

By the Committee on Community Affairs; and Senator Simmons

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1 A bill to be entitled
2 An act relating to neighborhood improvement districts;
3 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
4 and 163.387, F.S.; conforming provisions to changes
5 made by the act; amending s. 163.501, F.S.; renaming
6 the "Safe Neighborhoods Act" as the "Neighborhoods
7 Improvement Act"; amending s. 163.502, F.S.; revising
8 legislative findings and purpose; amending s. 163.503,
9 F.S.; revising and deleting definitions; amending s.
10 163.5035, F.S.; conforming provisions to changes made
11 by the act; amending s. 163.504, F.S.; authorizing the
12 governing body of any municipality or county to form a
13 neighborhood improvement district through the adoption
14 of an ordinance rather than by a planning ordinance;
15 removing provisions pertaining to the creation and
16 funding of safe neighborhood improvement districts;
17 amending s. 163.5055, F.S.; 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; amending s.
96 163.524, F.S.; limiting application of provisions
97 governing Neighborhood Preservation and Enhancement
98 Districts and Neighborhood Councils to those districts
99 and councils that were active on or before a specified
100 date; prohibiting new Neighborhood Preservation and
101 Enhancement Districts and Neighborhood Councils from
102 being created after a specified date; amending ss.
103 163.526, 376.84, 775.083, and 932.7055, F.S.;
104 conforming provisions to changes made by the act;
105 providing an effective date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Paragraph (d) of subsection (2) of section
110 163.2511, Florida Statutes, is amended to read:

111 163.2511 Urban infill and redevelopment.—

112 (2) It is declared that:

113 (d) State urban policies should guide the state, regional
114 agencies, local governments, and the private sector in
115 preserving and redeveloping existing urban cores and promoting
116 the adequate provision of infrastructure, human services,

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117 neighborhood improvement ~~safe neighborhoods~~, educational
118 facilities, and economic development to sustain these cores into
119 the future.

120 Section 2. Paragraph (c) of subsection (3) of section
121 163.2517, Florida Statutes, is amended to read:

122 163.2517 Designation of urban infill and redevelopment
123 area.—

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

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146 shall also:

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

156 Section 3. Paragraph (a) of subsection (6) of section
157 163.3182, Florida Statutes, is amended to read:

158 163.3182 Transportation deficiencies.—

159 (6) EXEMPTIONS.—

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

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

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

170 3. A library district.

171 4. A neighborhood improvement district created under the
172 ~~Safe~~ Neighborhoods Improvement Act.

173 5. A metropolitan transportation authority.

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

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175 7. A community redevelopment agency.

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

178 163.3246 Local government comprehensive planning
179 certification program.—

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

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

184 (b) Demonstrate technical, financial, and administrative
185 expertise to implement the provisions of this part without state
186 oversight;

187 (c) Obtain comments from the state and regional review
188 agencies regarding the appropriateness of the proposed
189 certification;

190 (d) Hold at least one public hearing soliciting public
191 input concerning the local government's proposal for
192 certification; and

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

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

201 2. Promote the development of housing for low-income and
202 very-low-income households or specialized housing to assist
203 elderly and disabled persons to remain at home or in independent

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204 living arrangements.

205 3. Achieve effective intergovernmental coordination and
206 address the extrajurisdictional effects of development within
207 the certified area.

208 4. Promote economic diversity and growth while encouraging
209 the retention of rural character, where rural areas exist, and
210 the protection and restoration of the environment.

211 5. Provide and maintain public urban and rural open space
212 and recreational opportunities.

213 6. Manage transportation and land uses to support public
214 transit and promote opportunities for pedestrian and
215 nonmotorized transportation.

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

219 8. Redevelop blighted areas.

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

223 10. Encourage clustered, mixed-use development that
224 incorporates greenspace and residential development within
225 walking distance of commercial development.

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

232 12. Ensure ~~Assure~~ protection of key natural areas and

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233 agricultural lands that are identified using state and local
234 inventories of natural areas. Key natural areas include, but are
235 not limited to:

236 a. Wildlife corridors.

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

240 c. Significant surface waters and springs, aquatic
241 preserves, wetlands, and outstanding Florida waters.

242 d. Water resources suitable for preservation of natural
243 systems and for water resource development.

244 e. Representative and rare native Florida natural systems.

245 13. Ensure the cost-efficient provision of public
246 infrastructure and services.

247 Section 5. Paragraph (c) of subsection (2) of section
248 163.387, Florida Statutes, is amended to read:

249 163.387 Redevelopment trust fund.—

250 (2)

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

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

255 2. A special district for which the sole available source
256 of revenue the district has the authority to levy is ad valorem
257 taxes at the time an ordinance is adopted under this section.

258 However, revenue ~~revenues~~ or aid that may be dispensed or
259 appropriated to a district as defined in s. 388.011 at the
260 discretion of an entity other than such district is ~~shall~~ not be
261 deemed available.

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262 3. A library district, except a library district in a
263 jurisdiction where the community redevelopment agency had
264 validated bonds as of April 30, 1984.

265 4. A neighborhood improvement district created under the
266 ~~Safe~~ Neighborhoods Improvement Act.

267 5. A metropolitan transportation authority.

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

269 Section 6. Section 163.501, Florida Statutes, is amended to
270 read:

271 163.501 Short title.—This part may be cited as the "~~Safe~~
272 Neighborhoods Improvement Act."

273 Section 7. Section 163.502, Florida Statutes, is amended to
274 read:

275 163.502 ~~Safe~~ Neighborhoods improvement; legislative
276 findings and purpose.—

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

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291 (2) The Legislature further finds and declares that healthy
292 and vibrant ~~safe~~ neighborhoods are the product of planning and
293 implementation of appropriate environmental design concepts,
294 comprehensive planning ~~crime prevention programs~~, land use
295 recommendations, and beautification techniques.

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

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

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320 public money may be borrowed, expended, loaned, and granted.

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

323 163.503 ~~Safe neighborhoods;~~ Definitions.—

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

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

341 (3) "Department" means the Department of Economic
342 Opportunity ~~Legal Affairs.~~

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

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349 ~~(5) "Environmental security" means an urban planning and~~
350 ~~design process which integrates crime prevention with~~
351 ~~neighborhood design and community development.~~

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

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

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

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

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

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

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

377 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~

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378 funds.-

379 ~~(1)~~ The governing body of any municipality or county may
380 authorize the formation of ~~safe~~ neighborhood improvement
381 districts through the adoption of an a ~~planning~~ ordinance that
382 ~~which~~ specifies that such districts may be created by one or
383 more of the methods established in ss. 163.506, 163.508,
384 163.511, and 163.512. A ~~No~~ district may not overlap the
385 jurisdictional boundaries of a municipality and the
386 unincorporated area of a county, unless approved ~~except~~ by
387 interlocal agreement.

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

394 ~~(3) Municipalities and counties may implement the~~
395 ~~provisions of this section without planning funds from the~~
396 ~~Department of Legal Affairs. However, nothing in this section~~
397 ~~shall be construed to exempt any district from the requirements~~
398 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
399 ~~163.516.~~

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

402 163.5055 Notice Registration of district establishment;
403 notice of dissolution.-

404 (1) ~~(a)~~ Each neighborhood improvement district that is
405 authorized and established under this part shall, within 30 days
406 after its establishment, notify ~~thereof register with both~~ the

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407 Department of Economic Opportunity ~~and the Department of Legal~~
 408 ~~Affairs~~ by providing the department ~~these departments~~ with the
 409 district's name, location, size, and type, and such other
 410 information as the department ~~departments~~ may request ~~require~~.

411 (2) ~~(b)~~ Each local governing body that authorizes the
 412 dissolution of a district shall notify ~~both~~ the Department of
 413 Economic Opportunity ~~and the Department of Legal Affairs~~ within
 414 30 days after the dissolution of the district.

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

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

419 163.506 Local government neighborhood improvement
 420 districts; creation; advisory council; dissolution.—

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

427 (a) Specifies the boundaries, size, and name of the
 428 district.

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

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

434 (d) Authorizes the use of special assessments to support
 435 planning and implementation of district improvements pursuant to

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436 ~~the provisions of s. 163.514(16), if the district is a~~
437 ~~residential local government neighborhood improvement district~~
438 ~~including community policing innovations.~~

439 (e) Designates the local governing body ~~as the board of~~
440 ~~directors~~ of the district.

441 (f) Establishes an advisory council to the board of
442 directors comprised of property owners, representatives of
443 property owners, business owners, or residents of the district.

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

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

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

457 1. Bonds that are issued under this paragraph shall be
458 authorized by resolution of the governing body of the district
459 and, if required by the State Constitution, by affirmative vote
460 of the electors of the district. Such bonds may be issued in one
461 or more series and shall bear such date or dates, be payable
462 upon demand or mature at such time or times, bear interest at
463 such rate or rates, be in such denomination or denominations, be
464 in such form, registered or not, with or without coupon, carry

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465 such conversion or registration privileges, have such rank or
466 priority, be executed in such manner, be payable in such medium
467 of payment, at such place or places, and subject to such terms
468 of redemption, with or without premium, be secured in such
469 manner, and have such other characteristics as may be provided
470 by such resolution or trust indenture or mortgage issued
471 pursuant thereto.

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

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

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

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

489 (j) Authorizes the district to make and collect special
490 assessments pursuant to ss. 197.3632 and 197.3635 in order to
491 pay for capital improvements within the district and for
492 reasonable expenses of operating the district, including the
493 payment of expenses included in the district's budget, if the

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494 district is a commercial local government neighborhood
495 improvement district. Such assessments may not exceed \$500 for
496 each individual parcel of land per year.

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

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

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

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

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523 newspaper of general circulation in the county or municipality
524 in which the district is located.

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

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

534 a. A description of the general provisions of this section
535 applicable to local government neighborhood improvement
536 districts;

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

538 c. The percent of the freeholder's interest in such
539 property; and

540 d. Immediately following the information required in sub-
541 paragraphs a.-c., the following:

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

546
547Yes, for authorizing the levy of up to 2 mills of ad
548 valorem taxes by such proposed district.

549
550No, against authorizing the levy of up to 2 mills of ad
551 valorem taxes by such proposed district."

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

557

558Yes, for authorizing the borrowing of money for
559 district purposes.

560

561No, against authorizing the borrowing of money for
562 district purposes."

563

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

570

571Yes, for the special assessment.

572

573No, against the special assessment."

574

575 5. Ballots shall be returned by first-class mail or by
576 personal delivery.

577

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

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581 the 120-day period.

582 7. The freeholders shall be deemed to have approved of the
583 provisions of this paragraph at such time as the city clerk or
584 the supervisor of elections certifies to the governing body of
585 the municipality or county that approval has been given by
586 freeholders owning in excess of 50 percent of the assessed value
587 of the properties represented by ballots cast.

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

597
598 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
599 AND COMPLETING VOTER'S CERTIFICATE.

600

601 VOTER'S CERTIFICATE

602

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

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

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

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

... (Signature of Witness)...

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

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

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

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

a. VERY IMPORTANT. In order to ensure that your ballot will be counted, it should be completed and returned as soon as possible so that it can reach the city clerk or the supervisor

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639 of elections no later than 7 p.m. on the (final day of the 120-
640 day period given here).

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

642 c. Place your marked ballot in the enclosed secrecy
643 envelope.

644 d. Insert the secrecy envelope into the enclosed mailing
645 envelope, which is addressed to the city clerk or the supervisor
646 of elections.

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

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

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

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

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

665 ~~(3) As an alternative to designating the local governing~~
666 ~~body as the board of directors, a majority of the local~~
667 ~~governing body of a city or county may appoint a board of three~~

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

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

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

696 163.508 Property owners' association neighborhood

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697 improvement districts; creation; powers and duties; duration.—

698 (1) After an ~~a local planning~~ ordinance has been adopted
699 authorizing the creation of property owners' association
700 neighborhood improvement districts, the local governing body of
701 a municipality or county may create property owners' association
702 neighborhood improvement districts by the enactment of a
703 separate ordinance for each district, ~~which ordinance:~~

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

710 (b) Specifies the boundaries, size, and name of the
711 district.

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

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

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

725 3. ~~Prepare the first year's safe neighborhood improvement~~

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726 ~~plan, which shall comply with and be consistent with the~~
727 ~~governing body's adopted comprehensive plan.~~

728 (d) Provides for an audit of the property owners'
729 association.

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

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

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

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

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755 property owners' association shall notify the clerk of the city
756 or county court, whichever is appropriate, in writing, of such
757 incorporation and shall list the names and addresses of the
758 officers of the association.

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

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

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

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

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

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784 of the association.

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

789 Section 14. Subsections (1), (7), (8), and (10) of section
790 163.511, Florida Statutes, are amended to read:

791 163.511 Special neighborhood improvement districts;
792 creation; referendum; board of directors; duration; extension.-

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

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

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

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

808 (d) Specifies the boundaries, size, and name of the
809 district.

810 (e) Authorizes the district to receive a planning grant
811 from the department.

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

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813 board of directors for the district.

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

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

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

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

829 (7) The business and affairs of a special neighborhood
830 improvement district shall be conducted and administered by a
831 board of three directors who must ~~shall~~ be residents of or
832 property owners within the proposed area and ~~who are~~ subject to
833 ad valorem taxation in the district. Upon their initial
834 appointment and qualification and in January of each year
835 thereafter, the directors shall organize by electing from their
836 number a chair and a secretary, and may also employ staff and
837 legal representatives as deemed appropriate, who shall serve at
838 the pleasure of the board and may receive such compensation as
839 shall be fixed by the board. The secretary shall keep a record
840 of the proceedings of the district and shall be custodian of all
841 books and records of the district. The directors may ~~shall~~ not

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

844 (8) Within 30 days after ~~of~~ the approval of the creation of
845 a special neighborhood improvement district, the governing body
846 of the municipality if the district is in a municipality, ~~a~~
847 ~~majority of the governing body of the municipality~~, or the
848 county commission if the district is in the unincorporated area
849 of the county, ~~a majority of the county commission~~, shall
850 appoint the three directors provided for in this section ~~herein~~
851 for staggered terms of 3 years. The initial appointments shall
852 be as follows: one for a 1-year term, one for a 2-year term, and
853 one for a 3-year term. Each director holds ~~shall hold~~ office
854 until his or her successor is appointed and qualified unless the
855 director ceases to be qualified to act as a director or is
856 removed from office. Vacancies on the board shall be filled for
857 the unexpired portion of a term in the same manner as the
858 initial appointments were made.

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

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

868 163.512 Community redevelopment neighborhood improvement
869 districts; creation; advisory council; dissolution.—

870 (1) Upon the recommendation of the community redevelopment

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871 agency and after an ~~a local planning~~ ordinance has been adopted
872 authorizing the creation of community redevelopment neighborhood
873 improvement districts, the local governing body of a
874 municipality or county may create community redevelopment
875 neighborhood improvement districts by the enactment of a
876 separate ordinance for each district, ~~which ordinance:~~

877 (a) Specifies the boundaries, size, and name of the
878 district.

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

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

889 (d) Designates the community redevelopment board of
890 commissioners established pursuant to s. 163.356 or s. 163.357
891 as the board of directors for the district.

892 (e) Establishes an advisory council to the board of
893 directors comprised of property owners or residents of the
894 district.

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

897 (g) Requires that the district's ~~safe~~ neighborhood
898 improvement plan be consistent with the community redevelopment
899 plan created pursuant to s. 163.360, and permits the ~~safe~~

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900 neighborhood improvement plan to be included in the community
901 redevelopment plan as an optional element.

902 (h) Requires that the boundaries of the community
903 redevelopment district be contained in whole within the
904 community redevelopment area established pursuant to ss. 163.355
905 and 163.356.

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

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

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

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

925 Section 17. Section 163.514, Florida Statutes, is amended
926 to read:

927 163.514 Powers of neighborhood improvement districts.—
928 Unless prohibited by ordinance, the board of any district is

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929 ~~shall be~~ empowered to:

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

932 (2) Have and use a corporate seal.

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

938 (4) Accept grants and donations of any type of property,
939 labor, or other thing of value from any public or private
940 source.

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

944 (6) Cooperate and contract with other governmental agencies
945 or other public bodies.

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

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

956 (9) Promote and advertise the commercial advantages of the
957 district so as to attract new businesses and encourage the

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958 expansion of existing businesses.

959 (10) Promote and advertise the district to the public and
960 engage in cooperative advertising programs with businesses
961 located in the district.

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

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

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

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

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

981 (16) (a) Subject to referendum approval, and for residential
982 local government, special, community redevelopment, and property
983 owners' association neighborhood improvement districts only,
984 make and collect special assessments pursuant to ss. 197.3632
985 and 197.3635 to pay for improvements to the district and for
986 reasonable expenses of operating the district, including the

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987 payment of expenses included in the district's budget, subject
988 to an affirmative vote by a majority of the registered voters
989 residing in the district. Such assessments may ~~shall~~ not exceed
990 \$500 for each individual parcel of land per year.

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

993 (b) In order to implement this subsection, the city clerk
994 or the supervisor of elections, whichever is appropriate, shall
995 compile a list of the names and last known addresses of the
996 electors in the neighborhood improvement district from the list
997 of registered voters of the county as of the last day of the
998 preceding month. The same shall constitute the registration list
999 for the purposes of a referendum. Within 45 days after
1000 compilation of the voter registration list, the city clerk or
1001 the supervisor of elections shall notify each elector of the
1002 general provisions of this subsection ~~section~~, including the
1003 taxing authority and the date of the upcoming referendum.
1004 Notification must ~~shall~~ be by United States mail and, in
1005 addition ~~thereto~~, by publication one time in a newspaper of
1006 general circulation in the county or municipality in which the
1007 district is located.

1008 (c) Any resident of the district whose name does not appear
1009 on the list compiled pursuant to paragraph (b) may register to
1010 vote as provided by law. The registration list shall remain open
1011 for 75 days after the notification required in paragraph (b).

1012 (d) Within 15 days after the closing of registration, the
1013 city clerk or the supervisor of elections shall send a ballot to
1014 each elector at his or her last known mailing address by first-
1015 class ~~United States~~ mail. The ballot must ~~shall~~ include:

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1016 1. A description of the general provisions of this section
1017 applicable to the neighborhood improvement district; and

1018 2. Immediately following said information, the following:

1019
1020 "Do you favor the imposition of a special assessment
1021 of not greater than \$500 for each individual parcel of
1022 land per year to pay for the expenses of operating the
1023 neighborhood improvement district?

1024
1025Yes, for the special assessment.

1026
1027No, against the special assessment."
1028

1029 (e) Ballots shall be returned by United States mail or by
1030 personal delivery.

1031 (f) All ballots that are received within 60 days after the
1032 closing of registration shall be tabulated by the city clerk or
1033 the supervisor of elections, who shall certify the results
1034 ~~thereof~~ to the city governing body or county commission no later
1035 than 5 days after the ~~said~~ 60-day period.

1036 (17) Exercise all lawful powers incidental to the effective
1037 and expedient exercise of the foregoing powers.

1038 Section 18. Subsections (3) and (4) of section 163.5151,
1039 Florida Statutes, are amended to read:

1040 163.5151 Fiscal management; budget preparation.-

1041 (3) Each local government and special neighborhood
1042 improvement district levying an ad valorem tax on real or
1043 personal property shall establish a ~~its~~ budget pursuant to the
1044 provisions of chapter 200. Before adopting ~~Prior to adoption of~~

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1045 the final budget and setting of the millage rate to be levied by
 1046 the board, the board shall submit a tentative budget and
 1047 proposed millage rate of the district to the governing body of
 1048 the municipality in which the district is located, or to the
 1049 county if the district is located in the unincorporated portion
 1050 of the county, for approval or disapproval. Such governing body
 1051 has ~~shall have~~ the power to modify the budget or millage
 1052 submitted by the board. Subsequent to approval, the board shall
 1053 adopt its final budget and millage rate in accordance with the
 1054 requirements of chapter 200.

1055 (4) At the option of the county property appraiser for the
 1056 county within which the neighborhood improvement district is
 1057 located, ~~the~~ assessments levied by the district may ~~shall~~ be
 1058 collected in the same manner as all ad valorem taxes if so
 1059 requested by the local governing body pursuant to s. 197.363.

1060 Section 19. Section 163.516, Florida Statutes, is amended
 1061 to read:

1062 163.516 ~~Safe~~ Neighborhood improvement plans.—

1063 (1) A ~~safe~~ neighborhood improvement plan is mandated for
 1064 all neighborhood improvement districts. The plan must ~~shall~~
 1065 contain at least the following elements:

1066 (a) Demographics of the district.

1067 ~~(b) Crime activity data and analysis.~~

1068 (b)(e) Land use, zoning, housing, and traffic analysis.

1069 ~~(d) Determination of the problems of the crime to-~~
 1070 ~~environment relationship and the stability of the neighborhood~~
 1071 ~~improvement district.~~

1072 (c)(e) Statement of the district's goal and objectives.

1073 ~~(f) Assessment of crime prevention through community~~

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1074 ~~policing innovations, environmental design, environmental~~
1075 ~~security, and defensible space strategies and tactics that will~~
1076 ~~be applied to the crime-to-environment relationship problems.~~

1077 ~~(g) Cost estimates and the methods of financing.~~

1078 ~~(h) Outline of program participants and their functions and~~
1079 ~~responsibilities.~~

1080 ~~(i) Schedule for executing program activities.~~

1081 ~~(j) Evaluation guidelines.~~

1082 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
1083 show, by diagram and by general explanation:

1084 (a) Such property as is intended for use as public parks,
1085 recreation areas, streets, public utilities, and public
1086 improvements of any nature.

1087 (b) Specific identification of any publicly funded capital
1088 improvement projects to be undertaken within the district.

1089 ~~(c) Adequate assurances that the improvements will be~~
1090 ~~carried out pursuant to the plan.~~

1091 ~~(d) Provision for the retention of controls and the~~
1092 ~~establishment of any restrictions or covenants running with land~~
1093 ~~sold or leased for private use for such periods of time and~~
1094 ~~under such conditions as the governing body of the municipality~~
1095 ~~in which the district is located, or the county if the district~~
1096 ~~is located in the unincorporated portion of the county, deems~~
1097 ~~necessary to effectuate the purposes of this part.~~

1098 (c) ~~(e)~~ Projected costs of improvements, including the
1099 amount to be expended on publicly funded capital improvement
1100 projects in the district and any indebtedness of the district,
1101 the county, or the municipality proposed to be incurred if such
1102 indebtedness is to be repaid with district revenues.

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1103 ~~(f) Promotion of advertising programs to be undertaken by~~
1104 ~~the district or in conjunction with businesses in the district.~~

1105 ~~(g) Suggested physical improvements necessary for the~~
1106 ~~safety of residents in or visitors to the district.~~

1107 ~~(h) Law enforcement and security plans for the district.~~

1108 (3) The ~~safe~~ neighborhood improvement plan must ~~shall~~:

1109 (a) Be consistent with the adopted comprehensive plan for
1110 the county or municipality pursuant to the Community Planning
1111 Act. A ~~No~~ district plan may not ~~shall~~ be implemented unless the
1112 local governing body has determined that the ~~said~~ plan is
1113 consistent.

1114 (b) Be sufficiently complete to indicate such land
1115 acquisition, demolition and removal of structures, street
1116 modifications, redevelopment, and rehabilitation as may be
1117 proposed to be carried out in the district.

1118 ~~(c) Provide some method for and measurement of the~~
1119 ~~reduction of crime within the district.~~

1120 ~~(4) The county, municipality, or district may prepare or~~
1121 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1122 ~~any person or agency, public or private, may submit such a plan~~
1123 ~~to a district. Prior to its consideration of a safe neighborhood~~
1124 ~~improvement plan, the district shall submit such plan to the~~
1125 ~~local governing body for review and written approval as to its~~
1126 ~~consistency with the local government comprehensive plan. The~~
1127 ~~district must be notified of approval or disapproval within 60~~
1128 ~~days after receipt of the plan for review, and a revised version~~
1129 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1130 ~~district may not proceed with the safe neighborhood improvement~~
1131 ~~plan until final approval is given by the local governing body.~~

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1132 (4)~~(5)~~ Before ~~Prior to~~ adoption of the ~~safe~~ neighborhood
1133 improvement plan, the board must ~~shall~~ hold a public hearing on
1134 the plan after public notice thereof by publication in a
1135 newspaper of general circulation in the county or municipality
1136 in which the district is located. The notice must ~~shall~~ describe
1137 the time, date, place, and purpose of the hearing; identify the
1138 boundaries of the district; and outline the general scope of the
1139 plan.

1140 (5)~~(6)~~ The board, after the public hearing, may approve the
1141 ~~safe~~ neighborhood improvement plan if it finds that:

1142 (a) The plan has been approved as consistent with the local
1143 comprehensive plan by the local governing body; and

1144 (b) The plan will improve the promotion, appearance,
1145 ~~safety, security,~~ and public amenities of the neighborhood
1146 improvement district as stipulated in s. 163.502.

1147 (6)~~(7)~~ If, at any time after approval of the ~~safe~~
1148 neighborhood improvement plan, it becomes desirable to amend or
1149 modify the plan, the board may do so. Before ~~Prior to~~ any such
1150 amendment or modification, the board must ~~shall~~ obtain written
1151 approval of the local governing body concerning conformity to
1152 the local government comprehensive plan and must hold a public
1153 hearing on the proposed amendment or modification after public
1154 notice thereof by publication in a newspaper of general
1155 circulation in the county or municipality in which the district
1156 is located. The notice must ~~shall~~ describe the time, place, and
1157 purpose of the hearing and generally describe the proposed
1158 amendment or modification.

1159 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1160 ~~municipality or county shall hold two public hearings to~~

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1161 ~~consider the board adopted safe neighborhood improvement plan as~~
1162 ~~an amendment or modification to the municipality's or county's~~
1163 ~~adopted local comprehensive plan.~~

1164 ~~(9) A safe neighborhood improvement plan for each district~~
1165 ~~shall be prepared and adopted by the municipality or county~~
1166 ~~prior to the levy and expenditure of any of the proceeds of any~~
1167 ~~tax assessment or fee authorized to such districts other than~~
1168 ~~for the preparation of the safe community or business~~
1169 ~~improvement plan.~~

1170 Section 20. Section 163.517, Florida Statutes, is repealed.

1171 Section 21. Section 163.519, Florida Statutes, is repealed.

1172 Section 22. Section 163.521, Florida Statutes, is repealed.

1173 Section 23. Section 163.5215, Florida Statutes, is
1174 repealed.

1175 Section 24. Section 163.522, Florida Statutes, is repealed.

1176 Section 25. Section 163.523, Florida Statutes, is repealed.

1177 Section 26. Subsection (13) is added to section 163.524,
1178 Florida Statutes, to read:

1179 163.524 Neighborhood Preservation and Enhancement Program;
1180 participation; creation of Neighborhood Preservation and
1181 Enhancement Districts; creation of Neighborhood Councils and
1182 Neighborhood Enhancement Plans.—

1183 (13) Effective July 1, 2013, this section applies only to a
1184 Neighborhood Preservation and Enhancement District and a
1185 Neighborhood Council that are active on or before June 30, 2013.
1186 A Neighborhood Preservation and Enhancement District and a
1187 Neighborhood Council may not be created after June 30, 2013.

1188 Section 27. Section 27. Subsection (4) is added to section
1189 163.526, Florida Statutes, to read:

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1190 163.526 Neighborhood Councils and local government
1191 designated agency; powers and duties.—

1192 (4) Effective July 1, 2013, this section applies only to a
1193 a Neighborhood Council that was active on or before June 30,
1194 2013.

1195 Section 28. Paragraph (c) of subsection (1) of section
1196 376.84, Florida Statutes, is amended to read:

1197 376.84 Brownfield redevelopment economic incentives.—It is
1198 the intent of the Legislature that brownfield redevelopment
1199 activities be viewed as opportunities to significantly improve
1200 the utilization, general condition, and appearance of these
1201 sites. Different standards than those in place for new
1202 development, as allowed under current state and local laws,
1203 should be used to the fullest extent to encourage the
1204 redevelopment of a brownfield. State and local governments are
1205 encouraged to offer redevelopment incentives for this purpose,
1206 as an ongoing public investment in infrastructure and services,
1207 to help eliminate the public health and environmental hazards,
1208 and to promote the creation of jobs in these areas. Such
1209 incentives may include financial, regulatory, and technical
1210 assistance to persons and businesses involved in the
1211 redevelopment of the brownfield pursuant to this act.

1212 (1) Financial incentives and local incentives for
1213 redevelopment may include, but not be limited to:

1214 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1215 part IV of chapter 163 ss. 163.501-163.523.

1216 Section 29. Subsection (2) of section 775.083, Florida
1217 Statutes, is amended to read:

1218 775.083 Fines.—

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1219 (2) In addition to the fines set forth in subsection (1),
1220 court costs shall be assessed and collected in each instance a
1221 defendant pleads nolo contendere to, or is convicted of, or
1222 adjudicated delinquent for, a felony, a misdemeanor, or a
1223 criminal traffic offense under state law, or a violation of any
1224 municipal or county ordinance if the violation constitutes a
1225 misdemeanor under state law. The court costs imposed by this
1226 section shall be \$50 for a felony and \$20 for any other offense
1227 and shall be deposited by the clerk of the court into an
1228 appropriate county account for disbursement for the purposes
1229 provided in this subsection. A county shall account for the
1230 funds separately from other county funds as crime prevention
1231 funds. The county, in consultation with the sheriff, must expend
1232 such funds for crime prevention programs in the county,
1233 including ~~safe~~ neighborhood improvement programs under part IV
1234 of chapter 163 ss. ~~163.501-163.523.~~

1235 Section 30. Subsection (5) of section 932.7055, Florida
1236 Statutes, is amended to read:

1237 932.7055 Disposition of liens and forfeited property.—

1238 (5) (a) If the seizing agency is a county or municipal
1239 agency, the remaining proceeds shall be deposited in a special
1240 law enforcement trust fund established by the board of county
1241 commissioners or the governing body of the municipality. These
1242 ~~Such~~ proceeds and interest earned therefrom shall be used for
1243 school resource officer, crime prevention, ~~safe~~ neighborhood
1244 improvement, drug abuse education and prevention programs, or
1245 for other law enforcement purposes, which include defraying the
1246 cost of protracted or complex investigations, providing
1247 additional equipment or expertise, purchasing automated external

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1248 defibrillators for use in law enforcement vehicles, and
1249 providing matching funds to obtain federal grants. The proceeds
1250 and interest may not be used to meet normal operating expenses
1251 of the law enforcement agency.

1252 (b) These funds may be expended upon request by the sheriff
1253 to the board of county commissioners or by the chief of police
1254 to the governing body of the municipality, accompanied by a
1255 written certification that the request complies with the
1256 provisions of this subsection, and only upon appropriation to
1257 the sheriff's office or police department by the board of county
1258 commissioners or the governing body of the municipality.

1259 (c) An agency or organization, other than the seizing
1260 agency, that wishes to receive such funds shall apply to the
1261 sheriff or chief of police for an appropriation and its
1262 application shall be accompanied by a written certification that
1263 the moneys will be used for an authorized purpose. Such requests
1264 for expenditures must ~~shall~~ include a statement describing
1265 anticipated recurring costs for the agency for subsequent fiscal
1266 years. An agency or organization that receives money pursuant to
1267 this subsection shall provide an accounting for such moneys and
1268 shall furnish the same reports as an agency of the county or
1269 municipality that receives public funds. Such funds may be
1270 expended in accordance with the following procedures:

1271 1. Such funds may be used only for school resource officer,
1272 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1273 education, or drug prevention programs or such other law
1274 enforcement purposes as the board of county commissioners or
1275 governing body of the municipality deems appropriate.

1276 2. Such funds may ~~shall~~ not be a source of revenue to meet

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1277 normal operating needs of the law enforcement agency.

1278 3. After July 1, 1992, and during every fiscal year
1279 thereafter, any local law enforcement agency that acquires at
1280 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1281 within a fiscal year must expend or donate at least ~~no less than~~
1282 15 percent of such proceeds for the support or operation of any
1283 drug treatment, drug abuse education, drug prevention, crime
1284 prevention, ~~safe~~ neighborhood improvement, or school resource
1285 officer program or programs ~~program(s)~~. The local law
1286 enforcement agency has the discretion to determine which program
1287 or programs ~~program(s)~~ will receive the designated proceeds.

1288
1289 Notwithstanding the drug abuse education, drug treatment, drug
1290 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1291 school resource officer minimum expenditures or donations, the
1292 sheriff and the board of county commissioners or the chief of
1293 police and the governing body of the municipality may agree to
1294 expend or donate such funds over a period of years if the
1295 expenditure or donation of such minimum amount in any given
1296 fiscal year would exceed the needs of the county or municipality
1297 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section
1298 does not preclude ~~precludes~~ the expenditure or donation of
1299 forfeiture proceeds in excess of the minimum amounts established
1300 in this subsection herein.

1301 Section 31. This act shall take effect July 1, 2013.