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576-03632-13

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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28 ordinance may authorize residential or commercial
29 local government neighborhood improvement districts to
30 borrow money, contract loans, and issue bonds or other
31 evidence of indebtedness; authorizing the governing
32 body of the improvement district to levy ad valorem
33 taxes upon real and tangible personal property within
34 the district; authorizing a commercial local
35 government neighborhood improvement district to make
36 and collect special assessments; conditioning the
37 exercise of certain powers by a residential local
38 government neighborhood improvement district on
39 approval by the local governing body and a referendum;
40 conditioning the exercise of power by a commercial
41 local government neighborhood improvement district to
42 borrow money; contract loans; issue bonds; charge,
43 collect, and enforce fees; make and collect special
44 assessments; and levy ad valorem taxes upon real and
45 tangible personal property within the district upon
46 the approval of a referendum by the freeholders of the
47 district; providing ballot requirements; removing
48 provisions allowing an alternative organization for
49 the board of directors; revising requirements for
50 dissolving a district; amending s. 163.508, F.S.,
51 relating to property owners' association neighborhood
52 improvement districts; revising the requirements for
53 creating a property owners' association neighborhood
54 improvement district by the enactment of a separate
55 ordinance for each district; authorizing the governing
56 body to request grants; requiring that the property



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57 owners form an association or use an existing property
58 owners' association that is a not-for-profit
59 corporation; amending s. 163.511, F.S., relating to
60 special neighborhood improvement districts; revising
61 provisions to conform to changes made by the act;
62 revising the method of appointing and removing
63 directors of the district; amending s. 163.512, F.S.;
64 revising provisions authorizing a municipality or
65 county to create a community redevelopment
66 neighborhood improvement district; authorizing the
67 district to receive grants and other funding;
68 providing that the local governing body may dissolve
69 the district under certain circumstances; repealing s.
70 163.513, F.S., relating to crime prevention through
71 community policing innovations; amending s. 163.514,
72 F.S.; revising the powers of the board of a
73 neighborhood improvement district; authorizing the
74 district to contract for services in areas pertaining
75 to the operations of the board or the district;
76 authorizing the district to improve, plan, design,
77 construct, operate, provide, and maintain certain
78 facilities; authorizing a district, except for a
79 commercial local government neighborhood improvement
80 district, to collect special assessments under certain
81 circumstances and following implementation of
82 designated procedures; amending s. 163.5151, F.S.;
83 requiring a local government and a special
84 neighborhood improvement district levying an ad
85 valorem tax on real or personal property to prepare a



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86 budget in a specified manner; amending s. 163.516,
87 F.S.; requiring that neighborhood improvement plans be
88 created for each improvement district; revising the
89 contents of the neighborhood improvement plan;
90 conforming provisions to changes made by the act;
91 repealing s. 163.517, F.S., relating to the Safe
92 Neighborhoods Program; repealing s. 163.519, F.S.,
93 relating to the duties of the Department of Legal
94 Affairs relating to neighborhood improvement
95 districts; repealing s. 163.521, F.S., relating to
96 funding for a neighborhood improvement district inside
97 an enterprise zone; repealing s. 163.5215, F.S.,
98 relating to the effect and construction of existing
99 laws relating to neighborhood improvement districts;
100 repealing s. 163.522, F.S., relating to state
101 redevelopment programs; repealing s. 163.523, F.S.,
102 relating to cooperation and involvement of community
103 organizations in the creation of safe neighborhood
104 improvement districts; amending s. 163.524, F.S.;
105 limiting application of provisions governing
106 Neighborhood Preservation and Enhancement District and
107 Neighborhood Council to those districts and councils
108 that are active on or before a specified date;
109 prohibiting a new Neighborhood Preservation and
110 Enhancement District and Neighborhood Councils from
111 being created after a specified date; amending ss.
112 163.526, 376.84, 775.083, and 932.7055, F.S.;
113 conforming provisions to changes made by the act;
114 providing an effective date.



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

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

165 Section 3. Paragraph (a) of subsection (6) of section
166 163.3182, Florida Statutes, is amended to read:

167 163.3182 Transportation deficiencies.—

168 (6) EXEMPTIONS.—

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

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



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

179 3. A library district.

180 4. A neighborhood improvement district created under the
181 ~~Safe~~ Neighborhoods Improvement Act.

182 5. A metropolitan transportation authority.

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

184 7. A community redevelopment agency.

185 Section 4. Subsection (2) of section 163.3246, Florida
186 Statutes, is amended to read:

187 163.3246 Local government comprehensive planning
188 certification program.—

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

191 (a) Demonstrate a record of effectively adopting,
192 implementing, and enforcing its comprehensive plan;

193 (b) Demonstrate technical, financial, and administrative
194 expertise to implement the provisions of this part without state
195 oversight;

196 (c) Obtain comments from the state and regional review
197 agencies regarding the appropriateness of the proposed
198 certification;

199 (d) Hold at least one public hearing soliciting public
200 input concerning the local government's proposal for
201 certification; and



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

204 1. Promote infill development and redevelopment, including
205 prioritized and timely permitting processes in which
206 applications for local development permits within the
207 certification area are acted upon expeditiously for proposed
208 development that is consistent with the local comprehensive
209 plan.

210 2. Promote the development of housing for low-income and
211 very-low-income households or specialized housing to assist
212 elderly and disabled persons to remain at home or in independent
213 living arrangements.

214 3. Achieve effective intergovernmental coordination and
215 address the extrajurisdictional effects of development within
216 the certified area.

217 4. Promote economic diversity and growth while encouraging
218 the retention of rural character, where rural areas exist, and
219 the protection and restoration of the environment.

220 5. Provide and maintain public urban and rural open space
221 and recreational opportunities.

222 6. Manage transportation and land uses to support public
223 transit and promote opportunities for pedestrian and
224 nonmotorized transportation.

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

228 8. Redevelop blighted areas.

229 9. Adopt a local mitigation strategy and have programs to
230 improve disaster preparedness and the ability to protect lives



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231 and property, especially in coastal high-hazard areas.

232 10. Encourage clustered, mixed-use development that
233 incorporates greenspace and residential development within
234 walking distance of commercial development.

235 11. Encourage urban infill at appropriate densities and
236 intensities and separate urban and rural uses and discourage
237 urban sprawl while preserving public open space and planning for
238 buffer-type land uses and rural development consistent with
239 their respective character along and outside the certification
240 area.

241 12. Ensure ~~Assure~~ protection of key natural areas and
242 agricultural lands that are identified using state and local
243 inventories of natural areas. Key natural areas include, but are
244 not limited to:

245 a. Wildlife corridors.

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

249 c. Significant surface waters and springs, aquatic
250 preserves, wetlands, and outstanding Florida waters.

251 d. Water resources suitable for preservation of natural
252 systems and for water resource development.

253 e. Representative and rare native Florida natural systems.

254 13. Ensure the cost-efficient provision of public
255 infrastructure and services.

256 Section 5. Paragraph (c) of subsection (2) of section
257 163.387, Florida Statutes, is amended to read:

258 163.387 Redevelopment trust fund.—

259 (2)



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

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

264 2. A special district for which the sole available source
265 of revenue the district has the authority to levy is ad valorem
266 taxes at the time an ordinance is adopted under this section.
267 However, revenue ~~revenues~~ or aid that may be dispensed or
268 appropriated to a district as defined in s. 388.011 at the
269 discretion of an entity other than such district is ~~shall~~ not be
270 deemed available.

271 3. A library district, except a library district in a
272 jurisdiction where the community redevelopment agency had
273 validated bonds as of April 30, 1984.

274 4. A neighborhood improvement district created under the
275 ~~Safe~~ Neighborhoods Improvement Act.

276 5. A metropolitan transportation authority.

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

278 Section 6. Section 163.501, Florida Statutes, is amended to
279 read:

280 163.501 Short title.—This part may be cited as the "~~Safe~~
281 Neighborhoods Improvement Act."

282 Section 7. Section 163.502, Florida Statutes, is amended to
283 read:

284 163.502 ~~Safe~~ Neighborhoods improvement; legislative
285 findings and purpose.—

286 (1) The Legislature ~~hereby~~ finds and declares that among
287 the many causes of deterioration in the business and residential
288 neighborhoods of the state are the following: proliferation of



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

300 (2) The Legislature further finds and declares that healthy
301 and vibrant ~~safe~~ neighborhoods are the product of planning and
302 implementation of appropriate environmental design concepts,
303 comprehensive planning ~~crime prevention programs~~, land use
304 recommendations, and beautification techniques.

305 (3) The Legislature further finds and declares that the
306 provisions of this part and the powers granted to local
307 governments, property owners' associations, special dependent
308 districts, and community redevelopment neighborhood improvement
309 districts are desirable to guide and accomplish the coordinated,
310 balanced, and harmonious development of healthy and vibrant ~~safe~~
311 neighborhoods; to promote the health, ~~safety,~~ and general
312 welfare of these areas and their inhabitants, visitors, property
313 owners, and workers; to establish, maintain, and preserve
314 property values and preserve and foster the development of
315 attractive neighborhood and business environments; to prevent
316 ~~overcrowding and congestion;~~ and to improve or redirect
317 automobile traffic and provide pedestrian safety; ~~to reduce~~



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318 ~~crime rates and the opportunities for the commission of crime;~~
319 ~~and to provide improvements in neighborhoods so they are~~
320 ~~defensible against crime.~~

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

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

332 163.503 ~~Safe neighborhoods;~~ Definitions.—

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



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347 (2) "Association" means a property owners' association that
348 ~~which~~ is incorporated for the purpose of creating and operating
349 a neighborhood improvement district.

350 (3) "Department" means the Department of Economic
351 Opportunity ~~Legal Affairs~~.

352 (4) "Board" means the board of directors of a neighborhood
353 improvement district, ~~which may be the governing body of a~~
354 ~~municipality or county or the officers of a property owners'~~
355 ~~association or the board of directors of a special neighborhood~~
356 ~~improvement district or community redevelopment neighborhood~~
357 ~~improvement district.~~

358 (5) "Environmental security" means an urban planning and
359 design process which integrates crime prevention with
360 neighborhood design and community development.

361 (6) "Crime prevention through environmental design" means
362 the planned use of environmental design concepts such as natural
363 access control, natural surveillance, and territorial
364 reinforcement in a neighborhood or community setting which is
365 designed to reduce criminal opportunity and foster positive
366 social interaction among the legitimate users of that setting.

367 (7) "Defensible space" means an architectural perspective
368 on crime prevention through physical design of the environment
369 to create the ability to monitor and control the environment
370 along individual perceived zones of territorial influence that
371 result in a proprietary interest and a felt responsibility.

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

374 (8)~~(9)~~ "Community policing innovation" means techniques or
375 strategies as defined by s. 163.340.



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

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

381 163.5035 ~~Safe~~ Neighborhood improvement districts;
382 compliance with special district provisions.—Any ~~special~~
383 district created pursuant to this part shall comply with all
384 applicable provisions contained in chapter 189. In cases where a
385 provision contained in this part conflicts with a provision in
386 chapter 189, the provision in chapter 189 shall prevail.

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

389 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
390 ~~funds.~~—

391 ~~(1)~~ The governing body of any municipality or county may
392 authorize the formation of ~~safe~~ neighborhood improvement
393 districts through the adoption of an a ~~planning~~ ordinance that
394 ~~which~~ specifies that such districts may be created by one or
395 more of the methods established in ss. 163.506, 163.508,
396 163.511, and 163.512. A ~~No~~ district may not overlap the
397 jurisdictional boundaries of a municipality and the
398 unincorporated area of a county, unless approved ~~except~~ by
399 interlocal agreement.

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



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405 ~~improvement plan for the district.~~

406 ~~(3) Municipalities and counties may implement the~~
407 ~~provisions of this section without planning funds from the~~
408 ~~Department of Legal Affairs. However, nothing in this section~~
409 ~~shall be construed to exempt any district from the requirements~~
410 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
411 ~~163.516.~~

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

414 163.5055 Notice Registration of district establishment;
415 notice of dissolution.-

416 (1) ~~(a)~~ Each neighborhood improvement district that is
417 authorized and established under this part shall, within 30 days
418 after its establishment, provide the department thereof register
419 ~~with both the Department of Economic Opportunity and the~~
420 ~~Department of Legal Affairs by providing these departments with~~
421 the district's name, location, size, and type, and such other
422 information as the department ~~departments~~ may request ~~require~~.

423 (2) ~~(b)~~ Each local governing body that authorizes the
424 dissolution of a district shall notify ~~both~~ the department ~~of~~
425 ~~Economic Opportunity and the Department of Legal Affairs~~ within
426 30 days after the dissolution of the district.

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

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

431 163.506 Local government neighborhood improvement
432 districts; creation; advisory council; dissolution.-

433 (1) After an a ~~local planning~~ ordinance has been adopted



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434 authorizing the creation of local government neighborhood
435 improvement districts, the local governing body ~~of a~~
436 ~~municipality or county~~ may create residential or commercial
437 local government neighborhood improvement districts by the
438 enactment of a separate ordinance for each district, ~~7~~ which
439 ~~ordinance:~~

440 (a) Specifies the boundaries, size, and name of the
441 district.

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

444 (c) Authorizes the ~~local government neighborhood~~
445 ~~improvement~~ district to levy an ad valorem tax on real and
446 personal property of up to 2 mills annually.

447 (d) For residential local government neighborhood
448 improvement districts, authorizes the district to use ~~of~~ special
449 assessments imposed pursuant to s. 163.514(16) to support
450 planning and implementation of district improvements ~~pursuant to~~
451 ~~the provisions of s. 163.514(16), including community policing~~
452 ~~innovations.~~

453 (e) Designates the local governing body as the board of
454 directors of the district.

455 (f) Establishes an advisory council to the board of
456 directors comprised of property owners, representatives of
457 property owners, business owners, or residents of the district.

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

460 (h) Requires the district to notify the department ~~of Legal~~
461 ~~Affairs and the Department of Economic Opportunity~~ in writing of
462 its establishment within 30 days after establishment thereof



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463 pursuant to s. 163.5055.

464 (i) Authorizes the district to borrow money, contract
465 loans, and issue bonds, certificates, warrants, notes, or other
466 evidence of indebtedness from time to time to finance the
467 undertaking of any capital or other project for the purposes
468 authorized by the State Constitution and this part and to pledge
469 the funds, credit, property, and taxing power of the district
470 for the payment of such debts and bonds.

471 1. Bonds that are issued under this paragraph must be
472 authorized by resolution of the board, by resolution of the
473 local governing body, by affirmative vote of the electors of the
474 district. Such bonds may be issued in one or more series and
475 shall bear such date or dates; be payable upon demand or mature
476 at such time or times; bear interest at such rate or rates; be
477 in such denomination or denominations; be in such form,
478 registered or not, with or without coupon; carry such conversion
479 or registration privileges; have such rank or priority; be
480 executed in such manner; be payable in such medium of payment,
481 at such place or places, and subject to such terms of
482 redemption, with or without premium; be secured in such manner;
483 and have such other characteristics as may be provided by such
484 resolution or trust indenture or mortgage issued pursuant
485 thereto.

486 2. The board shall determine the terms and manner of sale
487 and distribution or other disposition of any bonds it issues,
488 consistent with s. 218.385, and shall have all powers necessary
489 for and convenient to such disposition.

490 3. The board may establish and administer such sinking
491 funds as it deems necessary or convenient for the payment,



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

494 4. The board may levy ad valorem taxes upon real and
495 tangible personal property within the district as it deems
496 necessary to make payment, including principal and interest,
497 upon the general obligation and ad valorem bonded indebtedness
498 of the district or into any sinking fund created pursuant to
499 this paragraph.

500 5. A board has full authority for the issuance of bonds
501 authorized under this paragraph.

502 (j) For commercial local government neighborhood
503 improvement districts, authorizes the district to make and
504 collect special assessments pursuant to ss. 197.3632 and
505 197.3635 in order to pay for capital improvements within the
506 district and for reasonable expenses of operating the district,
507 including the payment of expenses included in the district's
508 budget. Such assessments may not exceed \$500 for each individual
509 parcel of land per year.

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

512 (l) For residential local government neighborhood
513 improvement districts, conditions the exercise of powers
514 provided in paragraphs (d) and (i) on approval by the local
515 governing body and a referendum as described in s. 163.514(16).

516 (m) For commercial local government neighborhood
517 improvement districts, conditions the exercise of the powers
518 provided in paragraphs (i) and (j) on approval by the local
519 governing body and a referendum as described in this paragraph:

520 1. Within 45 days after the date the local governing body



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

532 2. Within 45 days after compilation of the freeholder
533 registration list pursuant to subparagraph 1., the city clerk or
534 the supervisor of elections shall notify each such freeholder of
535 the general provisions of this section, including the taxing
536 authority and the date of the upcoming referendum, and the
537 method provided for submitting corrections to the registration
538 list if the status of the freeholder has changed since the
539 compilation of the tax roll. Notification shall be by first-
540 class mail and, in addition, by publication one time in a
541 newspaper of general circulation in the county or municipality
542 in which the district is located.

543 3. Any freeholder whose name does not appear on the
544 registration list compiled pursuant to subparagraph 1. may
545 register to vote with the city clerk or the supervisor of
546 elections. The registration list must remain open for 75 days
547 after enactment of the ordinance calling for the referendum.

548 4. Notwithstanding s. 101.6102, within 15 days after the
549 closing of the registration list, the city clerk or the



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

553 a. A description of the general provisions of this section
554 applicable to local government neighborhood improvement
555 districts;

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

557 c. The percent of the freeholder's interest in such
558 property; and

559 d. Immediately following the information required under
560 sub-subparagraphs a.-c., the following:

561
562 "Do you favor authorizing the Local Government
563 Neighborhood Improvement District to levy up to 2 mills of ad
564 valorem taxes by such proposed district?

565
566Yes, for authorizing the levy of up to 2 mills of ad
567 valorem taxes by such proposed district.

568
569No, against authorizing the levy of up to 2 mills of ad
570 valorem taxes by such proposed district."

571
572 "Do you favor authorizing the Local Government
573 Neighborhood Improvement District to borrow money, including by
574 issuing bonds, as provided in s. 163.506(1)(i), Florida
575 Statutes?

576
577Yes, for authorizing the borrowing of money for
578 district purposes.



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

"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?"

....Yes, for the special assessment.

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

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



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

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

621
622 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
623 AND COMPLETING VOTER'S CERTIFICATE.

624
625 VOTER'S CERTIFICATE

626
627 I,, am a duly qualified and registered freeholder of
628 the proposed ...(name)... Local Government Neighborhood
629 Improvement District, and I am entitled to vote this ballot. I
630 do solemnly swear or affirm that I have not and will not vote
631 more than one ballot in this election. I understand that failure
632 to sign this certificate and have my signature witnessed will
633 invalidate my ballot.

634
635 ...(Voter's Signature)...
636



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

639
640 I swear or affirm that the elector signed this voter's
641 certificate in my presence.

642
643 ...(Signature of Witness)...
644 ...(Address)...(City/State)...

645
646 10. The certificate shall be arranged on the back of the
647 mailing envelope so that the lines for the signatures of the
648 freeholder and the attesting witness are across the seal of the
649 envelope; however, no statement shall appear on the envelope
650 which indicates that a signature of the freeholder or witness
651 must cross the seal of the envelope. The freeholder and the
652 attesting witness shall execute the certificate on the envelope.

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

657
658 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

659
660 a. VERY IMPORTANT. In order to ensure that your ballot will
661 be counted, it should be completed and returned as soon as
662 possible so that it can reach the city clerk or the supervisor
663 of elections no later than 7 p.m. on the (final day of the 120-
664 day period given here).

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



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666 c. Place your marked ballot in the enclosed secrecy
667 envelope.

668 d. Insert the secrecy envelope into the enclosed mailing
669 envelope, which is addressed to the city clerk or the supervisor
670 of elections.

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

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

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

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

680 (2) The advisory council shall perform such duties as may
681 be prescribed by the governing body and shall submit within the
682 time period specified by the governing body, acting as the board
683 of directors, a report on the district's activities and a
684 proposed budget to accomplish its objectives. In formulating a
685 plan for services or improvements, the advisory council board
686 shall consult in public session with the appropriate staff or
687 consultants of the local governing body responsible for the
688 district's plan.

689 ~~(3) As an alternative to designating the local governing~~
690 ~~body as the board of directors, a majority of the local~~
691 ~~governing body of a city or county may appoint a board of three~~
692 ~~to seven directors for the district who shall be residents of~~
693 ~~the proposed area and who are subject to ad valorem taxation in~~
694 ~~the residential neighborhood improvement district or who are~~



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

709 (3)-(4) The local governing body may dissolve a district may
710 ~~be dissolved by the governing body by rescinding the ordinance~~
711 ~~creating the district. The local governing body may rescind~~
712 ~~shall consider rescinding the ordinance if presented with a~~
713 ~~petition requesting that it be rescinded. Petitions related to a~~
714 ~~residential local government neighborhood improvement district~~
715 ~~must contain ~~containing~~ the signatures of 60 percent of the~~
716 ~~residents. Petitions related to a commercial local government~~
717 ~~neighborhood improvement district must contain signatures~~
718 ~~representing owners of 60 percent of the land area of the ~~of a~~~~
719 ~~district.~~

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

722 163.508 Property owners' association neighborhood
723 improvement districts; creation; powers and duties; duration.-



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724 (1) After an ~~a local planning~~ ordinance has been adopted
725 authorizing the creation of property owners' association
726 neighborhood improvement districts, the local governing body of
727 a municipality or county may create property owners' association
728 neighborhood improvement districts by the enactment of a
729 separate ordinance for each district, ~~which ordinance:~~

730 (a) Establishes that an incorporated property owners'
731 association representing 75 percent of all owners of property
732 within a proposed district meeting the requirements of this
733 section has petitioned the local governing body ~~of the~~
734 ~~municipality or county~~ for creation of a district for the area
735 encompassed by the property owned by members of the association.

736 (b) Specifies the boundaries, size, and name of the
737 district.

738 (c) Authorizes the district ~~governing body~~ through mutual
739 agreement with the property owners' association to:

740 1. Request grants ~~a matching grant from the state's Safe~~
741 ~~Neighborhoods Program to prepare the first year's safe~~
742 ~~neighborhood improvement plan. The provider of the local match~~
743 ~~for the state grant shall be mutually agreed upon between the~~
744 ~~governing body and the property owners' association. The~~
745 ~~governing body may agree to provide the match as a no-interest-~~
746 ~~bearing loan to be paid back from assessments imposed by the~~
747 ~~association on its members or shareholders.~~

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

751 3. ~~Prepare the first year's safe neighborhood improvement~~
752 ~~plan, which shall comply with and be consistent with the~~



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753 ~~governing body's adopted comprehensive plan.~~

754 (d) Provides for an audit of the property owners'
755 association.

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

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

760 (g) Requires the district to notify the department ~~of Legal~~
761 ~~Affairs and the Department of Economic Opportunity~~ in writing of
762 its establishment within 30 days after establishment thereof
763 pursuant to s. 163.5055.

764 (2) In order to qualify for the creation of a neighborhood
765 improvement district, the property owners shall form an
766 association in compliance with this section, or use an existing
767 property owners' association in compliance with this section,
768 which must shall be a not-for-profit corporation. At least, for
769 ~~profit or not for profit, and of which not less than~~ 75 percent
770 of all property owners within the proposed area must consent
771 ~~have consented~~ in writing to become members ~~or shareholders~~.
772 Upon such consent by 75 percent of the property owners in the
773 proposed district, all consenting property owners and their
774 successors ~~shall~~ become members of the association and are shall
775 ~~be~~ bound by the provisions of the articles of incorporation, the
776 bylaws of the association, the covenants, the deed restrictions,
777 the indentures, and any other properly promulgated restrictions.
778 The association may not shall have a no member ~~or shareholder~~
779 who is not a bona fide owner of property within the proposed
780 district. Upon receipt of its certificate of incorporation, the
781 property owners' association shall notify the clerk of the city



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

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

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

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

794 (c) To make and collect assessments against all property
795 within the boundaries of the district pursuant to the provisions
796 of s. 163.514(16) and to lease, maintain, repair, and
797 reconstruct any privatized street, land, or common area within
798 the district upon dedication thereof to the association.

799 (d) Without the joinder of any property owner, to modify,
800 move, or create any easement for ingress and egress or for the
801 purpose of utilities, if such easement constitutes part of or
802 crosses district property. However, this does ~~shall~~ not
803 authorize the association to modify or move any easement that
804 ~~which~~ is created in whole or in part for the use or benefit of
805 anyone other than association members, or that ~~which~~ crosses the
806 property of anyone other than association members, without the
807 consent or approval of such person as required by law or by the
808 instrument creating the easement. ~~Nothing in~~ This paragraph does
809 not ~~shall~~ affect the rights of ingress or egress of any member
810 of the association.



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

815 Section 14. Subsections (1), (7), (8), and (10) of section
816 163.511, Florida Statutes, are amended to read:

817 163.511 Special neighborhood improvement districts;
818 creation; referendum; board of directors; duration; extension.-

819 (1) After an ~~a local planning~~ ordinance has been adopted
820 authorizing the creation of special neighborhood improvement
821 districts, the local governing body ~~of a municipality or county~~
822 may declare the need for and create special residential or
823 commercial business neighborhood improvement districts by the
824 enactment of a separate ordinance for each district, which
825 ordinance:

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

828 (b) Authorizes the ~~special neighborhood improvement~~
829 district to levy an ad valorem tax on real and personal property
830 of up to 2 mills annually.

831 (c) Authorizes the district to use ~~of~~ special assessments
832 to support planning and implementation of district improvements
833 pursuant to ~~the provisions of s. 163.514(16), including~~
834 ~~community policing innovations.~~

835 (d) Specifies the boundaries, size, and name of the
836 district.

837 (e) Authorizes the district to receive a planning grant
838 from the department.

839 (f) Provides for the appointment of a three-member ~~3-member~~



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840 board of directors for the district.

841 (g) May authorize a ~~special neighborhood improvement~~
842 district to exercise the power of eminent domain pursuant to
843 chapters 73 and 74. Any property identified for eminent domain
844 by the district ~~is shall be~~ subject to the approval of the local
845 governing body before eminent domain procedures are exercised.

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

848 (i) Requires the district to notify the department ~~of Legal~~
849 ~~Affairs and the Department of Economic Opportunity~~ in writing of
850 its establishment within 30 days after establishment thereof
851 pursuant to s. 163.5055.

852 (j) May authorize a ~~special neighborhood improvement~~
853 district to develop and implement community policing innovations
854 in consultation with the local law enforcement agency having
855 jurisdiction within the district boundaries.

856 (7) The business and affairs of a special neighborhood
857 improvement district shall be conducted and administered by a
858 board of three directors who must shall be residents of or
859 property owners within the proposed area and ~~who are~~ subject to
860 ad valorem taxation in the district. Upon their initial
861 appointment and qualification and in January of each year
862 thereafter, the directors shall organize by electing from their
863 number a chair and a secretary, and may also employ staff and
864 legal representatives as deemed appropriate, who shall serve at
865 the pleasure of the board and may receive such compensation as
866 shall be fixed by the board. The secretary shall keep a record
867 of the proceedings of the district and shall be custodian of all
868 books and records of the district. The directors may shall not



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

871 (8) Within 30 days after ~~of~~ the approval of the creation of
872 a special neighborhood improvement district, the local governing
873 body ~~if the district is in a municipality, a majority of the~~
874 ~~governing body of the municipality, or if the district is in the~~
875 ~~unincorporated area of the county, a majority of the county~~
876 ~~commission~~, shall appoint the three directors provided for in
877 this section herein for staggered terms of 3 years. The initial
878 appointments shall be as follows: one for a 1-year term, one for
879 a 2-year term, and one for a 3-year term. Each director holds
880 ~~shall hold~~ office until his or her successor is appointed and
881 qualified unless the director ceases to be qualified to act as a
882 director or is removed from office. Vacancies on the board shall
883 be filled for the unexpired portion of a term in the same manner
884 as the initial appointments were made.

885 (10) The local governing body ~~of a municipality or county~~
886 may remove a director for inefficiency, neglect of duty, or
887 misconduct in office ~~only after a hearing and only if he or she~~
888 ~~has been given a copy of the charges at least 10 days prior to~~
889 ~~such hearing and has had an opportunity to be heard in person or~~
890 ~~by counsel~~. A vacancy so created shall be filled as provided in
891 this section herein.

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

894 163.512 Community redevelopment neighborhood improvement
895 districts; creation; advisory council; dissolution.—

896 (1) Upon the recommendation of the community redevelopment
897 agency and after an ~~a local planning~~ ordinance has been adopted



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

903 (a) Specifies the boundaries, size, and name of the
904 district.

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

907 (c) Authorizes the use of the community redevelopment trust
908 fund created pursuant to s. 163.387 for the purposes of
909 implementing the district's safe neighborhood improvement plan
910 ~~and furthering crime prevention through community policing~~
911 ~~innovations, environmental design, environmental security, and~~
912 ~~defensible space techniques, if the expenditures from the~~
913 ~~community redevelopment trust fund~~ are consistent with the
914 community redevelopment plan created pursuant to s. 163.360.

915 (d) Designates the community redevelopment board of
916 commissioners established pursuant to s. 163.356 or s. 163.357
917 as the board of directors for the district.

918 (e) Establishes an advisory council to the board of
919 directors comprised of property owners or residents of the
920 district.

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

923 (g) Requires that the district's safe neighborhood
924 improvement plan be consistent with the community redevelopment
925 plan created pursuant to s. 163.360, and permits the ~~safe~~
926 neighborhood improvement plan to be included in the community



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927 redevelopment plan as an optional element.

928 (h) Requires that the boundaries of the ~~community~~
929 ~~redevelopment~~ district be contained in whole within the
930 community redevelopment area established pursuant to ss. 163.355
931 and 163.356.

932 (i) Requires that the district ~~to~~ notify the department ~~of~~
933 ~~Legal Affairs and the Department of Economic Opportunity~~ in
934 writing of its establishment within 30 days after establishment
935 ~~thereof~~ pursuant to s. 163.5055.

936 (2) The advisory council shall perform such duties as may
937 be prescribed by the community redevelopment board established
938 pursuant to s. 163.356 and shall submit within the time period
939 specified by the board of directors a report on the district's
940 activities and a proposed budget to accomplish its objectives.
941 In formulating a plan for services or improvements, the advisory
942 council shall consult in public session with the appropriate
943 staff or consultants of the community redevelopment board
944 ~~responsible for the district's plan.~~

945 (3) The local governing body may dissolve a district ~~may be~~
946 ~~dissolved by the local governing body~~ by rescinding the
947 ordinance creating the district. The local governing body may
948 rescind ~~shall consider rescinding~~ the ordinance if presented
949 with a petition containing the signatures of 60 percent of the
950 residents of a district.

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

952 Section 17. Section 163.514, Florida Statutes, is amended
953 to read:

954 163.514 Powers of neighborhood improvement districts.-
955 Unless prohibited by ordinance, the board of any district is



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956 ~~shall be~~ empowered to:

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

959 (2) Have and use a corporate seal.

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

965 (4) Accept grants and donations of any type of property,
966 labor, or other thing of value from any public or private
967 source.

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

971 (6) Cooperate and contract with other governmental agencies
972 or other public bodies.

973 (7) Contract for services ~~of planning consultants, experts~~
974 ~~on crime prevention through community policing innovations,~~
975 ~~environmental design, environmental security, or defensible~~
976 ~~space, or other experts~~ in areas pertaining to the operations of
977 the board ~~of directors~~ or the district.

978 (8) Contract with the county or municipal government for
979 planning assistance, legal advice, and ~~for~~ increased levels of
980 law enforcement protection and security, including additional
981 personnel.

982 (9) Promote and advertise the commercial advantages of the
983 district so as to attract new businesses and encourage the
984 expansion of existing businesses.



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985 (10) Promote and advertise the district to the public and
986 engage in cooperative advertising programs with businesses
987 located in the district.

988 (11) Improve, plan, design, construct, operate, provide,
989 and maintain street lighting, parks, streets, drainage,
990 utilities, swales, parking facilities, transit facilities,
991 landscaping, and open areas, and provide ~~safe~~ access to mass
992 transportation facilities in the district.

993 (12) Undertake innovative approaches to securing
994 neighborhoods from crime, such as crime prevention through
995 community policing innovations, environmental design,
996 environmental security, and defensible space.

997 (13) Privatize, close, vacate, plan, or replan streets,
998 roads, sidewalks, and alleys, subject to the concurrence of the
999 local governing body and, if required, the state Department of
1000 Transportation.

1001 (14) Prepare, adopt, implement, and modify a ~~safe~~
1002 neighborhood improvement plan for the district.

1003 (15) Identify areas that have ~~with~~ blighted influences,
1004 including, but not limited to, areas where unlawful urban
1005 dumping or graffiti are prevalent, and develop programs for
1006 eradication thereof.

1007 (16) (a) Except for commercial local government neighborhood
1008 improvement districts and subject to referendum approval, make
1009 and collect special assessments pursuant to ss. 197.3632 and
1010 197.3635 to pay for improvements to the district and for
1011 reasonable expenses of operating the district, including the
1012 payment of expenses included in the district's budget, subject
1013 to an affirmative vote by a majority of the registered voters



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1014 residing in the district. Such assessments may ~~shall~~ not exceed
1015 \$500 for each individual parcel of land per year.

1016 Notwithstanding the provisions of s. 101.6102, the referendum to
1017 approve the special assessment must ~~shall~~ be by mail ballot.

1018 (b) In order to implement this subsection, the city clerk
1019 or the supervisor of elections, whichever is appropriate, shall
1020 compile a list of the names and last known addresses of the
1021 electors in the neighborhood improvement district from the list
1022 of registered voters of the county as of the last day of the
1023 preceding month. The same shall constitute the registration list
1024 for the purposes of a referendum. Within 45 days after
1025 compilation of the voter registration list, the city clerk or
1026 the supervisor of elections shall notify each elector of the
1027 general provisions of this subsection ~~section~~, including the
1028 taxing authority and the date of the upcoming referendum.
1029 Notification must ~~shall~~ be by United States mail and, in
1030 addition ~~thereto~~, by publication one time in a newspaper of
1031 general circulation in the county or municipality in which the
1032 district is located.

1033 (c) Any resident of the district whose name does not appear
1034 on the list compiled pursuant to paragraph (b) may register to
1035 vote as provided by law. The registration list shall remain open
1036 for 75 days after the notification required in paragraph (b).

1037 (d) Within 15 days after the closing of registration, the
1038 city clerk or the supervisor of elections shall send a ballot to
1039 each elector at his or her last known mailing address by first-
1040 class ~~United States~~ mail. The ballot must ~~shall~~ include:

1041 1. A description of the general provisions of this section
1042 applicable to the neighborhood improvement district; and



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1043 2. Immediately following said information, the following:

1044

1045 "Do you favor the imposition of a special assessment
1046 of not greater than \$500 for each individual parcel of
1047 land per year to pay for the expenses of operating the
1048 neighborhood improvement district?

1049

1050Yes, for the special assessment.

1051

1052No, against the special assessment."

1053

1054 (e) Ballots shall be returned by United States mail or by
1055 personal delivery.

1056 (f) All ballots that are received within 60 days after the
1057 closing of registration shall be tabulated by the city clerk or
1058 the supervisor of elections, who shall certify the results
1059 ~~thereof~~ to the local city governing body ~~or county commission~~ no
1060 later than 5 days after the ~~said~~ 60-day period.

1061 (17) Exercise all lawful powers incidental to the effective
1062 and expedient exercise of the foregoing powers.

1063 Section 18. Subsections (3) and (4) of section 163.5151,
1064 Florida Statutes, are amended to read:

1065 163.5151 Fiscal management; budget preparation.-

1066 (3) Each local government and special neighborhood
1067 improvement district levying an ad valorem tax on real or
1068 personal property shall establish a its budget pursuant to the
1069 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
1070 the final budget and setting of the millage rate to be levied by
1071 the board, the board shall submit a tentative budget and



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1072 proposed millage rate of the district to the local governing
1073 ~~body of the municipality in which the district is located, or to~~
1074 ~~the county if the district is located in the unincorporated~~
1075 ~~portion of the county,~~ for approval or disapproval. Such local
1076 governing body has ~~shall have~~ the power to modify the budget or
1077 millage submitted by the board. Subsequent to approval, the
1078 board shall adopt its final budget and millage rate in
1079 accordance with the requirements of chapter 200.

1080 (4) At the option of the county property appraiser for the
1081 county within which the neighborhood improvement district is
1082 located, ~~the~~ assessments levied by the district may ~~shall~~ be
1083 collected in the same manner as all ad valorem taxes if so
1084 requested by the local governing body pursuant to s. 197.363.

1085 Section 19. Section 163.516, Florida Statutes, is amended
1086 to read:

1087 163.516 ~~Safe~~ Neighborhood improvement plans.—

1088 (1) A ~~safe~~ neighborhood improvement plan is mandated for
1089 all neighborhood improvement districts. The plan must ~~shall~~
1090 contain at least the following elements:

1091 (a) Demographics of the district.

1092 ~~(b) Crime activity data and analysis.~~

1093 (b)(e) Land use, zoning, housing, and traffic analysis.

1094 ~~(d) Determination of the problems of the crime-to-~~
1095 ~~environment relationship and the stability of the neighborhood~~
1096 ~~improvement district.~~

1097 (c)(e) Statement of the district's goal and objectives.

1098 ~~(f) Assessment of crime prevention through community~~
1099 ~~policing innovations, environmental design, environmental~~
1100 ~~security, and defensible space strategies and tactics that will~~



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1101 ~~be applied to the crime to environment relationship problems.~~
1102 ~~(g) Cost estimates and the methods of financing.~~
1103 ~~(h) Outline of program participants and their functions and~~
1104 ~~responsibilities.~~
1105 ~~(i) Schedule for executing program activities.~~
1106 ~~(j) Evaluation guidelines.~~
1107 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
1108 show, by diagram and by general explanation:
1109 (a) Such property as is intended for use as public parks,
1110 recreation areas, streets, public utilities, and public
1111 improvements of any nature.
1112 (b) Specific identification of any publicly funded capital
1113 improvement projects to be undertaken within the district.
1114 ~~(c) Adequate assurances that the improvements will be~~
1115 ~~carried out pursuant to the plan.~~
1116 ~~(d) Provision for the retention of controls and the~~
1117 ~~establishment of any restrictions or covenants running with land~~
1118 ~~sold or leased for private use for such periods of time and~~
1119 ~~under such conditions as the governing body of the municipality~~
1120 ~~in which the district is located, or the county if the district~~
1121 ~~is located in the unincorporated portion of the county, deems~~
1122 ~~necessary to effectuate the purposes of this part.~~
1123 (c) ~~(e)~~ Projected costs of improvements, including the
1124 amount to be expended on publicly funded capital improvement
1125 projects in the district and any indebtedness of the district,
1126 the county, or the municipality proposed to be incurred if such
1127 indebtedness is to be repaid with district revenues.
1128 ~~(f) Promotion of advertising programs to be undertaken by~~
1129 ~~the district or in conjunction with businesses in the district.~~



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1130 ~~(g) Suggested physical improvements necessary for the~~
1131 ~~safety of residents in or visitors to the district.~~

1132 ~~(h) Law enforcement and security plans for the district.~~

1133 (3) The safe neighborhood improvement plan must shall:

1134 (a) Be consistent with the adopted comprehensive plan for
1135 the county or municipality pursuant to the Community Planning
1136 Act. A ~~No~~ district plan may not ~~shall~~ be implemented unless the
1137 local governing body has determined that the ~~said~~ plan is
1138 consistent.

1139 (b) Be sufficiently complete to indicate such land
1140 acquisition, demolition and removal of structures, street
1141 modifications, redevelopment, and rehabilitation as may be
1142 proposed to be carried out in the district.

1143 ~~(c) Provide some method for and measurement of the~~
1144 ~~reduction of crime within the district.~~

1145 ~~(4) The county, municipality, or district may prepare or~~
1146 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1147 ~~any person or agency, public or private, may submit such a plan~~
1148 ~~to a district. Prior to its consideration of a safe neighborhood~~
1149 ~~improvement plan, the district shall submit such plan to the~~
1150 ~~local governing body for review and written approval as to its~~
1151 ~~consistency with the local government comprehensive plan. The~~
1152 ~~district must be notified of approval or disapproval within 60~~
1153 ~~days after receipt of the plan for review, and a revised version~~
1154 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1155 ~~district may not proceed with the safe neighborhood improvement~~
1156 ~~plan until final approval is given by the local governing body.~~

1157 (4)~~(5)~~ Before ~~Prior to~~ adoption of the safe neighborhood
1158 improvement plan, the board must ~~shall~~ hold a public hearing on



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1159 the plan after public notice thereof by publication in a
1160 newspaper of general circulation in the county or municipality
1161 in which the district is located. The notice must ~~shall~~ describe
1162 the time, date, place, and purpose of the hearing; identify the
1163 boundaries of the district; and outline the general scope of the
1164 plan.

1165 ~~(5)-(6)~~ The board, after the public hearing, may approve the
1166 ~~safe~~ neighborhood improvement plan if it finds that:

1167 (a) The plan has been approved as consistent with the local
1168 comprehensive plan by the local governing body; and

1169 (b) The plan will improve the promotion, appearance,
1170 ~~safety, security,~~ and public amenities of the neighborhood
1171 improvement district as stipulated in s. 163.502.

1172 ~~(6)-(7)~~ If, at any time after approval of the ~~safe~~
1173 neighborhood improvement plan, it becomes desirable to amend or
1174 modify the plan, the board may do so. Before ~~Prior to~~ any such
1175 amendment or modification, the board must ~~shall~~ obtain written
1176 approval of the local governing body concerning conformity to
1177 the local government comprehensive plan and must hold a public
1178 hearing on the proposed amendment or modification after public
1179 notice thereof by publication in a newspaper of general
1180 circulation in the county or municipality in which the district
1181 is located. The notice must ~~shall~~ describe the time, place, and
1182 purpose of the hearing and generally describe the proposed
1183 amendment or modification.

1184 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1185 ~~municipality or county shall hold two public hearings to~~
1186 ~~consider the board-adopted safe neighborhood improvement plan as~~
1187 ~~an amendment or modification to the municipality's or county's~~



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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~~
1192 ~~tax assessment or fee authorized to such districts other than~~
1193 ~~for the preparation of the safe community or business~~
1194 ~~improvement plan.~~

1195 Section 20. Section 163.517, Florida Statutes, is repealed.

1196 Section 21. Section 163.519, Florida Statutes, is repealed.

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.—

1208 (13) Effective July 1, 2013, this section applies only to a
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.

1213 Section 27. Section 27. Subsection (4) is added to section
1214 163.526, Florida Statutes, to read:

1215 163.526 Neighborhood Councils and local government
1216 designated agency; powers and duties.—



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1217 (4) Effective July 1, 2013, this section applies only to a
1218 Neighborhood Council that is active on or before June 30, 2013.

1219 Section 28. Paragraph (c) of subsection (1) of section
1220 376.84, Florida Statutes, is amended to read:

1221 376.84 Brownfield redevelopment economic incentives.—It is
1222 the intent of the Legislature that brownfield redevelopment
1223 activities be viewed as opportunities to significantly improve
1224 the utilization, general condition, and appearance of these
1225 sites. Different standards than those in place for new
1226 development, as allowed under current state and local laws,
1227 should be used to the fullest extent to encourage the
1228 redevelopment of a brownfield. State and local governments are
1229 encouraged to offer redevelopment incentives for this purpose,
1230 as an ongoing public investment in infrastructure and services,
1231 to help eliminate the public health and environmental hazards,
1232 and to promote the creation of jobs in these areas. Such
1233 incentives may include financial, regulatory, and technical
1234 assistance to persons and businesses involved in the
1235 redevelopment of the brownfield pursuant to this act.

1236 (1) Financial incentives and local incentives for
1237 redevelopment may include, but not be limited to:

1238 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1239 part IV of chapter 163 ss. 163.501-163.523.

1240 Section 29. Subsection (2) of section 775.083, Florida
1241 Statutes, is amended to read:

1242 775.083 Fines.—

1243 (2) In addition to the fines set forth in subsection (1),
1244 court costs shall be assessed and collected in each instance a
1245 defendant pleads nolo contendere to, or is convicted of, or



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1246 adjudicated delinquent for, a felony, a misdemeanor, or a
1247 criminal traffic offense under state law, or a violation of any
1248 municipal or county ordinance if the violation constitutes a
1249 misdemeanor under state law. The court costs imposed by this
1250 section shall be \$50 for a felony and \$20 for any other offense
1251 and shall be deposited by the clerk of the court into an
1252 appropriate county account for disbursement for the purposes
1253 provided in this subsection. A county shall account for the
1254 funds separately from other county funds as crime prevention
1255 funds. The county, in consultation with the sheriff, must expend
1256 such funds for crime prevention programs in the county,
1257 including ~~safe~~ neighborhood improvement programs under part IV
1258 of chapter 163 ss. ~~163.501-163.523.~~

1259 Section 30. Subsection (5) of section 932.7055, Florida
1260 Statutes, is amended to read:

1261 932.7055 Disposition of liens and forfeited property.-

1262 (5) (a) If the seizing agency is a county or municipal
1263 agency, the remaining proceeds shall be deposited in a special
1264 law enforcement trust fund established by the board of county
1265 commissioners or the governing body of the municipality. These
1266 ~~Such~~ proceeds and interest earned therefrom shall be used for
1267 school resource officer, crime prevention, ~~safe~~ neighborhood
1268 improvement, drug abuse education and prevention programs, or
1269 for other law enforcement purposes, which include defraying the
1270 cost of protracted or complex investigations, providing
1271 additional equipment or expertise, purchasing automated external
1272 defibrillators for use in law enforcement vehicles, and
1273 providing matching funds to obtain federal grants. The proceeds
1274 and interest may not be used to meet normal operating expenses



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1275 of the law enforcement agency.

1276 (b) These funds may be expended upon request by the sheriff
1277 to the board of county commissioners or by the chief of police
1278 to the governing body of the municipality, accompanied by a
1279 written certification that the request complies with the
1280 provisions of this subsection, and only upon appropriation to
1281 the sheriff's office or police department by the board of county
1282 commissioners or the governing body of the municipality.

1283 (c) An agency or organization, other than the seizing
1284 agency, that wishes to receive such funds shall apply to the
1285 sheriff or chief of police for an appropriation and its
1286 application shall be accompanied by a written certification that
1287 the moneys will be used for an authorized purpose. Such requests
1288 for expenditures must ~~shall~~ include a statement describing
1289 anticipated recurring costs for the agency for subsequent fiscal
1290 years. An agency or organization that receives money pursuant to
1291 this subsection shall provide an accounting for such moneys and
1292 shall furnish the same reports as an agency of the county or
1293 municipality that receives public funds. Such funds may be
1294 expended in accordance with the following procedures:

1295 1. Such funds may be used only for school resource officer,
1296 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1297 education, or drug prevention programs or such other law
1298 enforcement purposes as the board of county commissioners or
1299 governing body of the municipality deems appropriate.

1300 2. Such funds may ~~shall~~ not be a source of revenue to meet
1301 normal operating needs of the law enforcement agency.

1302 3. After July 1, 1992, and during every fiscal year
1303 thereafter, any local law enforcement agency that acquires at



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1304 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1305 within a fiscal year must expend or donate at least ~~no less than~~
1306 15 percent of such proceeds for the support or operation of any
1307 drug treatment, drug abuse education, drug prevention, crime
1308 prevention, ~~safe~~ neighborhood improvement, or school resource
1309 officer program or programs ~~program(s)~~. The local law
1310 enforcement agency has the discretion to determine which program
1311 or programs ~~program(s)~~ will receive the designated proceeds.

1312
1313 Notwithstanding the drug abuse education, drug treatment, drug
1314 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1315 school resource officer minimum expenditures or donations, the
1316 sheriff and the board of county commissioners or the chief of
1317 police and the governing body of the municipality may agree to
1318 expend or donate such funds over a period of years if the
1319 expenditure or donation of such minimum amount in any given
1320 fiscal year would exceed the needs of the county or municipality
1321 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section
1322 does not preclude ~~precludes~~ the expenditure or donation of
1323 forfeiture proceeds in excess of the minimum amounts established
1324 in this subsection ~~herein~~.

1325 Section 31. This act shall take effect July 1, 2013.