

By Senator Simmons

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

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30 the governing body of the improvement district to levy  
31 ad valorem taxes upon real and tangible personal  
32 property within the district; authorizing the district  
33 to make and collect special assessments; conditioning  
34 the exercise of power by the local government  
35 neighborhood improvement district to borrow money,  
36 contract loans, issue bonds, charge, collect, and  
37 enforce fees, make and collect special assessments,  
38 and levy ad valorem taxes upon real and tangible  
39 personal property within the district upon the  
40 approval of a referendum by the freeholders of the  
41 district; providing ballot requirements; removing  
42 provisions allowing an alternative organization for  
43 the board of directors; revising requirements for  
44 dissolving a district; amending s. 163.508, F.S.,  
45 relating to property owners' association neighborhood  
46 improvement districts; revising the requirements for  
47 creating a property owners' association neighborhood  
48 improvement district by the enactment of a separate  
49 ordinance for each district; authorizing the governing  
50 body to request grants; requiring that the property  
51 owners form an association or use an existing property  
52 owners' association that is a not-for-profit  
53 corporation; amending s. 163.511, F.S., relating to  
54 special neighborhood improvement districts; revising  
55 provisions to conform to changes made by the act;  
56 revising the method of appointing and removing  
57 directors of the district; amending s. 163.512, F.S.;

58 revising provisions authorizing a municipality or

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59 county to create a community redevelopment  
60 neighborhood improvement district; authorizing the  
61 district to receive grants and other funding;  
62 providing that the local governing body may dissolve  
63 the district under certain circumstances; repealing s.  
64 163.513, F.S., relating to crime prevention through  
65 community policing innovations; amending s. 163.514,  
66 F.S.; revising the powers of neighborhood improvement  
67 districts; authorizing the district to contract with  
68 legal counsel and other needed professionals;  
69 authorizing the district to improve, plan, design,  
70 construct, operate, provide, and maintain certain  
71 facilities; authorizing the district to collect  
72 special assessments under certain circumstances and  
73 following implementation of designated procedures;  
74 amending s. 163.5151, F.S.; requiring a local  
75 government and a special neighborhood improvement  
76 district levying an ad valorem tax on real or personal  
77 property to prepare a budget in a specified manner;  
78 amending s. 163.516, F.S.; requiring that neighborhood  
79 improvement plans be created for each improvement  
80 district; revising the contents of the neighborhood  
81 improvement plan; conforming provisions to changes  
82 made by the act; repealing s. 163.517, F.S., relating  
83 to the Safe Neighborhoods Program; repealing s.  
84 163.519, F.S., relating to the duties of the  
85 Department of Legal Affairs relating to neighborhood  
86 improvement districts; repealing s. 163.521, F.S.,  
87 relating to funding for a neighborhood improvement

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88 district inside an enterprise zone; repealing s.  
89 163.5215, F.S., relating to the effect and  
90 construction of existing laws relating to neighborhood  
91 improvement districts; repealing s. 163.522, F.S.,  
92 relating to state redevelopment programs; repealing s.  
93 163.523, F.S., relating to cooperation and involvement  
94 of community organizations in the creation of safe  
95 neighborhood improvement districts; repealing s.  
96 163.524, F.S., relating to participation in the  
97 Neighborhood Preservation and Enhancement Program;  
98 repealing s. 163.526, F.S., relating to powers and  
99 duties of the Neighborhood Councils and the designated  
100 agency of the local government; amending ss. 376.84,  
101 775.083, and 932.7055, F.S.; conforming provisions to  
102 changes made by the act; providing an effective date.  
103

104 Be It Enacted by the Legislature of the State of Florida:  
105

106 Section 1. Paragraph (d) of subsection (2) of section  
107 163.2511, Florida Statutes, is amended to read:

108 163.2511 Urban infill and redevelopment.—

109 (2) It is declared that:

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

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117 Section 2. Paragraph (c) of subsection (3) of section  
118 163.2517, Florida Statutes, is amended to read:

119 163.2517 Designation of urban infill and redevelopment  
120 area.—

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

144 (c) Identify and map existing enterprise zones, community  
145 redevelopment areas, community development corporations,

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146 brownfield areas, downtown redevelopment districts, ~~safe~~  
147 neighborhood improvement districts, historic preservation  
148 districts, and empowerment zones or enterprise communities  
149 located within the area proposed for designation as an urban  
150 infill and redevelopment area and provide a framework for  
151 coordinating infill and redevelopment programs within the urban  
152 core.

153 Section 3. Paragraph (a) of subsection (6) of section  
154 163.3182, Florida Statutes, is amended to read:

155 163.3182 Transportation deficiencies.—

156 (6) EXEMPTIONS.—

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

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

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

167 3. A library district.

168 4. A neighborhood improvement district created under the  
169 ~~Safe~~ Neighborhoods Improvement Act.

170 5. A metropolitan transportation authority.

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

172 7. A community redevelopment agency.

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

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175           163.3246 Local government comprehensive planning  
176 certification program.—

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

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

181           (b) Demonstrate technical, financial, and administrative  
182 expertise to implement the provisions of this part without state  
183 oversight;

184           (c) Obtain comments from the state and regional review  
185 agencies regarding the appropriateness of the proposed  
186 certification;

187           (d) Hold at least one public hearing soliciting public  
188 input concerning the local government's proposal for  
189 certification; and

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

192           1. Promote infill development and redevelopment, including  
193 prioritized and timely permitting processes in which  
194 applications for local development permits within the  
195 certification area are acted upon expeditiously for proposed  
196 development that is consistent with the local comprehensive  
197 plan.

198           2. Promote the development of housing for low-income and  
199 very-low-income households or specialized housing to assist  
200 elderly and disabled persons to remain at home or in independent  
201 living arrangements.

202           3. Achieve effective intergovernmental coordination and  
203 address the extrajurisdictional effects of development within

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204 the certified area.

205 4. Promote economic diversity and growth while encouraging  
206 the retention of rural character, where rural areas exist, and  
207 the protection and restoration of the environment.

208 5. Provide and maintain public urban and rural open space  
209 and recreational opportunities.

210 6. Manage transportation and land uses to support public  
211 transit and promote opportunities for pedestrian and  
212 nonmotorized transportation.

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

216 8. Redevelop blighted areas.

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

220 10. Encourage clustered, mixed-use development that  
221 incorporates greenspace and residential development within  
222 walking distance of commercial development.

223 11. Encourage urban infill at appropriate densities and  
224 intensities and separate urban and rural uses and discourage  
225 urban sprawl while preserving public open space and planning for  
226 buffer-type land uses and rural development consistent with  
227 their respective character along and outside the certification  
228 area.

229 12. Ensure ~~Assure~~ protection of key natural areas and  
230 agricultural lands that are identified using state and local  
231 inventories of natural areas. Key natural areas include, but are  
232 not limited to:



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- 233 a. Wildlife corridors.
- 234 b. Lands with high native biological diversity, important
- 235 areas for threatened and endangered species, species of special
- 236 concern, migratory bird habitat, and intact natural communities.
- 237 c. Significant surface waters and springs, aquatic
- 238 preserves, wetlands, and outstanding Florida waters.
- 239 d. Water resources suitable for preservation of natural
- 240 systems and for water resource development.
- 241 e. Representative and rare native Florida natural systems.
- 242 13. Ensure the cost-efficient provision of public
- 243 infrastructure and services.

244 Section 5. Paragraph (c) of subsection (2) of section

245 163.387, Florida Statutes, is amended to read:

246 163.387 Redevelopment trust fund.—

247 (2)

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

249 exempt from paragraph (a):

250 1. A special district that levies ad valorem taxes on

251 taxable real property in more than one county.

252 2. A special district for which the sole available source

253 of revenue the district has the authority to levy is ad valorem

254 taxes at the time an ordinance is adopted under this section.

255 However, revenue ~~revenues~~ or aid that may be dispensed or

256 appropriated to a district as defined in s. 388.011 at the

257 discretion of an entity other than such district is ~~shall~~ not ~~be~~

258 deemed available.

259 3. A library district, except a library district in a

260 jurisdiction where the community redevelopment agency had

261 validated bonds as of April 30, 1984.

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262 4. A neighborhood improvement district created under the  
263 ~~Safe~~ Neighborhoods Improvement Act.

264 5. A metropolitan transportation authority.

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

266 Section 6. Section 163.501, Florida Statutes, is amended to  
267 read:

268 163.501 Short title.—This part may be cited as the "~~Safe~~  
269 Neighborhoods Improvement Act."

270 Section 7. Section 163.502, Florida Statutes, is amended to  
271 read:

272 163.502 ~~Safe~~ Neighborhoods improvement; legislative  
273 findings and purpose.—

274 (1) The Legislature ~~hereby~~ finds and declares that among  
275 the many causes of deterioration in the business and residential  
276 neighborhoods of the state are the following: proliferation of  
277 crime, automobile traffic flow strangled by outmoded street  
278 patterns, unsuitable topography, faulty lot layouts,  
279 fragmentation of land uses and parking areas necessitating  
280 frequent automobile movement, lack of separation of pedestrian  
281 areas from automobile traffic, lack of separation of vehicle  
282 traffic lanes and railroad traffic, ~~and~~ excessive noise levels  
283 from automobile traffic, and lack of adequate public  
284 improvements, such as streets, street lights, street furniture,  
285 street landscaping, sidewalks, traffic signals, way-finding  
286 signs, mass transit, stormwater systems, and other public  
287 utilities and improvements.

288 (2) The Legislature further finds and declares that healthy  
289 and vibrant ~~safe~~ neighborhoods are the product of planning and  
290 implementation of appropriate environmental design concepts,

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291 comprehensive planning ~~crime prevention programs~~, land use  
292 recommendations, and beautification techniques.

293 (3) The Legislature further finds and declares that the  
294 provisions of this part and the powers granted to local  
295 governments, property owners' associations, special dependent  
296 districts, and community redevelopment neighborhood improvement  
297 districts are desirable to guide and accomplish the coordinated,  
298 balanced, and harmonious development of healthy and vibrant safe  
299 neighborhoods; to promote the health, ~~safety~~, and general  
300 welfare of these areas and their inhabitants, visitors, property  
301 owners, and workers; to establish, maintain, and preserve  
302 property values and preserve and foster the development of  
303 attractive neighborhood and business environments; to prevent  
304 ~~overcrowding and congestion~~; and to improve or redirect  
305 automobile traffic and provide pedestrian safety; ~~to reduce~~  
306 ~~crime rates and the opportunities for the commission of crime~~;  
307 ~~and to provide improvements in neighborhoods so they are~~  
308 ~~defensible against crime~~.

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

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

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320 163.503 ~~Safe neighborhoods~~; Definitions.—

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

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

338 (3) "Department" means the Department of Economic  
339 Opportunity ~~Legal Affairs~~.

340 (4) "Board" means the board of directors of a neighborhood  
341 improvement district, which may be the governing body of a  
342 municipality or county, or ~~or~~ the officers of a property owners'  
343 association, or the board of directors of a special neighborhood  
344 improvement district or community redevelopment neighborhood  
345 improvement district.

346 ~~(5) "Environmental security" means an urban planning and~~  
347 ~~design process which integrates crime prevention with~~  
348 ~~neighborhood design and community development.~~

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

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

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

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

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

366       163.5035 Safe Neighborhood improvement districts;  
367 compliance with special district provisions.—Any special  
368 district created pursuant to this part shall comply with all  
369 applicable provisions contained in chapter 189. In cases where a  
370 provision contained in this part conflicts with a provision in  
371 chapter 189, the provision in chapter 189 shall prevail.

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

374       163.504 Safe Neighborhood improvement districts;~~planning~~  
375 ~~fun~~ds.—

376       ~~(1)~~ The governing body of any municipality or county may  
377 authorize the formation of ~~safe~~ neighborhood improvement

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378 districts through the adoption of an ~~a~~ ~~planning~~ ordinance that  
379 ~~which~~ specifies that such districts may be created by one or  
380 more of the methods established in ss. 163.506, 163.508,  
381 163.511, and 163.512. A ~~No~~ district may not overlap the  
382 jurisdictional boundaries of a municipality and the  
383 unincorporated area of a county, unless approved ~~except~~ by  
384 interlocal agreement.

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

391 ~~(3) Municipalities and counties may implement the~~  
392 ~~provisions of this section without planning funds from the~~  
393 ~~Department of Legal Affairs. However, nothing in this section~~  
394 ~~shall be construed to exempt any district from the requirements~~  
395 ~~of providing a safe neighborhood improvement plan pursuant to s.~~  
396 ~~163.516.~~

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

399 163.5055 Notice Registration of district establishment;  
400 notice of dissolution.-

401 ~~(1)(a)~~ Each neighborhood improvement district that is  
402 authorized and established under this part shall, within 30 days  
403 after its establishment, notify ~~thereof register with both~~ the  
404 Department of Economic Opportunity ~~and the Department of Legal~~  
405 ~~Affairs~~ by providing the department ~~these departments~~ with the  
406 district's name, location, size, and type, and such other

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407 information as the department ~~departments~~ may request ~~require~~.

408 ~~(2)-(b)~~ Each local governing body that authorizes the  
409 dissolution of a district shall notify ~~both~~ the Department of  
410 Economic Opportunity ~~and the Department of Legal Affairs~~ within  
411 30 days after the dissolution of the district.

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

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

416 163.506 Local government neighborhood improvement  
417 districts; creation; advisory council; dissolution.—

418 (1) After an ~~a local planning~~ ordinance has been adopted  
419 authorizing the creation of local government neighborhood  
420 improvement districts, the local governing body of a  
421 municipality or county may create local government neighborhood  
422 improvement districts by the enactment of a separate ordinance  
423 for each district, ~~which ordinance:~~

424 (a) Specifies the boundaries, size, and name of the  
425 district.

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

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

431 (d) Authorizes the use of special assessments to support  
432 planning and implementation of district improvements pursuant to  
433 ~~the provisions of s. 163.514(16),~~ if the district is a  
434 residential local government neighborhood improvement district  
435 ~~including community policing innovations.~~

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436 (e) Designates the local governing body as ~~the board of~~  
437 ~~directors~~ of the district.

438 (f) Establishes an advisory council to the board of  
439 directors comprised of property owners, representatives of  
440 property owners, business owners, or residents of the district.

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

443 (h) Requires the district to notify the ~~Department of Legal~~  
444 ~~Affairs and the~~ Department of Economic Opportunity in writing of  
445 its establishment within 30 days after establishment thereof  
446 pursuant to s. 163.5055.

447 (i) Authorizes the district to borrow money, contract  
448 loans, and issue bonds, certificates, warrants, notes, or other  
449 evidence of indebtedness from time to time to finance the  
450 undertaking of any capital or other project for the purposes  
451 permitted by the State Constitution and this part and to pledge  
452 the funds, credit, property, and taxing power of the improvement  
453 district for the payment of such debts and bonds.

454 1. Bonds that are issued under this paragraph shall be  
455 authorized by resolution of the governing body of the district  
456 and, if required by the State Constitution, by affirmative vote  
457 of the electors of the district. Such bonds may be issued in one  
458 or more series and shall bear such date or dates, be payable  
459 upon demand or mature at such time or times, bear interest at  
460 such rate or rates, be in such denomination or denominations, be  
461 in such form, registered or not, with or without coupon, carry  
462 such conversion or registration privileges, have such rank or  
463 priority, be executed in such manner, be payable in such medium  
464 of payment, at such place or places, and subject to such terms



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465 of redemption, with or without premium, be secured in such  
466 manner, and have such other characteristics as may be provided  
467 by such resolution or trust indenture or mortgage issued  
468 pursuant thereto.

469 2. The governing body of the district shall determine the  
470 terms and manner of sale and distribution or other disposition  
471 of any bonds it issues, consistent with s. 218.385, and shall  
472 have all powers necessary for, and convenient to, such  
473 disposition.

474 3. The governing body of the district may establish and  
475 administer such sinking funds as it deems necessary or  
476 convenient for the payment, purchase, or redemption of any  
477 outstanding bonded indebtedness of the district.

478 4. The governing body of the district may levy ad valorem  
479 taxes upon real and tangible personal property within the  
480 district as it deems necessary to make payment, including  
481 principal and interest, upon the general obligation and ad  
482 valorem bonded indebtedness of the district or into any sinking  
483 fund created pursuant to this paragraph.

484 5. A district has full authority for the issuance of bonds  
485 authorized under this paragraph.

486 (j) Authorizes the district to make and collect special  
487 assessments pursuant to ss. 197.3632 and 197.3635 in order to  
488 pay for capital improvements within the district and for  
489 reasonable expenses of operating the district, including the  
490 payment of expenses included in the district's budget, if the  
491 district is a commercial local government neighborhood  
492 improvement district. Such assessments may not exceed \$500 for  
493 each individual parcel of land per year.

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

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

499 1. Within 45 days after the date the governing body of the  
500 municipality or county enacts an ordinance calling a referendum  
501 pursuant to this subsection, the city clerk or the supervisor of  
502 elections, whichever is appropriate, shall certify such  
503 ordinance and compile a list of the names and last known  
504 addresses of the freeholders in the proposed local government  
505 neighborhood improvement district from the tax assessment roll  
506 of the county applicable as of December 31 in the year preceding  
507 the year in which the ordinance is enacted. Except as otherwise  
508 provided in this paragraph, the list shall constitute the  
509 registration list for purposes of the freeholder referendum  
510 required under this paragraph.

511 2. Within 45 days after compilation of the freeholder  
512 registration list pursuant to subparagraph 1., the city clerk or  
513 the supervisor of elections shall notify each such freeholder of  
514 the general provisions of this section, including the taxing  
515 authority and the date of the upcoming referendum, and the  
516 method provided for submitting corrections to the registration  
517 list if the status of the freeholder has changed since the  
518 compilation of the tax roll. Notification shall be by first-  
519 class mail and, in addition, by publication one time in a  
520 newspaper of general circulation in the county or municipality  
521 in which the district is located.

522 3. Any freeholder whose name does not appear on the

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523 registration list compiled pursuant to subparagraph 1. may  
524 register to vote with the city clerk or the supervisor of  
525 elections. The registration list must remain open for 75 days  
526 after enactment of the ordinance calling for the referendum.

527 4. Within 15 days after the closing of the registration  
528 list, the city clerk or the supervisor of elections shall send a  
529 ballot by first-class mail to each registered freeholder at his  
530 or her last known mailing address. The ballot must include:

531 a. A description of the general provisions of this section  
532 applicable to local government neighborhood improvement  
533 districts;

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

535 c. The percent of the freeholder's interest in such  
536 property; and

537 d. Immediately following the information required in sub-  
538 paragraphs a.-c., the following:

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

543  
544 ....Yes, for authorizing the levy of up to 2 mills of ad  
545 valorem taxes by such proposed district.

546  
547 ....No, against authorizing the levy of up to 2 mills of ad  
548 valorem taxes by such proposed district."

549  
550 "Do you favor authorizing the .... Local Government  
551 Neighborhood Improvement District to borrow money, including by

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552 issuing bonds, as provided by s. 163.506(1)(i), Florida  
553 Statutes?

554

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

557

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

560

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

567

568 ....Yes, for the special assessment.

569

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

571

572 5. Ballots shall be returned by first-class mail or by  
573 personal delivery.

574

575 6. All ballots that are received within 120 days after  
576 enactment of the ordinance shall be tabulated by the city clerk  
577 or the supervisor of elections, who shall certify the results to  
578 the city council or county commission no later than 5 days after  
579 the 120-day period.

579

580 7. The freeholders shall be deemed to have approved of the  
580 provisions of this paragraph at such time as the city clerk or

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581 the supervisor of elections certifies to the governing body of  
582 the municipality or county that approval has been given by  
583 freeholders owning in excess of 50 percent of the assessed value  
584 of the properties represented by ballots cast.

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

594  
595 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT  
596 AND COMPLETING VOTER'S CERTIFICATE.

597  
598 VOTER'S CERTIFICATE

599  
600 I, . . . ., am a duly qualified and registered freeholder of  
601 the proposed ... (name) ... Local Government Neighborhood  
602 Improvement District, and I am entitled to vote this ballot. I  
603 do solemnly swear or affirm that I have not and will not vote  
604 more than one ballot in this election. I understand that failure  
605 to sign this certificate and have my signature witnessed will  
606 invalidate my ballot.

607  
608 ... (Voter's Signature) ...  
609

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

612  
613 I swear or affirm that the elector signed this voter's  
614 certificate in my presence.

615  
616 ...(Signature of Witness)...

617 ...(Address)...(City/State)...

618  
619 9. The certificate shall be arranged on the back of the  
620 mailing envelope so that the lines for the signatures of the  
621 freeholder and the attesting witness are across the seal of the  
622 envelope; however, no statement shall appear on the envelope  
623 which indicates that a signature of the freeholder or witness  
624 must cross the seal of the envelope. The freeholder and the  
625 attesting witness shall execute the certificate on the envelope.

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

630  
631 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

632  
633 a. VERY IMPORTANT. In order to ensure that your ballot will  
634 be counted, it should be completed and returned as soon as  
635 possible so that it can reach the city clerk or the supervisor  
636 of elections no later than 7 p.m. on the (final day of the 120-  
637 day period given here).

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

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639 c. Place your marked ballot in the enclosed secrecy  
640 envelope.

641 d. Insert the secrecy envelope into the enclosed mailing  
642 envelope, which is addressed to the city clerk or the supervisor  
643 of elections.

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

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

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

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

653 (2) The advisory council shall perform such duties as may  
654 be prescribed by the governing body and shall submit within the  
655 time period specified by the governing body, acting as the board  
656 of directors, a report on the district's activities and a  
657 proposed budget to accomplish its objectives. In formulating a  
658 plan for services or improvements, the advisory board shall  
659 consult in public session with the appropriate staff or  
660 consultants of the local governing body responsible for the  
661 district's plan.

662 ~~(3) As an alternative to designating the local governing~~  
663 ~~body as the board of directors, a majority of the local~~  
664 ~~governing body of a city or county may appoint a board of three~~  
665 ~~to seven directors for the district who shall be residents of~~  
666 ~~the proposed area and who are subject to ad valorem taxation in~~  
667 ~~the residential neighborhood improvement district or who are~~

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

682 (3)~~(4)~~ A district may be dissolved by the governing body by  
683 rescinding the ordinance creating the district. The governing  
684 body may rescind ~~shall consider rescinding~~ the ordinance if  
685 presented with a petition requesting that it be rescinded.  
686 Petitions related to a residential neighborhood improvement  
687 district must contain ~~containing~~ the signatures of 60 percent of  
688 the residents. Petitions related to a commercial neighborhood  
689 improvement district must contain signatures representing owners  
690 of 60 percent of the land area of the ~~of a~~ district.

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

693 163.508 Property owners' association neighborhood  
694 improvement districts; creation; powers and duties; duration.—

695 (1) After an ~~a~~ local ~~planning~~ ordinance has been adopted  
696 authorizing the creation of property owners' association



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697 neighborhood improvement districts, the local governing body of  
698 a municipality or county may create property owners' association  
699 neighborhood improvement districts by the enactment of a  
700 separate ordinance for each district, ~~which ordinance:~~

701 (a) Establishes that an incorporated property owners'  
702 association representing 75 percent of all owners of property  
703 within a proposed district meeting the requirements of this  
704 section has petitioned the governing body of the municipality or  
705 county for creation of a district for the area encompassed by  
706 the property owned by members of the association.

707 (b) Specifies the boundaries, size, and name of the  
708 district.

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

711 1. Request grants ~~a matching grant from the state's Safe~~  
712 ~~Neighborhoods Program to prepare the first year's safe~~  
713 ~~neighborhood improvement plan. The provider of the local match~~  
714 ~~for the state grant shall be mutually agreed upon between the~~  
715 ~~governing body and the property owners' association. The~~  
716 ~~governing body may agree to provide the match as a no-interest-~~  
717 ~~bearing loan to be paid back from assessments imposed by the~~  
718 ~~association on its members or shareholders.~~

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

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

725 (d) Provides for an audit of the property owners'

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726 association.

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

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

731 (g) Requires the district to notify the ~~Department of Legal~~  
732 ~~Affairs and the~~ Department of Economic Opportunity in writing of  
733 its establishment within 30 days after establishment thereof  
734 pursuant to s. 163.5055.

735 (2) In order to qualify for the creation of a neighborhood  
736 improvement district, the property owners shall form an  
737 association in compliance with this section, or use an existing  
738 property owners' association in compliance with this section,  
739 which must shall be a not-for-profit corporation. At least, for  
740 profit or not for profit, and of which not less than 75 percent  
741 of all property owners within the proposed area must consent  
742 ~~have consented~~ in writing to become members ~~or shareholders~~.  
743 Upon such consent by 75 percent of the property owners in the  
744 proposed district, all consenting property owners and their  
745 successors ~~shall~~ become members of the association and are shall  
746 ~~be~~ bound by the provisions of the articles of incorporation, the  
747 bylaws of the association, the covenants, the deed restrictions,  
748 the indentures, and any other properly promulgated restrictions.  
749 The association may not shall have a no member ~~or shareholder~~  
750 who is not a bona fide owner of property within the proposed  
751 district. Upon receipt of its certificate of incorporation, the  
752 property owners' association shall notify the clerk of the city  
753 or county court, whichever is appropriate, in writing, of such  
754 incorporation and shall list the names and addresses of the

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755 officers of the association.

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

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

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

765 (c) To make and collect assessments against all property  
766 within the boundaries of the district pursuant to the provisions  
767 of s. 163.514(16) and to lease, maintain, repair, and  
768 reconstruct any privatized street, land, or common area within  
769 the district upon dedication thereof to the association.

770 (d) Without the joinder of any property owner, to modify,  
771 move, or create any easement for ingress and egress or for the  
772 purpose of utilities, if such easement constitutes part of or  
773 crosses district property. However, this does ~~shall~~ not  
774 authorize the association to modify or move any easement that  
775 ~~which~~ is created in whole or in part for the use or benefit of  
776 anyone other than association members, or that ~~which~~ crosses the  
777 property of anyone other than association members, without the  
778 consent or approval of such person as required by law or by the  
779 instrument creating the easement. ~~Nothing in~~ This paragraph does  
780 not ~~shall~~ affect the rights of ingress or egress of any member  
781 of the association.

782 (4) A property owners' association neighborhood improvement  
783 district shall continue in perpetuity as long as the property

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784 owners' association created pursuant to this section exists  
785 under the applicable laws of the state.

786 Section 14. Subsections (1), (7), (8), and (10) of section  
787 163.511, Florida Statutes, are amended to read:

788 163.511 Special neighborhood improvement districts;  
789 creation; referendum; board of directors; duration; extension.-

790 (1) After an ~~a local planning~~ ordinance has been adopted  
791 authorizing the creation of special neighborhood improvement  
792 districts, the governing body of a municipality or county may  
793 declare the need for and create special residential or business  
794 neighborhood improvement districts by the enactment of a  
795 separate ordinance for each district, ~~which ordinance:~~

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

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

801 (c) Authorizes the use of special assessments to support  
802 planning and implementation of district improvements pursuant to  
803 ~~the provisions of s. 163.514(16), including community policing~~  
804 ~~innovations.~~

805 (d) Specifies the boundaries, size, and name of the  
806 district.

807 (e) Authorizes the district to receive a planning grant  
808 from the department.

809 (f) Provides for the appointment of a three-member ~~3-member~~  
810 board of directors for the district.

811 (g) May authorize a special neighborhood improvement  
812 district to exercise the power of eminent domain pursuant to

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813 chapters 73 and 74. Any property identified for eminent domain  
814 by the district is ~~shall be~~ subject to the approval of the local  
815 governing body before eminent domain procedures are exercised.

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

818 (i) Requires the district to notify ~~the Department of Legal~~  
819 ~~Affairs~~ and the Department of Economic Opportunity in writing of  
820 its establishment within 30 days after establishment thereof  
821 pursuant to s. 163.5055.

822 (j) May authorize a special neighborhood improvement  
823 district to develop and implement community policing innovations  
824 in consultation with the local law enforcement agency having  
825 jurisdiction within the district boundaries.

826 (7) The business and affairs of a special neighborhood  
827 improvement district shall be conducted and administered by a  
828 board of three directors who must ~~shall~~ be residents of or  
829 property owners within the proposed area and ~~who are~~ subject to  
830 ad valorem taxation in the district. Upon their initial  
831 appointment and qualification and in January of each year  
832 thereafter, the directors shall organize by electing from their  
833 number a chair and a secretary, and may also employ staff and  
834 legal representatives as deemed appropriate, who shall serve at  
835 the pleasure of the board and may receive such compensation as  
836 shall be fixed by the board. The secretary shall keep a record  
837 of the proceedings of the district and shall be custodian of all  
838 books and records of the district. The directors may ~~shall~~ not  
839 receive any compensation for their services or, ~~nor may they~~ be  
840 employed by the district.

841 (8) Within 30 days after ~~of~~ the approval of the creation of

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842 a special neighborhood improvement district, the governing body  
843 of the municipality if the district is in a municipality, ~~a~~  
844 ~~majority of the governing body of the municipality,~~ or the  
845 county commission if the district is in the unincorporated area  
846 of the county, ~~a majority of the county commission,~~ shall  
847 appoint the three directors provided for in this section ~~herein~~  
848 for staggered terms of 3 years. The initial appointments shall  
849 be as follows: one for a 1-year term, one for a 2-year term, and  
850 one for a 3-year term. Each director holds ~~shall hold~~ office  
851 until his or her successor is appointed and qualified unless the  
852 director ceases to be qualified to act as a director or is  
853 removed from office. Vacancies on the board shall be filled for  
854 the unexpired portion of a term in the same manner as the  
855 initial appointments were made.

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

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

865 163.512 Community redevelopment neighborhood improvement  
866 districts; creation; advisory council; dissolution.—

867 (1) Upon the recommendation of the community redevelopment  
868 agency and after an ~~a local planning~~ ordinance has been adopted  
869 authorizing the creation of community redevelopment neighborhood  
870 improvement districts, the local governing body of a

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871 municipality or county may create community redevelopment  
872 neighborhood improvement districts by the enactment of a  
873 separate ordinance for each district, ~~which ordinance:~~

874 (a) Specifies the boundaries, size, and name of the  
875 district.

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

878 (c) Authorizes the use of the community redevelopment trust  
879 fund created pursuant to s. 163.387 for the purposes of  
880 implementing the district's ~~safe~~ neighborhood improvement plan  
881 ~~and furthering crime prevention through community policing~~  
882 ~~innovations, environmental design, environmental security, and~~  
883 ~~defensible space techniques, if the expenditures from the~~  
884 ~~community redevelopment trust fund~~ are consistent with the  
885 community redevelopment plan created pursuant to s. 163.360.

886 (d) Designates the community redevelopment board of  
887 commissioners established pursuant to s. 163.356 or s. 163.357  
888 as the board of directors for the district.

889 (e) Establishes an advisory council to the board of  
890 directors comprised of property owners or residents of the  
891 district.

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

894 (g) Requires that the district's ~~safe~~ neighborhood  
895 improvement plan be consistent with the community redevelopment  
896 plan created pursuant to s. 163.360, and permits the ~~safe~~  
897 neighborhood improvement plan to be included in the community  
898 redevelopment plan as an optional element.

899 (h) Requires that the boundaries of the community

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900 redevelopment district be contained in whole within the  
901 community redevelopment area established pursuant to ss. 163.355  
902 and 163.356.

903 (i) Requires that the district ~~to~~ notify the ~~Department of~~  
904 ~~Legal Affairs and the~~ Department of Economic Opportunity in  
905 writing of its establishment within 30 days after establishment  
906 ~~thereof~~ pursuant to s. 163.5055.

907 (2) The advisory council shall perform such duties as may  
908 be prescribed by the community redevelopment board established  
909 pursuant to s. 163.356 and shall submit within the time period  
910 specified by the board of directors a report on the district's  
911 activities and a proposed budget to accomplish its objectives.  
912 In formulating a plan for services or improvements, the advisory  
913 council shall consult in public session with the appropriate  
914 staff or consultants of the community redevelopment board  
915 ~~responsible for the district's plan.~~

916 (3) A district may be dissolved by the local governing body  
917 by rescinding the ordinance creating the district. The governing  
918 body may rescind ~~shall consider rescinding~~ the ordinance if  
919 presented with a petition containing the signatures of 60  
920 percent of the residents of a district.

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

922 Section 17. Section 163.514, Florida Statutes, is amended  
923 to read:

924 163.514 Powers of neighborhood improvement districts.-  
925 Unless prohibited by ordinance, the board of any district is  
926 ~~shall be~~ empowered to:

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



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929 (2) Have and use a corporate seal.

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

935 (4) Accept grants and donations of any type of property,  
936 labor, or other thing of value from any public or private  
937 source.

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

941 (6) Cooperate and contract with other governmental agencies  
942 or other public bodies.

943 (7) Contract for services of planners, engineers,  
944 attorneys, and other planning consultants, ~~experts on crime~~  
945 ~~prevention through community policing innovations, environmental~~  
946 ~~design, environmental security, or defensible space, or other~~  
947 ~~experts~~ in areas pertaining to the operations of the board of  
948 directors or the district.

949 (8) Contract with the county or municipal government for  
950 planning assistance, legal advice, and ~~for~~ increased levels of  
951 law enforcement protection and security, including additional  
952 personnel.

953 (9) Promote and advertise the commercial advantages of the  
954 district so as to attract new businesses and encourage the  
955 expansion of existing businesses.

956 (10) Promote and advertise the district to the public and  
957 engage in cooperative advertising programs with businesses

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958 located in the district.

959 (11) Improve, plan, design, construct, operate, provide,  
960 and maintain street lighting, parks, streets, drainage,  
961 utilities, swales, parking facilities, transit facilities,  
962 landscaping, and open areas, and provide ~~safe~~ access to mass  
963 transportation facilities in the district.

964 (12) Undertake innovative approaches to securing  
965 neighborhoods from crime, such as crime prevention through  
966 community policing innovations, environmental design,  
967 environmental security, and defensible space.

968 (13) Privatize, close, vacate, plan, or replan streets,  
969 roads, sidewalks, and alleys, subject to the concurrence of the  
970 local governing body and, if required, the state Department of  
971 Transportation.

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

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

978 (16) (a) Subject to referendum approval, and for residential  
979 local government, special, community redevelopment, and property  
980 owners' association neighborhood improvement districts only,  
981 make and collect special assessments pursuant to ss. 197.3632  
982 and 197.3635 to pay for improvements to the district and for  
983 reasonable expenses of operating the district, including the  
984 payment of expenses included in the district's budget, subject  
985 to an affirmative vote by a majority of the registered voters  
986 residing in the district. Such assessments may ~~shall~~ not exceed

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987 \$500 for each individual parcel of land per year.

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

990 (b) In order to implement this subsection, the city clerk  
991 or the supervisor of elections, whichever is appropriate, shall  
992 compile a list of the names and last known addresses of the  
993 electors in the neighborhood improvement district from the list  
994 of registered voters of the county as of the last day of the  
995 preceding month. The same shall constitute the registration list  
996 for the purposes of a referendum. Within 45 days after  
997 compilation of the voter registration list, the city clerk or  
998 the supervisor of elections shall notify each elector of the  
999 general provisions of this subsection ~~section~~, including the  
1000 taxing authority and the date of the upcoming referendum.  
1001 Notification must ~~shall~~ be by United States mail and, in  
1002 addition ~~thereto~~, by publication one time in a newspaper of  
1003 general circulation in the county or municipality in which the  
1004 district is located.

1005 (c) Any resident of the district whose name does not appear  
1006 on the list compiled pursuant to paragraph (b) may register to  
1007 vote as provided by law. The registration list shall remain open  
1008 for 75 days after the notification required in paragraph (b).

1009 (d) Within 15 days after the closing of registration, the  
1010 city clerk or the supervisor of elections shall send a ballot to  
1011 each elector at his or her last known mailing address by first-  
1012 class ~~United States~~ mail. The ballot must ~~shall~~ include:

1013 1. A description of the general provisions of this section  
1014 applicable to the neighborhood improvement district; and

1015 2. Immediately following said information, the following:

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1016

1017 "Do you favor the imposition of a special assessment  
1018 of not greater than \$500 for each individual parcel of  
1019 land per year to pay for the expenses of operating the  
1020 neighborhood improvement district?

1021

1022 ....Yes, for the special assessment.

1023

1024 ....No, against the special assessment."

1025

1026 (e) Ballots shall be returned by United States mail or by  
1027 personal delivery.

1028 (f) All ballots that are received within 60 days after the  
1029 closing of registration shall be tabulated by the city clerk or  
1030 the supervisor of elections, who shall certify the results  
1031 ~~thereof~~ to the city governing body or county commission no later  
1032 than 5 days after the ~~said~~ 60-day period.

1033 (17) Exercise all lawful powers incidental to the effective  
1034 and expedient exercise of the foregoing powers.

1035 Section 18. Subsections (3) and (4) of section 163.5151,  
1036 Florida Statutes, are amended to read:

1037 163.5151 Fiscal management; budget preparation.-

1038 (3) Each local government and special neighborhood  
1039 improvement district levying an ad valorem tax on real or  
1040 personal property shall establish a its budget pursuant to the  
1041 provisions of chapter 200. Before adopting ~~Prior to adoption of~~  
1042 the final budget and setting of the millage rate to be levied by  
1043 the board, the board shall submit a tentative budget and  
1044 proposed millage rate of the district to the governing body of

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1045 the municipality in which the district is located, or to the  
 1046 county if the district is located in the unincorporated portion  
 1047 of the county, for approval or disapproval. Such governing body  
 1048 has ~~shall have~~ the power to modify the budget or millage  
 1049 submitted by the board. Subsequent to approval, the board shall  
 1050 adopt its final budget and millage rate in accordance with the  
 1051 requirements of chapter 200.

1052 (4) At the option of the county property appraiser for the  
 1053 county within which the neighborhood improvement district is  
 1054 located, ~~the~~ assessments levied by the district may ~~shall~~ be  
 1055 collected in the same manner as all ad valorem taxes if so  
 1056 requested by the local governing body pursuant to s. 197.363.

1057 Section 19. Section 163.516, Florida Statutes, is amended  
 1058 to read:

1059 163.516 ~~Safe~~ Neighborhood improvement plans.—

1060 (1) A ~~safe~~ neighborhood improvement plan is mandated for  
 1061 all neighborhood improvement districts. The plan must ~~shall~~  
 1062 contain at least the following elements:

1063 (a) Demographics of the district.

1064 ~~(b) Crime activity data and analysis.~~

1065 (b)(e) Land use, zoning, housing, and traffic analysis.

1066 ~~(d) Determination of the problems of the crime-to-~~  
 1067 ~~environment relationship and the stability of the neighborhood~~  
 1068 ~~improvement district.~~

1069 (c)(e) Statement of the district's goal and objectives.

1070 ~~(f) Assessment of crime prevention through community~~  
 1071 ~~policing innovations, environmental design, environmental~~  
 1072 ~~security, and defensible space strategies and tactics that will~~  
 1073 ~~be applied to the crime-to-environment relationship problems.~~

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- 1074 ~~(g) Cost estimates and the methods of financing.~~
- 1075 ~~(h) Outline of program participants and their functions and~~
- 1076 ~~responsibilities.~~
- 1077 ~~(i) Schedule for executing program activities.~~
- 1078 ~~(j) Evaluation guidelines.~~
- 1079 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
- 1080 show, by diagram and by general explanation:
- 1081 (a) Such property as is intended for use as public parks,
- 1082 recreation areas, streets, public utilities, and public
- 1083 improvements of any nature.
- 1084 (b) Specific identification of any publicly funded capital
- 1085 improvement projects to be undertaken within the district.
- 1086 ~~(c) Adequate assurances that the improvements will be~~
- 1087 ~~carried out pursuant to the plan.~~
- 1088 ~~(d) Provision for the retention of controls and the~~
- 1089 ~~establishment of any restrictions or covenants running with land~~
- 1090 ~~sold or leased for private use for such periods of time and~~
- 1091 ~~under such conditions as the governing body of the municipality~~
- 1092 ~~in which the district is located, or the county if the district~~
- 1093 ~~is located in the unincorporated portion of the county, deems~~
- 1094 ~~necessary to effectuate the purposes of this part.~~
- 1095 (c) ~~(e)~~ Projected costs of improvements, including the
- 1096 amount to be expended on publicly funded capital improvement
- 1097 projects in the district and any indebtedness of the district,
- 1098 the county, or the municipality proposed to be incurred if such
- 1099 indebtedness is to be repaid with district revenues.
- 1100 ~~(f) Promotion of advertising programs to be undertaken by~~
- 1101 ~~the district or in conjunction with businesses in the district.~~
- 1102 ~~(g) Suggested physical improvements necessary for the~~

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1103 ~~safety of residents in or visitors to the district.~~

1104 ~~(h) Law enforcement and security plans for the district.~~

1105 (3) The ~~safe~~ neighborhood improvement plan must ~~shall~~:

1106 (a) Be consistent with the adopted comprehensive plan for  
1107 the county or municipality pursuant to the Community Planning  
1108 Act. ~~A~~ ~~No~~ district plan may not ~~shall~~ be implemented unless the  
1109 local governing body has determined that the ~~said~~ plan is  
1110 consistent.

1111 (b) Be sufficiently complete to indicate such land  
1112 acquisition, demolition and removal of structures, street  
1113 modifications, redevelopment, and rehabilitation as may be  
1114 proposed to be carried out in the district.

1115 ~~(c) Provide some method for and measurement of the  
1116 reduction of crime within the district.~~

1117 ~~(4) The county, municipality, or district may prepare or  
1118 cause to be prepared a safe neighborhood improvement plan, or  
1119 any person or agency, public or private, may submit such a plan  
1120 to a district. Prior to its consideration of a safe neighborhood  
1121 improvement plan, the district shall submit such plan to the  
1122 local governing body for review and written approval as to its  
1123 consistency with the local government comprehensive plan. The  
1124 district must be notified of approval or disapproval within 60  
1125 days after receipt of the plan for review, and a revised version  
1126 of the plan may be submitted to satisfy any inconsistencies. The  
1127 district may not proceed with the safe neighborhood improvement  
1128 plan until final approval is given by the local governing body.~~

1129 ~~(4)-(5)~~ Before ~~Prior~~ to adoption of the ~~safe~~ neighborhood  
1130 improvement plan, the board must ~~shall~~ hold a public hearing on  
1131 the plan after public notice thereof by publication in a

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1132 newspaper of general circulation in the county or municipality  
1133 in which the district is located. The notice must ~~shall~~ describe  
1134 the time, date, place, and purpose of the hearing; identify the  
1135 boundaries of the district; and outline the general scope of the  
1136 plan.

1137 (5)~~(6)~~ The board, after the public hearing, may approve the  
1138 ~~safe~~ neighborhood improvement plan if it finds that:

1139 (a) The plan has been approved as consistent with the local  
1140 comprehensive plan by the local governing body; and

1141 (b) The plan will improve the promotion, appearance,  
1142 ~~safety, security,~~ and public amenities of the neighborhood  
1143 improvement district as stipulated in s. 163.502.

1144 (6)~~(7)~~ If, at any time after approval of the ~~safe~~  
1145 neighborhood improvement plan, it becomes desirable to amend or  
1146 modify the plan, the board may do so. Before ~~Prior to~~ any such  
1147 amendment or modification, the board must ~~shall~~ obtain written  
1148 approval of the local governing body concerning conformity to  
1149 the local government comprehensive plan and must hold a public  
1150 hearing on the proposed amendment or modification after public  
1151 notice thereof by publication in a newspaper of general  
1152 circulation in the county or municipality in which the district  
1153 is located. The notice must ~~shall~~ describe the time, place, and  
1154 purpose of the hearing and generally describe the proposed  
1155 amendment or modification.

1156 ~~(8) Pursuant to s. 163.3184, the governing body of a~~  
1157 ~~municipality or county shall hold two public hearings to~~  
1158 ~~consider the board-adopted safe neighborhood improvement plan as~~  
1159 ~~an amendment or modification to the municipality's or county's~~  
1160 ~~adopted local comprehensive plan.~~



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1161       ~~(9) A safe neighborhood improvement plan for each district~~  
1162 ~~shall be prepared and adopted by the municipality or county~~  
1163 ~~prior to the levy and expenditure of any of the proceeds of any~~  
1164 ~~tax assessment or fee authorized to such districts other than~~  
1165 ~~for the preparation of the safe community or business~~  
1166 ~~improvement plan.~~

1167       Section 20. Section 163.517, Florida Statutes, is repealed.

1168       Section 21. Section 163.519, Florida Statutes, is repealed.

1169       Section 22. Section 163.521, Florida Statutes, is repealed.

1170       Section 23. Section 163.5215, Florida Statutes, is  
1171 repealed.

1172       Section 24. Section 163.522, Florida Statutes, is repealed.

1173       Section 25. Section 163.523, Florida Statutes, is repealed.

1174       Section 26. Section 163.524, Florida Statutes, is repealed.

1175       Section 27. Section 163.526, Florida Statutes, is repealed.

1176       Section 28. Paragraph (c) of subsection (1) of section  
1177 376.84, Florida Statutes, is amended to read:

1178       376.84 Brownfield redevelopment economic incentives.—It is  
1179 the intent of the Legislature that brownfield redevelopment  
1180 activities be viewed as opportunities to significantly improve  
1181 the utilization, general condition, and appearance of these  
1182 sites. Different standards than those in place for new  
1183 development, as allowed under current state and local laws,  
1184 should be used to the fullest extent to encourage the  
1185 redevelopment of a brownfield. State and local governments are  
1186 encouraged to offer redevelopment incentives for this purpose,  
1187 as an ongoing public investment in infrastructure and services,  
1188 to help eliminate the public health and environmental hazards,  
1189 and to promote the creation of jobs in these areas. Such

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1190 incentives may include financial, regulatory, and technical  
1191 assistance to persons and businesses involved in the  
1192 redevelopment of the brownfield pursuant to this act.

1193 (1) Financial incentives and local incentives for  
1194 redevelopment may include, but not be limited to:

1195 (c) ~~Safe~~ Neighborhood improvement districts as provided in  
1196 part IV of chapter 163 ss. 163.501-163.523.

1197 Section 29. Subsection (2) of section 775.083, Florida  
1198 Statutes, is amended to read:

1199 775.083 Fines.—

1200 (2) In addition to the fines set forth in subsection (1),  
1201 court costs shall be assessed and collected in each instance a  
1202 defendant pleads nolo contendere to, or is convicted of, or  
1203 adjudicated delinquent for, a felony, a misdemeanor, or a  
1204 criminal traffic offense under state law, or a violation of any  
1205 municipal or county ordinance if the violation constitutes a  
1206 misdemeanor under state law. The court costs imposed by this  
1207 section shall be \$50 for a felony and \$20 for any other offense  
1208 and shall be deposited by the clerk of the court into an  
1209 appropriate county account for disbursement for the purposes  
1210 provided in this subsection. A county shall account for the  
1211 funds separately from other county funds as crime prevention  
1212 funds. The county, in consultation with the sheriff, must expend  
1213 such funds for crime prevention programs in the county,  
1214 including ~~safe~~ neighborhood improvement programs under part IV  
1215 of chapter 163 ss. 163.501-163.523.

1216 Section 30. Subsection (5) of section 932.7055, Florida  
1217 Statutes, is amended to read:

1218 932.7055 Disposition of liens and forfeited property.—

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1219 (5) (a) If the seizing agency is a county or municipal  
1220 agency, the remaining proceeds shall be deposited in a special  
1221 law enforcement trust fund established by the board of county  
1222 commissioners or the governing body of the municipality. These  
1223 ~~Such~~ proceeds and interest earned therefrom shall be used for  
1224 school resource officer, crime prevention, ~~safe~~ neighborhood  
1225 improvement, drug abuse education and prevention programs, or  
1226 for other law enforcement purposes, which include defraying the  
1227 cost of protracted or complex investigations, providing  
1228 additional equipment or expertise, purchasing automated external  
1229 defibrillators for use in law enforcement vehicles, and  
1230 providing matching funds to obtain federal grants. The proceeds  
1231 and interest may not be used to meet normal operating expenses  
1232 of the law enforcement agency.

1233 (b) These funds may be expended upon request by the sheriff  
1234 to the board of county commissioners or by the chief of police  
1235 to the governing body of the municipality, accompanied by a  
1236 written certification that the request complies with the  
1237 provisions of this subsection, and only upon appropriation to  
1238 the sheriff's office or police department by the board of county  
1239 commissioners or the governing body of the municipality.

1240 (c) An agency or organization, other than the seizing  
1241 agency, that wishes to receive such funds shall apply to the  
1242 sheriff or chief of police for an appropriation and its  
1243 application shall be accompanied by a written certification that  
1244 the moneys will be used for an authorized purpose. Such requests  
1245 for expenditures must ~~shall~~ include a statement describing  
1246 anticipated recurring costs for the agency for subsequent fiscal  
1247 years. An agency or organization that receives money pursuant to

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1248 this subsection shall provide an accounting for such moneys and  
1249 shall furnish the same reports as an agency of the county or  
1250 municipality that receives public funds. Such funds may be  
1251 expended in accordance with the following procedures:

1252 1. Such funds may be used only for school resource officer,  
1253 crime prevention, ~~safe~~ neighborhood improvement, drug abuse  
1254 education, or drug prevention programs or such other law  
1255 enforcement purposes as the board of county commissioners or  
1256 governing body of the municipality deems appropriate.

1257 2. Such funds may ~~shall~~ not be a source of revenue to meet  
1258 normal operating needs of the law enforcement agency.

1259 3. After July 1, 1992, and during every fiscal year  
1260 thereafter, any local law enforcement agency that acquires at  
1261 least \$15,000 pursuant to the Florida Contraband Forfeiture Act  
1262 within a fiscal year must expend or donate at least ~~no less than~~  
1263 15 percent of such proceeds for the support or operation of any  
1264 drug treatment, drug abuse education, drug prevention, crime  
1265 prevention, ~~safe~~ neighborhood improvement, or school resource  
1266 officer program or programs ~~program(s)~~. The local law  
1267 enforcement agency has the discretion to determine which program  
1268 or programs ~~program(s)~~ will receive the designated proceeds.

1269  
1270 Notwithstanding the drug abuse education, drug treatment, drug  
1271 prevention, crime prevention, ~~safe~~ neighborhood improvement, or  
1272 school resource officer minimum expenditures or donations, the  
1273 sheriff and the board of county commissioners or the chief of  
1274 police and the governing body of the municipality may agree to  
1275 expend or donate such funds over a period of years if the  
1276 expenditure or donation of such minimum amount in any given

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1277 fiscal year would exceed the needs of the county or municipality  
1278 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section  
1279 does not preclude ~~precludes~~ the expenditure or donation of  
1280 forfeiture proceeds in excess of the minimum amounts established  
1281 in this subsection herein.

1282 Section 31. This act shall take effect July 1, 2013.