

By the Committees on Budget Subcommittee on Finance and Tax; and  
Community Affairs; and Senator Simmons

593-02258-12

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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 of  
20          its existence rather than to register with the  
21          Department of Community Affairs and the Department of  
22          Legal Affairs; removing the requirement that the  
23          neighborhood improvement district notify the  
24          Department of Community Affairs and the Department of  
25          Legal Affairs; amending s. 163.506, F.S.; revising  
26          provisions authorizing a local governing body to  
27          create a local government neighborhood improvement  
28          district; specifying that the ordinance may authorize  
29          the improvement district to borrow money, contract

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

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59 funding; providing that the local governing body may  
60 dissolve the district under certain circumstances;  
61 repealing s. 163.513, F.S., relating to crime  
62 prevention through community policing innovations;  
63 amending s. 163.514, F.S.; revising the powers of  
64 neighborhood improvement districts; allowing the  
65 district to contract with legal counsel and other  
66 needed professionals; authorizing the district to  
67 collect special assessments under certain  
68 circumstances and following designated procedures;  
69 amending s. 163.5151, F.S.; requiring a local  
70 government and a special neighborhood improvement  
71 district to prepare its budget in a specified manner  
72 if levying an ad valorem tax on real or personal  
73 property; amending s. 163.516, F.S.; requiring  
74 neighborhood improvement plans to be created for each  
75 improvement district; revising the contents of the  
76 neighborhood improvement district's plan; repealing s.  
77 163.517, F.S., relating to the Safe Neighborhoods  
78 Program; repealing s. 163.519, F.S., relating to the  
79 duties of the Department of Legal Affairs relating to  
80 neighborhood improvement districts; repealing s.  
81 163.521, F.S., relating to funding for a neighborhood  
82 improvement district inside an enterprise zone;  
83 repealing s. 163.5215, F.S., relating to the effect  
84 and construction of existing laws relating to  
85 neighborhood improvement districts; repealing s.  
86 163.522, F.S., relating to state redevelopment  
87 programs; repealing s. 163.523, F.S., relating to

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88 cooperation and involvement of community organizations  
89 in the creation of safe neighborhood improvement  
90 districts; repealing s. 163.524, F.S., relating to  
91 participation in the Neighborhood Preservation and  
92 Enhancement Program; repealing s. 163.526, F.S.,  
93 relating to powers and duties of the Neighborhood  
94 Councils and the designated agency of the local  
95 government; amending ss. 376.84, 775.083, and  
96 932.7055, F.S.; conforming provisions to changes made  
97 by the act; providing an effective date.  
98

99 Be It Enacted by the Legislature of the State of Florida:  
100

101 Section 1. Paragraph (d) of subsection (2) of section  
102 163.2511, Florida Statutes, is amended to read:

103 163.2511 Urban infill and redevelopment.—

104 (2) It is declared that:

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

112 Section 2. Paragraph (c) of subsection (3) of section  
113 163.2517, Florida Statutes, is amended to read:

114 163.2517 Designation of urban infill and redevelopment  
115 area.—

116 (3) A local government seeking to designate a geographic

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

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

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146 coordinating infill and redevelopment programs within the urban  
147 core.

148 Section 3. Paragraph (a) of subsection (6) of section  
149 163.3182, Florida Statutes, is amended to read:

150 163.3182 Transportation deficiencies.—

151 (6) EXEMPTIONS.—

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

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

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

162 3. A library district.

163 4. A neighborhood improvement district created under the  
164 ~~Safe~~ Neighborhoods Improvement Act.

165 5. A metropolitan transportation authority.

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

167 7. A community redevelopment agency.

168 Section 4. Paragraph (e) of subsection (2) of section  
169 163.3246, Florida Statutes, is amended to read:

170 163.3246 Local government comprehensive planning  
171 certification program.—

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

174 (e) Demonstrate that it has adopted programs in its local

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175 comprehensive plan and land development regulations which:

176 1. Promote infill development and redevelopment, including  
177 prioritized and timely permitting processes in which  
178 applications for local development permits within the  
179 certification area are acted upon expeditiously for proposed  
180 development that is consistent with the local comprehensive  
181 plan.

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

186 3. Achieve effective intergovernmental coordination and  
187 address the extrajurisdictional effects of development within  
188 the certified area.

189 4. Promote economic diversity and growth while encouraging  
190 the retention of rural character, where rural areas exist, and  
191 the protection and restoration of the environment.

192 5. Provide and maintain public urban and rural open space  
193 and recreational opportunities.

194 6. Manage transportation and land uses to support public  
195 transit and promote opportunities for pedestrian and  
196 nonmotorized transportation.

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

200 8. Redevelop blighted areas.

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

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204 10. Encourage clustered, mixed-use development that  
205 incorporates greenspace and residential development within  
206 walking distance of commercial development.

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

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

217 a. Wildlife corridors.

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

221 c. Significant surface waters and springs, aquatic  
222 preserves, wetlands, and outstanding Florida waters.

223 d. Water resources suitable for preservation of natural  
224 systems and for water resource development.

225 e. Representative and rare native Florida natural systems.

226 13. Ensure the cost-efficient provision of public  
227 infrastructure and services.

228 Section 5. Paragraph (c) of subsection (2) of section  
229 163.387, Florida Statutes, is amended to read:

230 163.387 Redevelopment trust fund.—

231 (2)

232 (c) The following public bodies or taxing authorities are



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233 exempt from paragraph (a):

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

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

242 3. A library district, except a library district in a  
243 jurisdiction where the community redevelopment agency had  
244 validated bonds as of April 30, 1984.

245 4. A neighborhood improvement district created under the  
246 ~~Safe~~ Neighborhoods Improvement Act.

247 5. A metropolitan transportation authority.

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

249 Section 6. Section 163.501, Florida Statutes, is amended to  
250 read:

251 163.501 Short title.—This part may be cited as the "~~Safe~~  
252 Neighborhoods Improvement Act."

253 Section 7. Section 163.502, Florida Statutes, is amended to  
254 read:

255 163.502 ~~Safe~~ Neighborhoods improvement; legislative  
256 findings and purpose.—

257 (1) The Legislature ~~hereby~~ finds and declares that among  
258 the many causes of deterioration in the business and residential  
259 neighborhoods of the state are the following: proliferation of  
260 crime, automobile traffic flow strangled by outmoded street  
261 patterns, unsuitable topography, faulty lot layouts,

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262 fragmentation of land uses and parking areas necessitating  
263 frequent automobile movement, lack of separation of pedestrian  
264 areas from automobile traffic, lack of separation of vehicle  
265 traffic lanes and railroad traffic, ~~and~~ excessive noise levels  
266 from automobile traffic, and lack of adequate public  
267 improvements such as streets, street lights, street furniture,  
268 street landscaping, sidewalks, traffic signals, way-finding  
269 signs, mass transit, stormwater systems, and other public  
270 utilities and improvements.

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

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

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291 ~~defensible against crime.~~

292 (4) It is the intent of the Legislature to assist local  
293 governments in implementing plans that improve the ~~employ crime~~  
294 ~~prevention through community policing innovations, environmental~~  
295 ~~design, environmental security, and defensible space techniques~~  
296 ~~to establish safe~~ neighborhoods of this state. The Legislature,  
297 therefore, declares that the development, redevelopment,  
298 preservation, and revitalization of neighborhoods in this state,  
299 and all the purposes of this part, are public purposes for which  
300 public money may be borrowed, expended, loaned, and granted.

301 Section 8. Section 163.503, Florida Statutes, is amended to  
302 read:

303 163.503 ~~Safe neighborhoods~~; Definitions.—

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

318 (2) "Association" means a property owners' association  
319 which is incorporated for the purpose of creating and operating

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320 a neighborhood improvement district.

321 (3) "Department" means the Department of Economic  
322 Opportunity Legal Affairs.

323 (4) "Board" means the board of directors of a neighborhood  
324 improvement district, which may be the governing body of a  
325 municipality or county or the officers of a property owners'  
326 association or the board of directors of a special neighborhood  
327 improvement district or community redevelopment neighborhood  
328 improvement district.

329 ~~(5) "Environmental security" means an urban planning and~~  
330 ~~design process which integrates crime prevention with~~  
331 ~~neighborhood design and community development.~~

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

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

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

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

347 Section 9. Section 163.5035, Florida Statutes, is amended  
348 to read:

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349           163.5035 ~~Safe~~ Neighborhood improvement districts;  
350 compliance with special district provisions.—Any special  
351 district created pursuant to this part shall comply with all  
352 applicable provisions contained in chapter 189. In cases where a  
353 provision contained in this part conflicts with a provision in  
354 chapter 189, the provision in chapter 189 shall prevail.

355           Section 10. Section 163.504, Florida Statutes, is amended  
356 to read:

357           163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~  
358 ~~funds.~~—

359           ~~(1)~~ The governing body of any municipality or county may  
360 authorize the formation of ~~safe~~ neighborhood improvement  
361 districts through the adoption of an a ~~planning~~ ordinance that  
362 ~~which~~ specifies that such districts may be created by one or  
363 more of the methods established in ss. 163.506, 163.508,  
364 163.511, and 163.512. A ~~No~~ district may not overlap the  
365 jurisdictional boundaries of a municipality and the  
366 unincorporated area of a county, unless approved ~~except~~ by  
367 interlocal agreement.

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

374           ~~(3) Municipalities and counties may implement the~~  
375 ~~provisions of this section without planning funds from the~~  
376 ~~Department of Legal Affairs. However, nothing in this section~~  
377 ~~shall be construed to exempt any district from the requirements~~

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378 ~~of providing a safe neighborhood improvement plan pursuant to s.~~  
379 ~~163.516.~~

380 Section 11. Section 163.5055, Florida Statutes, is amended  
381 to read:

382 163.5055 Notice ~~Registration~~ of district establishment;  
383 notice of dissolution.-

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

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

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

398 Section 12. Section 163.506, Florida Statutes, is amended  
399 to read:

400 163.506 Local government neighborhood improvement  
401 districts; creation; advisory council; dissolution.-

402 (1) After an a ~~local planning~~ ordinance has been adopted  
403 authorizing the creation of local government neighborhood  
404 improvement districts, the local governing body of a  
405 municipality or county may create local government neighborhood  
406 improvement districts by the enactment of a separate ordinance

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407 for each district, ~~which ordinance:~~

408 (a) Specifies the boundaries, size, and name of the  
409 district.

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

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

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

420 (e) Designates the local governing body as the board of  
421 directors of the district.

422 (f) Establishes an advisory council to the board of  
423 directors comprised of property owners, representatives of  
424 property owners, business owners, or residents of the district.

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

427 (h) Requires the district to notify the ~~Department of Legal~~  
428 ~~Affairs and the~~ Department of Economic Opportunity Community  
429 ~~Affairs~~ in writing of its establishment within 30 days thereof  
430 pursuant to s. 163.5055.

431 (i) Authorizes the district to borrow money, contract  
432 loans, and issue bonds, certificates, warrants, notes, or other  
433 evidence of indebtedness from time to time to finance the  
434 undertaking of any capital or other project for the purposes  
435 permitted by the State Constitution and this part and pledge the

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436 funds, credit, property, and taxing power of the improvement  
437 district for the payment of such debts and bonds.

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

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

458 3. The governing body of the district may establish and  
459 administer such sinking funds as it deems necessary or  
460 convenient for the payment, purchase, or redemption of any  
461 outstanding bonded indebtedness of the district.

462 4. The governing body of the improvement district may levy  
463 ad valorem taxes upon real and tangible personal property within  
464 the district as it deems necessary to make payment, including



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465 principal and interest, upon the general obligation and ad  
466 valorem bonded indebtedness of the district or into any sinking  
467 fund created pursuant to this part.

468 5. This part shall be full authority for the issuance of  
469 bonds authorized herein.

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

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

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

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

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494 referendum required under this paragraph.

495 2. Within 45 days after compilation of the freeholders'  
496 registration list pursuant to subparagraph 1., the city clerk or  
497 the supervisor of elections shall notify each such freeholder of  
498 the general provisions of this paragraph, including the taxing  
499 authority and the date of the upcoming referendum, and the  
500 method provided for submitting corrections to the registration  
501 list if the status of the freeholder has changed since the  
502 compilation of the tax rolls. Notification shall be by first-  
503 class United States mail and, in addition thereto, by  
504 publication one time in a newspaper of general circulation in  
505 the county or municipality in which the district is located.

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

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

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

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

520 c. The percent of the freeholder's interest in such  
521 property; and

522 d. Immediately following the information required in sub-

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523 subparagraphs a.-c., the following:

524

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

528

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

531

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

534

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

538

539 ....Yes, for authorizing the borrowing of money for  
540 district purposes.

541

542 ....No, against authorizing the borrowing of money for  
543 district purposes."

544

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

550

551 ....Yes, for the special assessment.

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552  
553 ...No, against the special assessment."

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

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

562 7. The freeholders shall be deemed to have approved of the  
563 provisions of this paragraph at such time as the city clerk or  
564 the supervisor of elections certifies to the governing body of  
565 the municipality or county that approval has been given by  
566 freeholders owning in excess of 50 percent of the assessed value  
567 of the properties represented by ballots cast.

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

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

579  
580 VOTER'S CERTIFICATE

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581

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

589

590 . . .(Voter's Signature) . . .

591

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

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

596

597 . . .(Signature of Witness) . . .

598 . . .(Address) . . .(City/State) . . .

599

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

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

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610 following form:

611

612 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

613

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

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

620 c. Place your marked ballot in the enclosed secrecy

621 envelope.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

692 1. Request grants ~~a matching grant from the state's Safe~~  
693 ~~Neighborhoods Program to prepare the first year's safe~~  
694 ~~neighborhood improvement plan. The provider of the local match~~  
695 ~~for the state grant shall be mutually agreed upon between the~~  
696 ~~governing body and the property owners' association. The~~



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697 ~~governing body may agree to provide the match as a no-interest-~~  
698 ~~bearing loan to be paid back from assessments imposed by the~~  
699 ~~association on its members or shareholders.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

766 Section 14. Subsections (1), (7), (8), and (10) of section  
767 163.511, Florida Statutes, are amended to read:

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

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

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

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

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

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784 innovations.

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

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

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

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

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

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

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

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

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

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

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

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842 Section 15. Section 163.512, Florida Statutes, is amended  
843 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

908 (2) Have and use a corporate seal.

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

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

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

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

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

928 (8) Contract with the county or municipal government for



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929 planning assistance, legal advice, and ~~for~~ increased levels of  
930 law enforcement protection and security, including additional  
931 personnel.

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

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

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

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

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

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

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

957 (16) (a) Subject to referendum approval, and for residential

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

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

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

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

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

993 2. Immediately following said information, the following:  
994

995 "Do you favor the imposition of a special assessment of not  
996 greater than \$500 for each individual parcel of land per year to  
997 pay for the expenses of operating the neighborhood improvement  
998 district?  
999

1000 ....Yes, for the special assessment.  
1001

1002 ....No, against the special assessment."  
1003

1004 (e) Ballots shall be returned by United States mail or by  
1005 personal delivery.

1006 (f) All ballots received within 60 days after the closing  
1007 of registration shall be tabulated by the city clerk or the  
1008 supervisor of elections, who shall certify the results thereof  
1009 to the city governing body or county commission no later than 5  
1010 days after said 60-day period.

1011 (17) Exercise all lawful powers incidental to the effective  
1012 and expedient exercise of the foregoing powers.

1013 Section 18. Subsections (3) and (4) of section 163.5151,  
1014 Florida Statutes, are amended to read:

1015 163.5151 Fiscal management; budget preparation.-

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1016 (3) Each local government and special neighborhood  
 1017 improvement district levying an ad valorem tax on real or  
 1018 personal property shall establish its budget pursuant to the  
 1019 provisions of chapter 200. Before adopting ~~Prior to adoption of~~  
 1020 the final budget and setting of the millage rate to be levied by  
 1021 the board, the board shall submit a tentative budget and  
 1022 proposed millage rate of the district to the governing body of  
 1023 the municipality in which the district is located, or to the  
 1024 county if the district is located in the unincorporated portion  
 1025 of the county, for approval or disapproval. Such governing body  
 1026 shall have the power to modify the budget or millage submitted  
 1027 by the board. Subsequent to approval, the board shall adopt its  
 1028 final budget and millage rate in accordance with the  
 1029 requirements of chapter 200.

1030 (4) At the option of the county property appraiser for the  
 1031 county within which the neighborhood improvement district is  
 1032 located, ~~the~~ assessments levied by the district may ~~shall~~ be  
 1033 collected in the same manner as all ad valorem taxes if so  
 1034 requested by the local governing body pursuant to s. 197.363.

1035 Section 19. Section 163.516, Florida Statutes, is amended  
 1036 to read:

1037 163.516 ~~Safe~~ Neighborhood improvement plans.—

1038 (1) A ~~safe~~ neighborhood improvement plan is mandated for  
 1039 all neighborhood improvement districts. The plan must ~~shall~~  
 1040 contain at least the following elements:

1041 (a) Demographics of the district.

1042 ~~(b) Crime activity data and analysis.~~

1043 (b)-(c) Land use, zoning, housing, and traffic analysis.

1044 ~~(d) Determination of the problems of the crime to~~

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1045 ~~environment relationship and the stability of the neighborhood~~  
1046 ~~improvement district.~~

1047 (c)~~(e)~~ Statement of the district's goal and objectives.

1048 ~~(f) Assessment of crime prevention through community~~  
1049 ~~policing innovations, environmental design, environmental~~  
1050 ~~security, and defensible space strategies and tactics that will~~  
1051 ~~be applied to the crime to environment relationship problems.~~

1052 ~~(g) Cost estimates and the methods of financing.~~

1053 ~~(h) Outline of program participants and their functions and~~  
1054 ~~responsibilities.~~

1055 ~~(i) Schedule for executing program activities.~~

1056 ~~(j) Evaluation guidelines.~~

1057 (2) Every ~~safe~~ neighborhood improvement plan must shall  
1058 show, by diagram and by general explanation:

1059 (a) Such property as is intended for use as public parks,  
1060 recreation areas, streets, public utilities, and public  
1061 improvements of any nature.

1062 (b) Specific identification of any publicly funded capital  
1063 improvement projects to be undertaken within the district.

1064 ~~(c) Adequate assurances that the improvements will be~~  
1065 ~~carried out pursuant to the plan.~~

1066 ~~(d) Provision for the retention of controls and the~~  
1067 ~~establishment of any restrictions or covenants running with land~~  
1068 ~~sold or leased for private use for such periods of time and~~  
1069 ~~under such conditions as the governing body of the municipality~~  
1070 ~~in which the district is located, or the county if the district~~  
1071 ~~is located in the unincorporated portion of the county, deems~~  
1072 ~~necessary to effectuate the purposes of this part.~~

1073 (c)~~(e)~~ Projected costs of improvements, including the

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1074 amount to be expended on publicly funded capital improvement  
1075 projects in the district and any indebtedness of the district,  
1076 the county, or the municipality proposed to be incurred if such  
1077 indebtedness is to be repaid with district revenues.

1078 ~~(f) Promotion of advertising programs to be undertaken by~~  
1079 ~~the district or in conjunction with businesses in the district.~~

1080 ~~(g) Suggested physical improvements necessary for the~~  
1081 ~~safety of residents in or visitors to the district.~~

1082 ~~(h) Law enforcement and security plans for the district.~~

1083 (3) The ~~safe~~ neighborhood improvement plan must shall:

1084 (a) Be consistent with the adopted comprehensive plan for  
1085 the county or municipality pursuant to the Community Planning  
1086 Act. No district plan shall be implemented unless the local  
1087 governing body has determined said plan is consistent.

1088 (b) Be sufficiently complete to indicate such land  
1089 acquisition, demolition and removal of structures, street  
1090 modifications, redevelopment, and rehabilitation as may be  
1091 proposed to be carried out in the district.

1092 ~~(c) Provide some method for and measurement of the~~  
1093 ~~reduction of crime within the district.~~

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

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1103 ~~of the plan may be submitted to satisfy any inconsistencies. The~~  
1104 ~~district may not proceed with the safe neighborhood improvement~~  
1105 ~~plan until final approval is given by the local governing body.~~

1106 (4)~~(5)~~ Prior to adoption of the ~~safe~~ neighborhood  
1107 improvement plan, the board shall hold a public hearing on the  
1108 plan after public notice thereof by publication in a newspaper  
1109 of general circulation in the county or municipality in which  
1110 the district is located. The notice shall describe the time,  
1111 date, place, and purpose of the hearing; identify the boundaries  
1112 of the district; and outline the general scope of the plan.

1113 (5)~~(6)~~ The board, after the public hearing, may approve the  
1114 ~~safe~~ neighborhood improvement plan if it finds:

1115 (a) The plan has been approved as consistent with the local  
1116 comprehensive plan by the local governing body; and

1117 (b) The plan will improve the promotion, appearance,  
1118 ~~safety, security,~~ and public amenities of the neighborhood  
1119 improvement district as stipulated in s. 163.502.

1120 (6)~~(7)~~ If, at any time after approval of the ~~safe~~  
1121 neighborhood improvement plan, it becomes desirable to amend or  
1122 modify the plan, the board may do so. Prior to any such  
1123 amendment or modification, the board shall obtain written  
1124 approval of the local governing body concerning conformity to  
1125 the local government comprehensive plan and hold a public  
1126 hearing on the proposed amendment or modification after public  
1127 notice thereof by publication in a newspaper of general  
1128 circulation in the county or municipality in which the district  
1129 is located. The notice shall describe the time, place, and  
1130 purpose of the hearing and generally describe the proposed  
1131 amendment or modification.

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1132       ~~(8) Pursuant to s. 163.3184, the governing body of a~~  
1133 ~~municipality or county shall hold two public hearings to~~  
1134 ~~consider the board-adopted safe neighborhood improvement plan as~~  
1135 ~~an amendment or modification to the municipality's or county's~~  
1136 ~~adopted local comprehensive plan.~~

1137       ~~(9) A safe neighborhood improvement plan for each district~~  
1138 ~~shall be prepared and adopted by the municipality or county~~  
1139 ~~prior to the levy and expenditure of any of the proceeds of any~~  
1140 ~~tax assessment or fee authorized to such districts other than~~  
1141 ~~for the preparation of the safe community or business~~  
1142 ~~improvement plan.~~

1143       Section 20. Section 163.517, Florida Statutes, is repealed.

1144       Section 21. Section 163.519, Florida Statutes, is repealed.

1145       Section 22. Section 163.521, Florida Statutes, is repealed.

1146       Section 23. Section 163.5215, Florida Statutes, is  
1147 repealed.

1148       Section 24. Section 163.522, Florida Statutes, is repealed.

1149       Section 25. Section 163.523, Florida Statutes, is repealed.

1150       Section 26. Section 163.524, Florida Statutes, is repealed.

1151       Section 27. Section 163.526, Florida Statutes, is repealed.

1152       Section 28. Paragraph (c) of subsection (1) of section  
1153 376.84, Florida Statutes, is amended to read:

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



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1161 redevelopment of a brownfield. State and local governments are  
1162 encouraged to offer redevelopment incentives for this purpose,  
1163 as an ongoing public investment in infrastructure and services,  
1164 to help eliminate the public health and environmental hazards,  
1165 and to promote the creation of jobs in these areas. Such  
1166 incentives may include financial, regulatory, and technical  
1167 assistance to persons and businesses involved in the  
1168 redevelopment of the brownfield pursuant to this act.

1169 (1) Financial incentives and local incentives for  
1170 redevelopment may include, but not be limited to:

1171 (c) ~~Safe~~ Neighborhood improvement districts as provided in  
1172 part IV of chapter 163 ss. 163.501-163.523.

1173 Section 29. Subsection (2) of section 775.083, Florida  
1174 Statutes, is amended to read:

1175 775.083 Fines.—

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

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1190 including ~~safe~~ neighborhood improvement programs under part IV  
1191 of chapter 163 ss. ~~163.501-163.523~~.

1192 Section 30. Paragraphs (a) and (c) of subsection (5) of  
1193 section 932.7055, Florida Statutes, are amended to read:

1194 932.7055 Disposition of liens and forfeited property.—

1195 (5) (a) If the seizing agency is a county or municipal  
1196 agency, the remaining proceeds shall be deposited in a special  
1197 law enforcement trust fund established by the board of county  
1198 commissioners or the governing body of the municipality. Such  
1199 proceeds and interest earned therefrom shall be used for school  
1200 resource officer, crime prevention, ~~safe~~ neighborhood  
1201 improvement, drug abuse education and prevention programs, or  
1202 for other law enforcement purposes, which include defraying the  
1203 cost of protracted or complex investigations, providing  
1204 additional equipment or expertise, purchasing automated external  
1205 defibrillators for use in law enforcement vehicles, and  
1206 providing matching funds to obtain federal grants. The proceeds  
1207 and interest may not be used to meet normal operating expenses  
1208 of the law enforcement agency.

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

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1219 municipality that receives public funds. Such funds may be  
1220 expended in accordance with the following procedures:

1221 1. Such funds may be used only for school resource officer,  
1222 crime prevention, ~~safe~~ neighborhood improvement, drug abuse  
1223 education, or drug prevention programs or such other law  
1224 enforcement purposes as the board of county commissioners or  
1225 governing body of the municipality deems appropriate.

1226 2. Such funds shall not be a source of revenue to meet  
1227 normal operating needs of the law enforcement agency.

1228 3. After July 1, 1992, and during every fiscal year  
1229 thereafter, any local law enforcement agency that acquires at  
1230 least \$15,000 pursuant to the Florida Contraband Forfeiture Act  
1231 within a fiscal year must expend or donate no less than 15  
1232 percent of such proceeds for the support or operation of any  
1233 drug treatment, drug abuse education, drug prevention, crime  
1234 prevention, ~~safe~~ neighborhood improvement, or school resource  
1235 officer program ~~program(s)~~. The local law enforcement agency has  
1236 the discretion to determine which program or programs ~~program(s)~~  
1237 will receive the designated proceeds.

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

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1248 precludes the expenditure or donation of forfeiture proceeds in  
1249 excess of the minimum amounts established herein.

1250 Section 31. This act shall take effect July 1, 2012.