

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 483 Local Government Neighborhood Improvement Districts

SPONSOR(S): Bracy

TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------|----------------|--|
| 1) Local Government Affairs Subcommittee | | Darden | Miller |
| 2) Local & Federal Affairs Committee | | | |

SUMMARY ANALYSIS

The Safe Neighborhoods Act authorizes local governments to create neighborhood improvement districts to promote the health, safety, and general welfare of residents, property owners, workers, and visitors to these neighborhoods. A local government creating a neighborhood improvement district may manage the affairs of the district directly or appoint a board consisting of residents, for residential districts, or property owners, for commercial districts, to manage the district.

The bill would allow a designated representative of a property owner to sit on the board of directors of a local government commercial neighborhood improvement district in lieu of the owner.

The bill does not appear to have a fiscal impact on state or local governments.

The effective date of the bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Safe Neighborhood Improvement Districts

In 1987, the Legislature authorized the creation of neighborhood improvement districts (NID) with the passage of the Safe Neighborhoods Act.¹ These districts were authorized for the purpose of “accomplish[ing] the coordinated, balanced, and harmonious development of safe neighborhoods” and “promot[ing] the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers.”²

A neighborhood improvement district may be formed in an area where more than 75 percent of the land is used for residential purposes, or in an area where more than 75 percent of the land is used for commercial, office, business, or industrial purposes.³ The land area of public facilities is excluded from this calculation, but may be included as part of the district.⁴

The district must have a plan to reduce crime through:⁵

- Environmental design (natural access control, natural surveillance, and territorial reinforcement designed to reduce criminal opportunity and foster positive social interaction);⁶
- Environmental security (urban planning and design processes that integrate crime prevention with neighborhood design and community development);⁷
- Defensible space techniques (physical designs of the environment to create the ability to monitor and control the environment along individual perceived zones of territorial influence);⁸ or
- Community policing innovation (visible presence of police in the community, including community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol).⁹

The safe neighborhood improvement plan must include:¹⁰

- Demographics of the district;
- Crime activity data and analysis;
- Land use, zoning, housing, and traffic analysis;
- Determination of the problems of crime-to-environment relationship and the stability of the NID;
- Statement of the district’s goal and objectives;
- Assessment of crime prevention though the methods specified by s. 163.503(1), F.S. and tactics applied to the crime-to-environment problems;
- Cost estimates and methods of financing;
- Outline of program participants and their functions and responsibilities;
- Schedule for executing program activities; and
- Evaluation guidelines.

¹ Ch. 87-243, Laws of Fla.

² Section 163.502(3), F.S.

³ Section 163.503(1), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Section 163.503(6), F.S.

⁷ Section 163.503(5), F.S.

⁸ Section 163.504(7), F.S.

⁹ Section 163.340(23), F.S.

¹⁰ Section 163.516(1), F.S.

The plan must also include diagrams and general explanations of:¹¹

- Property intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature;
- Specific publicly funded capital improvement projects to be undertaken within the district;
- Adequate assurances that the improvements will be carried out pursuant to the plan;
- Provisions for retaining control and establishing restrictions and covenants of lands leased for private use to effectuate the purposes of the statute;
- Projected costs of improvements, including debts;
- Advertising programs to be undertaken by the district or in conjunction with local businesses;
- Physical improvements necessary for the safety of residents and visitors; and
- Law enforcement and security plans.

The plan must be consistent with the county or municipality's comprehensive plan.¹² The plan may be prepared by the county, a municipality, the district, or members of the community.¹³ Before the plan can be implemented, it must be submitted to the local governing body for review as to its consistency with the local government's comprehensive plan.¹⁴ The local governing body must make a decision within sixty days of submission and a modified version of the plan may be submitted to address any errors.¹⁵

After adoption by the local governing body, the board of the district is required to hold a public hearing.¹⁶ After the hearing, the board may approve the plan if the plan has been approved as consistent with the local government's comprehensive plan, and will improve the promotion, appearance, safety, security, and public amenities of the NID.¹⁷ Any amendments to the plan must be approved using the same procedure.¹⁸ The plan must be approved by the county or municipality before any fee or assessment may be levied by the district.¹⁹

The governing body of a county or municipality may authorize creation of the district by one of four methods:²⁰

- Local government NID;²¹
- Property owners association NID;²²
- Special NID;²³ or
- Community development NID.²⁴

Each county and municipality creating a safe neighborhood improvement district may request a grant from the Department of Legal Affairs to aid in the creation of a safe neighborhood plan for the district.²⁵ Not applying for the grant does not exempt the county or municipality from the planning requirements of s. 163.516, F.S.²⁶

Local Government Neighborhood Improvement District

¹¹ Section 163.516(2), F.S.

¹² Section 163.516(3), F.S.

¹³ Section 163.516(4), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 163.516(5), F.S.

¹⁷ Section 163.516(6), F.S.

¹⁸ Section 163.516(7), F.S.

¹⁹ Section 163.516(8), F.S.

²⁰ Section 163.504(1), F.S.

²¹ Section 163.506, F.S.

²² Section 163.508, F.S.

²³ Section 163.511, F.S.

²⁴ Section 163.512, F.S.

²⁵ Section 163.504(2), F.S.

²⁶ Section 163.504(3), F.S.

The governing body of a county or municipality may enact an ordinance creating a NID.²⁷ The ordinance must:²⁸

- Specify the boundaries, size, and name of the district;
- Authorize the district to receive a planning grant from the Department of Legal Affairs;
- Authorize the NID to levy an ad valorem tax on real and personal property of up to two mills annually;
- Authorize the use of special assessments to support planning and implementing district improvements;
- Designate the local governing body as the board of directors of the district;
- Establish an advisory council to the board of directors comprised of property owners or residents;
- State which powers authorized by s. 163.514, F.S., if any, may not be utilized by the district; and
- Require the district to notify the Department of Legal Affairs and the Department of Economic Opportunity in writing about the establishment of the district.

The advisory council created by the ordinance may be authorized to perform specific duties authorized by the local government's governing body and submit reports on the district's activities and budget.²⁹

The local government creating the district may choose appoint a governing body of three to seven directors instead of serving as the governing board of the district.³⁰ Appointed members serve three-year terms, with an exception for some initial appointments.³¹ Members of the board must be residents of the district, for residential NIDs, or property owners, for commercial NIDs.

The district may be dissolved by the governing body that created it by rescinding the ordinance creating the district.³²

Effect of the Bill

The bill would allow a designated representative of a property owner to sit on the board of directors of a local government commercial neighborhood improvement district in lieu of the owner.

B. SECTION DIRECTORY:

Section 1: Amends s. 163.506, F.S., allowing designated representatives of property owners to serve on the appointed boards of commercial neighborhood improvement districts

Section 2: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

²⁷ Section 163.506(1), F.S.

²⁸ *Id.*

²⁹ Section 163.506(2), F.S.

³⁰ Section 163.506(3), F.S.

³¹ *Id.* One initially appointed member serves a one-year term, while one serves a two-year term.

³² Section 163.506(4), F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES