 precludes the expenditure or donation of forfeiture proceeds in

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1248 excess of the minimum amounts established herein.

1249 Section 31. This act shall take effect July 1, 2012.