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Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to neighborhood improvement districts; amending ss. 163.2511, 163.2517, 163.3182, 163.3246, and 163.387, F.S.; conforming provisions to changes made by the act; amending s. 163.501, F.S.; renaming the "Safe Neighborhoods Act" as the "Neighborhoods Improvement Act"; amending s. 163.502, F.S.; revising legislative findings and purpose; amending s. 163.503, F.S.; revising and deleting definitions; amending s. 163.5035, F.S.; conforming provisions to changes made by the act; amending s. 163.504, F.S.; authorizing the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance; deleting provisions relating to the creation and funding of safe neighborhood improvement districts; amending s. 163.5055, F.S.; requiring each neighborhood improvement district authorized under law to provide the Department of Economic Opportunity with certain information; requiring a local governing body to notify the department of a dissolution of a district; deleting an obsolete provision; amending s. 163.506, F.S.; revising provisions authorizing a local governing body to create a residential or commercial local government neighborhood improvement district by the enactment of an ordinance; revising the requirements of the ordinance; specifying that the



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ordinance may authorize residential or commercial local government neighborhood improvement districts to borrow money, contract loans, and issue bonds or other evidence of indebtedness; authorizing the governing body of the improvement district to levy ad valorem taxes upon real and tangible personal property within the district; authorizing a commercial local government neighborhood improvement district to make and collect special assessments; conditioning the exercise of certain powers by a residential local government neighborhood improvement district on approval by the local governing body and a referendum; conditioning the exercise of power by a commercial local government neighborhood improvement district to borrow money; contract loans; issue bonds; charge, collect, and enforce fees; make and collect special assessments; and levy ad valorem taxes upon real and tangible personal property within the district upon the approval of a referendum by the freeholders of the district; providing ballot requirements; removing provisions allowing an alternative organization for the board of directors; revising requirements for dissolving a district; amending s. 163.508, F.S., relating to property owners' association neighborhood improvement districts; revising the requirements for creating a property owners' association neighborhood improvement district by the enactment of a separate ordinance for each district; authorizing the governing body to request grants; requiring that the property



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owners form an association or use an existing property owners' association that is a not-for-profit corporation; amending s. 163.511, F.S., relating to special neighborhood improvement districts; revising provisions to conform to changes made by the act; revising the method of appointing and removing directors of the district; amending s. 163.512, F.S.; revising provisions authorizing a municipality or county to create a community redevelopment neighborhood improvement district; authorizing the district to receive grants and other funding; providing that the local governing body may dissolve the district under certain circumstances; repealing s. 163.513, F.S., relating to crime prevention through community policing innovations; amending s. 163.514, F.S.; revising the powers of the board of a neighborhood improvement district; authorizing the district to contract for services in areas pertaining to the operations of the board or the district; authorizing the district to improve, plan, design, construct, operate, provide, and maintain certain facilities; authorizing a district, except for a commercial local government neighborhood improvement district, to collect special assessments under certain circumstances and following implementation of designated procedures; amending s. 163.5151, F.S.; requiring a local government and a special neighborhood improvement district levying an ad valorem tax on real or personal property to prepare a



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budget in a specified manner; amending s. 163.516, F.S.; requiring that neighborhood improvement plans be created for each improvement district; revising the contents of the neighborhood improvement plan; conforming provisions to changes made by the act; repealing s. 163.517, F.S., relating to the Safe Neighborhoods Program; repealing s. 163.519, F.S., relating to the duties of the Department of Legal Affairs relating to neighborhood improvement districts; repealing s. 163.521, F.S., relating to funding for a neighborhood improvement district inside an enterprise zone; repealing s. 163.5215, F.S., relating to the effect and construction of existing laws relating to neighborhood improvement districts; repealing s. 163.522, F.S., relating to state redevelopment programs; repealing s. 163.523, F.S., relating to cooperation and involvement of community organizations in the creation of safe neighborhood improvement districts; amending s. 163.524, F.S.; limiting application of provisions governing Neighborhood Preservation and Enhancement District and Neighborhood Council to those districts and councils that are active on or before a specified date; prohibiting a new Neighborhood Preservation and Enhancement District and Neighborhood Councils from being created after a specified date; amending ss. 163.526, 376.84, 775.083, and 932.7055, F.S.; conforming provisions to changes made by the act; providing an effective date.



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

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

163.2511 Urban infill and redevelopment.-

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

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

163.2517 Designation of urban infill and redevelopment area.—

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(n), including a collaborative and holistic



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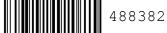
community participation process, or amend such existing plans to include these factors. The plan shall demonstrate the local government and community's commitment to comprehensively address the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; neighborhood revitalization and preservation; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

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

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

163.3182 Transportation deficiencies.

- (6) EXEMPTIONS.—
- (a) The following public bodies or taxing authorities are exempt from this section:
- 1. A special district that levies ad valorem taxes on taxable real property in more than one county.



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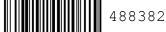
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- 2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenue revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district is are not deemed available.
 - 3. A library district.
- 4. A neighborhood improvement district created under the Safe Neighborhoods Improvement Act.
 - 5. A metropolitan transportation authority.
 - 6. A water management district created under s. 373.069.
 - 7. A community redevelopment agency.
- Section 4. Subsection (2) of section 163.3246, Florida Statutes, is amended to read:
- 163.3246 Local government comprehensive planning certification program.-
- (2) In order to be eligible for certification under the program, the local government must:
- (a) Demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan;
- (b) Demonstrate technical, financial, and administrative expertise to implement the provisions of this part without state oversight;
- (c) Obtain comments from the state and regional review agencies regarding the appropriateness of the proposed certification;
- (d) Hold at least one public hearing soliciting public input concerning the local government's proposal for certification; and



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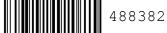
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- (e) Demonstrate that it has adopted programs in its local comprehensive plan and land development regulations which:
- 1. Promote infill development and redevelopment, including prioritized and timely permitting processes in which applications for local development permits within the certification area are acted upon expeditiously for proposed development that is consistent with the local comprehensive plan.
- 2. Promote the development of housing for low-income and very-low-income households or specialized housing to assist elderly and disabled persons to remain at home or in independent living arrangements.
- 3. Achieve effective intergovernmental coordination and address the extrajurisdictional effects of development within the certified area.
- 4. Promote economic diversity and growth while encouraging the retention of rural character, where rural areas exist, and the protection and restoration of the environment.
- 5. Provide and maintain public urban and rural open space and recreational opportunities.
- 6. Manage transportation and land uses to support public transit and promote opportunities for pedestrian and nonmotorized transportation.
- 7. Use design principles to foster individual community identity, create a sense of place, and promote pedestrianoriented safe neighborhoods and town centers.
 - 8. Redevelop blighted areas.
- 9. Adopt a local mitigation strategy and have programs to improve disaster preparedness and the ability to protect lives



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and property, especially in coastal high-hazard areas.

- 10. Encourage clustered, mixed-use development that incorporates greenspace and residential development within walking distance of commercial development.
- 11. Encourage urban infill at appropriate densities and intensities and separate urban and rural uses and discourage urban sprawl while preserving public open space and planning for buffer-type land uses and rural development consistent with their respective character along and outside the certification area.
- 12. Ensure Assure protection of key natural areas and agricultural lands that are identified using state and local inventories of natural areas. Key natural areas include, but are not limited to:
 - a. Wildlife corridors.
- b. Lands with high native biological diversity, important areas for threatened and endangered species, species of special concern, migratory bird habitat, and intact natural communities.
- c. Significant surface waters and springs, aquatic preserves, wetlands, and outstanding Florida waters.
- d. Water resources suitable for preservation of natural systems and for water resource development.
 - e. Representative and rare native Florida natural systems.
- 13. Ensure the cost-efficient provision of public infrastructure and services.
- Section 5. Paragraph (c) of subsection (2) of section 163.387, Florida Statutes, is amended to read:
 - 163.387 Redevelopment trust fund.-
- 259 (2)



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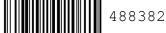
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- (c) The following public bodies or taxing authorities are exempt from paragraph (a):
- 1. A special district that levies ad valorem taxes on taxable real property in more than one county.
- 2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenue revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district is shall not be deemed available.
- 3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- 4. A neighborhood improvement district created under the Safe Neighborhoods Improvement Act.
 - 5. A metropolitan transportation authority.
 - 6. A water management district created under s. 373.069.
- Section 6. Section 163.501, Florida Statutes, is amended to read:
- 163.501 Short title.—This part may be cited as the "Safe Neighborhoods Improvement Act."
- Section 7. Section 163.502, Florida Statutes, is amended to read:
- 163.502 Safe Neighborhoods improvement; legislative findings and purpose.-
- (1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of



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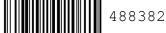
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crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic, and lack of adequate public improvements, such as streets, street lights, street furniture, street landscaping, sidewalks, traffic signals, way-finding signs, mass transit, stormwater systems, and other public utilities and improvements.

- (2) The Legislature further finds and declares that healthy and vibrant safe neighborhoods are the product of planning and implementation of appropriate environmental design concepts, comprehensive planning crime prevention programs, land use recommendations, and beautification techniques.
- (3) The Legislature further finds and declares that the provisions of this part and the powers granted to local governments, property owners' associations, special dependent districts, and community redevelopment neighborhood improvement districts are desirable to guide and accomplish the coordinated, balanced, and harmonious development of healthy and vibrant safe neighborhoods; to promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; and to improve or redirect automobile traffic and provide pedestrian safety; to reduce



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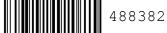
crime rates and the opportunities for the commission of and to provide improvements in neighborhoods so they are defensible against crime.

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

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

163.503 Safe neighborhoods; Definitions.-

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



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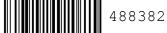
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- (2) "Association" means a property owners' association that which is incorporated for the purpose of creating and operating a neighborhood improvement district.
- (3) "Department" means the Department of Economic Opportunity Legal Affairs.
- (4) "Board" means the board of directors of a neighborhood improvement district, which may be the governing body of a municipality or county or the officers of a property owners' association or the board of directors of a special neighborhood improvement district or community redevelopment neighborhood improvement district.
- (5) "Environmental security" means an urban planning and design process which integrates crime prevention with neighborhood design and community development.
- (6) "Crime prevention through environmental design" means the planned use of environmental design concepts such as natural access control, natural surveillance, and territorial reinforcement in a neighborhood or community setting which is designed to reduce criminal opportunity and foster positive social interaction among the legitimate users of that setting.
- (7) "Defensible space" means an architectural perspective on crime prevention through physical design of the environment to create the ability to monitor and control the environment along individual perceived zones of territorial influence that result in a proprietary interest and a felt responsibility.
- (8) "Enterprise zone" means an area designated pursuant to s. 290.0065.
- (8) (9) "Community policing innovation" means techniques or strategies as defined by s. 163.340.



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(9) "Local governing body" means the governing body of the municipality or county that creates a neighborhood improvement district.

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

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

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

163.504 Safe Neighborhood improvement districts; planning funds.-

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

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



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improvement plan for the district.

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

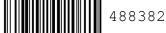
Section 11. Section 163.5055, Florida Statutes, is amended to read:

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

- (1) (a) Each neighborhood improvement district that is authorized and established under this part shall, within 30 days after its establishment, provide the department thereof register with both the Department of Economic Opportunity and the Department of Legal Affairs by providing these departments with the district's name, location, size, and type, and such other information as the department departments may request require.
- (2) (b) Each local governing body that authorizes the dissolution of a district shall notify both the department of Economic Opportunity and the Department of Legal Affairs within 30 days after the dissolution of the district.
- (2) This section shall apply to all neighborhood improvement districts established on or after July 1, 1987.

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

- 163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.-
 - (1) After an a local planning ordinance has been adopted



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authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create residential or commercial local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
- (b) Authorizes the district to receive grants a planning grant from the department.
- (c) Authorizes the local government neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
- (d) For residential local government neighborhood improvement districts, authorizes the district to use of special assessments imposed pursuant to s. 163.514(16) to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.
- (e) Designates the local governing body as the board of directors of the district.
- (f) Establishes an advisory council to the board of directors comprised of property owners, representatives of property owners, business owners, or residents of the district.
- (g) May prohibit the use of any district power authorized by s. 163.514.
- (h) Requires the district to notify the department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days after establishment thereof



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pursuant to s. 163.5055.

- (i) Authorizes the district to borrow money, contract loans, and issue bonds, certificates, warrants, notes, or other evidence of indebtedness from time to time to finance the undertaking of any capital or other project for the purposes authorized by the State Constitution and this part and to pledge the funds, credit, property, and taxing power of the district for the payment of such debts and bonds.
- 1. Bonds that are issued under this paragraph must be authorized by resolution of the board, by resolution of the local governing body, by affirmative vote of the electors of the district. Such bonds may be issued in one or more series and shall bear such date or dates; be payable upon demand or mature at such time or times; bear interest at such rate or rates; be in such denomination or denominations; be in such form, registered or not, with or without coupon; carry such conversion or registration privileges; have such rank or priority; be executed in such manner; be payable in such medium of payment, at such place or places, and subject to such terms of redemption, with or without premium; be secured in such manner; and have such other characteristics as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.
- 2. The board shall determine the terms and manner of sale and distribution or other disposition of any bonds it issues, consistent with s. 218.385, and shall have all powers necessary for and convenient to such disposition.
- 3. The board may establish and administer such sinking funds as it deems necessary or convenient for the payment,



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purchase, or redemption of any outstanding bonded indebtedness of the district.

- 4. The board may levy ad valorem taxes upon real and tangible personal property within the district as it deems necessary to make payment, including principal and interest, upon the general obligation and ad valorem bonded indebtedness of the district or into any sinking fund created pursuant to this paragraph.
- 5. A board has full authority for the issuance of bonds authorized under this paragraph.
- (j) For commercial local government neighborhood improvement districts, authorizes the district to make and collect special assessments pursuant to ss. 197.3632 and 197.3635 in order to pay for capital improvements within the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget. Such assessments may not exceed \$500 for each individual parcel of land per year.
- (k) Authorizes the district to charge, collect, and enforce user fees and other charges.
- (1) For residential local government neighborhood improvement districts, conditions the exercise of powers provided in paragraphs (d) and (i) on approval by the local governing body and a referendum as described in s. 163.514(16).
- (m) For commercial local government neighborhood improvement districts, conditions the exercise of the powers provided in paragraphs (i) and (j) on approval by the local governing body and a referendum as described in this paragraph:
 - 1. Within 45 days after the date the local governing body



enacts an ordinance calling a referendum pursuant to this paragraph, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance and compile a list of the names and last known addresses of the freeholders in the commercial local government neighborhood improvement district from the tax assessment roll of the county applicable as of December 31 in the year preceding the year in which the ordinance is enacted. Except as otherwise provided in this paragraph, the list constitutes the registration list for purposes of the freeholder referendum required under this paragraph.

- 2. Within 45 days after compilation of the freeholder registration list pursuant to subparagraph 1., the city clerk or the supervisor of elections shall notify each such freeholder of the general provisions of this section, including the taxing authority and the date of the upcoming referendum, and the method provided for submitting corrections to the registration list if the status of the freeholder has changed since the compilation of the tax roll. Notification shall be by first-class mail and, in addition, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.
- 3. Any freeholder whose name does not appear on the registration list compiled pursuant to subparagraph 1. may register to vote with the city clerk or the supervisor of elections. The registration list must remain open for 75 days after enactment of the ordinance calling for the referendum.
- 4. Notwithstanding s. 101.6102, within 15 days after the closing of the registration list, the city clerk or the



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supervisor of elections shall send a ballot by first-class mail to each registered freeholder at his or her last known mailing address. The ballot must include:

- a. A description of the general provisions of this section applicable to local government neighborhood improvement districts;
 - b. The assessed value of the freeholder's property;
- c. The percent of the freeholder's interest in such property; and
- d. Immediately following the information required under sub-subparagraphs a.-c., the following:

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

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

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

"Do you favor authorizing the Local Government Neighborhood Improvement District to borrow money, including by issuing bonds, as provided in s. 163.506(1)(i), Florida Statutes?

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



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

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

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....Yes, for the special assessment.

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

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- 5. Ballots shall be returned by first-class mail or by personal delivery.
- 6. All ballots that are received within 120 days after enactment of the ordinance shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results to the city council or county commission no later than 5 days after the 120-day period.
- 7. The freeholders shall be deemed to have approved of the provisions of paragraph (i) at such time as the city clerk or the supervisor of elections certifies to the local governing body that approval has been given by freeholders owning in excess of 50 percent of the assessed value of the properties represented by ballots cast.
 - 8. The freeholders shall be deemed to have approved of the



provisions of paragraph (j) at such time as the city clerk or the supervisor of elections certifies to the local governing body that approval has been given by freeholders owning a majority of the parcels represented by ballots cast.

9. The city clerk or the supervisor of elections, whichever is appropriate, shall enclose, with each ballot that is sent to the freeholder pursuant to this paragraph, two envelopes: a secrecy envelope, into which the freeholder shall enclose the marked ballot; and a mailing envelope, into which the freeholder shall place the secrecy envelope, which shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope shall bear a certificate in substantially the following form:

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

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VOTER'S CERTIFICATE

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I,, am a duly qualified and registered freeholder of the proposed ... (name) ... Local Government Neighborhood Improvement District, and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

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



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

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

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... (Signature of Witness) (Address) ... (City/State) ...

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

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

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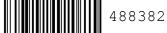
READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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



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- c. Place your marked ballot in the enclosed secrecy envelope.
- d. Insert the secrecy envelope into the enclosed mailing envelope, which is addressed to the city clerk or the supervisor of elections.
- e. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
- f. VERY IMPORTANT. Sign your name on the line provided for "(Voter's Signature)."
- q. VERY IMPORTANT. In order for your ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate.
- h. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.
- (2) The advisory council shall perform such duties as may be prescribed by the governing body and shall submit within the time period specified by the governing body, acting as the board of directors, a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements, the advisory council board shall consult in public session with the appropriate staff or consultants of the local governing body responsible for the district's plan.
- (3) As an alternative to designating the local governing body as the board of directors, a majority of the local governing body of a city or county may appoint a board of three to seven directors for the district who shall be residents of the proposed area and who are subject to ad valorem taxation in the residential neighborhood improvement district or who are



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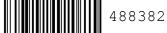
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property owners in a commercial neighborhood improvement district. The directors shall be appointed for staggered terms of 3 years. The initial appointments shall be as follows: one director for a 1-year term; one director for a 2-year term; and one director for a 3-year term. If more than three directors are to be appointed, the additional members shall initially be appointed for 3-year terms. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made. Each director shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified or is removed from office. Upon appointment and qualification and in January of each year, the directors shall organize by electing from their number a chair and a secretary.

(3) (4) The local governing body may dissolve a district may be dissolved by the governing body by rescinding the ordinance creating the district. The local governing body may rescind shall consider rescinding the ordinance if presented with a petition requesting that it be rescinded. Petitions related to a residential local government neighborhood improvement district must contain containing the signatures of 60 percent of the residents. Petitions related to a commercial local government neighborhood improvement district must contain signatures representing owners of 60 percent of the land area of the of a district.

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

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.-



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- (1) After an a local planning ordinance has been adopted authorizing the creation of property owners' association neighborhood improvement districts, the local governing body of a municipality or county may create property owners' association neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:
- (a) Establishes that an incorporated property owners' association representing 75 percent of all owners of property within a proposed district meeting the requirements of this section has petitioned the local governing body of the municipality or county for creation of a district for the area encompassed by the property owned by members of the association.
- (b) Specifies the boundaries, size, and name of the district.
- (c) Authorizes the district governing body through mutual agreement with the property owners' association to:
- 1. Request grants a matching grant from the state's Safe Neighborhoods Program to prepare the first year's safe neighborhood improvement plan. The provider of the local match for the state grant shall be mutually agreed upon between the governing body and the property owners' association. The governing body may agree to provide the match as a no-interestbearing loan to be paid back from assessments imposed by the association on its members or shareholders.
- 2. Provide staff and other technical assistance to the property owners' association on a mutually agreed-upon basis, contractual or otherwise.
- 3. Prepare the first year's safe neighborhood improvement plan, which shall comply with and be consistent with the



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governing body's adopted comprehensive plan.

- (d) Provides for an audit of the property owners' association.
- (e) Designates the officers of the incorporated property owners' association as the board of directors of the district.
- (f) May prohibit the use of any district power authorized by s. 163.514.
- (g) Requires the district to notify the department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days after establishment thereof pursuant to s. 163.5055.
- (2) In order to qualify for the creation of a neighborhood improvement district, the property owners shall form an association in compliance with this section, or use an existing property owners' association in compliance with this section, which must shall be a not-for-profit corporation. At least, for profit or not for profit, and of which not less than 75 percent of all property owners within the proposed area must consent have consented in writing to become members or shareholders. Upon such consent by 75 percent of the property owners in the proposed district, all consenting property owners and their successors shall become members of the association and are shall be bound by the provisions of the articles of incorporation, the bylaws of the association, the covenants, the deed restrictions, the indentures, and any other properly promulgated restrictions. The association may not shall have a no member or shareholder who is not a bona fide owner of property within the proposed district. Upon receipt of its certificate of incorporation, the property owners' association shall notify the clerk of the city



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or county court, whichever is appropriate, in writing, of such incorporation and shall list the names and addresses of the officers of the association.

- (3) Any incorporated property owners' association operating pursuant to this part has shall have the power:
- (a) To negotiate with the governing body of a municipality or county for closing, privatizing, or modifying the rights-ofway, and appurtenances thereto, within the district.
- (b) To use utilize various legal instruments such as covenants, deed restrictions, and indentures to preserve and maintain the integrity of property, land, and rights-of-way owned and conveyed to it within the district.
- (c) To make and collect assessments against all property within the boundaries of the district pursuant to the provisions of s. 163.514(16) and to lease, maintain, repair, and reconstruct any privatized street, land, or common area within the district upon dedication thereof to the association.
- (d) Without the joinder of any property owner, to modify, move, or create any easement for ingress and egress or for the purpose of utilities, if such easement constitutes part of or crosses district property. However, this does shall not authorize the association to modify or move any easement that which is created in whole or in part for the use or benefit of anyone other than association members, or that which crosses the property of anyone other than association members, without the consent or approval of such person as required by law or by the instrument creating the easement. Nothing in This paragraph does not shall affect the rights of ingress or egress of any member of the association.



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

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

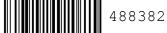
163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.-

- (1) After an a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the local governing body of a municipality or county may declare the need for and create special residential or commercial business neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:
- (a) Conditions the implementation of the ordinance on the approval of a referendum as provided in subsection (2).
- (b) Authorizes the special neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
- (c) Authorizes the district to use of special assessments to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.
- (d) Specifies the boundaries, size, and name of the district.
- (e) Authorizes the district to receive a planning grant from the department.
 - (f) Provides for the appointment of a three-member 3-member



board of directors for the district.

- (g) May authorize a special neighborhood improvement district to exercise the power of eminent domain pursuant to chapters 73 and 74. Any property identified for eminent domain by the district is shall be subject to the approval of the local governing body before eminent domain procedures are exercised.
- (h) May prohibit the use of any district power authorized by s. 163.514.
- (i) Requires the district to notify the department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days after establishment thereof pursuant to s. 163.5055.
- (j) May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the local law enforcement agency having jurisdiction within the district boundaries.
- (7) The business and affairs of a special neighborhood improvement district shall be conducted and administered by a board of three directors who <u>must shall</u> be residents of <u>or property owners within</u> the proposed area and who are subject to ad valorem taxation in the district. Upon their <u>initial</u> appointment and qualification and in January of each year thereafter, the directors shall organize by electing from their number a chair and a secretary, and may also employ staff and legal representatives as deemed appropriate, who shall serve at the pleasure of the board and may receive such compensation as shall be fixed by the board. The secretary shall keep a record of the proceedings of the district and shall be custodian of all books and records of the district. The directors may shall not



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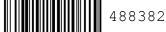
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receive any compensation for their services or, nor may they be employed by the district.

- (8) Within 30 days after of the approval of the creation of a special neighborhood improvement district, the local governing body if the district is in a municipality, a majority of the governing body of the municipality, or if the district is in the unincorporated area of the county, a majority of the county commission, shall appoint the three directors provided for in this section herein for staggered terms of 3 years. The initial appointments shall be as follows: one for a 1-year term, one for a 2-year term, and one for a 3-year term. Each director holds shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified to act as a director or is removed from office. Vacancies on the board shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made.
- (10) The local governing body of a municipality or county may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel. A vacancy so created shall be filled as provided in this section herein.

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

- 163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.-
- (1) Upon the recommendation of the community redevelopment agency and after an a local planning ordinance has been adopted



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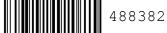
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authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
- (b) Authorizes the district to receive grants a planning grant from the department.
- (c) Authorizes the use of the community redevelopment trust fund created pursuant to s. 163.387 for the purposes of implementing the district's safe neighborhood improvement plan and furthering crime prevention through community policing innovations, environmental design, environmental security, and defensible space techniques, if the expenditures from the community redevelopment trust fund are consistent with the community redevelopment plan created pursuant to s. 163.360.
- (d) Designates the community redevelopment board of commissioners established pursuant to s. 163.356 or s. 163.357 as the board of directors for the district.
- (e) Establishes an advisory council to the board of directors comprised of property owners or residents of the district.
- (f) May prohibit the use of any district power authorized by s. 163.514.
- (g) Requires that the district's safe neighborhood improvement plan be consistent with the community redevelopment plan created pursuant to s. 163.360, and permits the safe neighborhood improvement plan to be included in the community



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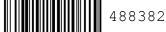
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redevelopment plan as an optional element.

- (h) Requires that the boundaries of the community redevelopment district be contained in whole within the community redevelopment area established pursuant to ss. 163.355 and 163.356.
- (i) Requires that the district to notify the department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days after establishment thereof pursuant to s. 163.5055.
- (2) The advisory council shall perform such duties as may be prescribed by the community redevelopment board established pursuant to s. 163.356 and shall submit within the time period specified by the board of directors a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements, the advisory council shall consult in public session with the appropriate staff or consultants of the community redevelopment board responsible for the district's plan.
- (3) The local governing body may dissolve a district may be dissolved by the local governing body by rescinding the ordinance creating the district. The local governing body may rescind shall consider rescinding the ordinance if presented with a petition containing the signatures of 60 percent of the residents of a district.
- Section 16. Section 163.513, Florida Statutes, is repealed. Section 17. Section 163.514, Florida Statutes, is amended to read:
- 163.514 Powers of neighborhood improvement districts. Unless prohibited by ordinance, the board of any district is



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shall be empowered to:

- (1) Enter into contracts and agreements and sue and be sued as a body corporate.
 - (2) Have and use a corporate seal.
- (3) Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- (4) Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- (5) Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- (6) Cooperate and contract with other governmental agencies or other public bodies.
- (7) Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- (8) Contract with the county or municipal government for planning assistance, legal advice, and for increased levels of law enforcement protection and security, including additional personnel.
- (9) Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.



- (10) Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- (11) Improve, plan, design, construct, operate, provide, and maintain street lighting, parks, streets, drainage, utilities, swales, parking facilities, transit facilities, landscaping, and open areas, and provide safe access to mass transportation facilities in the district.
- (12) Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- (13) Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- (14) Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- (15) Identify areas that have with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- improvement districts and subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters



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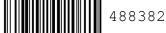
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1041 1042 residing in the district. Such assessments may shall not exceed \$500 for each individual parcel of land per year.

Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment must shall be by mail ballot.

- (b) In order to implement this subsection, the city clerk or the supervisor of elections, whichever is appropriate, shall compile a list of the names and last known addresses of the electors in the neighborhood improvement district from the list of registered voters of the county as of the last day of the preceding month. The same shall constitute the registration list for the purposes of a referendum. Within 45 days after compilation of the voter registration list, the city clerk or the supervisor of elections shall notify each elector of the general provisions of this subsection section, including the taxing authority and the date of the upcoming referendum. Notification must shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.
- (c) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after the notification required in paragraph (b).
- (d) Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by firstclass $\frac{\text{United States}}{\text{States}}$ mail. The ballot $\frac{\text{must}}{\text{States}}$ include:
- 1. A description of the general provisions of this section applicable to the neighborhood improvement district; and



2. Immediately following said information, the following:

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

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....Yes, for the special assessment.

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

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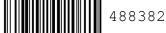
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- (e) Ballots shall be returned by United States mail or by personal delivery.
- (f) All ballots that are received within 60 days after the closing of registration shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the local city governing body or county commission no later than 5 days after the said 60-day period.
- (17) Exercise all lawful powers incidental to the effective and expedient exercise of the foregoing powers.

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

163.5151 Fiscal management; budget preparation.-

(3) Each local government and special neighborhood improvement district levying an ad valorem tax on real or personal property shall establish a its budget pursuant to the provisions of chapter 200. Before adopting Prior to adoption of the final budget and setting of the millage rate to be levied by the board, the board shall submit a tentative budget and



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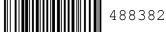
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proposed millage rate of the district to the local governing body of the municipality in which the district is located, or to the county if the district is located in the unincorporated portion of the county, for approval or disapproval. Such local governing body has shall have the power to modify the budget or millage submitted by the board. Subsequent to approval, the board shall adopt its final budget and millage rate in accordance with the requirements of chapter 200.

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

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

- 163.516 Safe Neighborhood improvement plans.-
- (1) A safe neighborhood improvement plan is mandated for all neighborhood improvement districts. The plan must shall contain at least the following elements:
 - (a) Demographics of the district.
 - (b) Crime activity data and analysis.
 - (b) (c) Land use, zoning, housing, and traffic analysis.
- (d) Determination of the problems of the crime-toenvironment relationship and the stability of the neighborhood improvement district.
 - (c) (e) Statement of the district's goal and objectives.
- (f) Assessment of crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics that will



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be applied to the crime-to-environment relationship problems.

- (g) Cost estimates and the methods of financing.
- (h) Outline of program participants and their functions and responsibilities.
 - (i) Schedule for executing program activities.
 - (i) Evaluation guidelines.
- (2) Every safe neighborhood improvement plan must shall show, by diagram and by general explanation:
- (a) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.
- (b) Specific identification of any publicly funded capital improvement projects to be undertaken within the district.
- (c) Adequate assurances that the improvements will be carried out pursuant to the plan.
- (d) Provision for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body of the municipality in which the district is located, or the county if the district is located in the unincorporated portion of the county, deems necessary to effectuate the purposes of this part.
- (c) (e) Projected costs of improvements, including the amount to be expended on publicly funded capital improvement projects in the district and any indebtedness of the district, the county, or the municipality proposed to be incurred if such indebtedness is to be repaid with district revenues.
- (f) Promotion of advertising programs to be undertaken by the district or in conjunction with businesses in the district.



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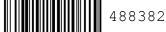
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- (g) Suggested physical improvements necessary for the safety of residents in or visitors to the district.
 - (h) Law enforcement and security plans for the district.
 - (3) The safe neighborhood improvement plan must shall:
- (a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the Community Planning Act. A No district plan may not shall be implemented unless the local governing body has determined that the said plan is consistent.
- (b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.
- (c) Provide some method for and measurement of the reduction of crime within the district.
- (4) The county, municipality, or district may prepare or cause to be prepared a safe neighborhood improvement plan, or any person or agency, public or private, may submit such a plan to a district. Prior to its consideration of a safe neighborhood improvement plan, the district shall submit such plan to the local governing body for review and written approval as to its consistency with the local government comprehensive plan. The district must be notified of approval or disapproval within 60 days after receipt of the plan for review, and a revised version of the plan may be submitted to satisfy any inconsistencies. The district may not proceed with the safe neighborhood improvement plan until final approval is given by the local governing body.
- (4) (5) Before Prior to adoption of the safe neighborhood improvement plan, the board must shall hold a public hearing on



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the plan after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice must shall describe the time, date, place, and purpose of the hearing; identify the boundaries of the district; and outline the general scope of the plan.

- (5) (6) The board, after the public hearing, may approve the safe neighborhood improvement plan if it finds that:
- (a) The plan has been approved as consistent with the local comprehensive plan by the local governing body; and
- (b) The plan will improve the promotion, appearance, safety, security, and public amenities of the neighborhood improvement district as stipulated in s. 163.502.
- (6) $\frac{(7)}{(7)}$ If, at any time after approval of the safe neighborhood improvement plan, it becomes desirable to amend or modify the plan, the board may do so. Before Prior to any such amendment or modification, the board must shall obtain written approval of the local governing body concerning conformity to the local government comprehensive plan and must hold a public hearing on the proposed amendment or modification after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice must shall describe the time, place, and purpose of the hearing and generally describe the proposed amendment or modification.
- (8) Pursuant to s. 163.3184, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's



1188 adopted local comprehensive plan. 1189 (9) A safe neighborhood improvement plan for each district 1190 shall be prepared and adopted by the municipality or county 1191 prior to the levy and expenditure of any of the proceeds of any tax assessment or fee authorized to such districts other than 1192 1193 for the preparation of the safe community or business 1194 improvement plan. 1195 Section 20. Section 163.517, Florida Statutes, is repealed. Section 21. Section 163.519, Florida Statutes, is repealed. 1196 1197 Section 22. Section 163.521, Florida Statutes, is repealed. 1198 Section 23. Section 163.5215, Florida Statutes, is 1199 repealed. 1200 Section 24. Section 163.522, Florida Statutes, is repealed. 1201 Section 25. Section 163.523, Florida Statutes, is repealed. 1202 Section 26. Subsection (13) is added to section 163.524, 1203 Florida Statutes, to read: 1204 163.524 Neighborhood Preservation and Enhancement Program; 1205 participation; creation of Neighborhood Preservation and 1206 Enhancement Districts; creation of Neighborhood Councils and 1207 Neighborhood Enhancement Plans.-(13) Effective July 1, 2013, this section applies only to a 1208 1209 Neighborhood Preservation and Enhancement District and a 1210 Neighborhood Council that are active on or before June 30, 2013. 1211 A Neighborhood Preservation and Enhancement District and a 1212 Neighborhood Council may not be created after June 30, 2013. Section 27. Section 27. Subsection (4) is added to section 1213 1214 163.526, Florida Statutes, to read: 163.526 Neighborhood Councils and local government 1215

designated agency; powers and duties .-



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(4) Effective July 1, 2013, this section applies only to a Neighborhood Council that is active on or before June 30, 2013.

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

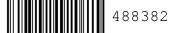
376.84 Brownfield redevelopment economic incentives.—It is the intent of the Legislature that brownfield redevelopment activities be viewed as opportunities to significantly improve the utilization, general condition, and appearance of these sites. Different standards than those in place for new development,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

- (1) Financial incentives and local incentives for redevelopment may include, but not be limited to:
- (c) Safe Neighborhood improvement districts as provided in part IV of chapter 163 ss. 163.501-163.523.

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

775.083 Fines.-

(2) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or



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adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be \$50 for a felony and \$20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county, including safe neighborhood improvement programs under part IV of chapter 163 ss. 163.501-163.523.

Section 30. Subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.-

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



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- (b) These funds may be expended upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality.
- (c) An agency or organization, other than the seizing agency, that wishes to receive such funds shall apply to the sheriff or chief of police for an appropriation and its application shall be accompanied by a written certification that the moneys will be used for an authorized purpose. Such requests for expenditures must shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years. An agency or organization that receives money pursuant to this subsection shall provide an accounting for such moneys and shall furnish the same reports as an agency of the county or municipality that receives public funds. Such funds may be expended in accordance with the following procedures:
- 1. Such funds may be used only for school resource officer, crime prevention, safe neighborhood improvement, drug abuse education, or drug prevention programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate.
- 2. Such funds may shall not be a source of revenue to meet normal operating needs of the law enforcement agency.
- 3. After July 1, 1992, and during every fiscal year thereafter, any local law enforcement agency that acquires at



least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate at least no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood improvement, or school resource officer program or programs program(s). The local law enforcement agency has the discretion to determine which program or programs program(s) will receive the designated proceeds.

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> Notwithstanding the drug abuse education, drug treatment, drug prevention, crime prevention, safe neighborhood improvement, or school resource officer minimum expenditures or donations, the sheriff and the board of county commissioners or the chief of police and the governing body of the municipality may agree to expend or donate such funds over a period of years if the expenditure or donation of such minimum amount in any given fiscal year would exceed the needs of the county or municipality for such program or programs program(s). Nothing in This section does not preclude precludes the expenditure or donation of forfeiture proceeds in excess of the minimum amounts established in this subsection herein.

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Section 31. This act shall take effect July 1, 2013.