

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Bennett, Chair
Senator Norman, Vice Chair

MEETING DATE: Monday, December 5, 2011
TIME: 12:30 —2:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Bennett, Chair; Senator Norman, Vice Chair; Senators Gibson, Richter, Ring, Storms, Thrasher, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 396 Oelrich (Identical H 231)	Intergovernmental Cooperation; Authorizing certain parties to an interlocal agreement to conduct public meetings and workshops by means of communications media technology; providing notice requirements; providing a definition, etc. CA 12/05/2011 Favorable CU	Favorable Yeas 8 Nays 0
2	SB 488 Rich (Similar H 527)	Animal Control or Cruelty Ordinances; Requiring a county or municipality enacting an ordinance relating to animal control or cruelty to impose a specified surcharge on the civil penalty for violations of the ordinance; specifying use of the proceeds of the surcharge; prohibiting the governing body of a county or municipality from charging owners of animals more than a certain amount for the spaying or neutering of their animals in specified circumstances; authorizing the animal control authority to allocate certain excess funds to the program to spay and neuter cats and dogs; providing for construction, etc. CA 12/05/2011 Temporarily Postponed BC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, December 5, 2011, 12:30 —2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 538 Bogdanoff (Identical H 153)	Preference to Florida Businesses in Procurement of Personal Property and Services; Citing this act as the "Buy Florida Act"; requiring an agency, county, municipality, school district, or other political subdivision of the state to grant a specified preference to a vendor located within the state when awarding a contract for printing; specifying the percentage of preference to be granted; requiring, rather than authorizing, an agency, county, municipality, school district, or other political subdivision of the state in making purchases of personal property through competitive solicitation to award a preference to the lowest responsible and responsive vendor having a principal place of business within this state under specified circumstances; specifying the percentage of preference to be granted; providing nonapplicability, etc. CA 12/05/2011 Favorable GO BC	Favorable Yeas 7 Nays 0
4	SB 562 Lynn (Identical H 4027)	Community-based Development Organizations; Repealing provisions relating to the Community-Based Development Organization Assistance Act, the eligibility of community-based development organizations and eligible activities for certain grant funding, the award of grants by the former Department of Community Affairs, the reporting of certain information by grant recipients to the former department, and rulemaking authority of the former department, etc. CA 12/05/2011 Favorable CM BC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, December 5, 2011, 12:30 —2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 582 Simmons (Similar H 191)	Neighborhood Improvement Districts; Revising the short title to become the "Neighborhood Improvement Act"; authorizing the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance; removing provisions pertaining to the creation and funding of safe neighborhood districts; revising provisions authorizing a local governing body to create a local government neighborhood improvement district; specifying that the ordinance may authorize the improvement district to borrow money, issue bonds, and collect special assessments; authorizing the governing body of the improvement district to levy ad valorem taxes upon real and tangible personal property within the district which the governing body deems necessary for payment on the general obligation bonds; authorizing the district to make and collect special assessments, etc. CA 12/05/2011 Fav/CS BC	Fav/CS Yeas 8 Nays 0
6	CS/SB 502 Agriculture / Hays (Similar H 449)	Public Fairs and Expositions; Amending provision relating to requirements for the proposed charter of an annual public fair; providing that the primary objective of a fair association is the holding, conducting, and promoting of public fairs or expositions; providing that a fair association may file its duly approved charter with the Department of State in addition to the Department of Agriculture and Consumer Services for notice purposes; providing that certain fair associations are noncommercial activity providers; revising provisions relating to the exemption from certain license taxes and local business taxes for annual public fairs held by a fair association; removing certain limitations on the use of buildings by counties, municipalities, or fair associations, etc. AG 11/14/2011 Fav/CS CA 12/05/2011 Fav/CS BC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, December 5, 2011, 12:30 —2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 570 Ring (Identical H 351)	Public Records/Donor Identity/Publicly Owned Performing Arts Center; Defining the term "publicly owned performing arts center"; creating an exemption from public records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act, etc. CA 12/05/2011 Favorable GO	Favorable Yeas 8 Nays 0
8	SB 440 Bennett (Compare S 842)	Initiatives and Referenda; Authorizing a local government to retain certain initiatives or referendum processes which were in effect as of a specified date, etc. CA 12/05/2011 Fav/CS BC	Fav/CS Yeas 8 Nays 0
9	SB 466 Bennett (Identical H 721)	Coastal Barriers Infrastructure Finance Act; Providing a procedure for petitioning for and conducting a referendum on the question of whether to establish an infrastructure-financing district; providing the powers of the governing body of a district; requiring the establishment of an infrastructure plan within a certain time; requiring the establishment of a local trust fund to hold the funds of the district; specifying the source of funding for district projects; providing exemptions; providing for dissolution of an infrastructure-financing district, etc. CA 12/05/2011 Fav/CS EP BC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Monday, December 5, 2011, 12:30 —2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 412 Bennett (Identical H 403)	Assessment on the Sale of Masonry Units; Creating the "Concrete Masonry Products Research, Education, and Promotion Act"; creating the Florida Concrete Masonry Council, Inc., as a nonprofit corporation; authorizing the council to levy an assessment on the sale of masonry units by a manufacturer, under certain circumstances; prohibiting the council from participating or intervening in any political campaign; prohibiting the council from using any receipt to benefit its directors, officers, or other private persons; requiring that a manufacturer of concrete masonry products collect the assessment from a purchaser at the time of sale of a concrete masonry unit; authorizing the council to initiate legal action against a manufacturer that fails to remit the assessment, etc. CA 12/05/2011 Favorable GO BC	Favorable Yeas 8 Nays 0
11	SB 600 Bennett (Similar H 387, Compare H 651, S 704)	Electronic Filing of Construction Plans; Providing for certain documents to be electronically signed and sealed by the licensee and electronically transmitted to a building code administrator or building official for approval, etc. CA 12/05/2011 Fav/CS RI	Fav/CS Yeas 8 Nays 0
12	Florida League of Cities 2012 Legislative Priorities		Presented
13	Florida Association of Counties 2012 Legislative Priorities		Not Considered
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 396

INTRODUCER: Senators Oelrich and Gaetz

SUBJECT: Intergovernmental Cooperation

DATE: December 5, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	Favorable
2.	_____	_____	CU	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes certain parties to an interlocal agreement to conduct public meetings and workshops by means of “communications media technology.” The bill sets out notice requirements for the meetings as well as defines the term “communications media technology.”

This bill substantially amends s. 163.01 of the Florida Statutes.

II. Present Situation:

Open Meetings Laws

Article I, s. 24(b) of the State Constitution sets forth the state’s public policy regarding access to government meetings. The section requires that all meetings of the executive branch and local government be open and noticed to the public.

Public policy regarding access to public meetings is addressed further in the Florida Statutes. The Sunshine Law¹ requires that all meetings of a public board or commission be open to the public.² Reasonable notice of such meetings must be provided.³

¹ See s. 286.011, F.S.

² Section 286.011(1), F.S., specifically states: “All meetings of any board or commission of a state agency or authority, or of an agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the State Constitution, at which official acts are to be taken, are declared to be public meetings open to the public at all times, and no resolution, rule or formal action is considered binding except as taken or made at such meeting.”

³ Section 286.011(1), F.S.

For a meeting or hearing where notice is required, the notice must include the advice that:

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).⁴

The Administrative Procedure Act

The Administrative Procedure Act requires the Administration Commission to adopt uniform rules of procedure.⁵ The uniform rules of procedure, which are to be used by each state agency, must provide procedures for conducting public meetings, hearings, and workshops, in person, and by means of communications media technology. “Communications media technology” is defined as the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.⁶

If a public meeting, hearing, or workshop is conducted by means of communications media technology, or if attendance may be provided by such means, the public notice must state how persons may attend and name locations where communications media technology facilities will be available.⁷

The uniform rules of procedure for conducting public meetings, hearings, and workshops, in person, and by means of communications media technology, may not be construed to diminish the right to inspect public records under chapter 119, F.S. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of the Sunshine Law to places not normally open to the public is presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect.⁸

Interlocal Agreements

The Florida Interlocal Cooperation Act of 1969 (Act)⁹ authorizes public agencies¹⁰ to exercise jointly, by contract in the form of an interlocal agreement, any power, privilege, or authority shared by those agencies in order to more efficiently provide services and facilities.¹¹ An

⁴ Section 286.0105, F.S.

⁵ See Chapter 120, F.S.

⁶ See s. 120.54(5)(b)2., F.S.

⁷ *Id.*

⁸ *Id.*

⁹ See s. 163.01, F.S.

¹⁰ Section 163.01(3)(b), F.S., defines a public agency as: “A political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.”

¹¹ Section 163.01(4) and (5), F.S.

interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council constituted pursuant to the agreement.¹²

A separate legal or administrative entity created by an interlocal agreement is authorized to:

- Make and enter into contracts;
- Employ agencies or employees;
- Acquire, construct, manage, maintain, or operate buildings, works, or improvements;
- Acquire, hold, or dispose of property; and
- Incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the parties to the agreement.¹³

Florida courts have held that the Sunshine Law extends to discussions and deliberations as well as formal actions taken by a public board or commission.¹⁴ Consequently, meetings of a separate legal or administrative entity and its governing board are subject to Florida's public meetings requirements.¹⁵ The Act does not include an authorization to conduct public meetings, hearings, or workshops by means of communications media technology.

III. Effect of Proposed Changes:

Section 1 amends s. 163.01, F.S., to authorize a separate legal entity with member public agencies located in at least 10 counties to conduct public meetings and workshops by means of communications media technology. It provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop.

The bill defines the term "communications media technology" as a conference telephone, a video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

The bill requires the notice for any such meeting or workshop to state that the meeting or workshop will be conducted through the use of communications media technology, specify how persons interested in attending may do so, and provide a location where communications media technology facilities are available.

Section 2 provides an effective date of July 1, 2012.

¹² Section 163.01(7)(a), F.S.

¹³ Section 163.01(7)(b), F.S.

¹⁴ *Hough v. Stenbridge*, 278 So. 2d 288 (Fla. 3d DCA 1973) (Sunshine Law applies to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter upon which foreseeable action will be taken by the board or commission).

¹⁵ Florida Attorney General Opinion 82-66.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

Section 24 (b), Art. 1 of the State Constitution, states:

All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

The Office of the Attorney General (OAG) has issued numerous opinions regarding the participation of local governmental board members in public meetings through use of telecommunications media and the compliance of such meetings with Florida's public meetings laws. In one opinion, the OAG concluded that a county commissioner who was physically unable to attend a commission meeting because of medical treatment could participate in the meeting by using an interactive video and telephone system that allowed her to see the other members of the board and the audience at the meeting and that allowed the board and audience to see her. The opinion recognized that s. 125.001, F.S., required that meetings of the county commission be held in a public place in the county but noted that a quorum of the members of the county commission would be present at the public place.¹⁶ A similar conclusion was reached in a later opinion that stated a district school board could use electronic media technology in order to allow a physically absent member to attend a public meeting if a quorum of the members of the board was physically present at the meeting site.¹⁷

However, in general, the OAG has displayed a reluctance to allow members of local boards or commissions to use telecommunications media:

Allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission. While the convenience and cost savings of allowing members from diverse geographical areas to meet electronically might be attractive to a local board or commission such as a school board, the representation on a school board is local and such factors would not by themselves appear to

¹⁶ Florida Attorney General Opinion 92-44.

¹⁷ Florida Attorney General Opinion 98-28.

justify or allow the use of electronic media technology in order to assemble the members for a meeting.¹⁸

The OAG has argued that a concern about the validity of official actions taken by a public body when less than a quorum is present requires a very conservative reading of the statutes. Thus, the OAG has concluded that, in the absence of a statute to the contrary, a quorum of the members must be physically present at a meeting in order to take action.¹⁹ To further this point, in 2009, the OAG provided that “the legislative requirement of a quorum and the designation of the number required to constitute a quorum argues for the physical presence of that number of board members at a meeting.”²⁰

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill could potentially save money by reducing travel and per diem expenses for members of the separate legal entity due to the use of communications media technology. However, the requirement to provide a location where communications media technology is available to the public may create an expense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁸ *Id.*

¹⁹ Florida Attorney General Opinions 83-100 and 89-39 quoting 62 C.J.S. Municipal Corporations s. 399, p. 757, which provides: "In order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone."

²⁰ Florida Attorney General Opinion 09-56.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Oelrich

14-00501-12

2012396__

A bill to be entitled

An act relating to intergovernmental cooperation;
amending s. 163.01, F.S.; authorizing certain parties
to an interlocal agreement to conduct public meetings
and workshops by means of communications media
technology; providing notice requirements; providing a
definition; providing an effective date.

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

Section 1. Subsection (18) is added to section 163.01,
Florida Statutes, to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(18) Any separate legal entity created under subsection (7)
that has member public agencies located in at least 10 counties
may conduct public meetings and workshops by means of
communications media technology. The notice for any such public
meeting or workshop shall state that the meeting or workshop
will be conducted through the use of communications media
technology; specify how persons interested in attending may do
so; and provide a location where communications media technology
facilities are available. The participation by an officer, board
member, or other representative of a member public agency in a
meeting or workshop conducted through communications media
technology constitutes that individual's presence at such
meeting or workshop. As used in this subsection, the term
"communications media technology" means conference telephone,
video conference, or other communications technology by which
all persons attending a public meeting or workshop may audibly

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

14-00501-12

2012396__

communicate.

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31

Section 2. This act shall take effect July 1, 2012.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate
Committee Agenda Request

To: Senator Michael S. "Mike" Bennett, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: November 14, 2011

I respectfully request that **Senate Bill # 396**, relating to Intergovernmental Cooperation, be placed on the:

- committee agenda at your earliest possible convenience.
 next committee agenda.

A handwritten signature in cursive script that reads "Steve Oelrich".

Senator Steve Oelrich
Florida Senate, District 14

✓ rec'd 11/14/11 apw

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/2011
Meeting Date

Topic Intergovernmental Cooperation Bill Number SB 396
(if applicable)

Name Karen Peterson Amendment Barcode _____
(if applicable)

Job Title _____

Address 306 West College Ave Phone 850/212-7485
Street

City _____ State _____ Zip _____
E-mail Karen@BillPeeble.com

Speaking: For Against Information

Representing Florida Gas Utilities

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Higher Education, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Banking and Insurance
Budget - Subcommittee on Health and Human Services
Appropriations
Budget - Subcommittee on Higher Education
Appropriations
Rules - Subcommittee on Ethics and Elections

SENATOR STEVE OELRICH

14th District

December 2, 2011

Chairman Bennett,

Please allow my legislative aide, Frank Blanco, to present Senate Bill 396, a bill relating to intergovernmental cooperation, in your Community Affairs community this coming Monday, December 5th.

I will be unable to personally present the bill, but I feel that Frank will do an excellent job in relaying the necessary information about the bill to you and your committee. Please don't hesitate to contact me if you have further questions or wish to speak to me further.

Thank you,

A handwritten signature in cursive script that reads "Steve Oelrich".

Senator Steve Oelrich

A large, stylized handwritten signature in cursive script, likely belonging to Michael S. "Mike" Bennett.

REPLY TO:

- 4131 Northwest 28th Lane, Suite 7, Gainesville, Florida 32606 (352) 375-3555
- 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 488

INTRODUCER: Senators Rich and Gaetz

SUBJECT: Animal Control or Cruelty Ordinances

DATE: December 01, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	CA	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

The bill requires counties or municipalities to increase the surcharge from up to \$5 per civil penalty to \$15 for each violation of an ordinance relating to animal control or cruelty. One dollar of the surcharge may be retained by the local clerk of the court. Five dollars of the surcharge may be used for the training of animal control officers. Any remaining funds are to be used to subsidize the costs to spay or neuter dogs and cats.

The bill substantially amends s. 828.27, of the Florida Statutes.

II. Present Situation:

Section 823.15(1), F.S., states that uncontrolled breeding of dogs and cats in the state results in the production of many more puppies and kittens than are needed to replace pet animals which have died or become lost or to provide pet animals for new owners. This leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays and suffering privation and death, being impounded and destroyed at great expense to the community, and constituting a public nuisance and public health hazard. It is therefore declared to be the public policy of the state that every feasible means of reducing the production of unneeded and unwanted puppies and kittens be encouraged.

Section 823.15, F.S., requires dogs and cats adopted or sold from animal shelters, including those run by local governments or humane societies, to be spayed or neutered before the animal is released. As an alternative, an animal may be released without spaying or neutering if the adopter/purchaser enters into a written agreement that the animal will be sterilized within a

certain time frame. The shelter must charge a deposit, which it may keep if the adopter/purchaser does not provide proof of sterilization.

Counties and municipalities allow animal control officers to issue a written notice/citation to a person when the officer has probable cause to believe that the person has committed a civil infraction of an ordinance. The following are some animal control ordinance citations that might be issued by animal control officers:

- Obstructing enforcement - Refusing to surrender an animal upon lawful demand by the director of animal control or any animal control officer.
- Running at large - It shall be unlawful for any animal to run or remain at large on any public street, road, alley, park, or other public place.
- Public nuisance - Any nuisance complaint shall be investigated by animal control or law enforcement. The owner shall first be given written notification by the county that the animal's behavior constitutes a public nuisance, that the owner is required to make reasonable effort to abate the nuisance within seven calendar days of the written notice of violation, and that subsequent violations may result in the issuance of a citation to the owner for allowing his or her animal to become a nuisance.¹

Counties and municipalities, which elect to enact an animal control or cruelty ordinance, may include a surcharge of up to \$5 for each civil penalty imposed in addition to any penalties, fees, or court costs. The surcharge is distributed based on the county or municipalities' agreed upon fee schedule and is used to pay for the cost of training animal control officers.²

III. Effect of Proposed Changes:

Section 1 amends s. 828.27, F.S., to require counties or municipalities to collect a surcharge in addition to the penalties imposed by the county or court for the civil violation relating to animal control or cruelty, from up to \$5 to \$15. The bill specifies that one dollar of the surcharge may be retained by the clerk of the court. Five dollars of the surcharge may be used for the training of animal control officers. Any remaining funds are to be used to subsidize the costs to spay or neuter dogs and cats in the possession of the animal control authority, whose owners have given permission to sterilize. The animal's owner may not be charged more than the cost of sterilization minus the subsidy provided by the surcharge. If the surcharge funds collected to pay the costs of training animal control officers exceed the amount needed to conduct training for the animal control officers, the animal control authority may apply any excess surcharge funds to spay and neuter dogs and cats.

Section 2 sets an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ Leon County, Florida Code of Ordinances, Code of Laws, Chapter 4 Animals, Article II. Animal Control, Division 1., <http://www.leoncountyfl.gov/animal/ordinance.asp>.

² Section 828.27, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Counties and municipalities, which elect to enact an animal control or cruelty ordinance, must include a surcharge of \$15 for each civil penalty imposed in addition to any penalties, fees, or court costs.

B. Private Sector Impact:

If a county or municipality elects to enact an animal control or cruelty ordinance and collects the \$15 surcharge, more cats and dogs will be sterilized which will decrease the animal population in that locality.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Rich

34-00470-12

2012488__

1 A bill to be entitled
 2 An act relating to animal control or cruelty
 3 ordinances; amending s. 828.27, F.S.; requiring a
 4 county or municipality enacting an ordinance relating
 5 to animal control or cruelty to impose a specified
 6 surcharge on the civil penalty for violations of the
 7 ordinance; specifying use of the proceeds of the
 8 surcharge; prohibiting the governing body of a county
 9 or municipality from charging owners of animals more
 10 than a certain amount for the spaying or neutering of
 11 their animals in specified circumstances; authorizing
 12 the animal control authority to allocate certain
 13 excess funds to the program to spay and neuter cats
 14 and dogs; providing for construction; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (b) of subsection (4) of section
 20 828.27, Florida Statutes, is amended, and paragraphs (c) and (d)
 21 are added to that subsection, to read:

22 828.27 Local animal control or cruelty ordinances;
 23 penalty.—

24 (4)

25 (b) The governing body of a county or municipality enacting
 26 an ordinance relating to animal control or cruelty shall may
 27 impose and collect a surcharge of \$15 up to \$5 upon each civil
 28 penalty imposed for each violation of the an ordinance relating
 29 to animal control or cruelty. One dollar of the surcharge may be

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34-00470-12

2012488__

30 retained by the clerk of the court, \$5 of the surcharge proceeds
 31 ~~from such surcharges~~ shall be used to pay the costs of training
 32 for animal control officers, and the remainder of the surcharge
 33 shall be used to subsidize the costs to spay or neuter dogs and
 34 cats in the possession of the animal control authority or whose
 35 owners voluntarily submit their animals for sterilization. An
 36 owner of an animal may not be charged more for the spaying or
 37 neutering than the cost of sterilization less the subsidy paid
 38 from the surcharge.

39 (c) If the surcharge funds collected to pay the costs of
 40 training animal control officers exceed the amount needed to
 41 conduct training for the animal control officers in a given
 42 locality, the animal control authority may apply the excess
 43 surcharge funds to the program to spay and neuter cats and dogs.

44 (d) This subsection does not require the governing body of
 45 a county or municipality to enact an animal control or cruelty
 46 ordinance.

47 Section 2. This act shall take effect July 1, 2012.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Michael S. "Mike" Bennett, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: November 7, 2011

I respectfully request that **Senate Bill #488**, relating to Animal Control & Cruelty Ordinances, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Nan Rich

Senator Nan H. Rich
Florida Senate, District 34

✓ rec'd 11/7/11 apw

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/6/11
Meeting Date

Topic SB 488 SPAY/NEUTER

Bill Number 488
(if applicable)

Name JENNIFER HOBGOOD

Amendment Barcode _____
(if applicable)

Job Title STATE DIRECTOR

Address 1624 METROPOLITAN CIR STE B

Phone 850 386 3435

TALLAHASSEE FL 32308
City State Zip

E-mail jhobgood@hsus.org

Speaking: For Against Information

Representing THE HUMANE SOCIETY OF THE UNITED STATES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/11
Meeting Date

Topic S/N FUNDING

Bill Number SB 488
(if applicable)

Name ERIKA LECKINGTON

Amendment Barcode _____
(if applicable)

Job Title DIRECTOR OF TALLAHASSEE ANIMAL SVCS

Address 1125 EASTERWOOD DR
Street

Phone 661-2431

TALLAHASSEE FL 32311
City State Zip

E-mail ERIKA.LECKINGTON@
TALGOV.COM

Speaking: For Against Information

Representing TALLAHASSEE ANIMAL SERVICES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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12-5-11

Meeting Date

Topic SPAY/NEUTER FUNDING

Bill Number SB 488
(if applicable)

Name JEFF DOYLE

Amendment Barcode _____
(if applicable)

Job Title ANIMAL CONTROL SUPERVISOR

Address 1125 EASTERWOOD DR

Phone 850-891-2972

Street

TALLAHASSEE

City

State

Zip

E-mail jeff.doyle@talgov.com

Speaking: For Against Information

Representing CITY of Tallahassee Animal Control

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12.5.11
Meeting Date

Topic _____ Bill Number 488
(if applicable)

Name FRED DICKINSON Amendment Barcode _____
(if applicable)

Job Title OUTKID POOLE MCKINNEY

Address 106 S PARK #1100 Phone 850.681.1980
Street

TALLAHASSEE FL 32301
City State Zip

Speaking: For Against Information

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2

12/5/2011

Meeting Date

Topic ANIMAL

Bill Number 488
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 538

INTRODUCER: Senator Bogdanoff and others

SUBJECT: Preference to Florida Businesses in Procurement of Personal Property and Services

DATE: December 5, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	Favorable
2.			GO	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill modifies the existing in-state vendor preference for public printing contracts to include counties, municipalities, school districts, and other political subdivisions as entities that may grant preference, and specifies the preference.

The bill alters the preference for in-state vendors by requiring, rather than authorizing, the preference for in-state vendors. The bill provides the preference shall be 5 percent for public printing contracts and in the procurement of personal property and services.

This bill substantially amends the following sections of the Florida Statutes: ss. 283.35 and 287.084.

II. Present Situation:

Public Printing Vendor Preference

Chapter 283 of the Florida Statutes regulates public printing. Section 283.35, F.S., provides that “[e]very agency must give preference to vendors located within the state when awarding contracts to have materials printed, whenever such printing can be done at no greater expense than the expense of awarding a contract to a vendor located outside the state and can be done at a level of quality comparable to that obtainable from a vendor located outside the state.”

Section 283.30(1), F.S., defines the term “agency” for purposes of ch. 283, F.S., to mean any official, officer, department, board, commission, division, bureau, section, district, office,

authority, committee, or council, or any other unit of organization, however designated, of the executive branch of state government, and the Public Service Commission.

State Agency Procurement Vendor Preference

Chapter 287 of the Florida Statutes regulates state agency¹ procurement of personal property and services. In providing preference to Florida businesses, s. 287.084, F.S., states:

- (1) When an agency, county, municipality, school district, or other political subdivision of the state is required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the agency, county, municipality, school district, or other political subdivision of this state may award a preference to the lowest responsible and responsive vendor having a principal place of business within this state, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive vendor has its principal place of business. However, this section does not apply to transportation projects for which federal aid funds are available.
- (2) If a solicitation provides for the granting of a preference as is provided in this section, any vendor whose principal place of business is outside the State of Florida must accompany any written bid, proposal, or reply documents with a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that state to its own business entities whose principal places of business are in that foreign state in the letting of any or all public contracts.

III. Effect of Proposed Changes:

Section 1 provides a short title: the “Buy Florida Act.”

Section 2 amends s. 283.35, F.S., by expanding application of the printing preference to each county, municipality, school district, or other political subdivision of this state. The preference shall be five percent if the lowest bid is submitted by a vendor whose principal place of business is located outside the state if the printing can be performed in this state at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside the state.

¹ As defined in s. 287.012(1), F.S., “agency” means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.

Section 3 amends s. 287.084, F.S., by requiring preferences be given to in-state vendors and adding an additional provision to the existing preference. The preference for in-state vendors will be mandatory, rather than authorized. The bill provides the preference shall be 5 percent for public printing contracts and in the procurement of personal property and services. In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside the state and that state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, the preference to the lowest responsible and responsive vendor having a principal place of business in this state must be 5 percent.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The establishment of local preference laws may potentially implicate the Equal Protection Clause and the Commerce Clause of the U.S. Constitution.

The Equal Protection Clause

The United States Constitution provides that “no State shall . . . deny to any person within its jurisdiction, the equal protection of law.”² The in-state preference provisions in this bill may constitute an equal protection violation. If such legislation is challenged, the court would use a rational basis test to determine the constitutionality of the alleged discriminatory treatment.³ Under the rational basis test, a court must uphold a state statute so long as the classification bears a rational relationship to a legitimate state interest.⁴

The Commerce Clause

The United States Constitution provides that Congress shall have the power “to regulate commerce . . . among the states.”⁵ The Commerce Clause acts not only as a positive grant of power to Congress, but also as a negative constraint upon the states.⁶

² U.S. CONST. amend. XIV, § 1. *See also* FLA. CONST. art. I, s. 2.

³ *Nordlinger v. Hahn*, 505 U.S. 1, 33-34 (1992) (stating that a “classification *rationaly* furthers a state interest when there is some fit between the disparate treatment and the legislative purpose.”).

⁴ *Id.*

⁵ U.S. CONST. art. I, s. 8, cl. 3.

Courts have used a two-tiered analysis to determine whether a statutory scheme violates the Commerce Clause:

1. “If a statute ‘directly regulates or discriminates against interstate commerce, or [if] its effect is to favor in-state economic interests over out-of-state interests,’ the court may declare it unconstitutional as applied, without further inquiry.”⁷
2. “. . . if the statute regulates evenhandedly and if it has only an indirect effect on interstate commerce, the court must determine whether the state’s interest is legitimate and, if so, whether the burden on interstate commerce exceeds the local benefits.”⁸

However, when a state or local government is acting as a “market participant” rather than a “market regulator,” it is not subject to the limitations of the Commerce Clause.⁹ A state is considered to be a “market participant” when it is acting as an economic actor such as a purchaser of goods and services.¹⁰ Since the state is acting as a “market participant” under this bill, the in-state preference provisions herein are likely to be upheld as an exception to the Commerce Clause.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill could result in more business being awarded to in-state vendors as a product of the preference being given to them.

C. Government Sector Impact:

As a result of this bill, counties, municipalities, school districts, and other political subdivisions will be authorized to grant in-state vendor preference for public printing contracts.

The bill provides that the preference for in-state vendors shall be 5 percent for public printing contracts and in the procurement of personal property and services.

The fiscal impact of these changes is indeterminate at this time.

⁶ See *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824).

⁷ *National Collegiate Athletic Ass’n v. Associated Press*, 18 So. 3d 1201, 1211-1212 (Fla. 1st DCA 2009) (citing *Brown-Forman Distillers Corp. v. New York State Liquor Authority*, 476 U.S. 573, 578-579).

⁸ *Id.* (citations omitted); See *Bainbridge v. Turner*, 311 F.3d 1104, 1108-1109.

⁹ See *White v. Massachusetts Council of Constr. Employers*, 460 U.S. 204, 204 (1983) (providing that a state may grant and enforce a preference to local residents when entering into construction projects for public projects).

¹⁰ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senators Bogdanoff and Gaetz

25-00370B-12

2012538__

A bill to be entitled

An act relating to preference to Florida businesses in procurement of personal property and services; providing a short title; amending s. 283.35, F.S.; requiring an agency, county, municipality, school district, or other political subdivision of the state to grant a specified preference to a vendor located within the state when awarding a contract for printing; specifying the percentage of preference to be granted; amending s. 287.084, F.S.; requiring, rather than authorizing, an agency, county, municipality, school district, or other political subdivision of the state in making purchases of personal property through competitive solicitation to award a preference to the lowest responsible and responsive vendor having a principal place of business within this state under specified circumstances; specifying the percentage of preference to be granted; providing nonapplicability; providing an effective date.

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

Section 1. This act may be cited as the "Buy Florida Act."

Section 2. Section 283.35, Florida Statutes, is amended to read:

283.35 Preference given printing within the state. ~~Every agency shall give preference to vendors located within the state~~ When awarding a contract ~~contracts~~ to have materials printed,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-00370B-12

2012538__

the agency, county, municipality, school district, or other political subdivision of this state awarding the contract shall grant a preference to the lowest responsible and responsive vendor having a principal place of business within this state. The preference shall be 5 percent if the lowest bid is submitted by a vendor whose principal place of business is located outside the state and if the ~~whenever such~~ printing can be performed in this state ~~done at no greater expense than the expense of awarding a contract to a vendor located outside the state and can be done~~ at a level of quality comparable to that obtainable from ~~the~~ a vendor submitting the lowest bid located outside the state.

Section 3. Section 287.084, Florida Statutes, is amended to read:

287.084 Preference to Florida businesses.—

(1) (a) When an agency, county, municipality, school district, or other political subdivision of the state is required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the agency, county, municipality, school district, or other political subdivision of this state shall ~~may~~ award a preference to the lowest responsible and responsive vendor having a principal place of business within this state, which preference is equal to the preference granted by the state or political subdivision thereof

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-00370B-12

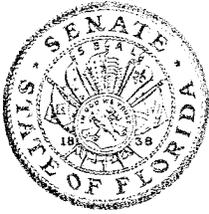
2012538

59 in which the lowest responsible and responsive vendor has its
60 principal place of business. In a competitive solicitation in
61 which the lowest bid is submitted by a vendor whose principal
62 place of business is located outside the state and that state
63 does not grant a preference in competitive solicitation to
64 vendors having a principal place of business in that state, the
65 preference to the lowest responsible and responsive vendor
66 having a principal place of business in this state shall be 5
67 percent.

68 (b) Paragraph (a) However, this section does not apply to
69 transportation projects for which federal aid funds are
70 available.

71 (2) If a solicitation provides for the granting of such
72 preference as is provided in this section, Any vendor whose
73 principal place of business is outside the State of Florida must
74 accompany any written bid, proposal, or reply documents with a
75 written opinion of an attorney at law licensed to practice law
76 in that foreign state, as to the preferences, if any or none,
77 granted by the law of that state to its own business entities
78 whose principal places of business are in that foreign state in
79 the letting of any or all public contracts.

80 Section 4. This act shall take effect July 1, 2012.



**THE FLORIDA
SENATE**

Tallahassee, Florida 32399-1100

COMMITTEES:
Budget - Subcommittee on Finance and Tax,
Chair
Budget
Budget - Subcommittee on Transportation,
Tourism,
and Economic Development
Appropriations
Communications, Energy, and Public Utilities
Education Pre-K - 12
Governmental Oversight and Accountability
Regulated Industries

JOINT COMMITTEE:
Administrative Procedures, Alternating Chair

**SENATOR ELLYN SETNOR
BOGDANOFF**
25th District

November 2, 2011

Senator Michael S. Bennett, Chair
Senate Committee on Community Affairs
315 Knott Building
Tallahassee, FL 32399

**Re: SB 538, Relating to Preference to Florida Businesses in Procurement of Personal
Property and Services**

Chair Bennett:

I am writing to request that you place **SB 538, Relating to Preference to Florida Businesses in Procurement of Personal Property and Services** on the agenda of your Committee on Community Affairs at your earliest convenience.

Feel free to contact me with any questions or concerns about this legislation.

Sincerely,

Senator Ellyn Setnor Bogdanoff
Florida Senate - District 25

✓ Rec'd 11/3/11
apw

cc: Tom Yeatman, Staff Director

REPLY TO:

- 312 Clematis Street, Suite 403, West Palm Beach, FL 33401 (561) 650-6833
- 1845 Cordova Road, Suite 202, Fort Lauderdale, Florida 33316 (954) 467-4205
- 212 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5100

Senate's Website: www.fl.senate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/11

Meeting Date

Topic Preference Bill

Bill Number SB 538
(if applicable)

Name HARRY DUNCANSON

Amendment Barcode _____
(if applicable)

Job Title Chairman, Government Affairs

Address 9704 Waters Meet Dr

Phone 954 401 5933

Street

Tallahassee

FL

32312

City

State

Zip

E-mail Harrydunc@comcast.net

Speaking: For Against Information

Representing PRINTING ASSOCIATION of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 562
 INTRODUCER: Senator Lynn
 SUBJECT: Community Based Development Organizations
 DATE: November 17, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Yeatman	CA	Favorable
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

In 2000, the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations (CBDOs) with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods.

By repealing ss. 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462, F.S., this bill eliminates the Community-Based Development Organization Assistance Act, which has not been funded or implemented since it was created by the Legislature in 2000.

This bill repeals the following sections of the Florida Statutes: 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462.

II. Present Situation:

In 2000,¹ the Legislature established the Community-Based Development Organization Assistance Act for the purpose of providing community-based development organizations (CBDOs) with administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods.²

¹ Chapter 2000-351, L.O.F. codified at s. 163.455, F.S.

² Section 163.456, F.S.

The law authorized the Department of Community Affairs (DCA) to award core administrative and operating grants used for staff salaries and administrative expenses for eligible CBDOs selected using a competitive three-tiered process for housing and economic development projects. DCA is required to adopt by rule³ a set of criteria for three-tiered funding that ensures equitable statewide geographic distribution of the funding. The plan must include emerging, intermediate, and mature CBDOs recognizing the varying needs of the three tiers. Each eligible CBDO may apply for a grant of up to \$50,000 per year for a period of 5 years.⁴ When the act was created, the Legislature appropriated \$1 million to be distributed as grants to CBDOs. Subsequently, the appropriation⁵ was vetoed by the Governor and as a result, no grants were awarded.

Eligible activities include, but are not limited to:⁶

- Preparing grant and loan applications, proposals, fundraising letters, and other documents essential to securing additional administrative or project funds.
- Developing local programs and home ownership housing projects to encourage the participation of financial institutions, insurance companies, attorneys, architects, planners, developers, and other professional firms and individuals providing services beneficial to redevelopment efforts.
- Coordinating with state, federal, and local governments and nonprofit organizations to ensure that activities meet local plans and ordinances to avoid duplication of tasks.
- Assisting service area residents in identifying and determining eligibility for state, federal, and local housing programs including rehabilitation, weatherization, home ownership, rental assistance, or public housing programs.

In order to be eligible for assistance, a CBDO must be a nonprofit corporation under state law and s. 501(c)(3) of the Internal Revenue Code; maintain a service area in which economic and housing development projects are located; and meet other specific criteria as provided by law. In addition, a majority of the CBDO's board members must be elected by those members of the nonprofit corporation who are stakeholders, comprising a mix of service area residents, area business property owners, area employees, and low-income residents.⁷

A CBDO applying for a core administrative and operating grant must also submit a proposal to DCA.⁸ Those CBDOs receiving funds must submit an annual report providing information specified by law and other information as may be required by DCA.⁹

DCA was abolished by the Legislature during the 2011 legislative session and several of its programs and functions including the Division of Housing and Community Development, which

³ The Department of Community Affairs was granted rulemaking authority for the purposes of administering the Community-Based Development Organization Assistance Act pursuant to s. 163.462, F.S.

⁴ Section 163.458, F.S.

⁵ Section 9, ch. 2000-351, L.O.F.

⁶ Section 163.459, F.S.

⁷ Section 163.457, F.S.

⁸ Section 163.460, F.S.

⁹ Section 163.461, F.S.

manages grant programs, were incorporated into the newly created Department of Economic Opportunity.¹⁰

III. Effect of Proposed Changes:

Section 1 repeals ss. 163.455, 163.456, 163.457, 163.458, 163.459, 163.460, 163.461, and 163.462, F.S., eliminating the Community-Based Development Organization Assistance Act, which has not been funded or implemented since it was created by the Legislature in 2000.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁰ See s. 3, ch. 2011-142, L.O.F.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Lynn

7-00634-12

2012562__

1 A bill to be entitled
2 An act relating to community-based development
3 organizations; repealing ss. 163.455, 163.456,
4 163.457, 163.458, 163.459, 163.460, 163.461, and
5 163.462, F.S., relating to the Community-Based
6 Development Organization Assistance Act, the
7 eligibility of community-based development
8 organizations and eligible activities for certain
9 grant funding, the award of grants by the former
10 Department of Community Affairs, the reporting of
11 certain information by grant recipients to the former
12 department, and rulemaking authority of the former
13 department; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Sections 163.455, 163.456, 163.457, 163.458,
18 163.459, 163.460, 163.461, and 163.462, Florida Statutes, are
19 repealed.

20 Section 2. This act shall take effect July 1, 2012.



The Florida Senate

Committee Agenda Request

To: Senator Michael S. "Mike" Bennett, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: November 9, 2011

I respectfully request that **Senate Bill # 562**, relating to Community-based Development Organizations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Evelyn Lynn".

Senator Evelyn J. Lynn
Florida Senate, District 7

✓ rec'd 11/14/11 apw

4

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/2011

Meeting Date

Topic Community
Name BRIAN PITTS
Job Title TRUSTEE

Bill Number 562
(if applicable)
Amendment Barcode _____
(if applicable)

Address 1119 NEWTON AVENUE SOUTH
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

Phone 727-897-9291
E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 582

INTRODUCER: Community Affairs Committee and Senator Simmons

SUBJECT: Neighborhood Improvement Districts

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This committee substitute (CS) renames the Safe Neighborhoods Act as the “Neighborhoods Improvement Act” and revises its focus from safety and crime reduction to neighborhood improvements such as street and sidewalk enhancement, landscaping, mass transit, and stormwater and public utility improvements. This CS also authorizes local government neighborhood improvement districts (NIDs) to borrow money, contract for loans and issue bonds by resolution of the governing body, and if required by the Florida Constitution, obtain the affirmative vote of the district electors. The authority of local government NIDs to levy ad valorem taxes, borrow money, and collect certain special assessments is subject to approval by a referendum of freeholders (property owners) in the local government NID.

The Safe Neighborhoods Program and related grant opportunities, unfunded since 1992, are eliminated by this CS. Many of the Department of Legal Affairs’ administrative duties associated with safety, crime reduction, and community policing efforts are also removed. The CS also allows NIDs to contract with county or municipal government for legal advice, and to plan for certain public improvements.

This CS substantially amends the following sections of the Florida Statutes: 163.2511, 163.2517, 163.3182, 163.3246, 163.387, 163.501, 163.502, 163.503, 163.5035, 163.504, 163.5055, 163.506, 163.508, 163.511, 163.512, 163.514, 163.5151, 163.516, 376.84, 775.083, and 932.7055.

This CS repeals the following sections of the Florida Statutes: 163.513, 163.517, 163.519, 163.521, 163.5215, 163.522, 163.523, 163.524, and 163.526.

II. Present Situation:

Neighborhood Improvement Districts

Purposes and Creation

Part IV of ch. 163, F.S., is known as the “Safe Neighborhoods Act.” The intent of the Act is to:

- Guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods;
- Promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers;
- Establish, maintain, and preserve property values and foster the development of attractive neighborhoods and business environments;
- Prevent overcrowding and congestion;
- Improve or redirect traffic and provide pedestrian safety; and
- Reduce crime rates.¹

Section 163.503(1) defines the term “neighborhood improvement district” to mean:

A district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security or defensible space techniques, or through community policing innovations. . . .

The Safe Neighborhoods Act allows county or municipal governing bodies to create NIDs through the adoption of a planning ordinance. Each NID that is established is required to register within 30 days with both the Department of Community Affairs² and the Department of Legal Affairs and provide the name, location, size, type of NID, and such other information that the departments may require.³ Under current law, there are four types of NIDs:

- Local government NIDs,
- Property owners’ association NIDs,
- Special NIDs, and

¹ See s. 163.502, F.S.

² The Department of Community Affairs is a now a part of the Department of Economic Opportunity.

³ Section 163.5055, F.S.

- Community redevelopment NIDs.⁴

As of December 2011, there are 29 active NIDs in the state of Florida.⁵ 26 of these are local government NIDs, two are special NIDs and one is classified as a property owners' association NID.

NID Boards and Revenue Sources

The local governing body is designated as the board of directors for local government NIDs, however, as an alternative, a majority of the local governing body may also appoint a board.⁶ Officers of an incorporated property owners' association serve as the board of directors for property owners' association NIDs.⁷ Special NIDs have appointed boards while community redevelopment NIDs designate the local community redevelopment board of commissioners as the board of directors for their districts.⁸

Local government NIDs are authorized to levy an ad valorem tax on real and personal property of up to 2 mills annually. Special NIDs have the same taxing authority, however, this authority is subject to referendum. Special *residential* NID ad valorem taxes are approved by a majority of the district electors voting a referendum. Special *business* NID ad valorem taxes are approved if freeholders representing in excess of 50 percent of the assessed value of the property within the district endorse the referendum.⁹

Local government, property owners' association and special NIDs are also authorized, subject to referendum approval, to make and collect special assessments pursuant to s. 163.514(16), F.S.¹⁰ Such assessments may not exceed \$500 for each individual parcel of land per year and require an affirmative vote by a majority of the registered voters residing in the district. Community redevelopment NIDs utilize community redevelopment trust funds to implement district planning and programming.¹¹

NID Dissolutions

Local government and community redevelopment NIDs may be dissolved by the governing body that established them through the rescindment of the district's creation ordinance.¹² Property owners' association NIDs continue in perpetuity as long as the property owners' associations created when establishing the NIDs exist.¹³ Special NIDs are dissolved at the end of the tenth fiscal year of operation.¹⁴

⁴ See ss. 163.506-163.512, F.S.

⁵ Florida Department of Economic Opportunity, Division of Community Development, *Official List of Special Districts Online* (November 2011) available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (last visited November 29, 2011).

⁶ Sections 163.506(1)(e), 163.506(3), F.S.

⁷ Section 163.508(1)(e), F.S.

⁸ Sections 163.511(1)(f), and 163.512(1)(d), F.S., respectively.

⁹ See s. 163.511(3)(g), F.S.

¹⁰ Sections 163.506(1)(d), 163.508(3)(c), and 163.511(1)(c), F.S.

¹¹ Section 163.512(1)(c), F.S.

¹² Sections 163.506(4), 163.512(3), F.S.

¹³ Section 163.508(4), F.S.

¹⁴ Section 163.511(13), F.S. Special NIDs may continue for subsequent 10-year periods if the continuation of the district is approved through referendum.

NIDs and Bond Authority

Although NIDs have various powers, they do not have bond authority. In 2006, the Florida Attorney General issued Advisory Legal Opinion 2006-49, stating that an NID created by ordinance pursuant to s. 163.511, F.S., does not have the authority to borrow money to carry out the purposes of the district.¹⁵ The Attorney General's Office reasoned that a statutorily created entity is limited to such powers expressly granted by law or reasonably implied to carry out its expressly granted power. The opinion further stated that "[w]hen the Legislature has directed how a thing shall be done, that is in effect a prohibition against its being done any other way."

Duties of the Department of Legal Affairs

Many of the programs in The Safe Neighborhoods Act are administered by the Department of Legal Affairs (DLA) whose duties include, but are not limited to, the authority to:

- Develop program design and criteria for funding NIDs;
- Develop application and review procedures;
- Review and evaluate applications for planning and technical assistance;
- Utilize staff to provide crime prevention through community policing innovations, environmental design, environmental security, and defensible space training; and
- Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body.¹⁶

Safe Neighborhoods Program

Section 163.517, F.S., provides for the creation of the Safe Neighborhoods Program. The purpose of this program is to "provide planning grants and technical assistance on a 100-percent matching basis to neighborhood improvement districts." Under this section, planning grants are to be awarded as follows:

- Property owners' association NIDs may receive up to \$20,000.
- Local government NIDs may receive up to \$100,000.
- Special NIDs may receive up to \$50,000.
- Community redevelopment NIDs may receive up to \$50,000.

Grants are awarded to eligible applicants based on evaluation of specified criteria provided in subsections (2) and (3) of s. 163.517, F.S.

While the DLA is charged with overseeing the Safe Neighborhoods Program, funding for the program was repealed in 1992.¹⁷ According to the Bureau of Criminal Justice Programs in the

¹⁵ Op. Atty Gen. Fla. 2006-49 (2006).

¹⁶ See s. 163.519(1)-(11), F.S.

¹⁷ Office of the Attorney General, *Proposed 2012 Legislation*, (Sept. 16, 2011) (on file with the Senate Committee on Community Affairs).

Office of the Attorney General, there is currently no staff or funding allocated to manage the program and its grants.¹⁸

Safe Neighborhood Improvement Plan

All NIDs are currently required to prepare a safe neighborhood improvement plan that addresses the statutory criteria provided in s. 163.516, F.S. The safe neighborhood improvement plan must be consistent with the adopted county or municipal comprehensive plan and must be “sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.”¹⁹ Additionally, the NID must provide some method for and measurement of the reduction of crime within the district.²⁰

According to the Department of Economic Opportunity, because of the lack of funds available for the Safe Neighborhoods Program, it is unknown how many Safe Neighborhood Plans there are or whether they are still being implemented.²¹

Neighborhood Preservation and Enhancement Program

The governing body of a municipality or county may authorize participation in the Neighborhood Preservation and Enhancement Program through the adoption of a local ordinance.²² Neighborhood Preservation and Enhancement Districts shall be created by the residents of a particular neighborhood or through county or municipal initiative by identifying those areas that are in need of enhancement. Neighborhood Preservation and Enhancement plans shall be enforced through an agency created by the local government which may be composed of the local code department or any other agency that will provide adequate enforcement of the plan.

After the boundaries and size of the Neighborhood Preservation and Enhancement District have been defined, the residents therein shall create a Neighborhood Council, consisting of five elected members who shall have the authority to receive grants from the Safe Neighborhoods Program under s. 163.517, F.S. The established Neighborhood Council and local government designated enforcement agency shall have such powers and duties as provided under s. 163.526, F.S. These powers include the special assessments provisions of s. 163.514, F.S.²³

There are currently no references to Neighborhood Preservation and Enhancement Programs or Councils contained in the reporting documents of the 29 active NIDs registered with the Special Districts Information Program of the Department of Economic Opportunity.²⁴

¹⁸ *Id.*

¹⁹ Section 163.516(3), F.S.

²⁰ *Id.*

²¹ Department of Economic Opportunity, *Analysis of HB 191 by Representative Soto* (September 29, 2011) on file with the Senate Committee on Community Affairs. Note: HB 191 is similar to SB 582.

²² *See* s. 163.524, F.S.

²³ Section 163.526(1)(a), F.S.

²⁴ E-mail from Jack Gaskins, Jr., Special Districts Information Program, Department of Economic Opportunity (Dec. 2, 2011) (on file with the Senate Committee on Community Affairs).

Neighborhood Improvement Districts inside Enterprise Zones

The local governing body of any municipality or county, in which the boundaries of an enterprise zone, in whole or in part, include a NID, may request the DLA to submit provisions to fund capital improvements within its budget request to the Legislature.²⁵ Local governments must demonstrate the ability to implement the project within two years after the date of appropriation. All requests received for capital improvement functions must be ranked by the Department of Legal Affairs based on the following:

- The necessity of the improvements to overall implementation of the safe neighborhood plan;
- The degree to which the improvements help the plan achieve crime prevention through community policing innovations, environmental design, environmental security, and defensible space objectives;
- The effect of the improvements on residents of low or moderate income; and
- The fiscal inability of a local government to perform the improvements without state assistance.²⁶

Community Organization Involvement

Section 163.523, F.S., authorizes local governments to cooperate and seek the involvement of certain community organizations to assist in the creation of safe neighborhood improvement districts. Except for the preparation of safe neighborhood improvement plans, NIDs may contract with such community organizations to carry out any activities therein and may compensate such organizations for the value of their services in an amount not to exceed 1 percent of the total annual budget of the NID.

III. Effect of Proposed Changes:

Section 1 amends s. 163.2511, F.S., relating to urban infill and redevelopment, to make conforming references.

Section 2 amends s. 163.2517, F.S., relating to the designation of urban infill and redevelopment areas, to make conforming references.

Section 3 amends s. 163.3182, F.S., relating to transportation deficiencies, to make conforming references.

Section 4 amends s. 163.3246, F.S., relating to local government comprehensive planning certification, to make conforming references.

Section 5 amends 163.387, F.S., relating to redevelopment trust funds, to make conforming references.

Section 6 amends s. 163.501, F.S., to rename part IV of ch. 163, F.S., as the “Neighborhoods

²⁵ Section 163.521, F.S.

²⁶ *Id.*

Improvement Act.”

Section 7 amends s. 163.502, F.S., related to the legislative findings and purposes for this Act, to include “lack of adequate public improvements such as streets, street lights, street furniture, street landscaping, sidewalks, traffic signals, way-finding signs, mass transit, stormwater systems, and other public utilities and improvements.” References to crime prevention objectives are removed.

Section 8 amends s. 163.503, F.S., to modify the definition for “neighborhood improvement district,” and to delete the definitions for the following crime-related terms: “environmental security,” “crime prevention through environmental design,” “defensible space,” “enterprise zone,” and “community policing innovation.”

Section 9 amends s. 163.5035, F.S., to delete the term “safe” in the title of this section.

Section 10 amends s. 163.504, F.S., to delete provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans currently administered by the DLA.

Section 11 amends s. 163.5055, F.S., to provide that neighborhood improvement districts shall be required to notify (rather than register with) the Department of Economic Opportunity and the Department of Legal Affairs and to delete obsolete provisions.

Section 12 amends s. 163.506, F.S., to authorize local government neighborhood improvement districts to borrow money, contract loans, and issue bonds, certificates, warrants, notices, or other evidence of indebtedness to finance the undertaking of any capital or other projects for purposes permitted under the Florida Constitution and this part. This section also authorizes the district to pledge the funds, credit, property, and taxing power of the improvement district for payment of such debts and bonds. Bonds issued under this part shall be authorized by a resolution of the governing board of the district, and if so required by the Florida Constitution, by affirmative vote of the electors of the district. The CS provides criteria and governing board authority regarding the issuance, sale, and distribution of bonds and allows for the establishment and administration of sinking funds for the payment, purchase, or redemption of any outstanding bond indebtedness of the district.

The CS also allows the governing body of the district to levy ad valorem taxes upon real and tangible personal property within the district, as it deems necessary to make payment, including principal and interest, upon the general obligation and ad valorem bond indebtedness of the district or into any sinking fund so created.

The CS authorizes a commercial local government NID to make and collect special assessments to pay for capital improvements within the district and for reasonable operating expenses of the district, including those in the district budget. Such special assessments may not exceed \$1,500 for each individual parcel of land per year.

The CS allows the district to charge, collect, and enforce fees and other user charges.

The authority of a local government NID to levy ad valorem taxes and issue bonds, and, for a commercial local government NID to make and collect special assessments, is subject to approval by a referendum of freeholders in the local government NID. The CS specifies requirements for the referendum including notice to freeholders and certification of the referendum results to the governing body of the municipality or county where the local government NID is located. Ad valorem taxes, bond issuance, and special assessments are authorized if freeholders representing in excess of 50 percent of the assessed property value in the local government NID approve of the referendum.

This section deletes provisions in statute that allow a majority of the local governing body of a city or county to appoint a board of directors as an alternative to designating the local governing body as the board of directors of the local government NID.

This section references differences between residential local government NIDs and commercial local government NIDs, however these differences are not explicitly defined.

Section 13 amends s. 163.508, F.S., to delete provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans. This section also allows property owners' association NIDs to request grants from any source and requires the property owners' association in a property owners' association NID to be a not-for-profit corporation.

Section 14 amends s. 163.511, F.S., to make conforming changes and to revise the method of appointing and removing directors of a special NID.

Section 15 amends s. 163.512, F.S., to make conforming changes and delete provisions allowing the use of a community redevelopment trust fund to implement crime prevention plans of a community redevelopment neighborhood district. The trust fund may continue to be used for implementing the community neighborhood improvement district's improvement plan as provided in the section.

Section 16 repeals s. 163.513, F.S., which relates to crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.

Section 17 amends s. 163.514, F.S., to remove powers provided to NIDs to contract with experts on crime prevention through community policing innovations, environmental design, and similar crime deterrence methods. In addition, s. 163.514, F.S., is amended to allow NIDs:

- to contract for the services of planners, engineers, attorneys, and other consultants;
- to contract with county or municipal government for legal advice; and
- to plan, design, construct, operate, provide, and maintain street lighting, parks, streets, drainage, utilities, swales, parking facilities, transit, landscaping, and open areas.

NIDs authorized to make and collect special assessments provided for in s. 163.514(16)(a), F.S., are amended to *only* include residential local NIDs, special NIDs, community redevelopment NIDs, and property owners' association NIDs. The special assessments remain subject to

referendum approval by a majority vote of the registered voters residing in the district and may not exceed \$500 per parcel of land, per year.

Section 18 amends s. 163.5151, F.S., to state that each local government and special NID levying an ad valorem tax on real or personal property shall establish its budget pursuant to ch. 200, F.S.

Section 19 amends s. 163.516, F.S., providing that certain information is no longer required to be included in neighborhood improvement plans or amended neighborhood improvement plans.

Section 20 repeals s. 163.517, F.S., relating to the Safe Neighborhoods Program.

Section 21 repeals s. 163.519, F.S., relating to the duties of the Department of Legal Affairs in NIDs.

Section 22 repeals s. 163.521, F.S., addressing NIDs inside enterprise zones and capital improvement projects to promote safe neighborhood and crime prevention programs.

Section 23 repeals s. 163.5215, F.S., which states that the provisions of this part shall not be construed to modify, limit, expand, or supersede any existing laws relating to the closing or abandonment of public roads, the denial of access to areas for public ingress or egress, or the use of public facilities.

Section 24 repeals s. 163.522, F.S., stating that counties or municipalities with enterprise zones or community redevelopment areas are directed to give consideration to the creation of NIDs.

Section 25 repeals s. 163.523, F.S., relating to safe neighborhood districts and the cooperation and involvement of community organizations.

Section 26 repeals s. 163.524, F.S., relating to the Neighborhood Preservation and Enhancement Program.

Section 27 repeals s. 163.526, F.S., relating to neighborhood councils and local government designated agencies and their powers with respect to the Neighborhood Preservation and Enhancement Program.

Section 28 amends s. 376.84, F.S., relating to brownfield redevelopment economic incentives, to make conforming references.

Section 29 amends s. 775.083, F.S., relating to criminal fines, to make conforming references.

Section 30 amends s. 932.7055, F.S., relating to liens and forfeited property, to make conforming references.

Section 31 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

This CS allows local government NIDs, subject to referendum approval, to collect special assessments, charge user fees, and levy ad valorem taxes upon real and personal property within the district.

B. Private Sector Impact:

Individuals residing and business located in NIDs may be subject to special assessments, ad valorem taxes, and user fees as provided in this CS.

C. Government Sector Impact:

This CS allows local government NIDs, subject to referendum approval, to borrow money, issue bonds, collect special assessments, charge fees, and levy ad valorem taxes upon real and tangible personal property within the district. There will be costs associated with conducting a referendum if a local government NID exercises its authority to implement the above.

The CS will also allow NIDs to contract with the county or municipal government for legal advice.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on December 5, 2011: Makes clarifying and conforming changes.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2011	.	
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	.	
	.	

The Committee on Community Affairs (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

163.2511 Urban infill and redevelopment.—

(2) It is declared that:

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



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13 neighborhood improvement ~~safe neighborhoods~~, educational
14 facilities, and economic development to sustain these cores into
15 the future.

16 Section 2. Paragraph (c) of subsection (3) of section
17 163.2517, Florida Statutes, is amended to read:

18 163.2517 Designation of urban infill and redevelopment
19 area.-

20 (3) A local government seeking to designate a geographic
21 area within its jurisdiction as an urban infill and
22 redevelopment area shall prepare a plan that describes the
23 infill and redevelopment objectives of the local government
24 within the proposed area. In lieu of preparing a new plan, the
25 local government may demonstrate that an existing plan or
26 combination of plans associated with a community redevelopment
27 area, Florida Main Street program, Front Porch Florida
28 Community, sustainable community, enterprise zone, or
29 neighborhood improvement district includes the factors listed in
30 paragraphs (a)-(n), including a collaborative and holistic
31 community participation process, or amend such existing plans to
32 include these factors. The plan shall demonstrate the local
33 government and community's commitment to comprehensively address
34 the urban problems within the urban infill and redevelopment
35 area and identify activities and programs to accomplish locally
36 identified goals such as code enforcement; improved educational
37 opportunities; reduction in crime; neighborhood revitalization
38 and preservation; provision of infrastructure needs, including
39 mass transit and multimodal linkages; and mixed-use planning to
40 promote multifunctional redevelopment to improve both the
41 residential and commercial quality of life in the area. The plan



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42 shall also:

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

52 Section 3. Paragraph (a) of subsection (6) of section
53 163.3182, Florida Statutes, is amended to read:

54 163.3182 Transportation deficiencies.—

55 (6) EXEMPTIONS.—

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

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

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

66 3. A library district.

67 4. A neighborhood improvement district created under the
68 ~~Safe~~ Neighborhoods Improvement Act.

69 5. A metropolitan transportation authority.

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



71 7. A community redevelopment agency.
72 Section 4. Paragraph (e) of subsection (2) of section
73 163.3246, Florida Statutes, is amended to read:
74 163.3246 Local government comprehensive planning
75 certification program.—
76 (2) In order to be eligible for certification under the
77 program, the local government must:
78 (e) Demonstrate that it has adopted programs in its local
79 comprehensive plan and land development regulations which:
80 1. Promote infill development and redevelopment, including
81 prioritized and timely permitting processes in which
82 applications for local development permits within the
83 certification area are acted upon expeditiously for proposed
84 development that is consistent with the local comprehensive
85 plan.
86 2. Promote the development of housing for low-income and
87 very-low-income households or specialized housing to assist
88 elderly and disabled persons to remain at home or in independent
89 living arrangements.
90 3. Achieve effective intergovernmental coordination and
91 address the extrajurisdictional effects of development within
92 the certified area.
93 4. Promote economic diversity and growth while encouraging
94 the retention of rural character, where rural areas exist, and
95 the protection and restoration of the environment.
96 5. Provide and maintain public urban and rural open space
97 and recreational opportunities.
98 6. Manage transportation and land uses to support public
99 transit and promote opportunities for pedestrian and



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100 nonmotorized transportation.

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

104 8. Redevelop blighted areas.

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

108 10. Encourage clustered, mixed-use development that
109 incorporates greenspace and residential development within
110 walking distance of commercial development.

111 11. Encourage urban infill at appropriate densities and
112 intensities and separate urban and rural uses and discourage
113 urban sprawl while preserving public open space and planning for
114 buffer-type land uses and rural development consistent with
115 their respective character along and outside the certification
116 area.

117 12. Assure protection of key natural areas and agricultural
118 lands that are identified using state and local inventories of
119 natural areas. Key natural areas include, but are not limited
120 to:

121 a. Wildlife corridors.

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

125 c. Significant surface waters and springs, aquatic
126 preserves, wetlands, and outstanding Florida waters.

127 d. Water resources suitable for preservation of natural
128 systems and for water resource development.



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129 e. Representative and rare native Florida natural systems.
130 13. Ensure the cost-efficient provision of public
131 infrastructure and services.

132 Section 5. Paragraph (c) of subsection (2) of section
133 163.387, Florida Statutes, is amended to read:

134 163.387 Redevelopment trust fund.—

135 (2)

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

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

140 2. A special district for which the sole available source
141 of revenue the district has the authority to levy is ad valorem
142 taxes at the time an ordinance is adopted under this section.
143 However, revenues or aid that may be dispensed or appropriated
144 to a district as defined in s. 388.011 at the discretion of an
145 entity other than such district shall not be deemed available.

146 3. A library district, except a library district in a
147 jurisdiction where the community redevelopment agency had
148 validated bonds as of April 30, 1984.

149 4. A neighborhood improvement district created under the
150 ~~Safe~~ Neighborhoods Improvement Act.

151 5. A metropolitan transportation authority.

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

153 Section 6. Section 163.501, Florida Statutes, is amended to
154 read:

155 163.501 Short title.—This part may be cited as the "~~Safe~~
156 Neighborhoods Improvement Act."

157 Section 7. Section 163.502, Florida Statutes, is amended to



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158 read:

159 163.502 ~~Safe~~ Neighborhoods improvement; legislative
160 findings and purpose.—

161 (1) The Legislature ~~hereby~~ finds and declares that among
162 the many causes of deterioration in the business and residential
163 neighborhoods of the state are the following: proliferation of
164 crime, automobile traffic flow strangled by outmoded street
165 patterns, unsuitable topography, faulty lot layouts,
166 fragmentation of land uses and parking areas necessitating
167 frequent automobile movement, lack of separation of pedestrian
168 areas from automobile traffic, lack of separation of vehicle
169 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
170 from automobile traffic, and lack of adequate public
171 improvements such as streets, street lights, street furniture,
172 street landscaping, sidewalks, traffic signals, way-finding
173 signs, mass transit, stormwater systems, and other public
174 utilities and improvements.

175 (2) The Legislature further finds and declares that healthy
176 and vibrant ~~safe~~ neighborhoods are the product of planning and
177 implementation of appropriate environmental design concepts,
178 comprehensive planning ~~crime prevention programs~~, land use
179 recommendations, and beautification techniques.

180 (3) The Legislature further finds and declares that the
181 provisions of this part and the powers granted to local
182 governments, property owners' associations, special dependent
183 districts, and community redevelopment neighborhood improvement
184 districts are desirable to guide and accomplish the coordinated,
185 balanced, and harmonious development of healthy and vibrant ~~safe~~
186 neighborhoods; to promote the health, ~~safety~~, and general



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187 welfare of these areas and their inhabitants, visitors, property
188 owners, and workers; to establish, maintain, and preserve
189 property values and preserve and foster the development of
190 attractive neighborhood and business environments; to prevent
191 ~~overcrowding and congestion; and to improve or redirect~~
192 ~~automobile traffic and provide pedestrian safety; to reduce~~
193 ~~crime rates and the opportunities for the commission of crime;~~
194 ~~and to provide improvements in neighborhoods so they are~~
195 ~~defensible against crime.~~

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

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

207 163.503 ~~Safe neighborhoods;~~ Definitions.—

208 (1) "~~Safe~~ Neighborhood improvement district," "district,"
209 or "neighborhood improvement district" means a district located
210 in an area in which more than 75 percent of the land is used for
211 residential purposes, or in an area in which more than 75
212 percent of the land is used for commercial, office, business, or
213 industrial purposes, excluding the land area used for public
214 facilities, ~~and where there is a plan to reduce crime through~~
215 ~~the implementation of crime prevention through environmental~~



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216 ~~design, environmental security, or defensible space techniques,~~
217 ~~or through community policing innovations. Nothing in This~~
218 section does not ~~shall~~ preclude the inclusion of public land in
219 a neighborhood improvement district although the amount of land
220 used for public facilities is excluded from the land use acreage
221 calculations.

222 (2) "Association" means a property owners' association
223 which is incorporated for the purpose of creating and operating
224 a neighborhood improvement district.

225 (3) "Department" means the Department of Legal Affairs.

226 (4) "Board" means the board of directors of a neighborhood
227 improvement district, which may be the governing body of a
228 municipality or county or the officers of a property owners'
229 association or the board of directors of a special neighborhood
230 improvement district or community redevelopment neighborhood
231 improvement district.

232 ~~(5) "Environmental security" means an urban planning and~~
233 ~~design process which integrates crime prevention with~~
234 ~~neighborhood design and community development.~~

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

241 ~~(7) "Defensible space" means an architectural perspective~~
242 ~~on crime prevention through physical design of the environment~~
243 ~~to create the ability to monitor and control the environment~~
244 ~~along individual perceived zones of territorial influence that~~



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245 ~~result in a proprietary interest and a felt responsibility.~~

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

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

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

252 163.5035 ~~Safe~~ Neighborhood improvement districts;
253 compliance with special district provisions.—Any special
254 district created pursuant to this part shall comply with all
255 applicable provisions contained in chapter 189. In cases where a
256 provision contained in this part conflicts with a provision in
257 chapter 189, the provision in chapter 189 shall prevail.

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

260 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
261 ~~funds.~~—

262 ~~(1)~~ The governing body of any municipality or county may
263 authorize the formation of ~~safe~~ neighborhood improvement
264 districts through the adoption of an a planning ordinance that
265 ~~which~~ specifies that such districts may be created by one or
266 more of the methods established in ss. 163.506, 163.508,
267 163.511, and 163.512. A ~~No~~ district may not overlap the
268 jurisdictional boundaries of a municipality and the
269 unincorporated area of a county, unless approved ~~except~~ by
270 interlocal agreement.

271 ~~(2) If the governing body of a municipality or county~~
272 ~~elects to create a safe neighborhood improvement district, it~~
273 ~~shall be eligible to request a grant from the Safe Neighborhoods~~



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274 ~~Program, created pursuant to s. 163.517 and administered by the~~
275 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
276 ~~improvement plan for the district.~~

277 ~~(3) Municipalities and counties may implement the~~
278 ~~provisions of this section without planning funds from the~~
279 ~~Department of Legal Affairs. However, nothing in this section~~
280 ~~shall be construed to exempt any district from the requirements~~
281 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
282 ~~163.516.~~

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

285 163.5055 Notice Registration of district establishment;
286 notice of dissolution.-

287 (1)~~(a)~~ Each neighborhood improvement district authorized
288 and established under this part shall within 30 days thereof
289 notify register ~~with both~~ the Department of Economic Opportunity
290 ~~Community Affairs~~ and the Department of Legal Affairs by
291 providing these departments with the district's name, location,
292 size, and type, and such other information as the departments
293 may request ~~require~~.

294 (2)~~(b)~~ Each local governing body that ~~which~~ authorizes the
295 dissolution of a district shall notify both the Department of
296 Economic Opportunity ~~Community Affairs~~ and the Department of
297 Legal Affairs within 30 days after the dissolution of the
298 district.

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

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



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303 163.506 Local government neighborhood improvement
304 districts; creation; advisory council; dissolution.—

305 (1) After an ~~a local planning~~ ordinance has been adopted
306 authorizing the creation of local government neighborhood
307 improvement districts, the local governing body of a
308 municipality or county may create local government neighborhood
309 improvement districts by the enactment of a separate ordinance
310 for each district, ~~which ordinance:~~

311 (a) Specifies the boundaries, size, and name of the
312 district.

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

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

318 (d) Authorizes the use of special assessments to support
319 planning and implementation of district improvements pursuant to
320 the provisions of s. 163.514(16), if the district is a
321 residential local government neighborhood improvement district
322 ~~including community policing innovations.~~

323 (e) Designates the local governing body as the board of
324 directors of the district.

325 (f) Establishes an advisory council to the board of
326 directors comprised of property owners, representatives of
327 property owners, business owners, or residents of the district.

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

330 (h) Requires the district to notify the Department of Legal
331 Affairs and the Department of Economic Opportunity ~~Community~~



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332 ~~Affairs~~ in writing of its establishment within 30 days thereof
333 pursuant to s. 163.5055.

334 (i) Authorizes the district to borrow money, contract
335 loans, and issue bonds, certificates, warrants, notes, or other
336 evidence of indebtedness from time to time to finance the
337 undertaking of any capital or other project for the purposes
338 permitted by the State Constitution and this part and may pledge
339 the funds, credit, property, and taxing power of the improvement
340 district for the payment of such debts and bonds.

341 1. Bonds issued under this part shall be authorized by
342 resolution of the governing board of the district and, if
343 required by the State Constitution, by affirmative vote of the
344 electors of the district. Such bonds may be issued in one or
345 more series and shall bear such date or dates, be payable upon
346 demand or mature at such time or times, bear interest at such
347 rate or rates, be in such denomination or denominations, be in
348 such form, registered or not, with or without coupon, carry such
349 conversion or registration privileges, have such rank or
350 priority, be executed in such manner, be payable in such medium
351 of payment, at such place or places, and subject to such terms
352 of redemption, with or without premium, be secured in such
353 manner, and have such other characteristics as may be provided
354 by such resolution or trust indenture or mortgage issued
355 pursuant thereto.

356 2. The governing body of the district shall determine the
357 terms and manner of sale and distribution or other disposition
358 of any and all bonds it may issue, consistent with s. 218.385,
359 and shall have any and all powers necessary and convenient to
360 such disposition.



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361 3. The governing body of the district may establish and
362 administer such sinking funds as it deems necessary or
363 convenient for the payment, purchase, or redemption of any
364 outstanding bonded indebtedness of the district.

365 4. The governing body of the improvement district may levy
366 ad valorem taxes upon real and tangible personal property within
367 the district as it deems necessary to make payment, including
368 principal and interest, upon the general obligation and ad
369 valorem bonded indebtedness of the district or into any sinking
370 fund created pursuant to this part.

371 5. This part shall be full authority for the issuance of
372 bonds authorized herein.

373 (j) Authorizes the district to make and collect special
374 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
375 capital improvements within the district and for reasonable
376 expenses of operating the district, including the payment of
377 expenses included in the district's budget, if the district is a
378 commercial local government neighborhood improvement district.
379 Such assessments may not exceed \$1,500 for each individual
380 parcel of land per year.

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

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

386 1. Within 45 days after the date the governing body of the
387 municipality or county enacts an ordinance pursuant to this
388 subsection defining the boundaries of the proposed improvement
389 district, the city clerk or the supervisor of elections,



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390 whichever is appropriate, shall certify such ordinance or
391 petition and compile a list of the names and last known
392 addresses of the freeholders in the proposed local government
393 neighborhood improvement district from the tax assessment roll
394 of the county applicable as of December 31 in the year preceding
395 the year in which the ordinance was enacted. Except as otherwise
396 provided in this paragraph, the list shall constitute the
397 registration list for the purposes of the freeholders'
398 referendum required under this paragraph.

399 2. Within 45 days after compilation of the freeholders'
400 registration list pursuant to subparagraph 1., the city clerk or
401 the supervisor of elections shall notify each such freeholder of
402 the general provisions of this paragraph, including the taxing
403 authority and the date of the upcoming referendum, and the
404 method provided for submitting corrections to the registration
405 list if the status of the freeholder has changed since the
406 compilation of the tax rolls. Notification shall be by first-
407 class United States mail and, in addition thereto, by
408 publication one time in a newspaper of general circulation in
409 the county or municipality in which the district is located.

410 3. Any freeholder whose name does not appear on the tax
411 rolls compiled pursuant to subparagraph 1. may register to vote
412 with the city clerk or the supervisor of elections. The
413 registration list shall remain open for 75 days after enactment
414 of the ordinance defining the local government neighborhood
415 improvement district.

416 4. Within 15 days after the closing of the registration
417 list, the city clerk or the supervisor of elections shall send a
418 ballot to each registered freeholder at his or her last known



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419 mailing address by first-class United States mail. The ballot
420 shall include:

421 a. A description of the general provisions of this
422 paragraph applicable to local government neighborhood
423 improvement districts;

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

425 c. The percent of the freeholder's interest in such
426 property; and

427 d. Immediately following the information required in sub-
428 paragraphs a.-c., the following:

429
430 "Do you favor authorizing the Local Government
431 Neighborhood Improvement District to levy up to 2 mills of ad
432 valorem taxes by such proposed district?

433
434Yes, for authorizing the levy of up to 2 mills of ad
435 valorem taxes by such proposed district.

436
437No, against authorizing the levy of up to 2 mills of ad
438 valorem taxes by such proposed district."

439
440 "Do you favor authorizing the Local Government
441 Neighborhood Improvement District to borrow money, including the
442 issuance of bonds, as provided by s. 163.506(1) (i)?

443
444Yes, for authorizing the borrowing of money for
445 district purposes.

446
447No, against authorizing the borrowing of money for



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448 district purposes."

449

450 "Do you favor authorizing the Local Government
451 Neighborhood Improvement District to impose a special assessment
452 of not greater than \$1,500 for each individual parcel of land
453 per year to pay for the expenses of operating the neighborhood
454 improvement district and for approved capital improvements?"

455

456Yes, for the special assessment.

457

458No, against the special assessment."

459

460 5. Ballots shall be returned by first-class United States
461 mail or by personal delivery.

462 6. All ballots received within 120 days after enactment of
463 the ordinance shall be tabulated by the city clerk or the
464 supervisor of elections, who shall certify the results thereof
465 to the city council or county commission no later than 5 days
466 after the 120-day period.

467 7. The freeholders shall be deemed to have approved of the
468 provisions of this paragraph at such time as the city clerk or
469 the supervisor of elections certifies to the governing body of
470 the municipality or county that approval has been given by
471 freeholders representing in excess of 50 percent of the assessed
472 value of the property within the local government neighborhood
473 improvement district.

474 8. The city clerk or the supervisor of elections, whichever
475 is appropriate, shall enclose with each ballot sent pursuant to
476 this paragraph two envelopes: a secrecy envelope, into which the



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477 freeholder shall enclose the marked ballot; and a mailing
478 envelope, into which the freeholder shall then place the secrecy
479 envelope, which shall be addressed to the city clerk or the
480 supervisor of elections. The back side of the mailing envelope
481 shall bear a certificate in substantially the following form:
482

483 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
484 AND COMPLETING VOTER'S CERTIFICATE.
485

486 VOTER'S CERTIFICATE
487

488 I, , am a duly qualified and registered freeholder of
489 the proposed... (name)... local government neighborhood
490 improvement district; and I am entitled to vote this ballot. I
491 do solemnly swear or affirm that I have not and will not vote
492 more than one ballot in this election. I understand that failure
493 to sign this certificate and have my signature witnessed will
494 invalidate my ballot.
495

496 ... (Voter's Signature)
497

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

500 I swear or affirm that the elector signed this voter's
501 certificate in my presence.
502

503 ... (Signature of Witness) ...

504 ... (Address) (City/State)
505



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

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

517
518 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

519
520 a. VERY IMPORTANT. In order to ensure that your ballot will
521 be counted, it should be completed and returned as soon as
522 possible so that it can reach the city clerk or the supervisor
523 of elections no later than 7 p.m. on the (final day of the 120-
524 day period given here).

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

526 c. Place your marked ballot in the enclosed secrecy
527 envelope.

528 d. Insert the secrecy envelope into the enclosed mailing
529 envelope, which is addressed to the city clerk or the supervisor
530 of elections.

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

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



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

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

540 (2) The advisory council shall perform such duties as may
541 be prescribed by the governing body and shall submit within the
542 time period specified by the governing body, acting as the board
543 of directors, a report on the district's activities and a
544 proposed budget to accomplish its objectives. In formulating a
545 plan for services or improvements the advisory board shall
546 consult in public session with the appropriate staff or
547 consultants of the local governing body ~~responsible for the~~
548 ~~district's plan.~~

549 ~~(3) As an alternative to designating the local governing~~
550 ~~body as the board of directors, a majority of the local~~
551 ~~governing body of a city or county may appoint a board of three~~
552 ~~to seven directors for the district who shall be residents of~~
553 ~~the proposed area and who are subject to ad valorem taxation in~~
554 ~~the residential neighborhood improvement district or who are~~
555 ~~property owners in a commercial neighborhood improvement~~
556 ~~district. The directors shall be appointed for staggered terms~~
557 ~~of 3 years. The initial appointments shall be as follows: one~~
558 ~~director for a 1-year term; one director for a 2-year term; and~~
559 ~~one director for a 3-year term. If more than three directors are~~
560 ~~to be appointed, the additional members shall initially be~~
561 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
562 ~~unexpired portion of a term in the same manner as the initial~~
563 ~~appointments were made. Each director shall hold office until~~



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564 ~~his or her successor is appointed and qualified unless the~~
565 ~~director ceases to be qualified or is removed from office. Upon~~
566 ~~appointment and qualification and in January of each year, the~~
567 ~~directors shall organize by electing from their number a chair~~
568 ~~and a secretary.~~

569 (3)~~(4)~~ A district may be dissolved by the governing body by
570 rescinding the ordinance creating the district. The governing
571 body may rescind ~~shall consider rescinding~~ the ordinance if
572 presented with a petition requesting that it be rescinded.
573 Petitions related to a residential neighborhood improvement
574 district must contain ~~containing~~ the signatures of 60 percent of
575 the residents. Petitions related to a commercial neighborhood
576 improvement district must contain signatures representing owners
577 of 60 percent of the land area of the ~~of a~~ district.

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

580 163.508 Property owners' association neighborhood
581 improvement districts; creation; powers and duties; duration.—

582 (1) After an ~~a local planning~~ ordinance has been adopted
583 authorizing the creation of property owners' association
584 neighborhood improvement districts, the local governing body of
585 a municipality or county may create property owners' association
586 neighborhood improvement districts by the enactment of a
587 separate ordinance for each district, ~~which ordinance:~~

588 (a) Establishes that an incorporated property owners'
589 association representing 75 percent of all owners of property
590 within a proposed district meeting the requirements of this
591 section has petitioned the governing body of the municipality or
592 county for creation of a district for the area encompassed by



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593 the property owned by members of the association.

594 (b) Specifies the boundaries, size, and name of the
595 district.

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

598 1. Request grants ~~a matching grant from the state's Safe~~
599 ~~Neighborhoods Program to prepare the first year's safe~~
600 ~~neighborhood improvement plan. The provider of the local match~~
601 ~~for the state grant shall be mutually agreed upon between the~~
602 ~~governing body and the property owners' association. The~~
603 ~~governing body may agree to provide the match as a no-interest-~~
604 ~~bearing loan to be paid back from assessments imposed by the~~
605 ~~association on its members or shareholders.~~

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

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

612 (d) Provides for an audit of the property owners'
613 association.

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

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

618 (g) Requires the district to notify the Department of Legal
619 Affairs and the Department of Economic Opportunity Community
620 ~~Affairs~~ in writing of its establishment within 30 days thereof
621 pursuant to s. 163.5055.



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622 (2) In order to qualify for the creation of a neighborhood
623 improvement district, the property owners shall form an
624 association in compliance with this section, or use an existing
625 property owners' association in compliance with this section,
626 which shall be a corporation, ~~for profit or not for profit.~~ At
627 least, ~~and of which not less than~~ 75 percent of all property
628 owners within the proposed area must consent ~~have consented~~ in
629 writing to become members ~~or shareholders~~. Upon such consent by
630 75 percent of the property owners in the proposed district, all
631 consenting property owners and their successors shall become
632 members of the association and shall be bound by the provisions
633 of the articles of incorporation, the bylaws of the association,
634 the covenants, the deed restrictions, the indentures, and any
635 other properly promulgated restrictions. The association shall
636 have no member ~~or shareholder~~ who is not a bona fide owner of
637 property within the proposed district. Upon receipt of its
638 certificate of incorporation, the property owners' association
639 shall notify the clerk of the city or county court, whichever is
640 appropriate, in writing, of such incorporation and shall list
641 the names and addresses of the officers of the association.

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

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

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



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651 (c) To make and collect assessments against all property
652 within the boundaries of the district pursuant to the provisions
653 of s. 163.514(16) and to lease, maintain, repair, and
654 reconstruct any privatized street, land, or common area within
655 the district upon dedication thereof to the association.

656 (d) Without the joinder of any property owner, to modify,
657 move, or create any easement for ingress and egress or for the
658 purpose of utilities, if such easement constitutes part of or
659 crosses district property. However, this does ~~shall~~ not
660 authorize the association to modify or move any easement that
661 ~~which~~ is created in whole or in part for the use or benefit of
662 anyone other than association members, or which crosses the
663 property of anyone other than association members, without the
664 consent or approval of such person as required by law or by the
665 instrument creating the easement. Nothing in this paragraph
666 shall affect the rights of ingress or egress of any member of
667 the association.

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

672 Section 14. Subsections (1), (7), (8), and (10) of section
673 163.511, Florida Statutes, are amended to read:

674 163.511 Special neighborhood improvement districts;
675 creation; referendum; board of directors; duration; extension.-

676 (1) After an ~~a local planning~~ ordinance has been adopted
677 authorizing the creation of special neighborhood improvement
678 districts, the governing body of a municipality or county may
679 declare the need for and create special residential or business



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680 neighborhood improvement districts by the enactment of a
681 separate ordinance for each district, which ordinance:
682 (a) Conditions the implementation of the ordinance on the
683 approval of a referendum as provided in subsection (2).
684 (b) Authorizes the special neighborhood improvement
685 district to levy an ad valorem tax on real and personal property
686 of up to 2 mills annually.
687 (c) Authorizes the use of special assessments to support
688 planning and implementation of district improvements pursuant to
689 the provisions of s. 163.514(16), ~~including community policing~~
690 ~~innovations.~~
691 (d) Specifies the boundaries, size, and name of the
692 district.
693 (e) Authorizes the district to receive a planning grant
694 from the department.
695 (f) Provides for the appointment of a 3-member board of
696 directors for the district.
697 (g) May authorize a special neighborhood improvement
698 district to exercise the power of eminent domain pursuant to
699 chapters 73 and 74. Any property identified for eminent domain
700 by the district shall be subject to the approval of the local
701 governing body before eminent domain procedures are exercised.
702 (h) May prohibit the use of any district power authorized
703 by s. 163.514.
704 (i) Requires the district to notify the Department of Legal
705 Affairs and the Department of Economic Opportunity Community
706 ~~Affairs~~ in writing of its establishment within 30 days thereof
707 pursuant to s. 163.5055.
708 (j) May authorize a special neighborhood improvement



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709 district to develop and implement community policing innovations
710 in consultation with the local law enforcement agency having
711 jurisdiction within the district boundaries.

712 (7) The business and affairs of a special neighborhood
713 improvement district shall be conducted and administered by a
714 board of three directors who shall be residents of or property
715 owners within the proposed area and who are subject to ad
716 valorem taxation in the district. Upon their initial appointment
717 and qualification and in January of each year thereafter, the
718 directors shall organize by electing from their number a chair
719 and a secretary, and may also employ staff and legal
720 representatives as deemed appropriate, who shall serve at the
721 pleasure of the board and may receive such compensation as shall
722 be fixed by the board. The secretary shall keep a record of the
723 proceedings of the district and shall be custodian of all books
724 and records of the district. The directors may ~~shall~~ not receive
725 any compensation for their services, nor may they be employed by
726 the district.

727 (8) Within 30 days of the approval of the creation of a
728 special neighborhood improvement district, if the district is in
729 a municipality, ~~a majority of~~ the governing body of the
730 municipality, or if the district is in the unincorporated area
731 of the county, ~~a majority of~~ the county commission, shall
732 appoint the three directors provided for herein for staggered
733 terms of 3 years. The initial appointments shall be as follows:
734 one for a 1-year term, one for a 2-year term, and one for a 3-
735 year term. Each director shall hold office until his or her
736 successor is appointed and qualified unless the director ceases
737 to be qualified to act as a director or is removed from office.



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738 Vacancies on the board shall be filled for the unexpired portion
739 of a term in the same manner as the initial appointments were
740 made.

741 (10) The governing body of a municipality or county may
742 remove a director for inefficiency, neglect of duty, or
743 misconduct in office ~~only after a hearing and only if he or she~~
744 ~~has been given a copy of the charges at least 10 days prior to~~
745 ~~such hearing and has had an opportunity to be heard in person or~~
746 ~~by counsel.~~ A vacancy so created shall be filled as provided
747 herein.

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

750 163.512 Community redevelopment neighborhood improvement
751 districts; creation; advisory council; dissolution.—

752 (1) Upon the recommendation of the community redevelopment
753 agency and after an ~~a local planning~~ ordinance has been adopted
754 authorizing the creation of community redevelopment neighborhood
755 improvement districts, the local governing body of a
756 municipality or county may create community redevelopment
757 neighborhood improvement districts by the enactment of a
758 separate ordinance for each district, ~~which ordinance:~~

759 (a) Specifies the boundaries, size, and name of the
760 district.

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

763 (c) Authorizes the use of the community redevelopment trust
764 fund created pursuant to s. 163.387 for the purposes of
765 implementing the district's ~~safe neighborhood~~ improvement plan
766 ~~and furthering crime prevention through community policing~~



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767 ~~innovations, environmental design, environmental security, and~~
768 ~~defensible space techniques, if the expenditures from the~~
769 ~~community redevelopment trust fund~~ are consistent with the
770 community redevelopment plan created pursuant to s. 163.360.

771 (d) Designates the community redevelopment board of
772 commissioners established pursuant to s. 163.356 or s. 163.357
773 as the board of directors for the district.

774 (e) Establishes an advisory council to the board of
775 directors comprised of property owners or residents of the
776 district.

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

779 (g) Requires that the district's ~~safe~~ neighborhood
780 improvement plan be consistent with the community redevelopment
781 plan created pursuant to s. 163.360, and permits the ~~safe~~
782 neighborhood improvement plan to be included in the community
783 redevelopment plan as an optional element.

784 (h) Requires that the boundaries of the community
785 redevelopment district be contained in whole within the
786 community redevelopment area established pursuant to ss. 163.355
787 and 163.356.

788 (i) Requires the district to notify the Department of Legal
789 Affairs and the Department of Economic Opportunity ~~Community~~
790 ~~Affairs~~ in writing of its establishment within 30 days thereof
791 pursuant to s. 163.5055.

792 (2) The advisory council shall perform such duties as may
793 be prescribed by the community redevelopment board established
794 pursuant to s. 163.356 and shall submit within the time period
795 specified by the board of directors a report on the district's



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796 activities and a proposed budget to accomplish its objectives.
797 In formulating a plan for services or improvements, the advisory
798 council shall consult in public session with the appropriate
799 staff or consultants of the community redevelopment board
800 ~~responsible for the district's plan.~~

801 (3) A district may be dissolved by the local governing body
802 by rescinding the ordinance creating the district. The governing
803 body may rescind ~~shall consider rescinding~~ the ordinance if
804 presented with a petition containing the signatures of 60
805 percent of the residents of a district.

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

807 Section 17. Section 163.514, Florida Statutes, is amended
808 to read:

809 163.514 Powers of neighborhood improvement districts.-
810 Unless prohibited by ordinance, the board of any district is
811 ~~shall be~~ empowered to:

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

814 (2) Have and use a corporate seal.

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

820 (4) Accept grants and donations of any type of property,
821 labor, or other thing of value from any public or private
822 source.

823 (5) Have exclusive control of funds legally available to
824 it, subject to limitations imposed by law or by any agreement



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825 validly entered into by it.

826 (6) Cooperate and contract with other governmental agencies
827 or other public bodies.

828 (7) Contract for services of planners, engineers,
829 attorneys, and other planning consultants, ~~experts on crime~~
830 ~~prevention through community policing innovations, environmental~~
831 ~~design, environmental security, or defensible space, or other~~
832 ~~experts~~ in areas pertaining to the operations of the board of
833 directors or the district.

834 (8) Contract with the county or municipal government for
835 planning assistance, legal advice, and for increased levels of
836 law enforcement protection and security, including additional
837 personnel.

838 (9) Promote and advertise the commercial advantages of the
839 district so as to attract new businesses and encourage the
840 expansion of existing businesses.

841 (10) Promote and advertise the district to the public and
842 engage in cooperative advertising programs with businesses
843 located in the district.

844 (11) Improve, plan, design, construct, operate, provide,
845 and maintain street lighting, parks, streets, drainage,
846 utilities, swales, parking facilities, transit, landscaping, and
847 open areas, and provide ~~safe~~ access to mass transportation
848 facilities in the district.

849 (12) Undertake innovative approaches to securing
850 neighborhoods from crime, such as crime prevention through
851 community policing innovations, environmental design,
852 environmental security, and defensible space.

853 (13) Privatize, close, vacate, plan, or replan streets,



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854 roads, sidewalks, and alleys, subject to the concurrence of the
855 local governing body and, if required, the state Department of
856 Transportation.

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

859 (15) Identify areas with blighted influences, including,
860 but not limited to, areas where unlawful urban dumping or
861 graffiti are prevalent, and develop programs for eradication
862 thereof.

863 (16) (a) Subject to referendum approval, and for residential
864 local government, special, community redevelopment, and property
865 owners' association neighborhood improvement districts only,
866 make and collect special assessments pursuant to ss. 197.3632
867 and 197.3635 to pay for improvements to the district and for
868 reasonable expenses of operating the district, including the
869 payment of expenses included in the district's budget, subject
870 to an affirmative vote by a majority of the registered voters
871 residing in the district. Such assessments shall not exceed \$500
872 for each individual parcel of land per year. Notwithstanding the
873 provisions of s. 101.6102, the referendum to approve the special
874 assessment shall be by mail ballot.

875 (b) In order to implement this subsection, the city clerk
876 or the supervisor of elections, whichever is appropriate, shall
877 compile a list of the names and last known addresses of the
878 electors in the neighborhood improvement district from the list
879 of registered voters of the county as of the last day of the
880 preceding month. The same shall constitute the registration list
881 for the purposes of a referendum. Within 45 days after
882 compilation of the voter registration list, the city clerk or



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883 the supervisor of elections shall notify each elector of the
884 general provisions of this section, including the taxing
885 authority and the date of the upcoming referendum. Notification
886 shall be by United States mail and, in addition thereto, by
887 publication one time in a newspaper of general circulation in
888 the county or municipality in which the district is located.

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

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

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

899 2. Immediately following said information, the following:

900
901 "Do you favor the imposition of a special assessment of not
902 greater than \$500 for each individual parcel of land per year to
903 pay for the expenses of operating the neighborhood improvement
904 district?

905
906Yes, for the special assessment.

907
908No, against the special assessment."

909
910 (e) Ballots shall be returned by United States mail or by
911 personal delivery.



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912 (f) All ballots received within 60 days after the closing
913 of registration shall be tabulated by the city clerk or the
914 supervisor of elections, who shall certify the results thereof
915 to the city governing body or county commission no later than 5
916 days after said 60-day period.

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

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

921 163.5151 Fiscal management; budget preparation.-

922 (3) Each local government and special neighborhood
923 improvement district levying an ad valorem tax on real or
924 personal property shall establish its budget pursuant to the
925 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
926 the final budget and setting of the millage rate to be levied by
927 the board, the board shall submit a tentative budget and
928 proposed millage rate of the district to the governing body of
929 the municipality in which the district is located, or to the
930 county if the district is located in the unincorporated portion
931 of the county, for approval or disapproval. Such governing body
932 shall have the power to modify the budget or millage submitted
933 by the board. Subsequent to approval, the board shall adopt its
934 final budget and millage rate in accordance with the
935 requirements of chapter 200.

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



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

943 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

947 (a) Demographics of the district.

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

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

950 ~~(d) Determination of the problems of the crime-to-~~
951 ~~environment relationship and the stability of the neighborhood~~
952 ~~improvement district.~~

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

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

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

959 ~~(h) Outline of program participants and their functions and~~
960 ~~responsibilities.~~

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

962 ~~(j) Evaluation guidelines.~~

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

965 (a) Such property as is intended for use as public parks,
966 recreation areas, streets, public utilities, and public
967 improvements of any nature.

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



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

972 ~~(d) Provision for the retention of controls and the~~
973 ~~establishment of any restrictions or covenants running with land~~
974 ~~sold or leased for private use for such periods of time and~~
975 ~~under such conditions as the governing body of the municipality~~
976 ~~in which the district is located, or the county if the district~~
977 ~~is located in the unincorporated portion of the county, deems~~
978 ~~necessary to effectuate the purposes of this part.~~

979 ~~(c)(e)~~ Projected costs of improvements, including the
980 amount to be expended on publicly funded capital improvement
981 projects in the district and any indebtedness of the district,
982 the county, or the municipality proposed to be incurred if such
983 indebtedness is to be repaid with district revenues.

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

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

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

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

990 (a) Be consistent with the adopted comprehensive plan for
991 the county or municipality pursuant to the Community Planning
992 Act. No district plan shall be implemented unless the local
993 governing body has determined said plan is consistent.

994 (b) Be sufficiently complete to indicate such land
995 acquisition, demolition and removal of structures, street
996 modifications, redevelopment, and rehabilitation as may be
997 proposed to be carried out in the district.

998 ~~(c) Provide some method for and measurement of the~~



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999 ~~reduction of crime within the district.~~

1000 ~~(4) The county, municipality, or district may prepare or~~
1001 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1002 ~~any person or agency, public or private, may submit such a plan~~
1003 ~~to a district. Prior to its consideration of a safe neighborhood~~
1004 ~~improvement plan, the district shall submit such plan to the~~
1005 ~~local governing body for review and written approval as to its~~
1006 ~~consistency with the local government comprehensive plan. The~~
1007 ~~district must be notified of approval or disapproval within 60~~
1008 ~~days after receipt of the plan for review, and a revised version~~
1009 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1010 ~~district may not proceed with the safe neighborhood improvement~~
1011 ~~plan until final approval is given by the local governing body.~~

1012 ~~(4)(5)~~ Prior to adoption of the safe neighborhood
1013 improvement plan, the board shall hold a public hearing on the
1014 plan after public notice thereof by publication in a newspaper
1015 of general circulation in the county or municipality in which
1016 the district is located. The notice shall describe the time,
1017 date, place, and purpose of the hearing; identify the boundaries
1018 of the district; and outline the general scope of the plan.

1019 ~~(5)(6)~~ The board, after the public hearing, may approve the
1020 safe neighborhood improvement plan if it finds:

1021 (a) The plan has been approved as consistent with the local
1022 comprehensive plan by the local governing body; and

1023 (b) The plan will improve the promotion, appearance,
1024 ~~safety, security,~~ and public amenities of the neighborhood
1025 improvement district as stipulated in s. 163.502.

1026 ~~(6)(7)~~ If, at any time after approval of the safe
1027 neighborhood improvement plan, it becomes desirable to amend or



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1028 modify the plan, the board may do so. Prior to any such
1029 amendment or modification, the board shall obtain written
1030 approval of the local governing body concerning conformity to
1031 the local government comprehensive plan and hold a public
1032 hearing on the proposed amendment or modification after public
1033 notice thereof by publication in a newspaper of general
1034 circulation in the county or municipality in which the district
1035 is located. The notice shall describe the time, place, and
1036 purpose of the hearing and generally describe the proposed
1037 amendment or modification.

1038 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1039 ~~municipality or county shall hold two public hearings to~~
1040 ~~consider the board adopted safe neighborhood improvement plan as~~
1041 ~~an amendment or modification to the municipality's or county's~~
1042 ~~adopted local comprehensive plan.~~

1043 ~~(9) A safe neighborhood improvement plan for each district~~
1044 ~~shall be prepared and adopted by the municipality or county~~
1045 ~~prior to the levy and expenditure of any of the proceeds of any~~
1046 ~~tax assessment or fee authorized to such districts other than~~
1047 ~~for the preparation of the safe community or business~~
1048 ~~improvement plan.~~

1049 Section 20. Section 163.517, Florida Statutes, is repealed.

1050 Section 21. Section 163.519, Florida Statutes, is repealed.

1051 Section 22. Section 163.521, Florida Statutes, is repealed.

1052 Section 23. Section 163.5215, Florida Statutes, is
1053 repealed.

1054 Section 24. Section 163.522, Florida Statutes, is repealed.

1055 Section 25. Section 163.523, Florida Statutes, is repealed.

1056 Section 26. Section 163.524, Florida Statutes, is repealed.



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1057 Section 27. Section 163.526, Florida Statutes, is repealed.

1058 Section 28. Paragraph (c) of subsection (1) of section
1059 376.84, Florida Statutes, is amended to read:

1060 376.84 Brownfield redevelopment economic incentives.—It is
1061 the intent of the Legislature that brownfield redevelopment
1062 activities be viewed as opportunities to significantly improve
1063 the utilization, general condition, and appearance of these
1064 sites. Different standards than those in place for new
1065 development, as allowed under current state and local laws,
1066 should be used to the fullest extent to encourage the
1067 redevelopment of a brownfield. State and local governments are
1068 encouraged to offer redevelopment incentives for this purpose,
1069 as an ongoing public investment in infrastructure and services,
1070 to help eliminate the public health and environmental hazards,
1071 and to promote the creation of jobs in these areas. Such
1072 incentives may include financial, regulatory, and technical
1073 assistance to persons and businesses involved in the
1074 redevelopment of the brownfield pursuant to this act.

1075 (1) Financial incentives and local incentives for
1076 redevelopment may include, but not be limited to:

1077 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1078 part IV of chapter 163 ss. 163.501-163.523.

1079 Section 29. Subsection (2) of section 775.083, Florida
1080 Statutes, is amended to read:

1081 775.083 Fines.—

1082 (2) In addition to the fines set forth in subsection (1),
1083 court costs shall be assessed and collected in each instance a
1084 defendant pleads nolo contendere to, or is convicted of, or
1085 adjudicated delinquent for, a felony, a misdemeanor, or a



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1086 criminal traffic offense under state law, or a violation of any
1087 municipal or county ordinance if the violation constitutes a
1088 misdemeanor under state law. The court costs imposed by this
1089 section shall be \$50 for a felony and \$20 for any other offense
1090 and shall be deposited by the clerk of the court into an
1091 appropriate county account for disbursement for the purposes
1092 provided in this subsection. A county shall account for the
1093 funds separately from other county funds as crime prevention
1094 funds. The county, in consultation with the sheriff, must expend
1095 such funds for crime prevention programs in the county,
1096 including ~~safe~~ neighborhood improvement programs under part IV
1097 of chapter 163 ss. ~~163.501-163.523~~.

1098 Section 30. Paragraphs (a) and (c) of subsection (5) of
1099 section 932.7055, Florida Statutes, are amended to read:

1100 932.7055 Disposition of liens and forfeited property.—

1101 (5) (a) If the seizing agency is a county or municipal
1102 agency, the remaining proceeds shall be deposited in a special
1103 law enforcement trust fund established by the board of county
1104 commissioners or the governing body of the municipality. Such
1105 proceeds and interest earned therefrom shall be used for school
1106 resource officer, crime prevention, ~~safe~~ neighborhood
1107 improvement, drug abuse education and prevention programs, or
1108 for other law enforcement purposes, which include defraying the
1109 cost of protracted or complex investigations, providing
1110 additional equipment or expertise, purchasing automated external
1111 defibrillators for use in law enforcement vehicles, and
1112 providing matching funds to obtain federal grants. The proceeds
1113 and interest may not be used to meet normal operating expenses
1114 of the law enforcement agency.



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1115 (c) An agency or organization, other than the seizing
1116 agency, that wishes to receive such funds shall apply to the
1117 sheriff or chief of police for an appropriation and its
1118 application shall be accompanied by a written certification that
1119 the moneys will be used for an authorized purpose. Such requests
1120 for expenditures shall include a statement describing
1121 anticipated recurring costs for the agency for subsequent fiscal
1122 years. An agency or organization that receives money pursuant to
1123 this subsection shall provide an accounting for such moneys and
1124 shall furnish the same reports as an agency of the county or
1125 municipality that receives public funds. Such funds may be
1126 expended in accordance with the following procedures:

1127 1. Such funds may be used only for school resource officer,
1128 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1129 education, or drug prevention programs or such other law
1130 enforcement purposes as the board of county commissioners or
1131 governing body of the municipality deems appropriate.

1132 2. Such funds shall not be a source of revenue to meet
1133 normal operating needs of the law enforcement agency.

1134 3. After July 1, 1992, and during every fiscal year
1135 thereafter, any local law enforcement agency that acquires at
1136 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1137 within a fiscal year must expend or donate no less than 15
1138 percent of such proceeds for the support or operation of any
1139 drug treatment, drug abuse education, drug prevention, crime
1140 prevention, ~~safe~~ neighborhood improvement, or school resource
1141 officer program ~~program(s)~~. The local law enforcement agency has
1142 the discretion to determine which program or programs ~~program(s)~~
1143 will receive the designated proceeds.



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1144
1145 Notwithstanding the drug abuse education, drug treatment,
1146 drug prevention, crime prevention, ~~safe~~ neighborhood
1147 improvement, or school resource officer minimum expenditures or
1148 donations, the sheriff and the board of county commissioners or
1149 the chief of police and the governing body of the municipality
1150 may agree to expend or donate such funds over a period of years
1151 if the expenditure or donation of such minimum amount in any
1152 given fiscal year would exceed the needs of the county or
1153 municipality for such program or programs ~~program(s)~~. Nothing in
1154 this section precludes the expenditure or donation of forfeiture
1155 proceeds in excess of the minimum amounts established herein.

1156 Section 31. This act shall take effect July 1, 2012.

1157
1158
1159 ===== T I T L E A M E N D M E N T =====

1160 And the title is amended as follows:

1161 Delete everything before the enacting clause
1162 and insert:

1163 A bill to be entitled

1164 An act relating to neighborhood improvement districts;
1165 amending ss. 163.2511, 163.2517, 163.3182, 163.3246, and
1166 163.387, F.S.; conforming provisions to changes made by the act;
1167 amending s. 163.501, F.S.; renaming the "Safe Neighborhoods Act"
1168 as the "Neighborhoods Improvement Act"; amending s. 163.502,
1169 F.S.; revising legislative findings and purpose; amending s.
1170 163.503, F.S.; revising and deleting definitions; amending s.
1171 163.5035, F.S.; conforming provisions to changes made by the
1172 act; amending s. 163.504, F.S.; authorizing the governing body



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1173 of any municipality or county to form a neighborhood improvement
1174 district through the adoption of an ordinance rather than by a
1175 planning ordinance; removing provisions pertaining to the
1176 creation and funding of safe neighborhood improvement districts;
1177 amending s. 163.5055, F.S.; requiring each neighborhood
1178 improvement district authorized under law to notify the
1179 Department of Economic Opportunity and the Department of Legal
1180 Affairs of its existence rather than to register with such
1181 departments; amending s. 163.506, F.S.; revising provisions
1182 authorizing a local governing body to create a local government
1183 neighborhood improvement district; specifying that the ordinance
1184 may authorize the improvement district to borrow money, contract
1185 loans, and issue bonds; authorizing the governing body of the
1186 improvement district to levy ad valorem taxes upon real and
1187 tangible personal property within the district; authorizing the
1188 district to make and collect special assessments; conditioning
1189 the exercise of power by the local government neighborhood
1190 improvement district to borrow money, contract loans, issue
1191 bonds, charge, collect, and enforce fees, make and collect
1192 special assessments, and levy ad valorem taxes upon real and
1193 tangible personal property within the district upon the approval
1194 of a referendum by the freeholders of the district; providing
1195 ballot requirements; removing provisions allowing an alternative
1196 organization for the board of directors; amending s. 163.508,
1197 F.S., relating to property owners' association neighborhood
1198 improvement districts; revising the requirements for creating a
1199 property owners' association neighborhood improvement district
1200 by the enactment of a separate ordinance for each district;
1201 authorizing the governing body to request grants from the state;



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1202 amending s. 163.511, F.S., relating to special neighborhood
1203 improvement districts; revising provisions to conform to changes
1204 made by the act; revising the method of appointing and removing
1205 directors of the district; amending s. 163.512, F.S.; revising
1206 provisions authorizing a municipality or county to create a
1207 community redevelopment neighborhood improvement district;
1208 authorizing the district to receive grants and other funding;
1209 providing that the local governing body may dissolve the
1210 district under certain circumstances; repealing s. 163.513,
1211 F.S., relating to crime prevention through community policing
1212 innovations; amending s. 163.514, F.S.; revising the powers of
1213 neighborhood improvement districts; allowing the district to
1214 contract with legal counsel and other needed professionals;
1215 authorizing the district to collect special assessments under
1216 certain circumstances and following designated procedures;
1217 amending s. 163.5151, F.S.; requiring a local government and a
1218 special neighborhood improvement district to prepare its budget
1219 in a specified manner if levying an ad valorem tax on real or
1220 personal property; amending s. 163.516, F.S.; requiring
1221 neighborhood improvement plans to be created for each
1222 improvement district; revising the contents of the neighborhood
1223 improvement district's plan; repealing s. 163.517, F.S.,
1224 relating to the Safe Neighborhoods Program; repealing s.
1225 163.519, F.S., relating to the duties of the Department of Legal
1226 Affairs relating to neighborhood improvement districts;
1227 repealing s. 163.521, F.S., relating to funding for a
1228 neighborhood improvement district inside an enterprise zone;
1229 repealing s. 163.5215, F.S., relating to the effect and
1230 construction of existing laws relating to neighborhood



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1231 improvement districts; repealing s. 163.522, F.S., relating to
1232 state redevelopment programs; repealing s. 163.523, F.S.,
1233 relating to cooperation and involvement of community
1234 organizations in the creation of safe neighborhood improvement
1235 districts; repealing s. 163.524, F.S., relating to participation
1236 in the Neighborhood Preservation and Enhancement Program;
1237 repealing s. 163.526, F.S., relating to powers and duties of the
1238 Neighborhood Councils and the designated agency of the local
1239 government; amending ss. 376.84, 775.083, and 932.7055, F.S.;
1240 conforming provisions to changes made by the act; providing an
1241 effective date.

By Senator Simmons

22-00175-12

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1 A bill to be entitled
 2 An act relating to neighborhood improvement districts;
 3 amending s. 163.501, F.S.; revising the short title to
 4 become the "Neighborhood Improvement Act"; amending s.
 5 163.502, F.S.; revising legislative findings and
 6 purpose; amending s. 163.503, F.S.; revising a
 7 definition and removing definitions for "environmental
 8 security," "crime prevention," "defensible space,"
 9 "enterprise zone," and "community policing
 10 innovation"; amending s. 163.5035, F.S.; conforming
 11 provisions to changes made by the act; amending s.
 12 163.504, F.S.; authorizing the governing body of any
 13 municipality or county to form a neighborhood
 14 improvement district through the adoption of an
 15 ordinance rather than by a planning ordinance;
 16 removing provisions pertaining to the creation and
 17 funding of safe neighborhood districts; amending s.
 18 163.5055, F.S.; requiring each neighborhood
 19 improvement district authorized under law to notify
 20 the Department of Community Affairs and the Department
 21 of Legal Affairs of their existence rather than to
 22 register; amending s. 163.506, F.S.; revising
 23 provisions authorizing a local governing body to
 24 create a local government neighborhood improvement
 25 district; specifying that the ordinance may authorize
 26 the improvement district to borrow money, issue bonds,
 27 and collect special assessments; authorizing the
 28 governing body of the improvement district to levy ad
 29 valorem taxes upon real and tangible personal property

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30 within the district which the governing body deems
 31 necessary for payment on the general obligation bonds;
 32 authorizing the district to make and collect special
 33 assessments; conditioning the exercise of power by the
 34 local government neighborhood improvement district to
 35 borrow money, issue bonds, collect special
 36 assessments, and to levy ad valorem taxes upon real
 37 and tangible personal property within the district
 38 upon the approval of a referendum by the freeholders
 39 of the district; removing provisions allowing an
 40 alternative organization for the board of directors;
 41 amending s. 163.508, F.S., relating to property
 42 owners' association neighborhood improvement
 43 districts; revising the requirements for creating a
 44 property owners' association neighborhood improvement
 45 district by the enactment of a separate ordinance for
 46 each district; authorizing the governing body to
 47 request grants from the state; amending s. 163.511,
 48 F.S., relating to special neighborhood improvement
 49 districts; revising provisions to conform to changes
 50 made by the act; revising the method of appointing and
 51 removing directors of the district; amending s.
 52 163.512, F.S.; revising provisions authorizing a
 53 municipality or county to create a community
 54 redevelopment neighborhood improvement district;
 55 authorizing the district to receive grants and other
 56 funding; providing that the local governing body may
 57 dissolve the district under certain circumstances;
 58 repealing s. 163.513, F.S., relating to crime

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59 prevention through community policing innovations;
 60 amending s. 163.514, F.S.; specifying the powers of
 61 neighborhood improvement districts; allowing the
 62 district to contract with legal counsel and other
 63 needed professionals; authorizing the districts to
 64 collect special assessments under certain
 65 circumstances and following designated procedures;
 66 amending s. 163.5151, F.S.; requiring a local
 67 government to prepare its budget in a specified manner
 68 if levying an ad valorem tax on real or personal
 69 property; amending s. 163.516, F.S.; requiring
 70 neighborhood improvement plans to be created for each
 71 improvement district; specifying the contents of the
 72 neighborhood improvement district's plan; repealing s.
 73 163.517, F.S., relating to the safe neighborhoods
 74 program; repealing s. 163.519, F.S., relating to the
 75 duties of the Department of Legal Affairs; repealing
 76 s. 163.521, F.S., relating to the neighborhood
 77 improvement district inside an enterprise zone;
 78 repealing s. 163.5215, F.S., relating to the effect
 79 and construction of the existing laws; repealing s.
 80 163.522, F.S., relating to state redevelopment
 81 programs; repealing s. 163.523, F.S., relating to safe
 82 neighborhood districts; repealing s. 163.524, F.S.,
 83 relating to the Neighborhood Preservation and
 84 Enhancement Program; repealing s. 163.526, F.S.,
 85 relating to Neighborhood Councils and the local
 86 government designated agency; amending ss. 163.3182
 87 and 163.387, F.S.; conforming provisions to changes

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88 made by the act; providing an effective date.
 89
 90 Be It Enacted by the Legislature of the State of Florida:
 91
 92 Section 1. Section 163.501, Florida Statutes, is amended to
 93 read:
 94 163.501 Short title.—This part may be cited as the
 95 "Neighborhood Improvement Safe Neighborhoods Act."
 96 Section 2. Section 163.502, Florida Statutes, is amended to
 97 read:
 98 163.502 Neighborhood improvement Safe Neighborhoods;
 99 legislative findings and purpose.—
 100 (1) The Legislature ~~hereby~~ finds and declares that among
 101 the many causes of deterioration in the business and residential
 102 neighborhoods of the state are the following: proliferation of
 103 crime, automobile traffic flow strangled by outmoded street
 104 patterns, unsuitable topography, faulty lot layouts,
 105 fragmentation of land uses and parking areas necessitating
 106 frequent automobile movement, lack of separation of pedestrian
 107 areas from automobile traffic, lack of separation of vehicle
 108 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
 109 from automobile traffic, and lack of adequate public
 110 improvements such as streets, street lights, street furniture,
 111 street landscaping, sidewalks, traffic signals, way-finding
 112 signs, mass transit, stormwater systems, and other public
 113 utilities and improvements.
 114 (2) The Legislature further finds and declares that a
 115 healthy and vibrant neighborhood is ~~safe neighborhoods~~ are the
 116 product of planning and implementation of appropriate

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117 environmental design concepts, comprehensive planning ~~crime~~
118 ~~prevention programs~~, land use recommendations, and
119 beautification techniques.

120 (3) The Legislature further finds and declares that the
121 provisions of this part and the powers granted to local
122 governments, property owners' associations, special dependent
123 districts, and community redevelopment neighborhood improvement
124 districts are desirable to guide and accomplish the coordinated,
125 balanced, and harmonious development of a healthy and vibrant
126 neighborhood ~~safe neighborhoods~~; to promote the health, safety,
127 and general welfare of these areas and their inhabitants,
128 visitors, property owners, and workers; to establish, maintain,
129 and preserve property values and preserve and foster the
130 development of attractive neighborhood and business
131 environments; to prevent ~~overcrowding and~~ congestion; and to
132 improve or redirect automobile traffic and provide pedestrian
133 safety; ~~to reduce crime rates and the opportunities for the~~
134 ~~commission of crime; and to provide improvements in~~
135 ~~neighborhoods so they are defensible against crime.~~

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

145 Section 3. Section 163.503, Florida Statutes, is amended to

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146 read:

147 163.503 ~~Safe neighborhoods~~, Definitions.—

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

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

165 (3) "Department" means the Department of Legal Affairs.

166 (4) "Board" means the board of directors of a neighborhood
167 improvement district, which may be the governing body of a
168 municipality or county or the officers of a property owners'
169 association or the board of directors of a special neighborhood
170 improvement district or community redevelopment neighborhood
171 improvement district.

172 ~~(5) "Environmental security" means an urban planning and~~
173 ~~design process which integrates crime prevention with~~
174 ~~neighborhood design and community development.~~

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

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

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

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

190 Section 4. Section 163.5035, Florida Statutes, is amended
 191 to read:

192 163.5035 Safe Neighborhood improvement districts;
 193 compliance with special district provisions.—Any special
 194 district created pursuant to this part shall comply with all
 195 applicable provisions contained in chapter 189. In cases where a
 196 provision contained in this part conflicts with a provision in
 197 chapter 189, the provision in chapter 189 prevails ~~shall~~
 198 ~~prevail.~~

199 Section 5. Section 163.504, Florida Statutes, is amended to
 200 read:

201 163.504 Safe Neighborhood improvement districts; planning
 202 ~~funds.~~—

203 ~~(1)~~ The governing body of any municipality or county may

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204 authorize the formation of ~~safe~~ neighborhood improvement
 205 districts through the adoption of an a ~~planning~~ ordinance that
 206 ~~which~~ specifies that such districts may be created by one or
 207 more of the methods established in ss. 163.506, 163.508,
 208 163.511, and 163.512. A ~~No~~ district may not overlap the
 209 jurisdictional boundaries of a municipality and the
 210 unincorporated area of a county, unless approved ~~except~~ by
 211 interlocal agreement.

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

218 ~~(3) Municipalities and counties may implement the~~
 219 ~~provisions of this section without planning funds from the~~
 220 ~~Department of Legal Affairs. However, nothing in this section~~
 221 ~~shall be construed to exempt any district from the requirements~~
 222 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
 223 ~~163.516.~~

224 Section 6. Section 163.5055, Florida Statutes, is amended
 225 to read:

226 163.5055 Notice ~~Registration~~ of district establishment;
 227 notice of dissolution.—

228 ~~(1)(a)~~ Each neighborhood improvement district authorized
 229 and established under this part shall within 30 days thereof
 230 notify register ~~with both~~ the Department of Community Affairs
 231 and the Department of Legal Affairs by providing these
 232 departments with the district's name, location, size, and type,

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233 and such other information as the departments may request
234 ~~require~~.

235 ~~(2)(b)~~ Each local governing body ~~that~~ which authorizes the
236 dissolution of a district shall notify both the Department of
237 Community Affairs and the Department of Legal Affairs within 30
238 days after the dissolution of the district.

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

241 Section 7. Section 163.506, Florida Statutes, is amended to
242 read:

243 163.506 Local government neighborhood improvement
244 districts; creation; advisory council; dissolution.-

245 (1) After ~~an a local planning~~ ordinance has been adopted
246 authorizing the creation of local government neighborhood
247 improvement districts, the local governing body of a
248 municipality or county may create local government neighborhood
249 improvement districts by the enactment of a separate ordinance
250 for each district, ~~which ordinance:~~

251 (a) Specifies the boundaries, size, and name of the
252 district.

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

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

258 (d) Authorizes the use of special assessments to support
259 planning and implementation of district improvements pursuant to
260 the provisions of s. 163.514(16), if the district is a
261 residential local government neighborhood improvement district

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262 ~~including community policing innovations.~~

263 (e) Designates the local governing body as the board of
264 directors of the district.

265 (f) Establishes an advisory council to the board of
266 directors comprised of property owners, representatives of
267 property owners, business owners, or residents of the district.

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

270 (h) Requires the district to notify the Department of Legal
271 Affairs and the Department of Community Affairs in writing
272 within 30 days after ~~of~~ its establishment ~~within 30 days thereof~~
273 pursuant to s. 163.5055.

274 (i) Authorizes the district to borrow money, contract for
275 loans, and issue bonds, certificates, warrants, notes, or other
276 evidence of indebtedness to finance the undertaking of any
277 capital or other project for the purposes permitted by the State
278 Constitution and this part and may pledge the funds, credit,
279 property, and taxing power of the improvement district for the
280 payment of such debts and bonds.

281 1. Bonds issued under this part shall be authorized by
282 resolution of the governing board of the district and, if
283 required by the State Constitution, by affirmative vote of the
284 electors of the district. The bonds may be issued in one or more
285 series and shall bear such date, be payable upon demand or
286 mature at such time, bear interest at such rate, be in such
287 denomination, be in such form, registered or not, with or
288 without coupon, carry such conversion or registration
289 privileges, have such rank or priority, be executed in such
290 manner, be payable in such medium of payment, at such place, and

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291 subject to such terms of redemption, with or without premium, be
 292 secured in such manner, and have such other characteristics as
 293 may be provided by such resolution or trust indenture or
 294 mortgage issued pursuant to this act.

295 2. The governing body of the district shall determine the
 296 terms and manner of sale and distribution or other disposition
 297 of any bonds it may issue, consistent with s. 218.385, and shall
 298 have all powers necessary and convenient to such disposition.

299 3. The governing body of the district may establish and
 300 administer the sinking funds as it deems necessary for the
 301 payment, purchase, or redemption of any outstanding bonded
 302 indebtedness of the district.

303 4. The governing body of the improvement district may levy
 304 ad valorem taxes upon real and tangible personal property within
 305 the district as it deems necessary to make payment, including
 306 principal and interest, upon the general obligation and ad
 307 valorem bonded indebtedness of the district or into any sinking
 308 fund created pursuant to this part.

309 5. This part is full authority for the issuance of bonds
 310 authorized in this act.

311 (j) Authorizes the district to make and collect special
 312 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
 313 capital improvements within the district and for reasonable
 314 expenses of operating the district, including the payment of
 315 expenses included in the district's budget, if the district is a
 316 commercial local government neighborhood improvement district.
 317 Such assessments may not exceed \$1,500 for each individual
 318 parcel of land per year.

319 (k) Authorizes the district to charge, collect, and enforce

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320 fees and other user charges.

321 (l) Conditions the exercise of the powers provided in
 322 paragraphs (c), (i), and (j) on approval pursuant to a
 323 referendum as described in this paragraph.

324 1. Within 45 days after the date the governing body of the
 325 municipality or county enacts an ordinance pursuant to this
 326 subsection defining the boundaries of the proposed improvement
 327 district, the city clerk or the supervisor of elections,
 328 whichever is appropriate, shall certify each ordinance or
 329 petition and compile a list of the names and last known
 330 addresses of the freeholders in the proposed local government
 331 neighborhood improvement district from the tax assessment roll
 332 of the county applicable as of December 31 in the year preceding
 333 the year in which the ordinance was enacted. Except as otherwise
 334 provided in this paragraph, the list constitutes the
 335 registration list for the purposes of the freeholders'
 336 referendum required under this paragraph.

337 2. Within 45 days after compilation of the freeholders'
 338 registration list pursuant to subparagraph 1., the city clerk or
 339 the supervisor of elections shall notify each such freeholder of
 340 the general provisions of this paragraph, including the taxing
 341 authority and the date of the upcoming referendum, and the
 342 method provided for submitting corrections to the registration
 343 list if the status of the freeholder has changed since the
 344 compilation of the tax rolls. Notification shall be by United
 345 States mail and by publication one time in a newspaper of
 346 general circulation in the county or municipality in which the
 347 district is located.

348 3. Any freeholder whose name does not appear on the tax

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349 rolls compiled pursuant to subparagraph 1. may register to vote
 350 with the city clerk or the supervisor of elections. The
 351 registration list shall remain open for 75 days after enactment
 352 of the ordinance defining the local government neighborhood
 353 improvement district.

354 4. Within 15 days after the closing of the registration
 355 list, the city clerk or the supervisor of elections shall send a
 356 ballot to each registered freeholder at his or her last known
 357 mailing address by first-class United States mail. The ballot
 358 shall include:

359 a. A description of the general provisions of this
 360 paragraph applicable to local government neighborhood
 361 improvement districts;

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

363 c. The percent of the freeholder's interest in such
 364 property; and

365 d. Immediately following the information, the following:

366
 367 "Do you favor authorizing the Local Government
 368 Neighborhood Improvement District to levy up to 2
 369 mills of ad valorem taxes by such proposed district?

370
 371Yes, for authorizing the levy of up to 2 mills of
 372 ad valorem taxes by such proposed district.

373
 374No, against authorizing the levy of up to 2 mills
 375 of ad valorem taxes by such proposed district."

376
 377 "Do you favor authorizing the Local Government

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378 Neighborhood Improvement District to borrow money,
 379 including the issuance of bonds, as provided by s.
 380 163.506(1)(i), Florida Statutes?

381
 382Yes, for authorizing the borrowing of money for
 383 district purposes.

384
 385No, against authorizing the borrowing of money for
 386 district purposes."

387
 388 "Do you favor authorizing the Local Government
 389 Neighborhood Improvement District to impose a special
 390 assessment of not greater than \$1,500 for each
 391 individual parcel of land per year to pay for the
 392 expenses of operating the neighborhood improvement
 393 district and for approved capital improvements?

394
 395Yes, for the special assessment.

396
 397No, against the special assessment."

398
 399 5. Ballots shall be returned by United States mail or by
 400 personal delivery.

401 6. All ballots received within 120 days after enactment of
 402 the ordinance shall be tabulated by the city clerk or the
 403 supervisor of elections, who shall certify the results thereof
 404 to the city council or county commission no later than 5 days
 405 after the 120-day period.

406 7. The freeholders are deemed to have approved of the

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 407 provisions of this paragraph when the city clerk or the
 408 supervisor of elections certifies to the governing body of the
 409 municipality or county that approval has been given by
 410 freeholders representing in excess of 50 percent of the assessed
 411 value of the property within the local government neighborhood
 412 improvement district.

413 8. The city clerk or the supervisor of elections, whichever
 414 is appropriate, shall enclose with each ballot sent pursuant to
 415 this paragraph two envelopes: a secrecy envelope, into which the
 416 freeholder shall enclose the marked ballot; and a mailing
 417 envelope, into which the freeholder shall then place the secrecy
 418 envelope, which shall be addressed to the city clerk or the
 419 supervisor of elections. The back side of the mailing envelope
 420 shall bear a certificate in substantially the following form:

421
 422 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
 423 AND COMPLETING VOTER'S CERTIFICATE.

424
 425 VOTER'S CERTIFICATE

426
 427 I, , am a duly qualified and registered freeholder of
 428 the proposed(name) local government neighborhood
 429 improvement district; and I am entitled to vote this ballot. I
 430 do solemnly swear or affirm that I have not and will not vote
 431 more than one ballot in this election. I understand that failure
 432 to sign this certificate and have my signature witnessed will
 433 invalidate my ballot.

434
 435(Voter's Signature) . . .

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 436
 437 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18 YEARS
 438 OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

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

441
 442(Signature of Witness)
 443(Address)(City/State)

444
 445 9. The certificate shall be arranged on the back of the
 446 mailing envelope so that the lines for the signatures of the
 447 freeholder and the attesting witness are across the seal of the
 448 envelope; however, no statement shall appear on the envelope
 449 which indicates that a signature of the freeholder or witness
 450 must cross the seal of the envelope. The freeholder and the
 451 attesting witness shall execute the certificate on the envelope.

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

456
 457 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

458
 459 a. VERY IMPORTANT. In order to ensure that your ballot will
 460 be counted, it should be completed and returned as soon as
 461 possible so that it can reach the city clerk or the supervisor
 462 of elections no later than 7 p.m. on the (final day of the 120-
 463 day period given here).

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

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465 c. Place your marked ballot in the enclosed secrecy
466 envelope.

467 d. Insert the secrecy envelope into the enclosed mailing
468 envelope, which is addressed to the city clerk or the supervisor
469 of elections.

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

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

474 g. VERY IMPORTANT. In order for your ballot to be counted,
475 it must include the signature and address of a witness 18 years
476 of age or older affixed to the voter's certificate.

477 h. Mail, deliver, or have delivered the completed mailing
478 envelope. Be sure there is sufficient postage affixed to the
479 mailing envelope if mailed.

480 (2) The advisory council shall perform such duties as may
481 be prescribed by the governing body and shall submit within the
482 time period specified by the governing body, acting as the board
483 of directors, a report on the district's activities and a
484 proposed budget to accomplish its objectives. In formulating a
485 plan for services or improvements, the advisory board shall
486 consult in public session with the appropriate staff or
487 consultants of the local governing body ~~responsible for the~~
488 ~~district's plan.~~

489 ~~(3) As an alternative to designating the local governing~~
490 ~~body as the board of directors, a majority of the local~~
491 ~~governing body of a city or county may appoint a board of three~~
492 ~~to seven directors for the district who shall be residents of~~
493 ~~the proposed area and who are subject to ad valorem taxation in~~

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

509 (3)(4) A district may be dissolved by the governing body by
510 rescinding the ordinance creating the district. The governing
511 body may rescind shall consider rescinding the ordinance if
512 presented with a petition requesting that it be rescinded.
513 Petitions related to a residential neighborhood improvement
514 district must contain containing the signatures of at least 60
515 percent of the residents. Petitions related to a commercial
516 neighborhood improvement district must contain signatures
517 representing owners of at least 60 percent of the land area of
518 the of a district.

519 Section 8. Section 163.508, Florida Statutes, is amended to
520 read:

521 163.508 Property owners' association neighborhood
522 improvement districts; creation; powers and duties; duration.-

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523 (1) After ~~an a local planning~~ ordinance has been adopted
 524 authorizing the creation of property owners' association
 525 neighborhood improvement districts, the local governing body of
 526 a municipality or county may create property owners' association
 527 neighborhood improvement districts by the enactment of a
 528 separate ordinance for each district, ~~which ordinance:~~

529 (a) Establishes that an incorporated property owners'
 530 association representing 75 percent of all owners of property
 531 within a proposed district meeting the requirements of this
 532 section has petitioned the governing body of the municipality or
 533 county for creation of a district for the area encompassed by
 534 the property owned by members of the association.

535 (b) Specifies the boundaries, size, and name of the
 536 district.

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

539 1. Request grants a matching grant from the state's Safe
 540 Neighborhoods Program to prepare the first year's safe
 541 neighborhood improvement plan. ~~The provider of the local match~~
 542 ~~for the state grant shall be mutually agreed upon between the~~
 543 ~~governing body and the property owners' association. The~~
 544 ~~governing body may agree to provide the match as a no-interest-~~
 545 ~~bearing loan to be paid back from assessments imposed by the~~
 546 ~~association on its members or shareholders.~~

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

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

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

553 (d) Provides for an audit of the property owners'
 554 association.

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

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

559 (g) Requires the district to notify the Department of Legal
 560 Affairs and the Department of Community Affairs in writing
 561 within 30 days after ~~of~~ its establishment ~~within 30 days thereof~~
 562 pursuant to s. 163.5055.

563 (2) In order to qualify for the creation of a neighborhood
 564 improvement district, the property owners shall form an
 565 association in compliance with this section, or use an existing
 566 property owners' association in compliance with this section,
 567 which shall be a corporation, ~~for profit or~~ not for profit. At
 568 least, ~~and of which not less than~~ 75 percent of all property
 569 owners within the proposed area must consent ~~have consented~~ in
 570 writing to become members ~~or shareholders~~. Upon such consent by
 571 75 percent of the property owners in the proposed district, all
 572 consenting property owners and their successors shall become
 573 members of the association and ~~are shall be~~ bound by the
 574 provisions of the articles of incorporation, the bylaws of the
 575 association, the covenants, the deed restrictions, the
 576 indentures, and any other properly promulgated restrictions.
 577 Each member of the association shall be ~~have no member or~~
 578 ~~shareholder who is not~~ a bona fide owner of property within the
 579 proposed district. Upon receipt of its certificate of
 580 incorporation, the property owners' association shall notify the

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

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

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

589 (b) To use utilize various legal instruments such as
590 covenants, deed restrictions, and indentures to preserve and
591 maintain the integrity of property, land, and rights-of-way
592 owned and conveyed to it within the district.

593 (c) To make and collect assessments against all property
594 within the boundaries of the district pursuant to the provisions
595 of s. 163.514(16) and to lease, maintain, repair, and
596 reconstruct any privatized street, land, or common area within
597 the district upon dedication thereof to the association.

598 (d) Without the joinder of any property owner, to modify,
599 move, or create any easement for ingress and egress or for the
600 purpose of utilities, if such easement constitutes part of or
601 crosses district property. However, ~~this shall not authorize~~ the
602 association may not ~~to~~ modify or move any easement that which is
603 created in whole or in part for the use or benefit of anyone
604 other than association members, or that which crosses the
605 property of anyone other than association members, without the
606 consent or approval of such person as required by law or by the
607 instrument creating the easement. ~~Nothing in~~ This paragraph does
608 not shall affect the rights of ingress or egress of any member
609 of the association.

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

614 Section 9. Subsections (1), (7), (8), and (10) of section
615 163.511, Florida Statutes, are amended to read:

616 163.511 Special neighborhood improvement districts;
617 creation; referendum; board of directors; duration; extension.—

618 (1) After ~~an a local planning~~ ordinance has been adopted
619 authorizing the creation of special neighborhood improvement
620 districts, the governing body of a municipality or county may
621 declare the need for and create special residential or business
622 neighborhood improvement districts by the enactment of a
623 separate ordinance for each district, ~~which ordinance:~~

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

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

629 (c) Authorizes the use of special assessments to support
630 planning and implementation of district improvements pursuant to
631 the provisions of s. 163.514(16), ~~including community policing~~
632 ~~innovations.~~

633 (d) Specifies the boundaries, size, and name of the
634 district.

635 (e) Authorizes the district to receive a planning grant
636 from the department.

637 (f) Provides for the appointment of a 3-member board of
638 directors for the district.

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

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

646 (i) Requires the district to notify the Department of Legal
 647 Affairs and the Department of Community Affairs in writing of
 648 its establishment within 30 days thereof pursuant to s.
 649 163.5055.

650 (j) May authorize a special neighborhood improvement
 651 district to develop and implement community policing innovations
 652 in consultation with the local law enforcement agency having
 653 jurisdiction within the district boundaries.

654 (7) ~~The business and affairs of a special neighborhood~~
 655 ~~improvement district shall be conducted and administered by A~~
 656 ~~board of three directors who are shall be~~ residents of or
 657 property owners within the proposed area and who are subject to
 658 ad valorem taxation in the district shall conduct and administer
 659 the business and affairs of each special neighborhood
 660 improvement district. Upon their initial appointment and
 661 qualification and in January of each year thereafter, the
 662 directors shall organize by electing from their number a chair
 663 and a secretary, and may ~~also~~ employ staff and legal
 664 representatives as deemed appropriate, who shall serve at the
 665 pleasure of the board and may receive such compensation as shall
 666 be fixed by the board. The secretary shall keep a record of the
 667 proceedings of the district and shall be custodian of all books

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668 and records of the district. The directors may shall not receive
 669 any compensation for their services, nor may they be employed by
 670 the district.

671 (8) Within 30 days ~~after~~ of the approval of the creation of
 672 a special neighborhood improvement district, if the district is
 673 in a municipality, ~~a majority of~~ the governing body of the
 674 municipality, or if the district is in the unincorporated area
 675 of the county, ~~a majority of~~ the county commission, shall
 676 appoint the three directors ~~provided for herein~~ for staggered
 677 terms of 3 years. The initial appointments shall be as follows:
 678 one for a 1-year term, one for a 2-year term, and one for a 3-
 679 year term. Each director shall hold office until his or her
 680 successor is appointed and qualified unless the director ceases
 681 to be qualified to act as a director or is removed from office.
 682 Vacancies on the board shall be filled for the unexpired portion
 683 of a term in the same manner as the initial appointments were
 684 made.

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

692 Section 10. Section 163.512, Florida Statutes, is amended
 693 to read:

694 163.512 Community redevelopment neighborhood improvement
 695 districts; creation; advisory council; dissolution.—

696 (1) Upon the recommendation of the community redevelopment

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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697 agency and after ~~an a local planning~~ ordinance has been adopted
 698 authorizing the creation of community redevelopment neighborhood
 699 improvement districts, the local governing body of a
 700 municipality or county may create community redevelopment
 701 neighborhood improvement districts by the enactment of a
 702 separate ordinance for each district, ~~which ordinance:~~

703 (a) Specifies the boundaries, size, and name of the
 704 district.

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

707 (c) Authorizes the use of the community redevelopment trust
 708 fund created pursuant to s. 163.387 for the purposes of
 709 implementing the district's ~~safe neighborhood~~ improvement plan
 710 ~~and furthering crime prevention through community policing~~
 711 ~~innovations, environmental design, environmental security, and~~
 712 ~~defensible space techniques, if the expenditures from the~~
 713 ~~community redevelopment trust fund~~ are consistent with the
 714 community redevelopment plan created pursuant to s. 163.360.

715 (d) Designates the community redevelopment board of
 716 commissioners established pursuant to s. 163.356 or s. 163.357
 717 as the board of directors for the district.

718 (e) Establishes an advisory council to the board of
 719 directors comprised of property owners or residents of the
 720 district.

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

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

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726 neighborhood improvement plan to be included in the community
 727 redevelopment plan as an optional element.

728 (h) Requires that the boundaries of the community
 729 redevelopment district be contained in whole within the
 730 community redevelopment area established pursuant to ss. 163.355
 731 and 163.356.

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

736 (2) The advisory council shall perform such duties as may
 737 be prescribed by the community redevelopment board established
 738 pursuant to s. 163.356 and shall submit within the time period
 739 specified by the board of directors a report on the district's
 740 activities and a proposed budget to accomplish its objectives.
 741 In formulating a plan for services or improvements, the advisory
 742 council shall consult in public session with the appropriate
 743 staff or consultants of the community redevelopment board
 744 ~~responsible for the district's plan.~~

745 (3) A district may be dissolved by the local governing body
 746 by rescinding the ordinance creating the district. The governing
 747 body may rescind ~~shall consider rescinding~~ the ordinance if
 748 presented with a petition containing the signatures of at least
 749 60 percent of the residents of a district.

750 Section 11. Section 163.513, Florida Statutes, is repealed.
 751 Section 12. Section 163.514, Florida Statutes, is amended
 752 to read:
 753 163.514 Powers of neighborhood improvement districts.—
 754 Unless prohibited by ordinance, the board of any district is

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755 ~~shall be~~ empowered to:

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

758 (2) Have and use a corporate seal.

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

764 (4) Accept grants and donations of any type of property,
765 labor, or other thing of value from any public or private
766 source.

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

770 (6) Cooperate and contract with other governmental agencies
771 or other public bodies.

772 (7) Contract for services of planners, engineers,
773 attorneys, and other planning consultants, ~~experts on crime~~
774 ~~prevention through community policing innovations, environmental~~
775 ~~design, environmental security, or defensible space, or other~~
776 ~~experts~~ in areas pertaining to the operations of the board of
777 directors or the district.

778 (8) Contract with the county or municipal government for
779 planning assistance, legal advice, and for increased levels of
780 law enforcement protection and security, including additional
781 personnel.

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

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784 expansion of existing businesses.

785 (10) Promote and advertise the district to the public and
786 engage in cooperative advertising programs with businesses
787 located in the district.

788 (11) Improve, plan, design, construct, operate, provide,
789 and maintain street lighting, parks, streets, drainage,
790 utilities, swales, parking facilities, transit, landscaping, and
791 open areas, and provide ~~safe~~ access to mass transportation
792 facilities in the district.

793 (12) Undertake innovative approaches to securing
794 neighborhoods from crime, such as crime prevention through
795 community policing innovations, environmental design,
796 environmental security, and defensible space.

797 (13) Privatize, close, vacate, plan, or replan streets,
798 roads, sidewalks, and alleys, subject to the concurrence of the
799 local governing body and, if required, the state Department of
800 Transportation.

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

803 (15) Identify areas with blighted influences, including,
804 but not limited to, areas where unlawful urban dumping or
805 graffiti are prevalent, and develop programs for eradication
806 thereof.

807 (16) (a) Subject to referendum approval, and for special,
808 community redevelopment, and property owners' association
809 neighborhood improvement districts only, make and collect
810 special assessments pursuant to ss. 197.3632 and 197.3635 to pay
811 for improvements to the district and for reasonable expenses of
812 operating the district, including the payment of expenses

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 813 included in the district's budget, subject to an affirmative
 814 vote by a majority of the registered voters residing in the
 815 district. Such assessments shall not exceed \$500 for each
 816 individual parcel of land per year. Notwithstanding the
 817 provisions of s. 101.6102, the referendum to approve the special
 818 assessment shall be by mail ballot.

819 (b) ~~In order to implement this subsection,~~ The city clerk
 820 or the supervisor of elections, whichever is appropriate, shall
 821 compile a list of the names and last known addresses of the
 822 electors in the neighborhood improvement district from the list
 823 of registered voters of the county as of the last day of the
 824 preceding month. The list constitutes ~~same shall constitute~~ the
 825 registration list for the purposes of a referendum. Within 45
 826 days after compilation of the voter registration list, the city
 827 clerk or the supervisor of elections shall notify each elector
 828 of the general provisions of this section, including the taxing
 829 authority and the date of the upcoming referendum. Notification
 830 shall be by United States mail and, in addition thereto, by
 831 publication one time in a newspaper of general circulation in
 832 the county or municipality in which the district is located.

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

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

841 1. A description of the general provisions of this section

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 842 applicable to the neighborhood improvement district; and
 843 2. Immediately following said information, the following:
 844
 845 "Do you favor the imposition of a special assessment
 846 of not greater than \$500 for each individual parcel of
 847 land per year to pay for the expenses of operating the
 848 neighborhood improvement district?"

849
 850 ...Yes, for the special assessment.

851
 852 ...No, against the special assessment."

853
 854 (e) Ballots shall be returned by United States mail or by
 855 personal delivery.

856 (f) All ballots received within 60 days after the closing
 857 of registration shall be tabulated by the city clerk or the
 858 supervisor of elections, who shall certify the results thereof
 859 to the city governing body or county commission no later than 5
 860 days after the said 60-day period.

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

863 Section 13. Subsections (3) and (4) of section 163.5151,
 864 Florida Statutes, are amended to read:

865 163.5151 Fiscal management; budget preparation.—

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

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871 the board, the board shall submit a tentative budget and
 872 proposed millage rate of the district to the governing body of
 873 the municipality in which the district is located, or to the
 874 county if the district is located in the unincorporated portion
 875 of the county, for approval or disapproval. ~~The Such~~ governing
 876 body may ~~shall have the power to~~ modify the budget or millage
 877 submitted by the board. Subsequent to approval, the board shall
 878 adopt its final budget and millage rate in accordance with the
 879 requirements of chapter 200.

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

885 Section 14. Section 163.516, Florida Statutes, is amended
 886 to read:

887 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

891 (a) Demographics of the district.

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

893 (b)(c) Land use, zoning, housing, and traffic analysis.

894 ~~(d) Determination of the problems of the crime-to-~~
 895 ~~environment relationship and the stability of the neighborhood~~
 896 ~~improvement district.~~

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

898 ~~(f) Assessment of crime prevention through community~~
 899 ~~policing innovations, environmental design, environmental~~

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900 ~~security, and defensible space strategies and tactics that will~~
 901 ~~be applied to the crime-to-environment relationship problems.~~

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

903 ~~(h) Outline of program participants and their functions and~~
 904 ~~responsibilities.~~

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

906 ~~(j) Evaluation guidelines.~~

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

909 (a) ~~The Such~~ property as it is intended for use as public
 910 parks, recreation areas, streets, public utilities, and public
 911 improvements of any nature.

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

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

916 ~~(d) Provision for the retention of controls and the~~
 917 ~~establishment of any restrictions or covenants running with land~~
 918 ~~sold or leased for private use for such periods of time and~~
 919 ~~under such conditions as the governing body of the municipality~~
 920 ~~in which the district is located, or the county if the district~~
 921 ~~is located in the unincorporated portion of the county, deems~~
 922 ~~necessary to effectuate the purposes of this part.~~

923 (c)(e) Projected costs of improvements, including the
 924 amount to be expended on publicly funded capital improvement
 925 projects in the district and any indebtedness of the district,
 926 the county, or the municipality proposed to be incurred if such
 927 indebtedness is to be repaid with district revenues.

928 ~~(f) Promotion of advertising programs to be undertaken by~~

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929 ~~the district or in conjunction with businesses in the district.~~

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

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

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

934 (a) Be consistent with the adopted comprehensive plan for
 935 the county or municipality pursuant to the Community Planning
 936 Act. ~~A~~ ~~No~~ district plan may not ~~shall~~ be implemented unless the
 937 local governing body has determined the ~~said~~ plan is consistent.

938 (b) Be sufficiently complete to indicate any ~~such~~ land
 939 acquisition, demolition and removal of structures, street
 940 modifications, redevelopment, and rehabilitation as may be
 941 proposed to be carried out in the district.

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

944 ~~(4) The county, municipality, or district may prepare or~~
 945 ~~cause to be prepared a safe neighborhood improvement plan, or~~
 946 ~~any person or agency, public or private, may submit such a plan~~
 947 ~~to a district. Prior to its consideration of a safe neighborhood~~
 948 ~~improvement plan, the district shall submit such plan to the~~
 949 ~~local governing body for review and written approval as to its~~
 950 ~~consistency with the local government comprehensive plan. The~~
 951 ~~district must be notified of approval or disapproval within 60~~
 952 ~~days after receipt of the plan for review, and a revised version~~
 953 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
 954 ~~district may not proceed with the safe neighborhood improvement~~
 955 ~~plan until final approval is given by the local governing body.~~

956 ~~(4)(5)~~ Prior to adoption of the safe neighborhood
 957 improvement plan, the board shall hold a public hearing on the

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

963 ~~(5)(6)~~ The board, after the public hearing, may approve the
 964 ~~safe~~ neighborhood improvement plan if it finds:

965 (a) The plan is ~~has been approved as~~ consistent with the
 966 local comprehensive plan by the local governing body; and

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

970 ~~(6)(7) If, at~~ Any time after approval of the ~~safe~~
 971 neighborhood improvement plan, the board may ~~it becomes~~
 972 ~~desirable to~~ amend or modify the plan, ~~the board may do so.~~
 973 Before the plan may be amended or modified ~~Prior to any such~~
 974 ~~amendment or modification,~~ the board shall obtain written
 975 approval of the local governing body concerning conformity to
 976 the local government comprehensive plan and hold a public
 977 hearing on the proposed amendment or modification after public
 978 notice ~~thereof~~ by publication in a newspaper of general
 979 circulation in the county or municipality in which the district
 980 is located. The notice shall describe the time, place, and
 981 purpose of the hearing and generally describe the proposed
 982 amendment or modification.

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

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987 ~~adopted local comprehensive plan.~~

988 ~~(9) A safe neighborhood improvement plan for each district~~
 989 ~~shall be prepared and adopted by the municipality or county~~
 990 ~~prior to the levy and expenditure of any of the proceeds of any~~
 991 ~~tax assessment or fee authorized to such districts other than~~
 992 ~~for the preparation of the safe community or business~~
 993 ~~improvement plan.~~

994 Section 15. Section 163.517, Florida Statutes, is repealed.

995 Section 16. Section 163.519, Florida Statutes, is repealed.

996 Section 17. Section 163.521, Florida Statutes, is repealed.

997 Section 18. Section 163.5215, Florida Statutes, is

998 repealed.

999 Section 19. Section 163.522, Florida Statutes, is repealed.

1000 Section 20. Section 163.523, Florida Statutes, is repealed.

1001 Section 21. Section 163.524, Florida Statutes, is repealed.

1002 Section 22. Section 163.526, Florida Statutes, is repealed.

1003 Section 23. Paragraph (a) of subsection (6) of section

1004 163.3182, Florida Statutes, is amended to read:

1005 163.3182 Transportation deficiencies.—

1006 (6) EXEMPTIONS.—

1007 (a) The following public bodies or taxing authorities are
 1008 exempt from this section:

1009 1. A special district that levies ad valorem taxes on
 1010 taxable real property in more than one county.

1011 2. A special district for which the sole available source
 1012 of revenue is the authority to levy ad valorem taxes at the time
 1013 an ordinance is adopted under this section. However, revenues or
 1014 aid that may be dispensed or appropriated to a district as
 1015 defined in s. 388.011 at the discretion of an entity other than

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1016 such district are not deemed available.

1017 3. A library district.

1018 4. A neighborhood improvement district created under the
 1019 Neighborhood Improvement Safe Neighborhoods Act.

1020 5. A metropolitan transportation authority.

1021 6. A water management district created under s. 373.069.

1022 7. A community redevelopment agency.

1023 Section 24. Paragraph (c) of subsection (2) of section
 1024 163.387, Florida Statutes, is amended to read:

1025 163.387 Redevelopment trust fund.—

1026 (2)

1027 (c) The following public bodies or taxing authorities are
 1028 exempt from paragraph (a):

1029 1. A special district that levies ad valorem taxes on
 1030 taxable real property in more than one county.

1031 2. A special district for which the sole available source
 1032 of revenue the district has the authority to levy is ad valorem
 1033 taxes at the time an ordinance is adopted under this section.
 1034 However, revenues or aid that may be dispensed or appropriated
 1035 to a district as defined in s. 388.011 at the discretion of an
 1036 entity other than such district shall not be deemed available.

1037 3. A library district, except a library district in a
 1038 jurisdiction where the community redevelopment agency had
 1039 validated bonds as of April 30, 1984.

1040 4. A neighborhood improvement district created under the
 1041 Neighborhood Improvement Safe Neighborhoods Act.

1042 5. A metropolitan transportation authority.

1043 6. A water management district created under s. 373.069.

1044 Section 25. This act shall take effect July 1, 2012.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Budget - Subcommittee on Education Pre-K - 12
Appropriations, *Chair*
Agriculture
Budget
Budget - Subcommittee on Higher Education
Appropriations
Judiciary
Rules - Subcommittee on Ethics and Elections
Reapportionment

SENATOR DAVID SIMMONS

Majority Whip
22nd District

November 3, 2011

The Honorable Michael Bennett
404 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Bennett:

I would like to respectfully request that you place Senate Bill 582, Relating to Neighborhood Improvement District, on the next agenda for the Community Affairs Committee.

Please feel free to contact me if you have any questions regarding this bill.

Sincerely yours

A handwritten signature in black ink, appearing to read "David Simmons", with a stylized flourish extending to the right.

David Simmons

✓ Dec'd 11/3/11
apw

REPLY TO:

- 251 Maitland Avenue, Suite 304, Altamonte Springs, FL 32701 (407) 262-7578
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5050

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5

12/5/2011

Meeting Date

Topic Improve districts

Bill Number 582
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5 Dec. 2011
Meeting Date

Topic Neighborhood Improvement Districts

Bill Number 582
(if applicable)

Name Kyle Shephard

Amendment Barcode _____
(if applicable)

Job Title Assistant City Attorney

Address 400 S. Orange Ave.
Street

Phone 407 579 5952

Orlando FL 32801
City State Zip

E-mail kyle.shephard@cityoforlando.net

Speaking: For Against Information

Representing City of Orlando

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/CS/SB 502

INTRODUCER: Community Affairs Committee; and Agriculture Committee and Senator Hays

SUBJECT: Public Fairs and Expositions

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	AG	Fav/CS
2.	Hinton	Yeatman	CA	Fav/CS
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 502 (the bill) creates or revises definitions in ch. 616, F.S., Public Fairs and Expositions, to clarify the usage of fairground facilities for an annual public fair or for other authorized uses. It states that, in addition to public service, the primary objective of a fair association is to hold, conduct, and promote public fairs or expositions. It requires an association to pursue those objectives in good faith.

The bill permits a fair association to file its charter and amendments as a Florida Not for Profit Corporation and provides for dissolution by a resolution procedure set forth in the charter. It makes a declaration that authorized uses by a fair association serve an essential government purpose which codifies long standing case law regarding the right to certain tax exemptions. The bill expands the list of activities and functions authorized for a fair association to reflect current practices and it affirms that a fair association is a noncommercial activity provider. It removes language allowing a government entity that contributes land for a fair association's use to charge admission fees and confirms that the Department of Transportation may contribute land for a fair's use.

The bill changes the waiver from local occupational license to a waiver from local business taxes for a fair association and an operator of an activity at an annual fair to conform to the definition in ch. 205, F.S.

The bill prohibits a fair association from conducting more than one annual public fair. It requires the Department of Agriculture and Consumer Services (DACS) to issue a permit within 10 days after application requirements have been met. It reduces the time for a fair association to apply for a waiver from the required minimum number of exhibits. It allows agricultural and livestock exhibit buildings to be used for any public fair purpose.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 288.1175, 616.001, 616.01, 616.02, 616.03, 616.05, 616.051, 616.07, 616.08, 616.101, 616.11, 616.12, 616.121, 616.14, 616.15, 616.17, 616.185, 616.19, 616.21, 616.23, and 616.24.

II. Present Situation:

The Legislature first passed laws for the purpose of regulating state fair associations and operations by enacting ch. 7388, L.O.F, in 1917. In 1974, the Legislature enacted ch. 74-322, L.O.F., which created the Florida State Fair Authority to deal exclusively with the staging of the annual state fair in Tampa, Florida. The last major changes to the statute occurred when the statute was reviewed in 1993 under provisions of the Regulatory Sunset Act. At that time, it was revised and reenacted by the provisions of ch. 93-168, L.O.F.

Besides the state fair in Tampa, there are approximately fifty other district, regional or county fair associations that stage an annual fair as well as public fairs and expositions. Part I of ch. 616, F.S., sets forth procedures for a fair association to obtain a permit from DACS and provides guidelines for staging these events. Forty nine of the fair associations are members of the Florida Federation of Fairs and Livestock Shows, a Florida Non Profit Corporation, (Federation) whose mission statement is to increase the overall quality of agricultural fairs, provide members support and guidance to educate youth and fairgoers on agriculture, trade, entertainment, and heritage of Florida.¹ Addressing legislative affairs is a support function provided by the organization for its members. Federation representatives report that actual practices over the years show some minor variances from the language of the statute and have proposed amendments to reflect this and to make other changes.

A fair association is required to record its charter and amendments with the clerk of the county where its principal office is located and to file a copy with DACS. The controlling statute indicates that the association to be formed would be not for profit but is silent as to filing with the Department of State.

Currently operators of an activity at permitted fair and fair associations are exempt from certain license taxes which are now referred to as local business taxes in ch. 205, F.S.

Currently there is no statutory deadline for DACS to issue the annual fair permit after the completed application has been received. Also, a fair association has to request a waiver from the minimum number of exhibits at least 60 days before the annual public fair. Buildings authorized

by ss. 616.21-616.23, F.S., are limited to being used as agricultural or livestock exhibition buildings.

III. Effect of Proposed Changes:

Section 1 amends s. 616.001, F.S., to renumber subparagraphs and cross-references thereto as appropriate and to add or revise definitions as follows:

- Defines “Annual public fair” as a community, county, district, regional, or state fair that is held and conducted by a fair association and permitted by DACS pursuant to s. 616.15, F.S.;
- Revises the definition of “Community fair” to specify that it means “an annual public” fair and to make technical language changes;
- Defines “Concession” as used by a fair association or use of a portion of the land by a third party through an arrangement with a fair association for specific uses, or the right to enter upon the land for specific purposes, such as providing rides, games, food, beverage, merchandise for sale, exhibits, projects, activities, events, programs, or other uses authorized in ch. 616, F.S.;
- Revises the definition of “County fair” to specify that it means “an annual public” fair and to make technical language changes;
- Revises the definition of “District fair” to specify that it means “an annual public” fair and to make technical language changes;
- Revises the definition of “Entry” to make technical language changes;
- Revises the definition of “Exhibit” to specify that the term includes parades and displays of articles or a collection of articles by a fair association or a third party such as exhibits of animals, art, housewares, or motor vehicles;
- Revises the definition of “Exhibitor” to specify that the term includes a fair association or a third party contracting with a fair association and to make technical language changes;
- Revises the definition of “Public fair or exposition” to state that the term means a project, activity, event, or program and use by a fair association, including the annual public fair event, which serves the purposes specified in s. 616.08, F.S., and to make technical language changes;
- Revises the definition of “Regional fair” or “interstate fair” to specify that it means “an annual public” fair and to make technical language changes;
- Revises the definition of “Specialized show” to make technical language changes;
- Revises the definition of “State fair” to specify that it means “an annual public” fair and to make technical language changes.

Section 2 amends s. 616.01, F.S., to clarify that certain provisions pertaining to the formation of a charter for a fair association apply to the “annual public” fair and to make technical language changes. It deletes a provision allowing memberships to be for terms of years.

Section 3 amends s. 616.02, F.S., to delete a requirement that subscribers to a proposed charter be of good character and reputation. It adds to the subscribers’ oath an acknowledgment that the objective of a fair association, in addition to public service, is holding, conducting, and promoting public fairs or expositions and a commitment that the association will operate in good faith to carry out its objectives. It also makes technical language changes.

Section 4 amends s. 616.03, F.S., to make technical language changes regarding the procedures for applying for a charter for a fair association. It permits a fair association to file its duly approved charter with the Department of State under the Florida Not For Profit Corporation Act, ch. 617, F.S.

Section 5 amends s. 616.05, F.S., to make technical language changes regarding amendments to a fair association's charter. It requires an association that has filed its charter with the Department of State to also file amendments to the charter with that department.

Section 6 amends s. 616.051, F.S., to make technical language changes regarding dissolution of a fair association. It permits dissolution by a resolution provided in the charter in addition to the resolution procedure now authorized to be set forth in an association's bylaws.

Section 7 amends s. 616.07, F.S., to make technical language changes regarding personal liability of members, officers, directors, or trustees of a fair association and exemptions from taxes. It also makes a declaration that acts of a fair association in pursuit of its legitimate purposes serve an essential governmental purpose, confirming exemption of its money and property from all forms of taxation and special assessments.

Section 8 amends s. 616.08, F.S., to make technical language changes regarding additional powers of the fair associations. It authorizes the fair association to enter into a lease or rent of space for concessions and adds "equine" to the list of authorized exhibits. The bill adds the following types of activities to the list for which facilities may be provided: educational, horticultural, livestock, equestrian, charitable, historical, civic, cultural, scientific, and other resources of the area plus exhibits, concessions, entertainment events, recreational vehicle parking, auctions, trade shows, and concerts. The bill declares that a fair association organized under this chapter is a noncommercial activity provider.

Section 9 amends s. 616.101, F.S., to make technical language changes regarding the annual review of accounts and records of a fair association. It changes the word "fair" to "annual public fair" which makes this section pertain only to a fair association with a permitted annual fair.

Section 10 amends s. 616.11, F.S., to make technical language changes regarding a fair association's authorization to contract with governmental entities for use of land. It removes language authorizing a contributor of land for use by a fair association to receive an admission fee and it specifically adds the Department of Transportation as a governmental entity that may contribute land for use by a fair association.

Section 11 amends s. 616.12, F.S., to make technical language changes regarding licenses and the exemption from local business taxes authorized by ch. 205, F.S., for an operator of an activity at an annual public fair held by a fair association that satisfies the requirements of ch. 616, F.S., Public Fairs and Expositions. It changes the words "public fair" to "annual public fair" and it deletes the word "exposition" which makes this section pertain only to a fair association that has a permitted annual public fair. The bill makes technical language changes regarding the exemption from local business taxes authorized by ch. 205, F.S., for a fair association that has secured the required permit for an annual fair.

Section 12 amends s. 616.121, F.S., to make technical language changes regarding the penalty for making a false application for an annual fair permit. It changes the words "a public fair" to "an

annual public fair” and it deletes the word “exposition” which makes this section pertain only to an application for an annual public fair permit.

Section 13 amends s. 616.14, F.S., to prohibit a fair association from conducting more than one annual public fair and it deletes the word “exposition” which makes this section pertain only to a fair association that has a permitted annual public fair.

Section 14 amends s. 616.15, F.S., to make technical language changes regarding procedures a fair association must follow to obtain a permit from DACS. It requires DACS to issue a permit within 10 days after the application requirements have been fulfilled. The bill changes the words “public fair” to “annual public fair” and it deletes the word “exposition” which makes this section pertain only to a fair association seeking a permit for an annual public fair.

Section 15 amends s. 616.17, F.S., to make technical language changes regarding the minimum number of exhibits and changes the word “public fair” to “annual public fair” and it deletes the word “exposition” which makes this section pertain only to a permitted annual public fair. It reduces the time to 30 days from 60 days before the annual public fair in which a fair association may apply for a waiver from the minimum number of exhibits.

Section 16 amends s. 616.185, F.S., to make technical language changes regarding trespass upon grounds or facilities of public fair associations to clarify that it applies to all grounds or facilities owned or used by any fair association permitted under s. 616.15, F.S.

Section 17 amends s. 616.19, F.S., to make technical language changes regarding designation of fairs to clarify that it applies to all fair associations created pursuant to ch. 616, F.S.

Section 18 amends s. 616.21, F.S., to make technical language changes regarding the expenditure of appropriated funds on agricultural and livestock exhibit buildings.

Section 19 amends s. 616.23, F.S., to remove a limitation that certain buildings were to be used only as agricultural and livestock exhibit buildings which will allow the buildings to be used for any public fair or exhibition purpose.

Section 20 amends s. 616.24, F.S., to make a technical language change regarding the enforcement of ch. 616, F.S., Public Fairs and Expositions.

Section 21 amends s. 288.1175, F.S., to change cross-references.

Section 22 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on December 5, 2011: The CS makes a technical change.

CS by Agriculture on November 14, 2011: The CS revises the definition of “Public fair or exposition” to cover all functions, including the annual public fair, which serve the purposes of s. 616.08, F.S. It removes language creating an exemption for fair associations from local land use and zoning ordinances from certain enumerated fees and taxes of local governments.

B. Amendments:

None.



584410

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2011	.	
	.	
	.	
	.	

The Committee on Community Affairs (Richter) recommended the following:

Senate Amendment

Delete line 488
and insert:
defined by chapter 205 ~~occupational license fees,~~ occupational

By the Committee on Agriculture; and Senator Hays

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1 A bill to be entitled
 2 An act relating to public fairs and expositions;
 3 amending s. 616.001, F.S.; redefining existing terms
 4 and defining the terms "annual public fair" and
 5 "concession"; amending s. 616.01, F.S., relating to
 6 requirements for the proposed charter of an annual
 7 public fair; revising provisions to conform to changes
 8 made by the act; amending s. 616.02, F.S.; providing
 9 that the primary objective of a fair association is
 10 the holding, conducting, and promoting of public fairs
 11 or expositions; amending s. 616.03, F.S.; providing
 12 that a fair association may file its duly approved
 13 charter with the Department of State in addition to
 14 the Department of Agriculture and Consumer Services
 15 for notice purposes; amending s. 616.05, F.S.;
 16 providing the process by which a fair association may
 17 amend its charter; requiring a fair association that
 18 files its charter with the Department of State to file
 19 a copy of amendments to its charter with that
 20 department; amending s. 616.051, F.S.; revising
 21 provisions regarding the process by which a fair
 22 association may dissolve its charter; amending s.
 23 616.07, F.S.; revising provisions regarding the
 24 distribution of public funds and property when a fair
 25 association is dissolved; clarifying that certain
 26 authorized projects, activities, events, programs, and
 27 uses serve an essential governmental purpose and,
 28 therefore, are exempt from taxation; amending s.
 29 616.08, F.S.; requiring each fair association to hold

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30 an annual public fair; authorizing the fair
 31 association to license certain property and to grant,
 32 lease, rent, or license space for exhibits and
 33 concessions; requiring the fair association to
 34 stimulate public interest in the benefit and
 35 development of certain resources of the state, any
 36 county, or a municipality, including facilities for
 37 specified uses; providing that certain fair
 38 associations are noncommercial activity providers;
 39 amending s. 616.101, F.S.; revising provisions related
 40 to the review of association accounts and records;
 41 amending s. 616.11, F.S.; clarifying the rights of the
 42 association to use certain property for public
 43 purposes; adding the Department of Transportation to
 44 the list of governmental entities that may make
 45 contributions to a fair association to assist it in
 46 carrying out its purpose; authorizing state, county,
 47 and municipal governments to fund certain projects at
 48 or connected with public fairs and expositions;
 49 amending s. 616.12, F.S.; revising provisions relating
 50 to the exemption from certain license taxes and local
 51 business taxes for annual public fairs held by a fair
 52 association; amending s. 616.121, F.S., relating to a
 53 penalty imposed for making false application for a
 54 permit; replacing the term "exhibitions" with the term
 55 "annual public fair" to conform to changes made by the
 56 act; amending s. 616.14, F.S.; prohibiting a fair
 57 association from conducting more than one annual
 58 public fair each calendar year; amending ss. 616.15

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59 and 616.17, F.S., relating to procedures for obtaining
 60 a permit from the Department of Agriculture and
 61 Consumer Services to conduct a public fair; revising
 62 provisions to conform to changes made by the act;
 63 revising requirements for obtaining a departmental
 64 waiver from minimum exhibit requirements; amending s.
 65 616.185, F.S.; revising provisions prohibiting the
 66 offense of trespass upon the grounds or facilities of
 67 a public fair; amending s. 616.19, F.S.; revising
 68 provisions relating to the designation of fairs;
 69 amending s. 616.21, F.S.; revising provisions related
 70 to the expenditure of appropriated funds; amending s.
 71 616.23, F.S.; removing certain limitations on the use
 72 of buildings by counties, municipalities, or fair
 73 associations; amending s. 616.24, F.S.; revising
 74 provisions related to enforcement; amending s.
 75 288.1175, F.S.; conforming cross-references; providing
 76 an effective date.

77
 78 Be It Enacted by the Legislature of the State of Florida:

79
 80 Section 1. Section 616.001, Florida Statutes, is amended to
 81 read:

82 616.001 Definitions.—As used in this chapter, the term:

83 (1) "Annual public fair" means a community, county,
 84 district, regional, or state fair that is held and conducted by
 85 a fair association and permitted by the department pursuant to
 86 s. 616.15.

87 (2)(1) "Authority" means the Florida State Fair Authority.

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88 ~~(3)(2)~~ "Community fair" means an annual public a fair that
 89 ~~which~~ serves an area of less than an entire county, ~~has and the~~
 90 exhibits ~~that of which~~ are in accordance with s. 616.17, and
 91 ~~gives in which~~ premiums or awards ~~are given to exhibitors of the~~
 92 ~~fair~~. Agricultural products shall be produced in the community
 93 the exhibit represents. The majority of the board of directors
 94 of the fair shall reside, be employed, or operate a business in
 95 the community the fair represents.

96 (4) "Concession" means use by a fair association, or a
 97 grant, lease, or license to a third party, of a portion of the
 98 land under the ownership, custody, or control of a fair
 99 association for specific uses, or the right to enter upon the
 100 land for specific purposes, such as providing rides, games,
 101 food, beverage, merchandise for sale, exhibits, projects,
 102 activities, events, programs, or other uses authorized in this
 103 chapter.

104 ~~(5)(3)~~ "County fair" means an annual public a fair that
 105 ~~which~~ serves an entire county and provides exhibitors with
 106 premiums or awards for the exhibits that of which are in
 107 accordance with s. 616.17 and ~~in which premiums or awards are~~
 108 ~~given to exhibitors of the fair~~. Agricultural products must
 109 ~~shall~~ be typical of those produced in the county the exhibit
 110 represents ~~in meeting minimum exhibit requirements~~. The majority
 111 of the board of directors of the fair shall reside, be employed,
 112 or operate a business in the county that the fair association
 113 represents.

114 ~~(6)(4)~~ "Department" means the Department of Agriculture and
 115 Consumer Services.

116 ~~(7)(5)~~ "District fair" means an annual public a fair that

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117 ~~which~~ serves at least five counties and has the exhibits that
 118 meet the requirements of which are in accordance with s. 616.17.
 119 ~~A district, which~~ fair shall pay at least not less than a
 120 ~~minimum of~~ \$25,000 in cash premiums or awards to exhibitors ~~of~~
 121 ~~the fair.~~ Agricultural products must shall be typical of those
 122 produced in the counties county the exhibit represents.
 123 Livestock may originate from outside the district, but must be
 124 registered in the exhibitor's name at least 30 days before the
 125 opening day of the fair. Each county is shall be encouraged to
 126 have proportionate exhibits, typical of its respective natural
 127 resources. Each county shall have exhibits representing in some
 128 ~~phase of~~ basic resources in agriculture and industry.

129 ~~(8)(6)~~ "Entry" means one item entered for competition or
 130 show. An entry may ~~or may not~~ constitute an exhibit, depending
 131 upon the regulations ~~as~~ stated in the premium book.

132 ~~(9)(7)~~ "Exhibit" means one or more entries entered for
 133 exhibition and constituting a unit. An exhibit may consist of
 134 one or more entries, depending upon the regulations ~~as~~ stated in
 135 the premium book. The term includes parades and displays of
 136 articles or a collection of articles, whether static,
 137 interactive, or dynamic, by a fair association or a third party
 138 contracting with a fair association, such as exhibits of
 139 animals, art, housewares, or motor vehicles.

140 ~~(10)(8)~~ "Exhibitor" means an individual, group of
 141 individuals, or business, including a fair association or third
 142 party contracting with a fair association, which has an exhibit
 143 ~~having an entry or entries in a show or fair.~~

144 ~~(11)(9)~~ "Fair association" or "association" means an
 145 association not for profit incorporated under this chapter for

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146 the purpose of conducting and operating public fairs or
 147 expositions.

148 ~~(12)(10)~~ "Public fair or exposition" means a project,
 149 activity, event, or program and use by a fair association,
 150 including the annual public fair event, which serves the
 151 purposes specified in s. 616.08 and benefits and develops or
 152 ~~exposition not for profit for the purpose of the benefit and~~
 153 ~~development of~~ the educational, agricultural, horticultural,
 154 livestock, charitable, historical, civic, cultural, scientific,
 155 and other resources of this the state, or any county, ~~or~~
 156 ~~counties of the state, or any~~ municipality, or other community
 157 in this of any county of the state.

158 ~~(13)(11)~~ "Regional fair" or "interstate fair" means an
 159 annual public a fair of this state and other several states, one
 160 ~~of which is Florida,~~ in which fair exhibits meet the
 161 requirements of are in accordance with s. 616.17. Agricultural
 162 products must shall be typical of those produced in the area the
 163 exhibit represents.

164 ~~(14)(12)~~ "Specialized show" means a show or exhibition
 165 exhibiting and emphasizing a livestock or poultry ~~show,~~ or a
 166 fruit or vegetable festival, and must shall meet the minimum
 167 exhibit requirements specified as defined in s. 616.17. A
 168 specialized show may qualify under one of the definitions in
 169 subsections ~~(2), (3), (5), (7), and (15) (13).~~

170 ~~(15)(13)~~ "State fair" means an annual public a fair that
 171 ~~which~~ serves the entire state. Exhibits must comply shall be in
 172 ~~accordance with~~ s. 616.17, and cash premiums or awards may be
 173 given to exhibitors ~~of the fair.~~

174 Section 2. Section 616.01, Florida Statutes, is amended to

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175 read:

176 616.01 Number of persons required; requisites of proposed
 177 charter.—Twenty-five or more persons who are residents and
 178 qualified electors of the county in which wherein the annual
 179 public fair is to be located, who wish wishing to form an
 180 association not for profit for the purpose of conducting and
 181 operating public fairs or expositions, may become incorporated
 182 in the following manner. The subscribers They shall submit the
 183 proposed charter to the department for review and approval. If
 184 the proposed charter is approved, the subscribers shall sign and
 185 then present the proposed charter to the judge of the circuit
 186 court for the county in which the principal office of the
 187 association will is to be located. The a proposed charter must
 188 specify signed by the intended incorporators, which shall set
 189 forth:

190 (1) The name of the association and the place where the
 191 principal office is to be located. The name of the association
 192 shall include the word, "Inc."

193 (2) The general nature of the objectives its objects and
 194 powers of the association, including a provision that the
 195 association is incorporated for the sole purpose of conducting
 196 and operating public fairs or expositions.

197 (3) The qualifications and terms of association members and
 198 criteria for the manner of their admission and expulsion.
 199 Provision may be made in the charter for ex officio membership,
 200 and memberships may be for terms of years.

201 (4) The time for which the association it is to exist.

202 (5) The name names and residence residences of each
 203 subscriber the subscribers.

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204 (6) Procedures for the election of and governance by what
 205 officers, who may its affairs are to be managed, and the time at
 206 which the officers will be elected or appointed.

207 (7) The designation names of the officers who will are to
 208 manage the its affairs of the association until the first
 209 election or appointment under the charter.

210 (8) Procedures for the adoption, amendment, or rescission
 211 of By whom its bylaws of the association are to be made,
 212 altered, or rescinded.

213 (9) The highest amount of indebtedness or liability that
 214 may be accrued by the association to which it may at any time
 215 subject itself.

216 Section 3. Section 616.02, Florida Statutes, is amended to
 217 read:

218 616.02 Acknowledgment of charter.—The proposed charter of a
 219 fair association shall be acknowledged by at least three of its
 220 subscribers, each a person of good character and reputation,
 221 before an officer authorized to make acknowledgment of deeds, 7
 222 which Subscribers shall also make and take subscribe to an oath,
 223 which must to be attached to the proposed charter, stating that
 224 the primary objective object of the association is public
 225 service and holding, conducting, and promoting public fairs or
 226 expositions; that money and other available assets in value
 227 exceeding \$5,000 have there has been provided for the purposes
 228 of the association property, money, and other available assets
 229 in value exceeding \$5,000; and that the association will operate
 230 intends in good faith to carry out the purposes and objectives
 231 objects set forth in its charter.

232 Section 4. Section 616.03, Florida Statutes, is amended to

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233 read:

234 616.03 Notice of application; approval and record of
 235 charter.—A notice of intention to apply to the circuit court
 236 judge for the charter of a fair association must specify,
 237 stating the date that time when the application will be made,
 238 shall be sent to the department for approval, and then shall be
 239 published in a newspaper in the county where the principal
 240 office of the association will is to be located once each week
 241 for 4 consecutive weeks. The notice must, setting forth briefly
 242 summarize the charter and objectives ~~objects~~ of the proposed
 243 association ~~to be formed~~. The proposed charter shall be
 244 submitted to and approved by the board of county commissioners
 245 of the county in which the principal office of the association
 246 will is to be located. After Upon approval by of the department
 247 and the board of county commissioners, the proposed charter and
 248 with proof of ~~both~~ approval and publication shall be submitted
 249 to the circuit judge on the date specified at the time named in
 250 the notice, and. If no cause is shown to the contrary and if
 251 the judge finds that the proposed charter is to be in proper
 252 form and will serve so sworn to and for the primary objective
 253 ~~object~~ of public service, the judge shall approve the charter
 254 and issue an order ~~render a decree~~ incorporating the subscribers
 255 under the charter for the objectives ~~objects~~ and purposes
 256 specified in the charter and with the powers therein specified.
 257 The charter and order decree of incorporation shall then be
 258 recorded in the office of the clerk of the circuit court in the
 259 county where the principal office of the association will is to
 260 be located and provided to in the office of the department.
 261 After the order is recorded, Thenceforth the subscribers and

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262 their associates are shall be incorporated with the objectives
 263 and powers established in the charter and under by the name
 264 given in the charter and with the objects and powers set forth
 265 therein. During the publication period, the proposed charter,
 266 during the time of publication, shall be on file in the office
 267 of the clerk of the circuit court. This section does not
 268 preclude a fair association from also filing its duly approved
 269 charter with the Department of State pursuant to chapter 617 for
 270 notice purposes.

271 Section 5. Section 616.05, Florida Statutes, is amended to
 272 read:

273 616.05 Amendment of charter.—A Any fair association may
 274 desiring to propose an amendment to of its charter may do so by
 275 resolution as provided in its charter or bylaws.

276 (1) The proposed amendment shall be submitted to the
 277 department for approval.

278 (2) After the department approves the proposed amendment,
 279 it will be incorporated into the original charter When approved,
 280 the proposed amendment, upon:

281 (a) Publication of notice in the same manner as provided in
 282 s. 616.03; and

283 (b) Filing the order of the circuit judge approving the
 284 amendment with Placement on file in the office of the clerk of
 285 the circuit court and in the office of the department, the
 286 rendering of a decree of the circuit judge approving and
 287 allowing the amendment; and

288 (c) Being recorded in the clerk's office, shall be
 289 incorporated into the original charter.

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291 If a fair association has filed its charter with the Department
 292 of State pursuant to chapter 617, a copy of any amendment to the
 293 charter must be filed with the Department of State for notice
 294 purposes.

295 Section 6. Section 616.051, Florida Statutes, is amended to
 296 read:

297 616.051 Dissolving a charter.-~~A~~ Any fair association may
 298 ~~desiring to~~ dissolve its charter ~~may do so~~ by resolution as
 299 provided in its charter or bylaws. The proposal for dissolving
 300 the charter shall be submitted to the department for approval.
 301 Upon approval and ~~upon~~ publication of notice and proof that all
 302 indebtedness has been paid and no claims are outstanding against
 303 the association, the circuit judge may, by decree, dissolve the
 304 association and order its remaining public funds ~~remaining~~ to be
 305 distributed as recommended by the board of directors.

306 Section 7. Section 616.07, Florida Statutes, is amended to
 307 read:

308 616.07 Members not personally liable; property of
 309 association held in trust; exempt from taxation.-

310 (1) ~~A~~ A ~~no~~ member, officer, director, or trustee of a fair
 311 association is not ~~shall be~~ personally liable for any of the
 312 debts of the association, ~~and no~~ money or property of a fair
 313 association may not ~~shall~~ be distributed as profits or dividends
 314 among its members, officers, directors, or trustees, ~~but~~

315 (2) All money and property of the association, except that
 316 necessary ~~shall, except~~ for the payment of its just debts and
 317 liabilities, are ~~be and remain~~ perpetually public property,
 318 shall be administered by the association as trustee, and shall
 319 ~~to~~ be used exclusively for the legitimate purpose of the

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320 association. So long as they are used for that purpose, all
 321 money and property of the association are, and shall be, so long
 322 ~~as so used,~~ exempt from all forms of taxation, including special
 323 assessments, and any projects, activities, events, programs, and
 324 uses authorized by this part serve an essential governmental
 325 purpose and, therefore, are not taxable and are not subject to
 326 assessments.

327 (3)(2) Upon order of the circuit judge, any public funds or
 328 property remaining in a fair association when the association is
 329 dissolved shall be distributed by resolution of the board of
 330 directors, ~~upon order of the circuit judge~~ to any county or any
 331 municipality within the county. ~~The board, and~~ may designate
 332 provide in the distribution resolution the public project that
 333 will benefit from ~~on which~~ the funds ~~shall be used~~ or the manner
 334 in which the property will be used. If the use to which the
 335 property shall be put, however, where property has been
 336 contributed by a municipality or county, the property shall be
 337 reconveyed to the municipality or county that gave the property
 338 to the association making the contribution of said property.

339 Section 8. Section 616.08, Florida Statutes, is amended to
 340 read:

341 616.08 Additional powers of association.-~~Each~~ Every fair
 342 association shall ~~have the power to~~ hold, conduct, and operate
 343 public fairs and expositions, including an annual public fair.
 344 ~~annually and~~ For that such purpose, a fair association may to
 345 buy, lease, acquire, and occupy lands, and erect buildings and
 346 improvements of any kind on all kinds ~~thereon, and develop~~ those
 347 lands, ~~buildings, and improvements;~~ ~~to~~ sell, mortgage, lease,
 348 license, or convey any such property or any part thereof, in its

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349 discretion, from time to time for the purpose of public fairs or
 350 expositions; ~~to~~ charge and receive compensation for admission to
 351 those public fairs and expositions, and grant a lease or license
 352 or rent for the sale or renting of space for exhibits,
 353 concessions ~~exhibitions,~~ and ~~for~~ other purposes ~~privileges;~~ ~~to~~
 354 conduct and hold public meetings; ~~to~~ supervise and conduct
 355 lectures and ~~all kinds of~~ demonstration work in connection with
 356 or for the improvement of agriculture, horticulture,
 357 stockraising and poultry raising, and all kinds of farming and
 358 related matters ~~connected therewith;~~ ~~to~~ hold exhibits of
 359 agricultural and horticultural products and livestock, poultry,
 360 equine chickens, and other domestic animals; ~~to~~ give
 361 certificates or diplomas of excellence; ~~to~~ promote the progress
 362 of the geographical area it represents and serves and stimulate
 363 public interest in the advantages and development of that area
 364 by providing facilities for the benefit and development of the
 365 educational, agricultural, horticultural, livestock, equestrian,
 366 charitable, historical, civic, cultural, scientific, and other
 367 resources of the state, any county of the state, or any
 368 municipality or other community of any county of the state,
 369 including facilities for exhibits, concessions, and industrial
 370 exhibitions, public gatherings, cultural activities,
 371 entertainment events, recreational vehicle parking, auctions,
 372 trade shows, concerts, and other functions ~~that~~ ~~which~~ the
 373 association determines will enhance the educational, physical,
 374 economic, and cultural interests of the public; and generally ~~to~~
 375 do, perform, and carry out all matters, acts, and business usual
 376 or proper in connection with public fairs and expositions. ~~but~~
 377 This enumeration of particular powers does ~~shall~~ not diminish ~~be~~

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378 ~~in derogation of~~ or limit any special provisions of the charter
 379 of the association ~~inserted~~ for the regulation of its business,
 380 and the conduct of its affairs of creating, defining, limiting,
 381 and regulating the powers of the association or its officers or
 382 members. ~~provided,~~ The treasurer or similar officer of the
 383 association shall ~~be required to~~ give a good and sufficient bond
 384 with a surety company duly authorized under the laws of the
 385 state, payable to the association and in an amount equal to the
 386 value of the total amount of money and other property in that
 387 officer's possession or custody, in addition to the value of any
 388 money and property of the association which ~~that~~ may reasonably
 389 be expected to come into that officer's possession or custody. A
 390 fair association organized under this chapter is a noncommercial
 391 activity provider.

392 Section 9. Section 616.101, Florida Statutes, is amended to
 393 read:

394 616.101 Annual review of accounts and records. ~~Once each~~
 395 ~~year, a review of~~ The accounts and records of every fair
 396 association whose annual public fair has an annual attendance of
 397 more than 25,000, ~~based on sound accounting practices and~~
 398 ~~procedures,~~ shall be reviewed annually ~~made~~ by a qualified
 399 accountant licensed by the state. A fair association whose
 400 annual public fair has an annual attendance of 25,000 or fewer
 401 ~~less~~ must submit an annual financial statement that has been
 402 signed by an officer of the county. The results of the ~~all such~~
 403 reviews shall be kept in the official records of each
 404 association, available to all directors of the association. A
 405 certified copy of the review shall be filed with ~~in the office~~
 406 ~~of~~ the department:

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407 (1) On request by the department to certify expenditures of
 408 the premiums awarded to exhibitors of a fair state premium or of
 409 building funds when there is evidence of violation of state
 410 laws; or

411 (2) When the association is applying for a fair permit.

412 Section 10. Section 616.11, Florida Statutes, is amended to
 413 read:

414 616.11 Association authorized to contract with
 415 municipality, county, or state for use of land; admission fees;
 416 state, counties, and municipalities authorized to make
 417 contributions.—Any fair association may enter into any contract,
 418 lease, or agreement with any municipality or county in the state
 419 or with the state or agency or subdivision of the state ~~thereof~~
 420 for the donation to or the use and occupation by the association
 421 of any land owned, leased, or held by the county or municipality
 422 or the state or agency or subdivision of the state ~~thereof~~
 423 during a such time and on the such terms approved by ~~as~~ the
 424 county or municipality or the state or agency or subdivision
 425 ~~thereof may authorize~~, with the right ~~on the part~~ of the
 426 association to use the property for public charge and ~~receive an~~
 427 ~~admission fee to the fair or exposition purposes or any part~~
 428 ~~thereof~~. The state, the Department of Transportation and ~~or~~ any
 429 ~~other~~ agency or subdivision of the state ~~thereof~~, the board of
 430 county commissioners of any county within which the fair or
 431 exhibition is held, and the mayor and city council of any
 432 municipality within the county may also make contributions of
 433 money, property, or services to fair associations to assist in
 434 carrying out the purposes of the associations under ~~as~~
 435 ~~authorized by this chapter~~. The state or any agency or

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436 subdivision of the state, boards of county commissioners of the
 437 various counties of the state, and the mayor and city council of
 438 any municipality within the county may expend ~~in their~~
 439 ~~discretion~~ such sums of money as they deem necessary for the
 440 best interests of their counties and in aiding the development
 441 of the educational, agricultural, horticultural, livestock,
 442 charitable, historical, civic, cultural, scientific, and any
 443 other resources of their counties at and in connection with
 444 public fairs and expositions, including the offering and paying
 445 of premiums for the exhibitions of resources of the state,
 446 county, or municipality ~~their respective counties~~.

447 Section 11. Section 616.12, Florida Statutes, is amended to
 448 read:

449 616.12 Licenses upon certain shows; distribution of fees;
 450 exemptions.—

451 (1) Each ~~Every~~ person who operates ~~may operate under any~~
 452 ~~terms whatsoever, including a lease arrangement,~~ any traveling
 453 show, exhibition, amusement enterprise, carnival, vaudeville,
 454 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 455 riding device, dramatic repertoire, ~~or~~ other show or amusement,
 456 or concession, ~~(including a concession operating in a tent,~~
 457 ~~enclosure, or other temporary structure, whether covered or~~
 458 ~~uncovered)~~ within the grounds of, and in connection with, any
 459 annual public fair ~~or exposition~~ held by a fair association
 460 shall pay the license taxes ~~now or hereafter~~ provided by law. ~~→~~
 461 However, if in the event the association satisfies the
 462 requirements ~~fully qualifies with all other provisions~~ of this
 463 chapter, including securing the required fair permit from the
 464 department, the ~~traveling show, exhibition, amusement~~

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465 ~~enterprise, carnival, vaudeville, minstrel, rodeo, theatrical,~~
 466 ~~game or test of skill, riding device, dramatic repertoire, or~~
 467 ~~other show or amusement (including a concession operating in a~~
 468 ~~tent, enclosure, or other temporary structure, whether covered~~
 469 ~~or uncovered) within the grounds of, and in connection with, any~~
 470 ~~such fair or exposition is not required to pay any such license~~
 471 ~~taxes and local business tax authorized in chapter 205 are~~
 472 ~~waived and the department shall issue tax, but shall operate~~
 473 ~~under a tax exemption certificate issued by the department. The~~
 474 ~~department shall adopt prescribe the proper forms and rules to~~
 475 ~~administer for carrying out the purpose and intent expressed in~~
 476 ~~this section, including the necessary tax exemption certificate,~~
 477 ~~to be signed by the tax collector, showing that the fair~~
 478 ~~association has met all requirements and that the traveling~~
 479 ~~show, exhibition, amusement enterprise, carnival, vaudeville,~~
 480 ~~exhibit, minstrel, rodeo, theatrical, game or test of skill,~~
 481 ~~riding device, dramatic repertoire, or other show or amusement,~~
 482 ~~or concession (including a concession operating in a tent,~~
 483 ~~enclosure, or other temporary structure, whether covered or~~
 484 ~~uncovered) has met in full all requirements of this chapter and~~
 485 ~~accordingly is fully exempt.~~

486 (2) Any fair association securing the required annual fair
 487 permit from the department is exempt from local business tax as
 488 defined by chapter 205, occupational license fees, occupational
 489 permit fees, or any occupational taxes assessed by any county,
 490 municipality, political subdivision, department, or agency, or
 491 instrumentality thereof.

492 Section 12. Section 616.121, Florida Statutes, is amended
 493 to read:

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494 616.121 Making false application.—Any person who, with
 495 fraudulent intent, makes or causes to be made any false
 496 statement in an application for a permit to hold an annual a
 497 public fair ~~or exposition~~ or in an application for distribution
 498 of the amount paid for license taxes under the provisions of
 499 this chapter, ~~with fraudulent intent of obtaining that permit or~~
 500 ~~amount,~~ and by that false statement obtains that permit or
 501 distribution, any part of that amount for himself or herself or
 502 ~~for any firm or corporation in which that person has a financial~~
 503 ~~interest, or for whom that person is acting,~~ commits a
 504 misdemeanor of the first degree, punishable as provided in s.
 505 775.082 or s. 775.083.

506 Section 13. Section 616.14, Florida Statutes, is amended to
 507 read:

508 616.14 Number of fairs; penalty.—

509 (1) A fair association may not conduct more than one annual
 510 public fair each calendar year. Any fair association that
 511 conducts more than one public fair ~~or exposition~~ during any one
 512 calendar year is subject to revocation of its charter by the
 513 court granting the charter.

514 (2) Any fair association that does not conduct an annual a
 515 public fair ~~or exposition~~ for a period of 3 calendar years
 516 shall, upon the recommendation of the department, have its
 517 charter revoked by the court granting the charter.

518 Section 14. Section 616.15, Florida Statutes, is amended to
 519 read:

520 616.15 Permit from Department of Agriculture and Consumer
 521 Services required.—

522 (1) An annual ~~No~~ public fair ~~or exposition~~ may not be

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523 conducted by a fair association without a permit issued by the
 524 department. ~~The permit shall be issued in the following manner:~~
 525 The association shall present to the department an application
 526 for a ~~the~~ permit, signed by an officer of the association, at
 527 least 3 months before holding the annual public fair. ~~The ~~or~~~~
 528 ~~exposition, this~~ application shall be accompanied by a fee in an
 529 amount to be determined by the department ~~not to exceed \$366 or~~
 530 ~~be less than \$183~~ for processing the application and making any
 531 required investigation. The application fee must be at least
 532 \$183 and may not exceed \$366. ~~The~~ Fees collected under this
 533 subsection shall be deposited in the General Inspection Trust
 534 Fund of the State Treasury in a special account to be known as
 535 the "Agricultural and Livestock Fair Account." A copy of the
 536 application must be sent to each fair association located within
 537 50 miles of the site of the proposed annual public fair ~~or~~
 538 ~~exposition~~ at the same time the application is sent to the
 539 department. The department may issue a the permit if the
 540 applicant provides if the application sets forth:

541 (a) The opening and closing dates of the proposed annual
 542 public fair ~~or exposition~~.

543 (b) The name and address of the owner of the central
 544 amusement attraction that will ~~to~~ operate during the annual
 545 public fair ~~or exposition~~.

546 (c) An affidavit properly executed by the president or
 547 ~~other~~ chief executive officer of the applicant association
 548 certifying the existence of a binding contract entered into by
 549 the association ~~or exposition~~ and the owner of the central
 550 amusement attraction covering the period for which the permit
 551 from the department is applied. The contract ~~or contracts~~

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552 between the parties shall be available for inspection by duly
 553 authorized agents of the department in administering this
 554 chapter.

555 (d) A written statement that the main purpose of the
 556 association is to conduct and operate a public ~~the proposed~~ fair
 557 and or exposition, including the annual fair, for the benefit
 558 and development of the educational, agricultural, horticultural,
 559 livestock, charitable, historical, civic, cultural, scientific,
 560 and other resources of the geographical area the fair
 561 association or exposition represents and serves. The statement
 562 must shall be in writing, shall be subscribed, and shall be
 563 acknowledged by an officer of the association before an officer
 564 authorized to take acknowledgments.

565 (e) A premium list of the current annual public fair ~~or~~
 566 ~~exposition~~ to be conducted or a copy of the previous year's
 567 premium list showing all premiums and awards to be offered to
 568 exhibitors in various departments of the annual public fair,
 569 which may include, but are not limited to, such as art
 570 exhibition, beef cattle, county exhibits, dairy cattle,
 571 horticulture, swine, women's department, 4-H Club activities,
 572 Future Farmers of America activities, Future Homemakers of
 573 America activities, poultry and egg exhibits, and community
 574 exhibits, the foregoing being a list of the usual exhibitors of
 575 a fair and not to be construed as limiting the premium list to
 576 these departments. The premium list, which may be submitted
 577 separately from the application, must be submitted at least at
 578 any time not later than 60 days before the holding of the annual
 579 public fair begins operation or exposition, and the department
 580 shall issue the permit as provided in this section within 10

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581 ~~days thereafter if the applicant is properly qualified.~~

582 (f) Proof of liability insurance insuring the association
583 against liability for injury to persons, in an amount of not
584 less than \$300,000 per occurrence.

585 (g) A copy of the most recent review.

586 (h) A list of all current members of the board of directors
587 of the association and their contact information, including home
588 address addresses.

589

590 The department shall issue the permit within 10 days after it
591 receives all the information and the applicant qualifies
592 pursuant to this section.

593 (2) The department shall administer and enforce the
594 provisions of this chapter except as to the regulation of games,
595 which shall be regulated by local law enforcement agencies. The
596 department shall adopt ~~is authorized to make and publish~~ rules
597 to administer, not inconsistent with this chapter, including
598 rules governing ~~as to~~ the form and contents of the application
599 for the permit and any reports that it may deem necessary in
600 enforcing the provisions of this chapter.

601 (3) Notwithstanding any fair association meeting the
602 requirements set forth in subsection (1), the department may
603 order a full investigation to determine if whether or not the
604 fair association meets ~~in full~~ the requirements of s. 616.01,
605 and ~~accordingly~~ may withhold a permit from, deny a permit to, or
606 withdraw a permit once issued to the association. The department
607 shall also consider whether any proposed annual public fair or
608 exposition, as set forth in an application for a permit, will
609 compete with another annual public fair or exposition within 50

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610 miles of the proposed annual public fair or exposition with
611 respect to name, dates of operation, or market. The department
612 may deny, withhold, or withdraw a permit from a fair association
613 if the department determines that such fair association will
614 compete with another association. The department shall give
615 preference to existing fair associations with established dates,
616 locations, and names. The determination by the department is
617 ~~shall be~~ final.

618 Section 15. Subsections (1) and (3) of section 616.17,
619 Florida Statutes, are amended to read:

620 616.17 Minimum exhibits.-

621 (1) An annual ~~No~~ public fair ~~or exposition~~ conducted by a
622 fair association may not be approved by the department for a tax
623 exemption certificate unless the fair association or exposition
624 displays at least the following ~~minimum~~ exhibits, ~~but this~~
625 ~~requirement may not be construed as a limitation on the number~~
626 ~~of exhibits which the fair or exposition may have:~~

627 (a) Three exhibits from 4-H Clubs or Future Farmers of
628 America chapters which are officially approved by those clubs or
629 chapters.

630 (b) Three exhibits of community, individual, or county farm
631 displays.

632 (c) Three exhibits of field crops in at least three
633 different crops.

634 (d) Three exhibits of horticultural products.

635 (e) Three culinary exhibits such as canned fruits, canned
636 vegetables, canned pickles or juices, jams, jellies, cakes,
637 bread, candies, or eggs.

638 (f) Three exhibits of household arts such as homemade

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639 spreads, towels, luncheon sets, rugs, clothing, or baby apparel.

640 (g) Three exhibits of fruit or vegetable crops in at least
641 three different crops.

642 (h) Three exhibits of arts, crafts, photography, or
643 antiques or of scout handiwork.

644 (i) Three exhibits from home demonstration, home economics,
645 educational, religious, or civic groups.

646 (j) Three exhibits of livestock such as dairy cows, beef
647 cattle, hogs, sheep, poultry, horses, or mules.

648 (3) The department may provide a waiver to the minimum
649 exhibit requirements of this section to any fair association
650 that submits an application for the waiver to the department, at
651 least 30 ~~60~~ days before ~~prior to~~ the annual public fair ~~or~~
652 ~~exposition~~ in need of the waiver, and shows good cause why the
653 requirements of this section cannot be met.

654 Section 16. Section 616.185, Florida Statutes, is amended
655 to read:

656 616.185 Trespass upon grounds or facilities of public fair
657 ~~or exposition~~; penalty; arrests.-

658 (1) For the purposes of this chapter, "trespass" upon the
659 grounds of the Florida State Fair Authority or any other ~~public~~
660 fair ~~association or exposition~~ permitted under s. 616.15 means:

661 (a) Entering and remaining upon any grounds or facilities
662 owned, operated, or controlled by the Florida State Fair
663 Authority or any other ~~association public fair or exposition~~
664 permitted under s. 616.15 and committing any act ~~that which~~
665 disrupts the orderly conduct of any authorized activity of the
666 fair ~~association organization~~ in charge, or its lessees,
667 licensees, or the general public on those grounds or facilities;

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668 or

669 (b) Entering and remaining on those grounds or facilities
670 after being directed not to enter or to leave them by the
671 executive director of the authority, chief administrative
672 officer of the fair ~~association or exposition~~, or any employee
673 or agent of the association ~~thereof~~ designated by the executive
674 director or administrator to maintain order on those grounds and
675 facilities, after a determination by the executive director,
676 administrator, employee, or agent that the entering or remaining
677 on those grounds or facilities is in violation of the rules and
678 regulations of the Florida State Fair Authority or permitted
679 ~~public fair association or exposition~~ or is disrupting the
680 orderly conduct of any authorized activity of the fair
681 association organization in charge, or its lessees, licensees,
682 or the general public on those grounds or facilities.

683 (2) Any person ~~found guilty of~~ committing the offense of
684 trespass upon the grounds of the Florida State Fair Authority or
685 any other ~~public fair association or exposition~~ permitted under
686 s. 616.15 commits is guilty of a misdemeanor of the second
687 degree, punishable as provided in s. 775.082 or s. 775.083.

688 (3) A law enforcement ~~peace~~ officer may arrest any person
689 on or off the premises, without a warrant, if the officer has
690 probable cause for believing such person has committed the
691 offense of trespass upon the grounds of the Florida State Fair
692 Authority or any ~~public fair association or exposition~~ permitted
693 under s. 616.15. Such an arrest does ~~shall~~ not render the law
694 enforcement peace officer criminally or civilly liable for false
695 arrest, false imprisonment, or unlawful detention.

696 Section 17. Section 616.19, Florida Statutes, is amended to

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697 read:

698 616.19 Designation of fairs.—Any public fair association ~~or~~
 699 ~~exposition heretofore or hereafter~~ created pursuant to this
 700 chapter shall be designated by the name stated in the permit
 701 required or stated by its fair association and is shall be
 702 recognized by the state as equal in dignity to the Florida State
 703 Fair and as fully recognized as the Florida State Fair.

704 Section 18. Section 616.21, Florida Statutes, is amended to
 705 read:

706 616.21 Agricultural and livestock exhibit buildings;
 707 conditions for expenditures. ~~No part of~~ Appropriated funds may
 708 not be expended except upon approval and with the recommendation
 709 of the department. Further, the no part of such an appropriation
 710 may not be expended for the construction of a building unless
 711 ~~and until a good~~ fee simple title to the land on which the
 712 building is to be constructed is vested in the county,
 713 municipality, or fair association for which the building is to
 714 be constructed.

715 Section 19. Section 616.23, Florida Statutes, is amended to
 716 read:

717 616.23 Use of buildings.—The buildings authorized by ss.
 718 616.21-616.23 may be used by the county, municipality, or fair
 719 association for ~~which the buildings are built as agricultural or~~
 720 ~~livestock exhibition buildings for~~ public fair or exposition
 721 purposes ~~in the promotion of the agricultural and livestock~~
 722 ~~industries~~. These buildings may be used as office space for
 723 agricultural agents; however, no more than 20 percent of the
 724 buildings may be so used.

725 Section 20. Subsection (2) of section 616.24, Florida

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726 Statutes, is amended to read:

727 616.24 Enforcement.—

728 (2) It is the duty of each every state attorney, law
 729 enforcement officer as defined by chapter 943, and other
 730 appropriate county or municipal officer to enforce this chapter
 731 and the rules adopted pursuant thereto and to assist the
 732 department and its inspectors and agents in the enforcement of
 733 this chapter and the rules adopted pursuant thereto.

734 Section 21. Paragraph (a) of subsection (4) and subsection
 735 (6) of section 288.1175, Florida Statutes, are amended to read:

736 288.1175 Agriculture education and promotion facility.—

737 (4) The Department of Agriculture and Consumer Services
 738 shall certify a facility as an agriculture education and
 739 promotion facility if the Department of Agriculture and Consumer
 740 Services determines that:

741 (a) The applicant is a unit of local government as defined
 742 in s. 218.369, or a fair association as defined in s.

743 616.001(11) ~~616.001(9)~~, which is responsible for the planning,
 744 design, permitting, construction, renovation, management, and
 745 operation of the agriculture education and promotion facility or
 746 holds title to the property on which such facility is to be
 747 developed and located.

748 (6) Funds may not be expended to develop or subsidize
 749 privately owned facilities, except for facilities owned by fair
 750 associations as defined in s. 616.001(11) ~~616.001(9)~~.

751 Section 22. This act shall take effect July 1, 2012.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Budget - Subcommittee on General Government
Appropriations, *Chair*
Agriculture
Banking and Insurance
Budget
Budget - Subcommittee on Higher Education
Appropriations
Criminal Justice
Reapportionment

JOINT COMMITTEE:
Administrative Procedures

SENATOR D. ALAN HAYS

20th District

November 14, 2011

Senator Mike Bennett, Chairman

Community Affairs Committee

404 Senate Office Building

315 Knott Building

404 S. Monroe Street

Tallahassee, FL 32399-1100

RE: SB 502 Public Fairs & Expositions

Dear Chair Bennett:

I respectfully request my above bill be heard before your committee. SB 502 passed its first committee of reference without opposition, and I feel it will be a great benefit to the citizens of this state.

Thank you in advance for your consideration, and please contact me if you have any questions.

Sincerely,



✓ rec'd 11/15/11
apw

D. Alan Hays, DMD

Senate District 20

CC: Tom Yeatman, *Staff Director*

Ann Whittaker, *Committee Administrative Assistant*

REPLY TO:

871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441

324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/2011

Meeting Date

Topic Fairs

Bill Number 502
(if applicable)

Name Amber Hughes

Amendment Barcode 58440
(if applicable)

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 701-3621

Street

Tallahassee, FL 32302

City

State

Zip

E-mail ahughes@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/2011

Meeting Date

Topic Public Fairs

Bill Number 502
(if applicable)

Name Phil Leray

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address 1821 Cape St

Phone 386/937-7829

Street

Palatka

FL

32177

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida Federation of Fairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 570

INTRODUCER: Senator Ring

SUBJECT: Public Records/Donor Identity/Publicly Owned Performing Arts Center

DATE: December 5, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	Favorable
2.			GO	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates an exemption from public records requirements for information identifying a donor or prospective donor to a “publicly owned performing arts center” should the donor wish to remain anonymous.

The bill defines the term “publicly owned performing arts center” to mean a facility that:

- has at least 200 seats,
- is owned and operated by a city, county, or special district, and
- is used to promote development of any or all performing, visual, or fine arts.

The bill includes a statement of public necessity as required by the State Constitution.

This exemption is subject to legislative review and repeal under the Open Government Sunset Review Act.

Because this bill creates new public records exemptions, it requires a two-thirds vote of the membership of each house of the Legislature for passage.

II. Present Situation:

Public Records Laws

The State of Florida has a long history of providing public access to governmental records, with the first public records law being enacted by the Florida Legislature in 1892.¹ In 1992, Florida voters adopted an amendment to the State Constitution, which raised the statutory right of access to public records to a constitutional level.²

Section 24, Art. I, of the State Constitution, states that:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

The Public Records Act, located in ch. 119, F.S., specifies conditions under which the public must be provided access to agency records.³ Section 119.07(1)(a), F.S., requires every person who has custody of a public record to allow the record to be inspected and examined by any person, “at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”⁴ Unless specifically exempted by law, all agency records are available for public inspection.

The term “public record” is broadly defined in s. 119.011(12), F.S., to include:

. . . all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.⁵

¹ Section 1390, 1391 F.S. (Rev. 1892).

² FLA. CONST. art. I, s. 24.

³ The word “agency” is defined in s. 119.011(2), F.S., to mean “. . . any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.” The Florida Constitution also establishes a right of access to any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except those records exempted by law or the state constitution.

⁴ Section 119.07(1)(a), F.S.

⁵ Section 119.011(12), F.S.

The Florida Supreme Court has interpreted this definition to encompass any materials prepared by an agency in connection with official business to “perpetuate, communicate or formalize knowledge of some type”.⁶

The Legislature is the only entity that is authorized to create exemptions from open government requirements.⁷ The Legislature may provide an exemption by a general law that is approved by a two-thirds vote of each house of the Legislature.⁸ The exemption must specifically state the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the law.⁹ A bill enacting an exemption¹⁰ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.¹¹

There is a difference between records that the Legislature exempts from public records requirements and those that the Legislature makes *confidential* and exempt. If the Legislature makes a record confidential and exempt, then such information may not be released by an agency to anyone other than the persons or entities designated in the statute.¹² If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.¹³

Open Government Sunset Review Act

The Open Government Sunset Review Act (act) in s. 119.15, F.S., provides a process for the review and repeal or reenactment of public records exemptions.¹⁴ Under Florida law a new exemption or substantial amendment to an existing exemption shall be repealed on October 2 of the 5th year after enactment, unless the Legislature acts to reenact the exemption.¹⁵ By June 1 of each year the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives, the language and statutory citation of each exemption scheduled for repeal the following year.¹⁶

As part of the legislative review process for exemptions from public meeting and public records requirements, the Legislature is required to consider the following criteria:

- Specific records or meetings that are affected by the exemption;
- Whom the exemption uniquely affects, as opposed to the general public;
- The identifiable public purpose or goal of the exemption;

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ FLA. CONST. art. I, s. 24(c).

⁸ *Id.*

⁹ *Id.* See also *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So. 2d 567 (Fla. 1999).

¹⁰ Under s. 119.15, F.S., an existing exemption may be treated as a new exemption if it is “substantially amended,” so that the exemption is expanded to cover additional records or information, or to include meetings as well as records. See s. 119.15(4)(b), F.S.

¹¹ FLA. CONST. art. I, s. 24(c).

¹² Op. Att’y Gen. Fla. 85-62 (1985).

¹³ *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA), review denied, 589 So. 2d 289 (Fla. 1991).

¹⁴ This act applies to exemptions from s. 24, Art. I, of the State Constitution and s. 119.07(1), F.S., or s. 286.011, F.S.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(5)(a), F.S.

- Whether the information contained in the records or discussed in the meeting can be readily obtained by alternative means, and if so, how;
- Whether the record or meeting is protected by another exemption; and
- If there are multiple exemptions for the same type of record or meeting that would be appropriate to merge.¹⁷

The act states that an exemption may only be created, revised, or expanded if it serves an identifiable public purpose and the exemption is no broader than necessary to meet the public purpose it serves.¹⁸ An identifiable public purpose is considered to be served if the exemption meets one of three specified criteria, and the Legislature finds that the purpose is “sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”¹⁹ The prescribed statutory criteria include whether the exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects information of a sensitive personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.²⁰

Examples of Existing Exemptions for Donors or Prospective Donors

<i>Entity</i>	<i>Exemption</i>	<i>Florida Statute</i>	<i>Status</i>
Enterprise Florida, Inc.	Identity of donor or prospective donor who desires to remain anonymous and all identifying information.	s. 11.45(3)(i)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Florida Development Finance Corporation, Inc.	Identity of donor or prospective donor who desires to remain anonymous and all identifying information.	s. 11.45(3)(j)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Cultural Endowment Program (Department of State)	Information which, if released, would identify donors and amounts contributed. Information which, if released, would identify prospective donors	s. 265.605(2)	Confidential and exempt from s. 119.07(1), F.S.

¹⁷ Section 119.15(6)(a)1. - 6., F.S.

¹⁸ Section 119.15(6)(b), F.S.

¹⁹ *Id.*

²⁰ *See* s. 119.15(6)(b)1. - 3., F.S.

Direct Support Organization (University of West Florida)	Identity of donor or prospective donor of property to a DSO who desires to remain anonymous, and all identifying information.	s. 267.1732(8)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Citizen Support Organization (Fish and Wildlife Commission)	Identity of donor or prospective donor to a CSO who desires to remain anonymous and all identifying information.	s. 379.223(3)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Florida Agricultural Museum (Department of Agriculture and Consumer Services)	Identity of donor or prospective donor who desires to remain anonymous and all identifying information.	s. 570.903(6)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
John and Mable Ringling Museum of Art Direct Support Organization (Florida State University)	Information that, if released, would identify donors who wish to remain anonymous or prospective donors who wish to remain anonymous when the DSO has identified the prospective donor and has not obtained the name in another manner.	s. 1004.45(2)(h)	Confidential and exempt from s. 119.07(1), F.S.
Florida Prepaid College Board Direct Support Organization	Identity of donors who wish to remain anonymous. Any sensitive, personal information regarding contract beneficiaries, including identity.	s. 1009.983(4)	Confidential and exempt from s. 119.07(1) and s. 24(a), Art. I, State Constitution.

Performing Arts Centers in Florida

According to the Florida Department of State Division of Cultural Affairs (FSDCA), arts and culture organizations create \$5 in revenue for the public sector for every \$1 that federal, state, and local governments invest in arts and culture.²¹ There is no breakout specifically reflecting the economic impact of Florida’s performing arts centers. According to the FSDCA, \$249.7 million was generated to local government by arts and culture in 2008.²²

Florida has dozens of performing arts centers²³ in every region of the state, and their ownership, management and financing varies widely, according to information on their websites.

²¹ Florida Department of State Division of Cultural Affairs, ADVOCACY FACTSHEET, <http://www.florida-arts.org/resources/factsheet/> (last accessed November 15, 2011).

²² *Id.*

²³ An unofficial list is available at <http://funandsun.com/1toef/artf/perfs.html>.

III. Effect of Proposed Changes:

Section 1 creates an undesignated section of law providing that if a donor or a prospective donor of a donation made for the benefit of a publicly owned performing arts center wishes to remain anonymous, then information that would identify the name, address, or telephone number of that donor or prospective donor is confidential and exempt from s. 119.07(1), F.S., and section 24(a), Art. I, of the State Constitution.

The bill defines a “publicly owned performing arts center” as:

a facility consisting of at least 200 seats, owned and operated by a county, municipality, or special district, which is used and occupied to promote development of any or all of the performing, visual or fine arts or any or all matters relating thereto, and to encourage and cultivate public and professional knowledge and appreciation of the arts.²⁴

The bill provides that the public records exemption is subject to the provisions of the Open Government Sunset Review Act and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 of the bill expresses legislative findings that the public records exemptions are a public necessity, in order to:

- Encourage private support for publicly owned performing arts centers and the direct-support organization; and,
- Promote the giving of gifts to, and the raising of private funds for, the acquisition, renovation, rehabilitation, and operation of publicly owned performing arts centers.

According to this section, without the exemptions there could be a “chilling effect” on private donations in Florida because potential donors would be concerned that disclosure of their personal identifying information could lead to theft and threats to their personal safety and security.

Section 3 of the bill provides an effective date of October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I, of the State Constitution requires a two-thirds vote of each chamber of the Legislature for passage of a newly created or expanded public records or public

²⁴ Based on a list of performing arts centers provided by the Department of State Division of Cultural Affairs, at least one appears to meet the bill’s definition: the Broward Center for the Performing Arts in Fort Lauderdale, because it is owned by the county and managed by a county board.

meetings exemption. Because this bill creates new public records exemptions, it requires a two-thirds vote of each chamber of the Legislature for passage.

Statement of Public Necessity

Section 24(c), Art. I, of the State Constitution requires a statement of public necessity for a newly-created or expanded public records or public meetings exemption. Because this bill creates new public records exemptions, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Donors or prospective donors to a publicly owned performing arts center would have the option of requesting anonymity, which may encourage more private entities to donate to these facilities.

C. Government Sector Impact:

These public records exemptions may encourage donations, and therefore result in a financial gain to counties and municipalities that own and operate publicly owned performing arts centers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Ring

32-00617-12

2012570__

A bill to be entitled

An act relating to public records; defining the term "publicly owned performing arts center"; creating an exemption from public records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

Section 1. Confidentiality of certain donor information related to a publicly owned performing arts center.—

(1) As used in this section, the term "publicly owned performing arts center" means a facility consisting of at least 200 seats, owned and operated by a county, municipality, or special district, which is used and occupied to promote development of any or all of the performing, visual, or fine arts or any or all matters relating thereto and to encourage and cultivate public and professional knowledge and appreciation of the arts.

(2) If a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center desires to remain anonymous, information that would identify the name, address, or telephone number of that donor or prospective donor is confidential and exempt from s. 119.07(1), Florida Statutes,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00617-12

2012570__

and s. 24(a), Article I of the State Constitution.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information that would identify the name, address, or telephone number of a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center be made confidential and exempt from public records requirements if such donor or prospective donor desires to remain anonymous. In order to encourage private support for publicly owned performing arts centers, it is a public necessity to promote the giving of gifts to, and the raising of private funds for, the acquisition, renovation, rehabilitation, and operation of publicly owned performing arts centers. An essential element of an effective plan for promoting the giving of private gifts and the raising of private funds is the need to protect the identity of prospective and actual donors who desire to remain anonymous. If the identity of prospective and actual donors who desire to remain anonymous is subject to disclosure, there is a chilling effect on donations because donors are concerned about disclosure of personal information leading to theft and, in particular, identity theft, including personal safety and security. Therefore, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements information that would identify a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if such donor or

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00617-12

2012570__

59 prospective donor wishes to remain anonymous.

60 Section 3. This act shall take effect October 1, 2012.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Community Affairs
Higher Education

SENATOR JEREMY RING

32nd District

November 3, 2011

Honorable Senator Mike S. Bennett
404 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Bennett,

I am writing to respectfully request your cooperation in placing Senate Bill 570, relating to Public Records on the Community Affairs Committee agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive that reads "Jeremy Ring".

Jeremy Ring
Senator District 32

cc: Tom Yeatman, Staff Director

✓ Rec'd 11/3/11
apw

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392
- 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5094

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7

12/5/2011

Meeting Date

Topic Public records

Bill Number 570
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 440

INTRODUCER: Community Affairs Committee and Senator Bennett

SUBJECT: Initiatives and Referenda

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Yeatman	CA	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute (CS) authorizes a local government to retain certain initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment which was in effect as of June 1, 2011.

This CS substantially amends s. 163.3167 of the Florida Statutes.

II. Present Situation:

Growth Management

The Local Government Comprehensive Planning and Land Development Regulation Act (the Act),¹ also known as Florida's Growth Management Act, was adopted by the 1985 Legislature. The Act requires all of Florida's counties and municipalities to adopt local government comprehensive plans that guide future growth and development. Comprehensive plans contain chapters or "elements" that address future land use, housing, transportation, water supply,

¹ See Chapter 163, Part II, F.S.

drainage, potable water, natural groundwater recharge, coastal management, conservation, recreation and open space, intergovernmental coordination, capital improvements, and public schools. The state land planning agency that administers these provisions is the Department of Economic Opportunity.

Amendments to the Comprehensive Plan

A local government may choose to amend its comprehensive plan for a host of reasons. It may wish to: expand, contract, accommodate proposed job creation projects or housing developments, or change the direction and character of growth. Some comprehensive plan amendments are initiated by landowners or developers, but all must be approved by the local government. The first step in the process is for the local government to develop a comprehensive plan amendment proposal. Public participation is a critical part of the comprehensive planning process.² Citizens often want to be a part of planning their communities and landowners need to be aware of changes that could affect their property. A local government considering a plan amendment must hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment. Notice must be published in a newspaper of general paid circulation in the jurisdiction of interest. The procedure for transmittal of a proposed or adopted comprehensive plan amendment requires the affirmative vote of a majority of the members of the governing body present at the hearing.

Referenda Approval of Amendments to Comprehensive Plans or Development Orders

During the 2011 Florida legislative session the Community Planning Act (HB 7207) was passed.³ Within this new Florida growth management law was a provision altering the requirements for local governments to use the referendum process. Now, the statute states all initiatives or referendums on a development order or comprehensive plan amendment are prohibited. Previously, the prohibition only applied to those affecting five or fewer parcels.

Subsection 163.3167(8), F.S., prohibits a local government from adopting “an initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment.”

Town of Yankeetown vs. Department of Community Affairs, et al.

The Town of Yankeetown, Florida, has sued the State of Florida regarding HB 7207 (Chapter 2011-139 Laws of Florida).⁴ The suit maintains several alleged violations. The essential complaints are: (1) the law contained too many subjects and was not properly titled, (2) there are vague terms in the law, and (3) the provision against public referenda on comprehensive plan amendments violates Yankeetown’s Charter. Yankeetown seeks a declaratory judgment that it still be allowed to apply its referenda provisions, requiring voters to approve all comprehensive land use changes affecting more than five parcels, because they existed before HB 7207 was passed.

² Section 163.3181, F.S., setting out the minimum requirements for public participation in the comprehensive planning process.

³ ch. 2011-139, L.O.F

⁴ *Yankeetown v. DCA* (37 2011 CA 002036).

III. Effect of Proposed Changes:

Section 1 amends s. 163.3167(8), F.S., to allow an initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment which was in effect as of June 1, 2011, to be retained and completed.

Section 2 provides the CS shall take effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Community Affairs Committee on December 5, 2011:

- The CS clarifies the original proposed language allowing a local government charter provision for an initiative or referendum process regarding development orders or local comprehensive plan amendments or map amendments to be retained and implemented if the provision was in effect as of June 1, 2011.

- B. **Amendments:**

None.



765412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2011	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment

Delete lines 15 - 19
and insert:
amendment or map amendment is prohibited. However, any local government charter provision which was in effect as of June 1, 2011, for an initiative or referendum process in regard to development orders or in regard to local comprehensive plan amendments or map amendments, may be retained and implemented.

By Senator Bennett

21-00406A-12

2012440__

1 A bill to be entitled
2 An act relating to initiatives and referenda; amending
3 s. 163.3167, F.S.; authorizing a local government to
4 retain certain initiatives or referendum processes
5 which were in effect as of a specified date; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (8) of section 163.3167, Florida
11 Statutes, is amended to read:

12 163.3167 Scope of act.—

13 (8) An initiative or referendum process in regard to any
14 development order or in regard to any local comprehensive plan
15 amendment or map amendment is prohibited. However, an initiative
16 or referendum process in regard to any development order or in
17 regard to any local comprehensive plan amendment or map
18 amendment which was in effect as of June 1, 2011, may be
19 retained and completed.

20 Section 2. This act shall take effect upon becoming a law.

PROAGNENT

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

12-5-11

Date

440

Bill Number

Barcode

Name DAVID COLLEN

Phone 941-323-2404

Address 1674 UNIVERSITY PKWY #296

E-mail collenasa@aol.com

Street

SARASOTA

FL

34243

City

State

Zip

Job Title

Speaking: [X] For [] Against [] Information

Appearing at request of Chair []

Subject REFERENDA

Representing SIERRA CLUB FLORIDA

Lobbyist registered with Legislature: [X] Yes [] No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 466

INTRODUCER: Community Affairs Committee and Senator Bennett

SUBJECT: Coastal Barriers Infrastructure Finance Act

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Fav/CS
2.			EP	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute (CS) creates part VII, chapter 163 of the Florida Statutes establishing the “Coastal Barriers Infrastructure Finance Act.” The CS allows registered electors of a coastal barrier region -- via petition followed by referendum -- to create a finance district to plan and pay for the construction of underground utilities. The local governing body of the designated region would serve as the infrastructure financing authority for the district. Powers of the authority include investing and borrowing money. The CS provides for the establishment of a local trust fund to receive proceeds generated through tax increment financing. Certain taxing authorities are exempted from the increment financing.

The CS creates subsections 163.71-163.79 of the Florida Statutes.

II. Present Situation:

Coastal Building Zones

Part III, chapter 161, Florida Statutes, contains the “Coastal Zone Protection Act of 1985” in which the Legislature recognizes the state’s coastal areas as some of Florida’s most valuable

resources. The Legislature further recognizes that there is a tremendous cost to the state for post-disaster redevelopment in coastal areas and that preventive measures should be continually taken to reduce the harmful consequences of natural and manmade disasters or emergencies.¹

Section 161.54, F.S., provides specific definitions for a “coastal building zone”² and “construction”³ occurring within these zones. Standards for construction in coastal building zones are outlined in s. 161.55, F.S., so as to “produce the minimum adverse impact on the beach and dune system.” The location of construction shall be a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.⁴

Underground Utilities

Public Service Commission and Public Utility Center Reports

In its 2007 report to the Legislature on infrastructure hardening, the Florida Public Service Commission (PSC) stated that strengthening Florida’s electrical infrastructure to better withstand the impacts of severe weather events should include a wide range of hardening activities.⁵ The report further recognized that, in some situations, conversion to underground electric distribution facilities could be preferable to overhead versions.

According to current PCS engineering specialists, underground facilities are more resistant to wind-related damages, including storms and vegetation-related interference.⁶ Underground facilities are, however, subject to flood damage, which may increase the time to make repairs because repairs cannot be attempted until flood waters recede from vaults.⁷

An underground research program report coordinated by the Public Utility Research Center (PURC) at the University of Florida and prepared for Florida electric utilities outlined a number of potential benefits and disadvantages of underground facilities.⁸ Some of the benefits cited included improved aesthetics, reduced live wire contact, and fewer outages during normal weather. Some of the disadvantages were longer duration interruptions per outage, reduced life expectancy, and higher maintenance and operating costs.

¹ See s. 161.539(3)-(4), F.S.

² “Land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. [161.053](#), and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. [161.053](#), the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.”

³ “. . . the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land.”

⁴ Section 161.55(3), F.S.

⁵ Florida Public Service Commission, *Report to the Legislature on Enhancing the Reliability of Florida’s Distribution and Transmission Grids During Extreme Weather* (July 2007) (on file with the Senate Committee on Community Affairs).

⁶ E-mail from Melissa L’Amoreaux, Engineering Specialist I, Division of Economic Regulation, Florida Public Service Commission (Nov. 23, 2011) (on file with the Senate Committee on Community Affairs).

⁷ *Id.*

⁸ Infrasource, *Undergrounding Assessment Phase 1 Final Report: Literature Review and Analysis of Electrical Distribution Overhead to Underground Conversion* (Feb. 28, 2007) available at

<http://www.floridapsc.com/utilities/electricgas/EIProject/docs/InfraSourcePhase1FinalReport20070228.pdf#xml=http://www.psc.state.fl.us/search/pdfhi.aspx?query=underground+utilities&pr=default&prox=page&rorder=500&rprox=500&rdfreq=500&rwfreq=500&rlead=500&rdepth=0&sufs=0&order=r&mode=&opts=&cq=&id=4cb6a5ff11>.

Costs and Funding of Underground Utilities

The 2007 PSC report acknowledged that construction of underground electric distribution systems is generally more expensive than comparable overhead systems. The higher costs are due to the increased complexity of underground systems and other factors such as more expensive hardware and labor. Florida Power and Light Company estimates that, in general, the basic costs for underground service in a new subdivision versus overhead service are about a third more.⁹

There are a variety of funding options available to cover these costs. The following financing methods were most often cited in studies according to the PURC-initiated report:

- Customer funded;
- Higher electricity rates;
- Higher taxes;
- Special tax districts;
- Utility set-asides;
- Federal funding;
- Private sector funding.

Pursuant to Florida Administrative Code Rule 25-6.078, utilities must file a per-lot differential charge for underground services in new subdivisions. This average differential is based on several different subdivision designs and is reviewed by the PSC at least every three years. There are credits available if the subdivision developer performs some of the work, such as installing conduit, but the facilities belong to the utility when completed.¹⁰

The conversion of existing overhead facilities is covered by Florida Administrative Code Rule 25-6.115, which sets forth how the cost of such conversion shall be calculated. This rule specifically gives the applicant (usually a city or county government, or homeowners association) the ability to construct part or all of the facilities, in lieu of the utility, subject to meeting utility standards and safety requirements.¹¹

Local Municipal Improvements

Section 170.01, F.S., allows municipalities, by their governing authority, to provide a number of local improvements, including the placement of underground electrical, telephone, and cable services.¹² Specifically, any municipality of this state may:

Pay for the relocation of utilities, including the placement underground of electrical, telephone, and cable television services, pursuant to voluntary agreement with the utility, but nothing contained in this paragraph shall affect a utility's right to locate or relocate its facilities on its own initiative at its own expense.¹³

⁹ Florida Power and Light, *Overhead and Underground Electrical Service FAQs*, <http://www.fpl.com/faqs/underground.shtml> (last visited Nov. 30, 2011). According to FPL, these costs may be more if additional work is required.

¹⁰ See Rule 25-6.078, F.A.C.

¹¹ See Rule 25-6.115, F.A.C.

¹² Section 170.01(1)(d), F.S.

¹³ *Id.*

Special assessments may be levied for local municipal improvements with conditions. Assessments may be collected only on benefited property and only at a rate of assessment based on the special advantage accruing to the property. The benefit is to be different in type or degree from benefits provided to the community as a whole.

Municipal Service Benefit Units

Sections 125.01(q)-(r), F.S., grant counties the power to establish municipal service benefit units and municipal service taxing units in certain areas. These governmental units may levy service charges, special assessments or taxes within these units to fund services such as underground utilities.

Chapter 163, Florida Statutes: Intergovernmental Programs

Chapter 163, Florida Statutes, provides governance for the establishment, operation, and regulation of intergovernmental programs. Among the programs in Part I are technical and financial assistance initiatives and the Miami River Improvement Act.¹⁴ Part II is devoted to growth policy, county and municipal planning, and land redevelopment regulation.¹⁵ Community redevelopment agencies (CRAs), neighborhood improvement districts, and regional transportation authorities are governed by parts III, IV, and V respectively.¹⁶ Part VI addresses collaborative client information systems.¹⁷

Tax Increment Financing

Tax Increment Financing (TIF) is a financial tool utilized by local governments to generate money for development projects in a specific geographic area or district. TIF began in California in 1952 as a way of providing matching funds for federal urban renewal plans. There are now TIF laws in nearly every state and the District of Columbia.¹⁸

The TIF process works as follows:

- The value of real property in a TIF district is determined as of a fixed date. This establishes a “base” or “frozen” year of assessed value.
- Going forward, taxing authorities in the district continue to receive tax revenues based on the assessed value in this frozen year.
- The tax increment is the difference between the amount of property tax revenues generated in the frozen year and any increase in tax revenues due to rising assessed values in subsequent years.
- Tax increment monies produced are available to fund projects designated by the local government either directly or through some form of debt service.

¹⁴ See ss. 163.01-163.08, F.S.

¹⁵ See ss. 163.2511-163.3248, F.S.

¹⁶ See ss. 163.330-163.462, 163.501-163.526, and 163.565-163.572 respectively.

¹⁷ See ss. 163.61-163.65, F.S.

¹⁸ Harry M. Hipler, *Tax Increment Financing in Florida: A Tool for Local Government Revitalization, Renewal and Redevelopment*, Florida Bar Journal (July/August, 2007).

TIF is statutorily authorized in chapter 163, Florida Statutes, for community redevelopment¹⁹ and transportation deficiencies.²⁰ Chapter 259, Florida Statutes, authorizes TIF for land conservation purposes.²¹ Community redevelopment agencies and transportation deficiency authorities establish local trust funds to receive proceeds generated through TIF.²² Counties and/or municipalities utilizing TIF for conservation lands employ a separate reserve account for tax increment deposits.²³

Local governing bodies determine whether or not to implement these versions of TIF; elector referenda are not required. School districts are not defined as taxing authorities subject to TIF in any of the above situations. There are also additional public bodies or taxing authorities exempted from these TIF districts such as library and water management districts.²⁴

III. Effect of Proposed Changes:

Section 1 creates an unspecified section of law requesting the Division of Statutory Revision to create part VII, chapter 163, Florida Statutes, consisting of ss. 163.71-163.79, F.S.

Section 2 creates s. 163.71, F.S., citing part VII, chapter 163, Florida Statutes, as the “Coastal Barriers Infrastructure Finance Act (the Act).”

Section 3 creates s. 163.72, F.S., providing findings and intent for an alternative mechanism for coastal barrier communities to finance and install utility delivery systems. The section asserts the environmental and economic value of the state’s coastal barriers and recognizes that dependable and secure infrastructure is a necessary component of sustaining these communities. It further recognizes that underground utilities provide safer and more reliable utility service during and after severe weather events.

Section 4 creates s. 163.73, F.S., to define a number of terms used in the Act. These terms include:

- “coastal barrier” which means areas located within a coastal building zone as defined in s. 161.54, F.S.;
- “infrastructure” which means the construction or improvement of utility services delivered by wire or cable and any related land acquisition, design and administrative costs;
- “infrastructure-financing authority” which means the governing body of a county or municipality within an infrastructure-financing district; and
- “infrastructure-financing district” which means a coastal barrier geographic area designated by the governing body.

¹⁹ ss. 163.387(1)(a)1.-2., F.S. The increment amount for CRAs is equal to 95 percent of the difference in ad valorem taxes.

²⁰ ss. 163.3182(5)(a)-(b), F.S. The increment amount for transportation deficiencies is a minimum of 25 percent of the difference in ad valorem taxes.

²¹ Sections 259.042(1) and (5), F.S. The increment amount for conservation lands may not exceed 95 percent of the difference in ad valorem taxes.

²² Sections 163.386, 163.3182(5), F.S.

²³ Section 259.042(d), F.S.

²⁴ See s. 163.387(2)(c) F.S., for CRAs, s. 163.3182(6), F.S., for transportation deficiencies, and s. 259.042(9), F.S., for conservation lands.

- “taxing authority” which means the public body authorized to levy an ad valorem tax on real property that is located within an infrastructure-financing district other than a school district.

“Debt service millage” and “plan” are also defined.

Section 5 creates s. 163.74, F.S., outlining a referendum process to create coastal barrier infrastructure-financing districts. The steps of this creation process are:

- Ten percent of the registered electors within a coastal barrier region petition the local governing body requesting a referendum on creating a district.
- The county or municipality governing board arranges for the referendum and publishes notice of the election in an area newspaper featuring the legal description and a map of the proposed designation area.
- The referendum is held within 120 days after verification of the petition provisions.
- The referendum may be conducted by mail pursuant to s. 101.6102, F.S.²⁵
- If the referendum is approved by a simple majority of the electors voting in the election, the county or municipality governing board may create a coastal barrier infrastructure-financing district by ordinance.

Section 6 creates s. 163.75, F.S., establishing the governance of an infrastructure-financing district via an infrastructure-financing authority and demarcating the powers of this authority. These powers include:

- Planning and carrying out approved coastal barrier infrastructure projects.
- Investing infrastructure finance funds held in reserve or sinking funds or in securities in which savings banks may legally invest funds.
- Redeeming issued bonds at the redemption price or purchasing bonds at less than redemption price. All bonds redeemed or purchased are canceled.
- Borrowing money and issuing debt obligations.
- Applying for, and accepting, loans and grants from the Federal government, the state, or private sources. The authority may also enter into contracts with the Federal government.
- Contracting with any person, public or private, to make and carry out plans.
- Appropriating funds and making necessary expenditures.
- Entering into agreements with other public bodies which may extend over any period consistent with state law and rule.

Section 7 creates s. 163.76, F.S., providing a framework to formulate a coastal barrier infrastructure plan. The infrastructure-financing authority shall adopt a plan within six months after the creation of the district. The plan must include an inventory of all utility infrastructure located above ground; identify rights-of-way and property needed for construction; and include an engineering design for underground utility facilities.

²⁵ The supervisor of elections shall be responsible for the conduct of any election and the costs of a mail ballot election shall be borne by the jurisdiction initiating the calling of the election, unless otherwise provided by law.

Section 8 creates s. 163.77, F.S., which directs coastal barrier infrastructure financing authorities to establish and administer a local trust fund for the duration of any uncompleted projects or until any incurred debt is no longer outstanding.

Beginning in the first fiscal year after the creation of the district, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within the district. The increment must be at least 75 percent of the difference between the ad valorem tax levied each year by each taxing authority, and the ad valorem taxes which would have been produced before the effective date of the ordinance funding the trust fund. These ad valorem tax amounts are exclusive of any debt service millage.

Section 9 creates s. 163.78, F.S., specifying certain public bodies exempted from the increment requirement. Among the exempted public bodies are:

- Special districts which levy ad valorem taxes in more than one county.
- Community redevelopment agencies and neighborhood improvement districts.
- Metropolitan transportation authorities and water management districts.

Section 10 creates s. 163.79 F.S., which formulates a dissolution process for coastal barrier infrastructure-financing districts. Upon completion of all projects and repayment of all debt issued to finance projects, the district shall be dissolved. Assets and liabilities are transferred to the county or municipality in which the district is located. Any remaining assets shall be used for maintenance of completed infrastructure projects.

Section 11 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Because districts would be functional and political entities of the city or county that created them, anything districts generated, such as their plans, would be public records and available to anyone who requested them. Expenditures would be identified in local government budgets and subject to the annual audits that local governments undergo.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If coastal barrier infrastructure-financing districts are established and underground utilities are installed, residents of the districts will have utilities which are more resistant to wind-related damages, including storms and vegetation-related interference. These utilities will, however, be subject to flood damage. Companies which provide underground utility conversions may realize indeterminate increases in business activity.

C. Government Sector Impact:

If registered electors successfully petition for a coastal barrier infrastructure-financing district referendum, a local government will experience indeterminate costs related to conducting the referendum. Should the referendum pass, a local government may create a district and, if so, will be charged with administering and governing the district.

Affected taxing authorities in coastal barrier infrastructure financing districts will have their revenues capped at the frozen year level while districts are in existence.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on December 5, 2011:**

- Exempts school districts from the TIF provisions of the bill.
- Makes the creation of an infrastructure finance district discretionary with the governing board of the local government that is considering creation.

B. Amendments:

None.



670838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2011	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment

Delete line 82
and insert:
an infrastructure-financing district other than a school district.

Delete line 114
and insert:
election, the county or municipality governing board may

By Senator Bennett

21-00232-12

2012466__

A bill to be entitled

An act relating to the Coastal Barriers Infrastructure Finance Act; providing a directive to the Division of Statutory Revision; creating s. 163.71, F.S.; providing a short title; creating s. 163.72, F.S.; providing legislative intent; creating s. 163.73, F.S.; providing definitions; creating s. 163.74, F.S.; providing a procedure for petitioning for and conducting a referendum on the question of whether to establish an infrastructure-financing district; creating s. 163.75, F.S.; providing the powers of the governing body of a district; creating s. 163.76, F.S.; requiring the establishment of an infrastructure plan within a certain time; creating s. 163.77, F.S.; requiring the establishment of a local trust fund to hold the funds of the district; specifying the source of funding for district projects; creating s. 163.78, F.S.; providing exemptions; creating s. 163.79, F.S.; providing for dissolution of an infrastructure-financing district; providing an effective date.

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

Section 1. The Division of Statutory Revision is requested to create part VII of chapter 163, Florida Statutes, consisting of ss. 163.71-163.79, Florida Statutes.

Section 2. Section 163.71, Florida Statutes, is created to read:

163.71 Short title.—This part may be cited as the “Coastal

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Barriers Infrastructure Finance Act.”

Section 3. Section 163.72, Florida Statutes, is created to read:

163.72 Findings and intent.—

(1) The Legislature recognizes the enormous environmental and economic value of the state’s coastal barriers, including barrier islands, beach and dune systems, waterways, biological systems, and related coastal features, which comprise much of the state’s coastal zone and serve as a major attraction for both residents and tourists.

(2) The Legislature also recognizes that dependable, secure, and aesthetically attractive infrastructure is a necessary component of sustaining coastal barrier communities and the state’s tourist-based economy while protecting the environment.

(3) The Legislature further recognizes that underground utilities provide a delivery system for utility services which is safer and more reliable than overhead facilities during and after severe storm and weather events to which coastal barriers are often exposed.

(4) It is therefore the intent of the Legislature to protect and preserve the state’s coastal barrier resources, communities, and economy by providing to local government an alternative mechanism for the financing, installation, and operation of utility systems serving coastal barrier communities.

Section 4. Section 163.73, Florida Statutes, is created to read:

163.73 Definitions.—As used in this part, the term:

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59 (1) "Coastal barrier" means a coastal barrier island or
 60 other coastal feature consisting of a beach, dunes, and related
 61 features located within a coastal building zone as those terms
 62 are defined in s. 161.54.

63 (2) "Debt service millage" means any millage levied
 64 pursuant to s. 12, Art. VII of the State Constitution.

65 (3) "Infrastructure" means the construction,
 66 reconstruction, or improvement of electrical, telephone, cable,
 67 and other utility services delivered to a community by wire or
 68 cable, and any related land acquisition, planning, design,
 69 engineering, and administrative costs.

70 (4) "Infrastructure-financing authority" means the
 71 governing body of a county or municipality within which an
 72 infrastructure-financing district has been designated.

73 (5) "Infrastructure-financing district" means a geographic
 74 area within a coastal barrier system designated by the governing
 75 body of a county or municipality for infrastructure financing
 76 and construction.

77 (6) "Plan" means the infrastructure-financing plan adopted
 78 by the governing body of a county or municipality which creates
 79 an infrastructure-financing district.

80 (7) "Taxing authority" means the public body authorized to
 81 levy an ad valorem tax on real property that is located within
 82 an infrastructure-financing district.

83 Section 5. Section 163.74, Florida Statutes, is created to
 84 read:

85 163.74 Referendum.—

86 (1) If 10 percent of the registered electors who are
 87 residents within a coastal barrier petition the governing body

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88 of the county or municipality within which an identified coastal
 89 barrier is located requesting the conducting of a referendum on
 90 the question of creating an infrastructure-financing district
 91 for the purpose of financing and constructing underground
 92 utilities, the county or municipality governing board shall make
 93 the appropriate arrangements for conducting such referendum,
 94 including publishing notice of the election in a newspaper of
 95 general circulation in the area proposed for the establishment
 96 of the district. The petition must include the legal description
 97 and a map of the coastal barrier that is proposed for
 98 designation as an infrastructure-financing district.

99 (2) The referendum must be conducted within 120 days after
 100 the governing body verifies that 10 percent of the electors
 101 residing within the identified coastal barrier signed the
 102 petition. The referendum may be conducted by mail pursuant to s.
 103 101.6102. The ballot question for the referendum must be in
 104 substantially the following form: "Shall the ...governing board
 105 of (...County or Municipality...) create an infrastructure-
 106 financing district within the following legally described area
 107 for the purpose of providing a tax increment mechanism to
 108 finance and construct an underground utility infrastructure?"
 109 The statement must be followed by the words "yes" and "no," and
 110 must be accompanied by a map of the area that is proposed for
 111 designation.

112 (3) If the question submitted for referendum is approved by
 113 a simple majority of the electors voting in the referendum
 114 election, the county or municipality governing board shall
 115 create a coastal barrier infrastructure-financing district by
 116 ordinance.

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117 Section 6. Section 163.75, Florida Statutes, is created to
118 read:

119 163.75 Powers.—Each district shall be governed by a coastal
120 barrier infrastructure-financing authority, which has the power
121 necessary or convenient to carry out the purposes of this part,
122 including, but not limited to:

123 (1) Making and executing contracts and other instruments
124 necessary and convenient to exercise the powers under this
125 section.

126 (2) Undertaking, planning, and carrying out approved
127 coastal barrier infrastructure projects for the benefit of the
128 residents of the designated infrastructure-financing district.
129 The projects include, but are not limited to, the plan, design,
130 engineering, survey, legal, and related administrative services
131 necessary for the construction of safe, reliable, and
132 environmentally sound infrastructure projects as well as the
133 construction of such projects. The projects may also include
134 aesthetic features such as vegetation.

135 (3) Investing coastal barrier infrastructure finance funds
136 held in reserve, sinking funds, or other such funds not required
137 for immediate disbursement in property or in securities in which
138 savings banks may legally invest funds, subject to the control
139 of the authority, and redeeming such bonds as have been issued
140 pursuant to this part at the redemption price established
141 therein, or purchasing such bonds at less than redemption price.
142 All bonds redeemed or purchased are canceled.

143 (4) Borrowing money, including, but not limited to, issuing
144 debt obligations, such as bonds, notes, certificates, and
145 similar debt instruments; applying for and accepting advances,

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146 loans, grants, contributions, and any other forms of financial
147 assistance from the Federal Government or the state, county, or
148 any other public body or from any source, public or private, for
149 the purposes of this part; giving such security as may be
150 required; entering into and carrying out contracts for financial
151 assistance with the Federal Government for or with respect to a
152 coastal barrier infrastructure project and related activities
153 under the conditions imposed under federal laws which the
154 coastal barrier infrastructure-financing authority consider
155 reasonable and appropriate and which are not inconsistent with
156 the purposes of this part.

157 (5) Making or having made all surveys and plans necessary
158 to carry out the purposes of this part; contracting with any
159 person, public or private, to make and carry out the plans; and
160 adopting, approving, modifying, or amending any coastal barrier
161 infrastructure finance plan.

162 (6) Appropriating funds and making expenditures as are
163 necessary to carry out the purposes of this part and to enter
164 into agreements with other public bodies, which agreements may
165 extend over any period consistent with state law and rule.

166 Section 7. Section 163.76, Florida Statutes, is created to
167 read:

168 163.76 Coastal barrier infrastructure plan.—Each coastal
169 barrier infrastructure-financing authority shall adopt a coastal
170 barrier infrastructure plan within 6 months after the creation
171 of the district. The plan must:

172 (1) Include an inventory and survey of all utility
173 infrastructure currently located above ground within the
174 designated coastal barrier.

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175 (2) Identify all necessary rights-of-way and property
 176 needed for the construction of a system of underground utilities
 177 within the designated coastal barrier.

178 (3) Include the engineering design for a system of
 179 underground utility facilities within the coastal barrier.

180 Section 8. Section 163.77, Florida Statutes, is created to
 181 read:

182 163.77 Establishment of local trust fund.—The coastal
 183 barrier infrastructure-financing authority shall establish a
 184 local trust fund, which shall be administered by the authority.
 185 Each local trust fund must continue to be funded for as long as
 186 the projects set forth in the coastal barrier infrastructure
 187 plan remain to be completed or until any debt incurred to
 188 finance or refinance the related projects is no longer
 189 outstanding, whichever occurs later. Beginning in the first
 190 fiscal year after the creation of the district, each local trust
 191 fund shall be funded by the proceeds of an ad valorem tax
 192 increment collected within the designated coastal barrier
 193 infrastructure-financing district which must, at minimum, be 75
 194 percent of the difference between:

195 (1) The amount of ad valorem tax levied each year by each
 196 taxing authority, exclusive of any amount from any debt service
 197 millage, on taxable real property under the jurisdiction of the
 198 coastal barrier infrastructure-financing authority and within
 199 the coastal barrier infrastructure-financing district; and

200 (2) The amount of ad valorem taxes which would have been
 201 produced by the rate upon which the tax is levied each year by
 202 or for each taxing authority, exclusive of any debt service
 203 millage, upon the total of assessed value of the taxable real

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204 property within the infrastructure-financing district as shown
 205 on the most recent assessment roll used in connection with the
 206 taxation of such property of each taxing authority before the
 207 effective date of the ordinance funding the trust fund.

208 Section 9. Section 163.78, Florida Statutes, is created to
 209 read:

210 163.78 Exemptions.—The following public bodies or taxing
 211 authorities are exempt from this part:

212 (1) A special district that levies ad valorem taxes on
 213 taxable real property in more than one county.

214 (2) A special district for which the sole available source
 215 of revenue is the authority to levy ad valorem taxes when an
 216 ordinance is adopted under this part. However, revenues or aid
 217 that may be dispensed or appropriated to a district as defined
 218 in s. 388.011 at the discretion of an entity other than such
 219 district is not deemed available.

220 (3) A library district.

221 (4) A neighborhood improvement district created under the
 222 Safe Neighborhoods Act.

223 (5) A metropolitan transportation authority.

224 (6) A water management district created under s. 373.069.

225 (7) A community redevelopment agency.

226 Section 10. Section 163.79, Florida Statutes, is created to
 227 read:

228 163.79 Dissolution.—Upon completion of all coastal barrier
 229 infrastructure projects and repayment or defeasance of all debt
 230 issued to finance or refinance such projects, an infrastructure-
 231 financing district shall be dissolved, and its assets and
 232 liabilities transferred to the county or municipality within

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233 which the district is located. Any remaining assets of the
234 district shall be used for the maintenance of the coastal
235 barrier infrastructure project or projects created under this
236 part.

237 Section 11. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/11
Meeting Date

Topic ~~SB 466~~ Infrastructure

Bill Number SB 466
(if applicable)

Name Terry Lewis

Amendment Barcode _____
(if applicable)

Job Title ATTY

Address 515 N. Flagler
Street

Phone 561-640-0820

WPB FL 33401
City State Zip

E-mail _____

Speaking: For Against Information

Representing Braunton - Gillespie

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9

12/5/2011

Meeting Date

Topic COASTAL Act

Bill Number 466
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 412

INTRODUCER: Senator Bennett

SUBJECT: Assessment on the Sale of Masonry Units

DATE: December 5, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the “Concrete Masonry Products Research, Education, and Promotion Act.” The bill creates the Florida Concrete Masonry Council, Inc., as a nonprofit corporation operating as a direct-support organization of the Florida Building Commission. This bill sets out the administrative powers and duties of the council, as well as what the council is prohibited from doing. The council created by this bill will be given the power to require that a manufacturer of concrete masonry products collect an assessment from a purchaser at the time of sale of a concrete masonry unit, under certain circumstances.

The bill provides for the appointment of the governing board of the council, and how the council should be maintained. Also, the council will be authorized by this bill to initiate legal action against a manufacturer that fails to remit the assessment. This bill provides a procedure for manufacturers to petition for a referendum to continue the assessment.

This bill creates unspecified sections of the Florida Statutes.

II. Present Situation:

Check-off Programs

Commodity check-off programs are cooperative efforts by groups of suppliers intended to enhance their individual and collective profitability. The term “check-off” refers to the collection of a fee and comes from the concept of checking off the appropriate box on a form to authorize a contribution for a specific purpose. These assessments are pooled together to finance programs to enhance producer welfare. As demonstrated in agriculture, lumber, and other industries, check-

off programs provide a mechanism by which every producer supports research, education, and promotion efforts intended to expand markets.

Examples of State Industry Marketing Structures

Citrus Industry

The Department of Citrus (Department) currently administers a single program responsible for citrus marketing, research, and regulation. Department responsibilities include adopting and enforcing rules and regulations related to minimum maturity and quality standards for citrus fruits, as well as their harvesting, packing, and processing. Also the Department conducts market and scientific research programs relating to citrus products. The Department is responsible for preparing and disseminating information to members of the citrus industry, including citrus growers, handlers, shippers, producers, and other industry-related persons and organizations. The Department promotes citrus products via advertising, public relations, and consumer/trade communications. The department is also responsible for implementing the policies of the Florida Citrus Commission, which serves as the board of directors for the agency.¹

The Florida Department of Citrus has regulatory responsibility for all aspects of the citrus industry. The department is funded by the “box tax” and the equalizing excise tax. The box tax is an excise tax levied on each standard field box of fruit grown and placed into the primary channel of trade in Florida. The equalizing excise tax is assessed on processed citrus products imported into the state at a rate equal to the box tax. The majority of the proceeds of these taxes must be used by the department to advertise Florida citrus products.²

Florida Beef Council

The Florida Beef Council is a wholly-owned corporation of the Florida Cattlemen’s Association. Created by the Beef Market Development Act, the Council functions as the promotional and educational arm of the beef industry in the state of Florida.³

Council activities are funded by beef producers through a federally mandated check-off program, paying one dollar per head on all cattle sold in the state. Half of those funds collected in Florida are designated for national promotion, research, consumer information, and industry information programs. The other half is used in Florida to disseminate nutritional and product information to the media, food service and retail industries, school educators, health professionals, consumers, and producers.⁴

The Florida Beef Council’s activities are governed by a board of directors comprised of representatives from all segments of the beef industry.⁵

¹ Office of Program Policy Analysis and Government Accountability (OPPAGA), Florida Government Accountability Report, Department of Citrus, available at <http://www.oppaga.state.fl.us/profiles/4127/> (last visited November 21, 2011).

² Section 601.15, F.S.

³ Section 570.9135, F.S.

⁴ Florida Cattlemen Association, Beef Council, available at <http://www.floridacattlemen.org/fbc.html> (last visited November 21, 2011).

⁵ *Id.*

Florida Building Commission

The Florida Building Commission is established in ch. 553, F.S., within the Department of Business and Professional Regulation (DBPR) and consists of 25 members that are appointed by the Governor and confirmed by the Senate.⁶ The Commission is responsible for adopting and enforcing the Florida Building Code as a single, unified state building code used to provide effective and reasonable protection for the public safety, health and welfare.⁷ The Florida Building Code is required to be updated every three years by the Florida Building Commission.⁸ Pursuant to s. 553.73, F.S., the Commission is authorized to adopt internal administrative rules, impose fees for binding code interpretations and use the rule adoption procedures listed under ch. 120, F.S., to approve amendments to the building code.⁹

III. Effect of Proposed Changes:

Section 1 provides for an unspecified section of Florida Statutes as follows:

Short title

May be cited as the “Concrete Masonry Products Research, Education, and Promotion Act.”

Definitions

The bill defines the following terms used in the act:

- “Commission” means the Florida Building Commission.
- “Concrete masonry products” refers to a broad class of products, including, but not limited to, concrete masonry units and hardscape products such as concrete pavers and segmental retaining wall units that are manufactured on a block machine using dry-cast concrete.
- “Concrete masonry unit” means a concrete masonry product that is a man-made masonry unit having a nominal width of 3 inches or greater and manufactured by a block machine using dry-cast concrete. The term includes, but is not limited to, gray block, architectural block, concrete brick, concrete masonry units to be post-tensioned, concrete masonry units to be surface-bonded, sound wall block, and fence block. The term does not include concrete veneer units having a width of less than 3 inches, segmental retaining wall units, concrete pavers, clay brick, clay masonry units, precast panels, cast stone, adhered manufactured stone masonry veneer, calcium silicate units, lintels and sills, articulating concrete or revetment block, autoclave-aerated concrete, and dimension stone.
- “Council” means the Florida Concrete Masonry Council, Inc.
- “Machine cavity” means the open space in the mold of a block machine capable of forming a single masonry unit that has nominal plan dimensions of 8 inches by 16 inches.
- “Manufacturer” means a person engaged in the business of manufacturing concrete masonry units.

⁶ See s. 553.74(1)(a)-(w), F.S.

⁷ Sections 553.73 and 553.74, F.S.

⁸ Section 553.73(7)(a), F.S. See also Florida Department of Business & Professional Regulation, Florida Building Commission, http://www.floridabuilding.org/fbc/information/building_commission.htm (last visited November 21, 2011).

⁹ See ss. 553.76, 553.775, and 553.73(7), F.S., respectively.

- “Masonry unit” means a noncombustible building product intended to be laid by hand or to be joined using mortar, grout, surface bonding, post-tensioning, or some combination of these methods.

Florida Concrete Masonry Council, Inc.

The bill creates a nonprofit corporation organized under the laws of this state and operating as a direct-support organization of the Florida Building Commission. The council may levy an assessment of 1 cent per concrete masonry unit that is produced and sold by a manufacturer in the state if the imposition of the assessment is approved by referendum of the state’s concrete masonry manufacturers. The proceeds of the assessment shall be used to fund the activities of the council.

The council must:

- Plan, implement, and conduct programs of education, promotion, research, and consumer information and industry information which are designed to strengthen the market position of the concrete masonry industry in this state and in the nation, to maintain and expand domestic and foreign markets, and to expand the uses for concrete masonry products.
- Use the proceeds of the assessment for the purpose of funding research, education, promotion, and consumer and industry information of concrete masonry products in this state and in the nation.
- Coordinate research, education, promotion, industry, and consumer information programs with national programs or programs of other states.
- Develop new uses and markets for concrete masonry products.
- Develop and improve educational access to individuals seeking employment in the field of concrete masonry.
- Develop methods of improving the quality of concrete masonry products for the purpose of windstorm protection.
- Develop methods of improving the energy efficiency attributes of concrete masonry products.
- Inform and educate the public concerning the sustainability and economic benefits of concrete masonry products.
- Serve as a liaison within the concrete masonry and other construction industries of the state and elsewhere in matters that would increase efficiencies that ultimately benefit both the consumer and the concrete masonry industry.
- Buy, sell, mortgage, rent, or improve, in any manner that the council considers expedient, real property or personal property, or both.
- Publish and distribute such papers or periodicals as the board of directors considers necessary to encourage and accomplish the purposes of the council.
- Do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the council.
- Approve an annual plan, budget, and audit for the council.

The council may not:

- Participate in a political campaign.

- Use receipts to benefit directors, officers, or other private persons, except that the council may pay reasonable compensation for services rendered by staff employees and may make payments and distributions to further the purposes of the act.
- Participate in activities prohibited for non-profit corporations under federal tax law.
- Pursue any activities that are not in furtherance of the council's specific and primary purposes.

Governing Board

The Florida Concrete Masonry Council, Inc., shall be governed by a board of directors composed of 15 members.

Referendum on Assessments

All concrete masonry manufacturers in this state may vote in a referendum to determine whether the council may levy an assessment of 1 cent per concrete masonry unit. The referendum shall pose the question: "Do you approve of authorizing the Florida Concrete Masonry Council, Inc., to levy an assessment, pursuant to Florida law, of \$0.01 per concrete masonry unit sold by a manufacturer in this state, to be used for the education of concrete masonry workers, research, and the promotion of concrete masonry products?" The duration of an authorization to levy the assessment may not exceed 5 years following the date of the approval of the levy unless reauthorized.

Administrative Powers and Duties of the Council

The bill establishes the powers and duties of the council, including establishing an office in the state, the power to receive and disburse funds to be used in implementing the programs, the duty to keep books and records maintained in the ordinary course of business, and the duty to prepare reports as required. In addition, the council may conduct or contract for research programs, disseminate information benefiting the consumer and the concrete masonry industry, and respond to requests from government bodies concerning concrete. It may also sue and be sued as a council without individual members being liable for acts within the scope of the powers of the act. The council may borrow money and maintain emergency reserves in amounts not to exceed 50 percent of the anticipated annual income of the council. It can also appoint advisory groups, hire and administer a staff of employees, and cooperate with other entities having similar objectives. The council also has authority to send an authorized agent upon the premises of any market agency or agent, or collection agency or agent, to examine the accounts to ensure the payment of assessments due, and perform all other acts to further its objectives which are not prohibited by law.

Acceptance of Grants and Gifts

The bill authorizes the council to receive grants and donations provided that there are no restrictions that it considers to be inconsistent with the objectives of the program.

Payments to Organizations

The bill establishes procedures by which the council can fund other organizations for services rendered through a written agreement which is consistent with the objectives of the program.

Collection of Moneys at Time of Sale

Each manufacturer shall assess from the purchaser, at the time of sale by the manufacturer, the assessment levied by the council. The amount of the assessment must be separately stated on all receipts, invoices, or other evidence of sale as the “Florida Building Sustainability Fee.”

Vote On Continuing the Assessment

Upon the delivery by certified mail to the council of petitions that represent at least 25 percent of all concrete masonry manufacturers that ask, “Shall the assessment authorized by the Concrete Masonry Products Research, Education, and Promotion Act continue?” the council shall, within 90 days after the receipt of the petitions, conduct a referendum to determine whether a majority of the votes cast in the referendum support the continuation of the Concrete Masonry Products Research, Education, and Promotion Act. All signatures must be collected within a 12-month period.

Bylaws

The council shall, by September 30, 2012, adopt bylaws to carry out the intents and purposes of the bill. The bill also provides procedures for amending the bylaws.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The 1 cent charged per concrete masonry unit may be passed along to the consumer. This assessment would affect those who purchase large quantities of concrete blocks for construction. It is unknown how much revenue this will generate for the Florida Concrete Masonry Council. Concrete masonry manufacturers may experience an increase in the demand for concrete as a result of the masonry promotion programs and advertising.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bennett

21-00383-12

2012412__

1 A bill to be entitled
 2 An act relating to an assessment on the sale of
 3 masonry units; creating the "Concrete Masonry Products
 4 Research, Education, and Promotion Act"; providing
 5 definitions; creating the Florida Concrete Masonry
 6 Council, Inc., as a nonprofit corporation; authorizing
 7 the council to levy an assessment on the sale of
 8 masonry units by a manufacturer, under certain
 9 circumstances; specifying the powers and duties of the
 10 council; prohibiting the council from participating or
 11 intervening in any political campaign; prohibiting the
 12 council from using any receipt to benefit its
 13 directors, officers, or other private persons;
 14 prohibiting the council from engaging in certain
 15 activities or exercising certain powers; providing for
 16 the appointment of the governing board of the council;
 17 providing that board members serve without
 18 compensation; entitling members to receive
 19 reimbursement for per diem and travel expenses;
 20 authorizing the council to submit a referendum to
 21 manufacturers of masonry units for authorization to
 22 levy an assessment on the sale of concrete masonry
 23 units; providing for the administrative powers and
 24 duties of the council; authorizing the council to
 25 accept grants, donations, contributions, or gifts
 26 under certain circumstances; authorizing the council
 27 to make payments to other organizations under certain
 28 circumstances; requiring that a manufacturer of
 29 concrete masonry products collect the assessment from

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30 a purchaser at the time of sale of a concrete masonry
 31 unit; authorizing the council to initiate legal action
 32 against a manufacturer that fails to remit the
 33 assessment; providing a procedure for manufacturers to
 34 petition for a referendum to continue the assessment;
 35 requiring the council to adopt bylaws; providing an
 36 effective date.

37
 38 WHEREAS, the Legislature intends to promote the growth of
 39 the concrete masonry industry in this state; to assure the
 40 public that a superior, sustainable construction material is
 41 produced by a skilled and educated workforce; to provide for the
 42 general economic welfare of the state and of the producers,
 43 contractors, and end-use consumers of masonry products; and to
 44 provide the masonry industry of this state with the authority to
 45 establish a self-financed, self-governed program to help
 46 develop, maintain, and expand the state, national, and foreign
 47 markets for masonry products and services that are mined,
 48 manufactured, produced, or processed in this state, NOW,
 49 THEREFORE,

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Concrete Masonry Products Research, Education,
 54 and Promotion Act.-

55 (1) SHORT TITLE.-This section may be cited as the "Concrete
 56 Masonry Products Research, Education, and Promotion Act."

57 (2) DEFINITIONS.-As used in this section, the term:

58 (a) "Commission" means the Florida Building Commission.

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59 (b) "Concrete masonry products" refers to a broad class of
 60 products, including, but not limited to, concrete masonry units
 61 and hardscape products such as concrete pavers and segmental
 62 retaining wall units that are manufactured on a block machine
 63 using dry-cast concrete.

64 (c) "Concrete masonry unit" means a concrete masonry
 65 product that is a man-made masonry unit having a nominal width
 66 of 3 inches or greater and manufactured by a block machine using
 67 dry-cast concrete. The term includes, but is not limited to,
 68 gray block, architectural block, concrete brick, concrete
 69 masonry units to be post-tensioned, concrete masonry units to be
 70 surface-bonded, sound wall block, and fence block. The term does
 71 not include concrete veneer units having a width of less than 3
 72 inches, segmental retaining wall units, concrete pavers, clay
 73 brick, clay masonry units, precast panels, cast stone, adhered
 74 manufactured stone masonry veneer, calcium silicate units,
 75 lintels and sills, articulating concrete or revetment block,
 76 autoclave-aerated concrete, and dimension stone.

77 (d) "Council" means the Florida Concrete Masonry Council,
 78 Inc.

79 (e) "Machine cavity" means the open space in the mold of a
 80 block machine capable of forming a single masonry unit that has
 81 nominal plan dimensions of 8 inches by 16 inches.

82 (f) "Manufacturer" means a person engaged in the business
 83 of manufacturing concrete masonry units.

84 (g) "Masonry unit" means a noncombustible building product
 85 intended to be laid by hand or to be joined using mortar, grout,
 86 surface bonding, post-tensioning, or some combination of these
 87 methods.

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88 (3) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION;
 89 PURPOSES.—

90 (a) There is created the Florida Concrete Masonry Council,
 91 Inc., a nonprofit corporation organized under the laws of this
 92 state and operating as a direct-support organization of the
 93 commission.

94 (b) The council may levy an assessment of 1 cent per
 95 concrete masonry unit that is produced and sold by a
 96 manufacturer in the state if the imposition of the assessment is
 97 approved by referendum pursuant to subsection (5). The proceeds
 98 of the assessment shall be used to fund the activities of the
 99 council. With respect to the administration of the assessment,
 100 the council shall:

101 1. Develop, implement, and monitor a collection system for
 102 the assessment which must be administered by an independent
 103 third party.

104 2. Conduct referenda under subsections (5) and (11).

105 (c) The council shall:

106 1. Plan, implement, and conduct programs of education,
 107 promotion, research, and consumer information and industry
 108 information which are designed to strengthen the market position
 109 of the concrete masonry industry in this state and in the
 110 nation, to maintain and expand domestic and foreign markets, and
 111 to expand the uses for concrete masonry products.

112 2. Use the proceeds of the assessment for the purpose of
 113 funding research, education, promotion, and consumer and
 114 industry information of concrete masonry products in this state
 115 and in the nation.

116 3. Coordinate research, education, promotion, industry, and

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117 consumer information programs with national programs or programs
 118 of other states.

119 4. Develop new uses and markets for concrete masonry
 120 products.

121 5. Develop and improve educational access to individuals
 122 seeking employment in the field of concrete masonry.

123 6. Develop methods of improving the quality of concrete
 124 masonry products for the purpose of windstorm protection.

125 7. Develop methods of improving the energy efficiency
 126 attributes of concrete masonry products.

127 8. Inform and educate the public concerning the
 128 sustainability and economic benefits of concrete masonry
 129 products.

130 9. Serve as a liaison within the concrete masonry and other
 131 construction industries of the state and elsewhere in matters
 132 that would increase efficiencies that ultimately benefit both
 133 the consumer and the concrete masonry industry.

134 10. Buy, sell, mortgage, rent, or improve, in any manner
 135 that the council considers expedient, real property or personal
 136 property, or both.

137 11. Publish and distribute such papers or periodicals as
 138 the board of directors considers necessary to encourage and
 139 accomplish the purposes of the council.

140 12. Do all other acts necessary or expedient for the
 141 administration of the affairs and attainment of the purposes of
 142 the council.

143 13. Approve an annual plan, budget, and audit for the
 144 council.

145 (d)1. The council may not participate or intervene in any

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146 political campaign on behalf of or in opposition to any
 147 candidate for public office. This restriction includes, but is
 148 not limited to, a prohibition against publishing or distributing
 149 any statement.

150 2. The net receipts of the council may not in any part
 151 inure to the benefit of or be distributable to its directors,
 152 its officers, or other private persons, except that the council
 153 may pay reasonable compensation for services rendered by staff
 154 employees and may make payments and distributions in furtherance
 155 of the purposes of this section.

156 3. Notwithstanding any other provision of law, the council
 157 may not carry on any other activity not permitted to be carried
 158 on by a corporation:

159 a. That is exempt from federal income tax under s.
 160 501(c)(3) of the Internal Revenue Code; or

161 b. To which charitable contributions are deductible under
 162 s. 170(c)(2) of the Internal Revenue Code.

163 4. Notwithstanding any other statement of the purposes and
 164 responsibilities of the council, the council may not engage in
 165 any activity or exercise any power that is not in furtherance of
 166 its specific and primary purposes.

167 (4) GOVERNING BOARD.—

168 (a) The Florida Concrete Masonry Council, Inc., shall be
 169 governed by a board of directors composed of 15 members as
 170 follows:

171 1. Nine members representing concrete masonry
 172 manufacturers. Of these board members, at least five must be a
 173 representative of a manufacturer that is a member of the Masonry
 174 Association of Florida. These members must be representatives of

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175 concrete masonry manufacturers of various sizes. A manufacturer
 176 may not be represented by more than one member of the board.
 177 2. One member representing the Florida Building Commission.
 178 3. One member representing the Florida Homebuilders
 179 Association.
 180 4. One member having expertise in apprenticeship or
 181 vocational training.
 182 5. Two members who are masonry contractors and who are
 183 members of the Masonry Association of Florida.
 184 6. One member who is not a masonry contractor or
 185 manufacturer or an employee of a masonry contractor or
 186 manufacturer, but who is otherwise a stakeholder in the masonry
 187 industry.
 188 (b) The initial board of directors shall be appointed by
 189 the chair of the commission based on recommendations from the
 190 Masonry Association of Florida. Five of the initial board
 191 members shall be appointed to a 1-year term. Five shall be
 192 appointed for a 2-year term. The remaining board members shall
 193 be appointed for a 3-year term. Thereafter, each member shall be
 194 appointed to serve a 3-year term and may be reappointed to serve
 195 an additional consecutive term. After the initial appointments
 196 are made, each subsequent vacancy must be filled in accordance
 197 with the bylaws of the council. A member may not serve more than
 198 two consecutive terms. A member representing a manufacturer or a
 199 contractor must be employed by a manufacturer or contractor
 200 engaging in the trade or manufacture of concrete masonry
 201 products for at least 5 years immediately preceding the first
 202 day of his or her service on the board. All members of the board
 203 shall serve without compensation. However, the board members are

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204 entitled to reimbursement for per diem and travel expenses
 205 incurred in carrying out the intents and purposes of this
 206 section in accordance with s. 112.061, Florida Statutes.
 207 (c) The council shall elect from its members a chair, vice
 208 chair, and a secretary-treasurer to a 2-year term. The chair of
 209 the board must be a concrete masonry manufacturer.
 210 (d) The council shall provide for its officers through its
 211 bylaws, including the ability to set forth offices and
 212 responsibilities and form committees necessary for the
 213 administration of this section.
 214 (e) If a member of the board is absent for two consecutive,
 215 officially called meetings, the board of directors may declare
 216 that position vacant.
 217 (f) The council shall provide through its bylaws a
 218 mechanism for selecting board members which will require the
 219 council to solicit candidates from throughout the concrete
 220 masonry industry. The mechanism must ensure a fair and equitable
 221 representation on the board of manufacturers of various sizes
 222 and manufacturers from regions throughout the state.
 223 (5) REFERENDUM ON ASSESSMENTS.—All concrete masonry
 224 manufacturers in this state may vote in a referendum to
 225 determine whether the council may levy an assessment of 1 cent
 226 per concrete masonry unit. The referendum shall pose the
 227 question: "Do you approve of authorizing the Florida Concrete
 228 Masonry Council, Inc., to levy an assessment, pursuant to
 229 Florida law, of \$0.01 per concrete masonry unit sold by a
 230 manufacturer in this state, to be used for the education of
 231 concrete masonry workers, research, and the promotion of
 232 concrete masonry products?" The ballot provided to each

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233 manufacturer must be accompanied with a copy of this section.
 234 The duration of an authorization to levy the assessment may not
 235 exceed 5 years following the date of the approval of the levy
 236 unless reauthorized pursuant to subsection (11).
 237 (a) A referendum held under this section must be conducted
 238 by the Bureau of Economic and Business Research at the
 239 University of Florida by secret ballot in a manner prescribed by
 240 the council and approved by the commission. The council may
 241 solicit and accept contributions to fund costs incurred for the
 242 referendum.
 243 (b) Notice of a referendum to be held under this section
 244 must be given by certified mail to each manufacturer at least 30
 245 days before the referendum is held.
 246 (c) Each manufacturer is entitled to at least one vote plus
 247 one vote for every 10 machine cavities that are owned by the
 248 manufacturer and located in this state 90 days before the date
 249 of the referendum. However, a manufacturer may not have more
 250 than four votes. Proof of identification of the manufacturing of
 251 concrete masonry products and of the number of machine cavities
 252 must be presented before voting.
 253 (d) A simple majority vote shall determine any issue that
 254 requires a referendum under this section.
 255 (6) ADMINISTRATIVE POWERS AND DUTIES OF THE COUNCIL.—
 256 (a) The council shall:
 257 1. Receive and disburse funds, as prescribed elsewhere in
 258 this section, to be used in administering and implementing this
 259 section.
 260 2. Maintain a permanent record of its business proceedings.
 261 3. Maintain a permanent, detailed record of its financial

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262 dealings.
 263 4. Prepare, for review by the concrete masonry industry in
 264 this state, periodic reports and an annual report for each
 265 fiscal year of its activities, and file the annual report with
 266 the commission.
 267 5. Prepare, for review by the concrete masonry industry in
 268 this state, periodic reports and an annual accounting for each
 269 fiscal year of all receipts and expenditures, and retain a
 270 certified public accountant for this purpose.
 271 6. Appoint a licensed banking institution to serve as the
 272 depository for program funds and handle disbursements of those
 273 funds.
 274 7. Maintain frequent communication with public officers at
 275 the state and national levels, including the commission.
 276 8. Maintain an office in this state.
 277 (b) The council may:
 278 1. Conduct or contract for scientific research with any
 279 accredited university, college, or similar institution, and
 280 enter into other contracts or agreements that will aid in
 281 carrying out the purposes of this section, including contracts
 282 for the purchase or acquisition of facilities or equipment
 283 necessary to carry out the purposes of this section.
 284 2. Disseminate reliable information benefiting the consumer
 285 and the concrete masonry industry.
 286 3. Provide to governmental bodies, on request, information
 287 relating to subjects of concern to the concrete masonry
 288 industry, and act jointly or in cooperation with the state or
 289 Federal Government, and agencies thereof, in the development or
 290 administration of programs that the council considers to be

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291 consistent with the objectives of this section.
 292 4. Sue and be sued as a council without individual
 293 liability of the members for acts of the council when acting
 294 within the scope of the powers of this section and in the manner
 295 prescribed by the laws of this state.
 296 5. Borrow from licensed lending institutions money in
 297 amounts that are not cumulatively greater than 50 percent of the
 298 council's anticipated annual income.
 299 6. Maintain a financial reserve for emergency use, the
 300 total of which must not exceed 50 percent of the council's
 301 anticipated annual income.
 302 7. Appoint advisory groups composed of representatives from
 303 organizations, institutions, governments, or businesses related
 304 to or interested in the welfare of the concrete masonry industry
 305 and the end-use consumer.
 306 8. Employ subordinate officers and employees of the
 307 council, prescribe their duties, and fix their compensation and
 308 terms of employment.
 309 9. Cooperate with any local, state, regional, or nationwide
 310 organization or agency engaged in work or activities consistent
 311 with the objectives of the program.
 312 10. Cause any duly authorized agent or representative to
 313 enter upon the premises of any market agency, market agent,
 314 collection agency, or manufacturer and examine or cause to be
 315 examined by the authorized agent only books, papers, and records
 316 that deal with the payment of the assessment provided for in
 317 this section or with the enforcement of this section.
 318 11. Do all other things necessary to further the intent of
 319 this section which are not prohibited by law.

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320 (7) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept
 321 grants, donations, contributions, or gifts from any source if
 322 the use of such resources is not restricted in any manner that
 323 the council considers to be inconsistent with the objectives of
 324 this section.
 325 (8) PAYMENTS TO ORGANIZATIONS.—
 326 (a) The council may make payments to other organizations
 327 for work or services performed which are consistent with the
 328 objectives of the program.
 329 (b) Before making payments described in this subsection,
 330 the council must secure a written agreement that the
 331 organization receiving payment will:
 332 1. Furnish at least annually, or more frequently on request
 333 of the council, written or printed reports of program activities
 334 and reports of financial data that are relative to the council's
 335 funding of such activities; and
 336 2. Agree to have appropriate representatives attend
 337 business meetings of the council as reasonably requested by the
 338 chair of the council.
 339 (c) The council may require adequate proof of security
 340 bonding on the payments to any individual, business, or other
 341 organization.
 342 (9) COLLECTION OF MONEYS AT TIME OF SALE.—
 343 (a) Each manufacturer shall assess from the purchaser, at
 344 the time of sale by the manufacturer, the assessment levied by
 345 the council. The amount of the assessment must be separately
 346 stated on all receipts, invoices, or other evidence of sale as
 347 the "Florida Building Sustainability Fee."
 348 (b) The manufacturer shall collect all such moneys and

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349 forward them quarterly to the council, and the council shall
 350 provide appropriate business forms for the convenience of the
 351 collecting agent in executing this duty.

352 (c) The council shall maintain within its financial records
 353 a separate accounting of all moneys received under this
 354 subsection. The council shall provide for an annual financial
 355 audit of its accounts and records to be conducted by an
 356 independent certified public accountant pursuant to rules
 357 adopted by the Auditor General under s. 11.45, Florida Statutes.

358 (d) The assessment is due and payable upon the sale of
 359 concrete masonry units that are produced in this state,
 360 regardless of the location of the purchaser. The assessment
 361 constitutes a personal debt of the manufacturer of concrete
 362 masonry units who collects the assessment or who otherwise owes
 363 the assessment. If a manufacturer fails to remit any properly
 364 due assessment, the council may bring a civil action against the
 365 manufacturer in the circuit court of any county for the
 366 collection thereof, and may add a penalty in the amount of 10
 367 percent of the assessment owed, the cost of enforcing the
 368 collection of the assessment, court costs, and reasonable
 369 attorney's fees. The action shall be tried and judgment rendered
 370 as in any other cause of action for debts due and payable. All
 371 assessments, penalties, and enforcement costs are due and
 372 payable to the council.

373 (10) VOTE ON CONTINUING THE ASSESSMENT.—Upon the delivery
 374 by certified mail to the council of petitions that represent at
 375 least 25 percent of the votes allocated under subsection (5) and
 376 that ask, "Shall the assessment authorized by the Concrete
 377 Masonry Products Research, Education, and Promotion Act

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378 continue?" the council shall, within 90 days after the receipt
 379 of the petitions, conduct a referendum to determine whether a
 380 majority of the votes cast in the referendum support the
 381 continuation of the Concrete Masonry Products Research,
 382 Education, and Promotion Act. All signatures must be collected
 383 within a 12-month period. A referendum held under this
 384 subsection may not be held more than one time in a 3-year
 385 period. Before each referendum, votes shall be reallocated using
 386 the method described in subsection (5).

387 (11) BYLAWS.—The council shall, by September 30, 2012,
 388 adopt bylaws to carry out the intents and purposes of this
 389 section. These bylaws may be amended upon 30-days' notice to
 390 board members at any regular or special meeting called for this
 391 purpose. The bylaws must conform to the requirements of this
 392 section but may also address any matter not in conflict with the
 393 general laws of this state.

394 Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

10

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/11
Meeting Date

Topic MASONRY PROMOTIONS COUNCIL Bill Number 412
(if applicable)

Name MIKE MURTHA Amendment Barcode _____
(if applicable)

Job Title PRESIDENT

Address 403 EAST PARK AVENUE Phone 407-898-9333
Street

TALAHASSEE FL 32301 E-mail mmurtha@scpa.org
City State Zip

Speaking: For Against Information

Representing FLORIDA CONCRETE + PRODUCTS ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-5-11
Meeting Date

Topic MASONRY CHECK-OFF

Bill Number SB 412
(if applicable)

Name DAVID RAMBA

Amendment Barcode _____
(if applicable)

Job Title _____

Address NORTH MONROE ST.

Phone _____

TALLAHASSEE FL 32301
City State Zip

E-mail DAVID@RAMBALON-
SULTING.COM

Speaking: For Against Information

Representing MASONRY ASSOCIATION OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10

12/5/2011

Meeting Date

Topic MASONRY

Bill Number 412
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 600

INTRODUCER: Community Affairs Committee and Senator Bennett

SUBJECT: Electronic Filing of Construction Plans

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Fav/CS
2.			RI	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This committee substitute (CS) authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

The CS substantially amends section 468.604 of the Florida Statutes.

II. Present Situation:

Building Code Administrators and the Permitting Process

The Legislature deems it necessary in the interest of public health and safety to regulate the practice of building code administration and inspection in this state.¹ “Building code administrators” or “building officials” are the local government employees charged with building construction regulation responsibilities. These responsibilities are linked to the permitting process and include plan review, enforcement, and the inspection of building construction, remodeling, and demolition. Officials verify compliance with construction codes as required by

¹ Section 468.601, F.S.

state law or municipal or county ordinance relating to plumbing, mechanical, electrical, gas, fire prevention, energy, and accessibility.²

Section 468.604 (1), F.S., requires that construction plans be reviewed by a building code administrator or building official before the issuance of any building, system installation, or other construction permit. In addition, the administrator or official must also inspect each phase of construction where a building or other construction permit has been issued.³

To obtain a permit, the Florida Building Code provides that an applicant shall first file an application in writing on a form furnished by the appropriate building department for the intended purpose.⁴ Permit application forms shall be in a format prescribed by a local administrative board, if applicable, and must comply with the requirements of s. 713.135 (5) and (6), F.S.

Section 713.135(5), F.S. requires building permit applications to include the names and addresses of property owners and contractors and a description sufficient to identify the property. Section 713.135(6), F.S., delineates the format for building permit applications which include owner and contractor signatures as well as notarization.⁵ The section also provides that an authority responsible for issuing building permits may accept a building permit application in an electronic format, as prescribed by the authority. Electronically submitted permits must contain an additional “owner’s electronic submission statement.”⁶

Construction documents outlining floor, site, and foundation plans, as well as other data, are submitted in one or more sets with each application for a permit. Electronic media versions of these documents are allowed to be submitted when approved by the building official.⁷

Electronic Signatures

The intent of the “Electronic Signature Act of 1996,” is to facilitate economic development and efficient delivery of government services through electronic messages.⁸ The act also aims to foster the development of electronic commerce through the use of electronic signatures. Unless otherwise provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature.⁹

Part II, ch. 668, F.S., contains the “Uniform Electronic Transaction Act” which sets forth requirements for the validation and effect of electronic records and electronic signatures. It also

² Section 468.603(1), F.S.

³ Section 468.604(1), F.S.

⁴ Section 105.3, Chap. 1, 2007 Florida Building Code: Building (including 2009 Supplement).

⁵ Section 117.021(1), F.S., provides that “any document requiring notarization may be notarized electronically.”

⁶ Section 713.135(6)b, F.S.

⁷ Sections 106.1.1 and 106.3.5, Chap. 1, 2007 Florida Building Code: Building (including 2009 Supplement).

⁸ See s. 668.002, F.S.

⁹ Section 668.004, F.S.

provides for agreement variation in order to facilitate, but not require, the use of electronic means in conducting transactions.¹⁰

Statutorily Authorized Electronic Submission of Documents and Seals

Certain professions regulated by the state have statutory authority to electronically submit documents and to utilize electronic seals. These include:

- architects,¹¹
- engineers,¹²
- interior designers,¹³
- landscape architects,¹⁴ and
- land surveyors and mappers.¹⁵

In addition, in 2009, the Legislature required each clerk of court to implement an electronic filing process in an effort to reduce judicial costs, increase timeliness in the processing of cases, and improve judicial case management.¹⁶

III. Effect of Proposed Changes:

Section 1 of the CS creates subsection (4) of s. 468.604, F.S., specifying that should a building code administrator or building official provide for electronic filing, then construction plans, drawings, specifications, reports, final documents, or documents prepared or issued by a licensee may be dated and electronically signed and sealed by the licensee in accordance with ss. 668.001-668.006 and transmitted electronically to the building code administrator or building official for approval.

Section 2 of the CS provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰ See Comm. on Commerce and Economic Opportunities, The Florida Senate, *CS/CS/SB 1334 Electronic Commerce*, Florida Senate 2000 Session Summary, available at <http://archive.flsenate.gov/publications/2000/senate/reports/summaries/pdf/Comm.pdf>.

¹¹ Section 481.221(2), F.S.

¹² Section 471.025(1), F.S.

¹³ Section 481.221(3), F.S.

¹⁴ Section 481.321(1), F.S.

¹⁵ Section 472.025(1), F.S.

¹⁶ Section 28.22205, F.S.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons or businesses engaged in various phases of building construction, repair, remodeling or demolition may experience cost savings as a result of efficiencies accruing from electronic filing. Costs associated with the production and delivery of hard copy documents could be reduced.

C. Government Sector Impact:

Local authorities that provide for and accept electronic transmissions of various construction documents may realize procedural and document storage efficiencies and improve the timeliness of permit processing. The CS does not require electronic filing; therefore, any expenditures to facilitate this option would be discretionary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on December 5, 2011: Provides a technical amendment.

B. Amendments:

None.



813508

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2011	.	
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	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment

Delete lines 20 - 23
and insert:
electronic filing, then construction plans, drawings,
specifications, reports, final documents, or documents prepared
or issued by a licensee may be dated and electronically signed
and sealed by the licensee in accordance with ss. 668.001-
668.006, and

By Senator Bennett

21-00577-12

2012600__

A bill to be entitled

An act relating to electronic filing of construction plans; amending s. 468.604, F.S.; providing a legislative finding; providing for certain documents to be electronically signed and sealed by the licensee and electronically transmitted to a building code administrator or building official for approval; providing an effective date.

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

Section 1. Subsection (4) is added to section 468.604, Florida Statutes, to read:

468.604 Responsibilities of building code administrators, plans examiners, and inspectors.—

(4) The Legislature finds that the electronic filing of construction plans will increase governmental efficiency, reduce costs, and increase timeliness of processing permits. If the building code administrator or building official provides for electronic filing, construction plans, drawings, specifications, reports, final documents, or documents prepared or issued by a licensee may be dated and electronically signed and sealed in accordance with ss. 668.001-668.006 by the licensee and transmitted electronically to the building code administrator or building official for approval.

Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12-5-11

Meeting Date

Topic Electronic Documents

Bill Number SB 600
(if applicable)

Name KARI HEBRANK

Amendment Barcode _____
(if applicable)

Job Title _____

Address 7711 DEEPWOOD TRAIL

Phone 561-7824

Street TALLAHASSEE FL 32311
City State Zip

E-mail KHeb Karica

Speaking: For Against Information

Ramba Consulting - OR

Representing BUILDING ASSOCIATION OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic SB 600 Bill Number 600
(if applicable)

Name Casey Cook Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address 301 S. Bronough St Phone 701 3701

Street

Tallahassee FL 32302
City State Zip

E-mail ccook@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/1



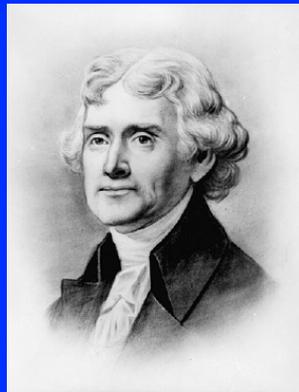
Five-Point Plan for Florida's Cities

2012 Legislative Action Agenda

Why Cities?

“The wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation”

Thomas Jefferson, July 1816



Five-Point Plan

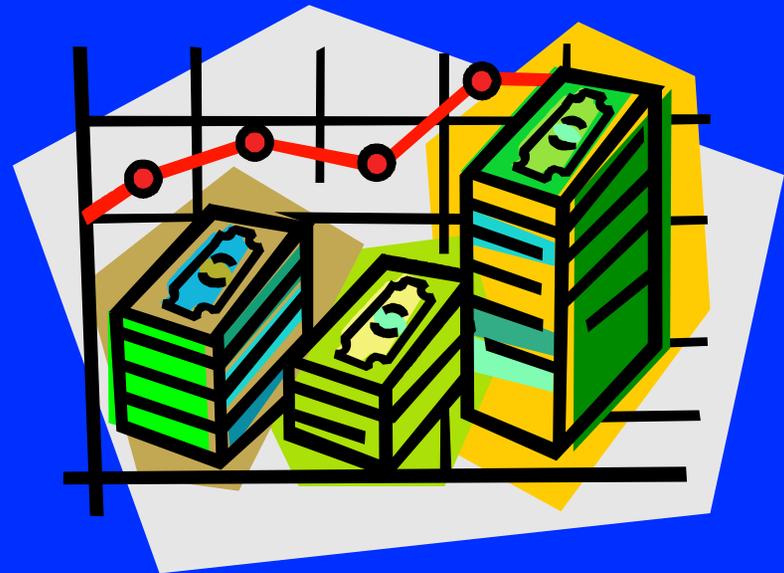


- Point 1: Economic Success Begins with Cities
- Point 2: Keep Local Government Local
- Point 3: Build New Partnerships
- Point 4: What Happens in Tallahassee Should Stay in Tallahassee
- Point 5: When it Comes to Cities, Citizens Come First

Point One

Economic Success Begins with Cities

- Cities are economic engines.
- Thriving cities are where entrepreneurs start and expand businesses.
- When Florida's cities prosper, Florida will prosper.



Point Two

Keep Local Government Local



- The diversity of Florida's 410 cities is what makes Florida strong.
- This dynamic diversity creates a civic pride that should be honored and encouraged.
- Cities must have the freedom to experiment, innovate and govern.

Point Three

Build New Partnerships

- Florida needs partnerships that create an environment of trust between citizens and their city, county and state governments.
- Cooperation between different governments makes their work more efficient and more effective.



Point Four

What Happens in Tallahassee Should Stay in Tallahassee

- No More Unfunded Mandates
- The costs of compliance are borne by city taxpayers at the expense of city taxpayer programs and priorities
- City officials are held politically accountable for fiscal decisions over which they have no control
- Unfunded Mandates Lack Transparency

Point Five

When it Comes to Cities, Citizens Come First

- Cities are created by their citizens for service delivery and quality of life
- Cities are governed by citizens – non-partisan, part-time citizen leaders
- Unnecessary interference in local self-government by other governments disrupts the fundamental citizen-centered functioning of cities



2012 Legislative Priority: Municipal Police Officer and Firefighter Pension Plans & Disability Presumptions

- The Florida League of Cities will support legislation that provides comprehensive municipal firefighter and police officer pension reform.



A Few Ideas For Pension Reform

- Any comprehensive pension reform package should:
 - Modify the use of the insurance premium tax revenues by repealing the mandate for cities to perpetually provide new, “extra” pension benefits for police/fire.
 - Allow cities the ability to adjust pension benefits ;
 - Provide for accountability by police/fire pension boards of trustees; and
 - Reform current statutory disability presumptions for firefighters, law enforcement officers and correctional officers relating to tuberculosis, heart disease or hypertension.

Municipal Police and Firefighter Pensions & Disability Presumptions

- In 1999, the Legislature amended chapters 175 and 185, Florida Statutes, relating to firefighter and police officer pensions to state that additional premium tax revenues over a base amount must be used to provide “extra” benefits in firefighter and police officer pension plans.
- The Legislature transferred all operational and administrative control of police/fire pensions to statutorily created boards of trustees which are not required to provide fiscal transparency or accountability for large amounts of public funds.

Municipal Police and Firefighter Pensions & Disability Presumptions

- In 2011, SB 1128 passed, which took an important first step in reforming municipal pension plans by creating a Task Force to look at the existing Disability Presumptions found in state law.
- Cities need additional reforms removing state mandates that contribute to making local pension plans unsustainable, unstable and unreliable.

2012 Legislative Priority: Economic Development

The Florida League of Cities will support legislation that promotes state agency coordination with local entities through providing increased technical assistance, building public infrastructure and urban infill projects and programs, and offering appropriate business incentives that support local economic development.

Economic Development

- The Florida Legislature AND local governments have focused on the area of economic development as a way to restart Florida's economic engine and create more jobs for Floridians.
- Creation of Department of Economic Opportunity was an important step in the right direction.
- Enhanced coordination /partnership between state and local governments in luring businesses to move to, or remain in, Florida is vital.
- Cities are offering a broad array of incentives to help grow Florida's economy.
- Community Redevelopment Agencies (CRAs) play an important role in economic development activities in urban areas.

2012 Legislative Priority: Protect Communications Services and Local Business Tax

The Florida League of Cities will oppose legislation that modifies, restricts or eliminates the authority of municipalities to levy, collect and/or expend the Communications Services Tax (CST) and the local business tax.

Protect Communications Services and Local Business Tax

- ◆ The CST and the Local Business Tax are two essential sources of general revenue for municipalities.
- ◆ Used to fund vital services which benefit the citizens and the businesses operating within the cities.
- ◆ Many municipalities have pledged these revenues to secure debt.

Communications Services Tax

- ◆ Development of CST was a multi-year process negotiated with all stakeholders
- ◆ CST consolidated 7 different state/local taxes and fees into a single tax rate
- ◆ CST is used to fund vital municipal services
- ◆ CST is also used to secure debt

Local Business Tax

- ◆ Revenues fund planning, zoning, police and fire services, economic development, infrastructure, etc...
- ◆ Allows local governments to track the types of businesses that are operating within their boundaries.
- ◆ Allows cities to allocate appropriate resources where needed.

2012 Legislative Priority: Water Policy

The Florida League of Cities will support legislation that assures cities retain the tools necessary to achieve federal or state water quality standards, such as standards on total maximum daily loads or numeric nutrient criteria, at the lowest possible cost to cities.

Water Policy

- EPA imposed water quality standards result in substantial unfunded mandates to the State and Florida's cities.
- Significant regional differences that need to be accounted for with respect to water quality standards.
- No "ONE SIZE FITS ALL" approach to dealing with water quality standards
- Cities should retain authority to regulate stormwater discharges, septic tanks, urban fertilizer use, and other "contributing" factors to poor water quality

Water Policy (cont)

- Reclaimed water is an important alternative water supply source to meet non-potable needs like irrigation or other uses.
- Reuse of reclaimed water also reduces reliance on surface water discharges, ocean outfalls, or deep well injection.

Water Policy (cont)

- Water management districts have proposed restrictions on the use of reclaimed water that would:
 - severely restrict the availability of reclaimed water,
 - impede development of reclaimed water systems,
 - interfere with existing agreements between providers and consumers of reclaimed water, and
 - create a potential for increased wastewater discharges.
- Existing providers of reclaimed water should not be penalized for their foresight and investment in developing reclaimed water systems.

2012 Legislative Priority: Campus Development Agreements

- The Florida League of Cities supports the continued funding to mitigate fully the impacts of State University System campus development on host local governments and supports maintaining Campus Development Agreements.

Campus Development Agreements

- Formed between the State University System (SUS) campus and host local government.
- Address impacts on local infrastructure and services that additional density and development of the university have on the surrounding community.
- Requires the SUS to pay a fair share of the costs of mitigating those impacts to: stormwater management; potable water; sanitary sewer; solid waste collection and disposal; parks and recreation; transportation; and fire and rescue services.

Campus Development Agreements

- SUS has paid for the impacts through the SUS Concurrency Trust Fund, which is no longer being funded by the Florida Legislature
- The Campus Master Plan and CDA requirements allow SUS and local governments to work as partners to identify, address, and mitigate impacts of growth and development of a university campus.

2012 Legislative Priority: Pending Ordinance Doctrine

The Florida League of Cities
supports maintaining the home
rule authority of municipalities in
the local application of the
Pending Ordinance Doctrine

Pending Ordinance Doctrine

- Holds that a building permit or development order application established on or after the date when a local government has publicly declared its intent to change its zoning scheme may be denied or held until after the enactment of the new zoning ordinance.
- Validates a local government's decision to suspend permit applications where an applicant applied for a permit after the local government had begun the adoption of a new zoning ordinance.

Pending Ordinance Doctrine

- Local governments can delay a permit application while a zoning ordinance that would render the proposed development nonconforming is pending.
- Local governments may enact policies to protect the health, safety, and welfare of its citizens without allowing developments in the pipeline to obtain vested rights by spending money in reliance on existing zoning.

2012 Legislative Priority: Effective Public Notice

The Florida League of Cities will support legislation that authorizes municipalities to provide effective public notice and advertising for various appropriate matters, not to include ad valorem taxation millage setting, by means other than newspapers, such as direct mailings, physical posting of property, internet posting, free publications, government access television channels, and other suitable alternatives.

Effective Public Notice

- Statutes require cities to provide public notice in local newspapers for many city activities such as ordinance adoption, annexations, budget adopting, comprehensive plan changes, etc.
- Local governments spend approximately \$16 million per year to meet these newspaper advertising requirements.
- Laws should be changed to authorize cities to provide effective public notice in the most effective manner at the lowest possible cost to the citizens .
- Ad valorem millage setting notices should continue to be provided in newspaper ads.

2010 Legislative Priority: Public Safety Telecommunicator Certification Exemption

The Florida League of Cities will support legislation that exempts certified law enforcement officers from having to be certified Public Safety Telecommunicators to allow them to serve as “Temporary” Public Safety Telecommunicators.

Public Safety Telecommunicator Certification Exemption

- Legislation passed in 2010 requiring all public safety telecommunicators hired prior to April 1, 2012, to complete a 232 hour training program and pass a certification examination by October 1, 2012.
- Many small police departments have fewer than five public safety telecommunicators (PST)
- Agencies use certified LEOs as “temporary” PSTs when full-time PSTs cannot work (i.e. lunch break, out sick, etc.).

Public Safety Telecommunicator Certification Exemption

- Law enforcement officers hired after April 1, 2012, that are used as “temporary” PSTs will be forced to complete training program and pass certification exam.
- Training temporary PST’s is expensive and redundant
- FLC supports exempting certified LEOs from the training requirements provided they pass certification exam.

2012 Legislative Priority: Residential Group Homes

The Florida League of Cities will support legislation that requires community residential homes where onsite substance abuse treatment must be provided by a licensed service provider to notify local governments upon application and adhere to local municipal standards of occupancy .

Residential Group Homes

- The siting of Community Group Homes is often not regulated
- Many neighborhoods do not want residential group homes in their communities
- The League is pursuing legislation to better define community group homes and require that a community be notified when an application is submitted for site approval of community residential homes with six or fewer residents within single or multifamily zoning areas, regardless of their proximity to another such home.

2012 Legislative Priority: Energy

The Florida League of Cities will support legislation that establishes a statewide policy on energy development and conservation, that provides incentives on the development and implementation of renewable and alternative energy and transportation fuel sources, and that authorizes local governments to make use of the \$190 million in Qualified Energy Conservation Bond capacity allocated to Florida.

Energy

- The cost of electricity and other fuel sources to Florida's cities, citizens and businesses has significantly increased in recent years and is likely to continue to do so.
- Establishing a statewide policy on energy development and conservation, as well as developing cost-effective methods to lower electric and other fuel source expenses, is critical to maintaining our state and local economies.
- The state, working with cities and other interested parties, must either provide or authorize cities to provide appropriate incentives for the development and implementation of renewable and alternative energy and transportation fuel sources.

Energy

- Qualified Energy Conservation Bonds (QECCBs) are federally-supported tax-credit bonds issued by local or state governments for projects related to energy conservation.
- QECCBs provide an opportunity for economic development and a move toward energy efficiency.
- Funds from QECCBs may be used for various purposes, such as to finance energy efficiency improvements, perform mass commuting projects, and perform public education programs to promote energy efficiency.
- Action by either the Governor or Legislature is required to access the \$190 million in QECCBs allocated to Florida.



**THANK YOU! FOR MORE INFORMATION PLEASE
CONTACT THE FLORIDA LEAGUE OF CITIES**

[HTTP://WWW.FLCITIES.COM](http://www.flcities.com)

(850) 222-9684

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic _____

Bill Number _____
(if applicable)

Name C. Scott Dudley

Amendment Barcode _____
(if applicable)

Job Title Legislative Director

Address 301 S. Bronough St. Suite 300

Phone _____

Street

Tell FL 32301

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)



All About Florida

DOUG SMITH
PRESIDENT
MARTIN

BILL WILLIAMS
PRESIDENT ELECT
GULF

BRYAN DESLOGE
FIRST VICE PRESIDENT
LEON

KEN WELCH
SECOND VICE PRESIDENT
PINELLAS

ILENE LIEBERMAN
IMMEDIATE PAST PRESIDENT
BROWARD

CHRISTOPHER L. HOLLEY
EXECUTIVE DIRECTOR

Tax breaks for out of state online travel companies should not come at the expense of local hoteliers and critical tourism development investments.

Policy Objective

FAC opposes any legislation that would provide an advantage for online travel companies while putting Florida's local hoteliers at a disadvantage and limit the investments needed in local tourism development and promotion.

Key Points

- Previously filed legislation would have provided a tax break to online travel companies, typically based out of state, while placing Florida hoteliers who are following the law at a disadvantage.
- Legislation favoring online travel companies could cost local communities approximately \$28 million initially and a negative indeterminate recurring amount. This could cost the state an indeterminate recurring amount, based on the fiscal impact estimates from the 2011 Revenue Estimating Conference.
- With more and more tourists using online travel companies for reservations, revenue from direct bookings will continue to decline providing state and local communities with consistently less revenue.
- It is voters that choose local tourist related taxes which are invested directly into the local community and are used to fund:
 - Operations of convention centers, sporting arenas and stadiums;
 - Re-nourishment and replenishment of local beaches;
 - Promotion and marketing of local and regional tourist related activities;
 - Tourism related capital improvements; and,
 - Tourism related debt obligations.

Background

Currently many online travel companies (e.g., Expedia.com, Travelocity.com, Expedia.com, etc...) engage in the practice of only "remitting" sales and other taxes (tourist development taxes) based on the **wholesale (not retail)** price that the company pays the hotel for the right to re-rent the room to the actual consumer.



County health departments serve our most vulnerable citizens and must be protected to ensure adequate access to health care services statewide

Policy Objective:

The Florida Association of Counties supports efforts to restore the exemption from rate control for County Health Departments (CHDs) and hopes to work with Legislators to maintain funding for primary health care services.

Primary Health Care:

County health departments must be allowed to continue to provide primary care to citizens in need. Rate is unique to state government. Florida's CHDs work in partnership with both state and county governments. This partnership, established by law, has been successful due to a central administrative system, housed within the Department of Health, and a priority setting process that takes place at the community level with each individual health department.

- Cutting state funding to CHDs for primary care services will have a devastating effect on local health care systems, even in the most urban of counties. CHDs offer important services such as prenatal care, disease management programs and Emergency Room diversion projects, all of which work to save tax payer dollars.
- CHDs focus on issues specific to the communities they serve. Decisions concerning which types of services to provide and the sliding scale fees for those services are determined through a collaborative effort between the local health department and that county's Board of County Commissioners.
- Providing access to primary health care is a critical component of the state's safety net system:
 - 13 of the 67 CHDs (19%) serve as the only primary care providers in their county.
 - 25 of the 67 CHDs (37%) are critical primary care partners in their communities helping to serve residents with little or no health insurance (22 are small counties and 3 larger counties).
 - 29 of the 67 CHDs (44%) provide a limited range of primary care services in response to the needs of their communities.

Rate Control:

It requires that the Legislature determine, year by year, how many positions a given state entity can have and the salary range for each position. The salary amount is a cap on a position and does not consider budget availability or the pay range of the class. Before 2009, CHDs did not have to operate under rate control and were able to offer more competitive salaries to attract physicians and medical professionals.

- Imposing rate on CHDs has diminished their ability to respond to the health needs of their communities and appropriately compensate doctors and other health care professionals.
- Rate requires that vacant positions revert to the minimum salary for that position. This makes it difficult to hire professional staff such as doctors, nurses, and dentists since starting salaries in state government for these positions are not competitive.

Amendment 4 will provide a tax break for snow birders at the expense of Florida Residents.

Policy Objective: FAC opposes Amendment 4. Florida can't address the convulsion with our current tax code by broadening it. This is a step in the wrong direction. FAC supports the existing ten percent cap to ensure protections for non homestead property owners.

Key Points: Rather than fixing some of the flaws with Florida's tax system, this measure will extend the confusion and worsen inherent structural problems.

- **It's a tax break for investment properties and second homes.** At its core, Amendment 4 is aimed at giving a tax break to second-homeowners and winter residents at the expense of Florida's year-round homeowners.
- **It's a zero sum game.** You can't give second-homeowners tax breaks without shuffling more of the tax burden onto year-round homeowners.
- **It will increase taxes for year-round residents.** Inevitably, over time, tax rates for year-round homeowners will rise in order to subsidize new tax breaks for the owners of investment properties, commercial buildings and part-time residents who winter in Florida.
- **It does nothing for existing Florida homeowners.** This measure was engineered by powerful interests to benefit select constituencies, like residential real estate flippers and part-time residents—but it does very little to lower property taxes for existing Florida homeowners.
- **It's one-size-fits-all.** Lawmakers often profess respect for local control, but this measure grossly undercuts the principle of home rule. Government closest to the people, usually governs best. And local budgets are best left to local communities.
- **Vital services will suffer.** With many important functions of local government already in jeopardy, Amendment 4 just goes too far. In these tough times, even police and firefighting services are feeling the pinch. This "Top-down tax mandate" will, inevitably, lead local governments to scale back these vital community services.

Background: Presently, lawmakers are debating possible amendments to—and replacements for—the "Non-Homesteaded Property Tax Cap" measure—slated to appear on the 2012 General Election ballot as "Amendment 4."

However, as it stands, the current iteration of Amendment 4 would broaden the \$50,000 Homestead Exemption so that it also applies to second homes, or any number of homes, purchased by Florida residents. In essence, it would provide tax breaks on commercial buildings, second homes and investment properties.

With Florida's water quality data leading the nation, DEP's proposed rule which takes into account site-specific nutrient and biological evaluation is far superior to EPA's one-size-fits-all numeric nutrient criteria.

Policy Objective:

FAC supports the development of science-based numeric nutrient criteria that take into consideration the cause and effect relationship between nutrients and biological impairment, and are technically and economically feasible. Therefore, FAC supports DEP's rulemaking efforts to include site-specific analyses, biological response variables and referenced-based thresholds as a replacement for the EPA's "one-size-fits-all" rule.

Key Points:

- The DEP rule gives preference to site-specific science and only creates nutrient reduction expectations where necessary to protect Florida's waterbodies. The rule would therefore eliminate unnecessary procedures that do not add to protection and restoration.
- The limited resources of counties must be used responsibly and efficiently on projects that will result in the greatest environmental benefit. Experts believe that a significant amount of taxpayer money will be wasted on EPA rule compliance with little or no resulting environmental benefit.
- County wastewater and stormwater utilities have reported that the EPA rule will be impossible to meet given the current technology and economic climate.
- The Florida Water Environment Association (FWEA) Utility Council has estimated that the EPA rule could cost the average homeowner an additional \$700/year or \$60/month to pay for additional wastewater treatment costs.
- The Florida Stormwater Association (FSA) has estimated that the costs for additional stormwater treatment to comply with the EPA rule could be in the hundreds of billions statewide, and up to three times as much as wastewater treatment.

Background:

Florida has had a comprehensive set of water quality regulations in place for decades, and leads the nation in water quality data collection. The EPA's determination that federal numeric nutrient criteria are necessary in Florida, and its subsequent rule promulgation, were actions taken to settle a lawsuit and not in response to any science-based need to protect Florida's water quality. Nutrients are naturally occurring elements and any numeric criteria must take into account the unique characteristics of Florida's many waterbodies.

The burden of juvenile justice programs should not be shifted from the state onto local communities.

Policy Objective

FAC supports keeping juvenile justice as the responsibility of the state while implementing Juvenile Justice Reforms as outlined by the joint DJJ and FAC workgroup.

Key Points

- Counties are being overbilled based on a line item in the appropriations act. As pre-disposition detention stays go down counties have been required to spend similar amounts.
- Counties have no control over the budget process or the efficiency of the programs. They are acting merely as a revenue source.
- Counties are authorized to run their own local juvenile programs, but under different rules and guidelines.
- Counties continue to waste tremendous resources verifying DJJ billing process and challenging inappropriate bills in court.

Reform Recommendations

Under the reforms outlined by the joint DJJ and FAC workgroup, the following recommendations have been made to the legislature to improve juvenile justice while developing a more fiscally sound and fair system:

- Align the DJJ detention budget with detention utilization as provided by existing Florida statutes.
- Proceed with detention reform, including the implementation of a scientifically-validated risk assessment instrument that can accurately predict the risk of reoffending and court appearance.
- DJJ and the counties will collaborate closely to achieve accountable and collaborative governance at the local level.
- Engage the Legislature in a discussion regarding the functional scope as it relates to juvenile justice detention and whether the funding, operations and oversight of juvenile justice detention should be the responsibility of the state or the counties.

Background

In 2004, the Legislature required counties to pay for pre-dispositional detention and did not provide a means for local input or oversight over the DJJ detention budget. Within a couple of years counties were paying significantly more than pre-disposition costs. DJJ billing practices became inconsistent and illogical. Many counties have pursued legal remedies to rectify the billing process. In addition, the Legislature passed a bill allowing counties and sheriffs to operate juvenile detention facilities creating a multi-tier provider system with inconsistent rules and standards.

Pretrial supervision programs save tax dollars and increase public safety. These programs should be applauded by the legislature not preempted.

Policy Objective

FAC opposes legislation that limits local pretrial agencies' ability to effectively supervise pretrial defendants using locally accepted conditions of release. Such changes would result in an added expense to the tax payer while more individuals wait in jail on the indigent finding by the Clerk of Courts. In addition, FAC supports streamlining statutory reporting requirements making reports monthly rather than weekly.

Key Points

- Pretrial agencies are the only release option where the defendant is supervised by an officer of the court. **OPPAGA found pretrial agencies follow national best practices.**
- Pretrial agencies provide public safety protection for those who may not be indigent but pose some potential risk to the community, provide opportunity for release of the indigent, and **perform risk assessments to help the judiciary determine who is an acceptable risk to release.**
- Limiting pretrial services to only indigent defendants would result in an added expense to the tax payer because more individuals wait in jail specifically because they cannot afford bond.
- Pretrial agencies save tax dollars by allowing defendants who cannot afford bond to remain in the community and keep the community ties that encourage law abiding behavior. Without pretrial supervision, tax payers will pay for many defendants to sit in jail – regardless of the risk to public safety.
- Pretrial agencies remain accountable to communities by producing outcome measures. The Office of Program Policy Analysis and Government Accountability (OPPAGA) suggest that these reporting requirements should be reported monthly, not weekly, and that the data collected needs to be streamlined. The success or failure of bond cannot be determined or even compared to pretrial supervision program, because **bond agents do not report on the defendant's failure to appear or re arrest rates.**

Background

Both the U.S. and Florida's Constitution favor nonmonetary bail for many individuals accused of a crime. There are three forms of pretrial release: 1) Release on one's own recognizance (no supervision); 2) Release on bail - posting bond with a private bonding agent (bail bond) or a cash bond with the court; or 3) Release to a pretrial supervision programs.

Partners that support Pretrial Agencies

Florida Sheriffs Association
Florida Association of Prosecuting Attorneys
Florida Public Defenders Association
Association of Pretrial Professionals of Florida
Florida Partners in Crisis
Florida Council on Community Mental Health
Pretrial Justice Institute
National District Attorneys Association

National Association of Pretrial Services Agencies
International Association of Police Chiefs

If growth management is now a matter of home rule, then communities must be given the tools to ensure fairness and equity in transportation concurrency

Policy Objective

The Florida Association of Counties supports changes in law that allow counties, who elect to maintain a transportation concurrency management system to fairly charge any developer its proportionate share of road improvements necessary to accommodate its development.

Key Points

- FAC believes that, as matter of fairness and equity, any development that creates a roadway deficiency and wants a building permit should pay its proportionate share of an actual scheduled improvement sufficient to mitigate its impacts.
- Any transportation improvements must be shared by all parties impacting road usage from the initial investment through continued improvements on transportation routes.
- Under current law, a single developer is left to shoulder the burden of transportation concurrency rather than fairly sharing those costs to all current and future developments that impact roadways.
- Responsible growth must not only be a shared reward for a community but a shared investment to ensure that citizens have a safe and reliable way to commute daily.

Background

A key aspect of Florida's 1985 Growth Management Act required each county to maintain a transportation concurrency management system, which meant that it could not issue a building permit if roadway capacity were not available. Subsequent to the 1985 Act, a new funding process known as "Proportionate Share" was created that allowed a developer to satisfy concurrency by paying the county (or state) its proportionate share of a scheduled road improvement. In 2011, the Legislature enacted major revisions to the state's growth management law and eliminated transportation concurrency as a state requirement. However, it allowed counties to retain concurrency by local option under strict conditions. Specifically, a county must give a developer the option of using the proportionate share process, even if the county has no road improvement scheduled – meaning, the county must charge the developer a fee based on a hypothetical improvement that may never be built. The Legislature also revised the manner in which the proportionate formula is applied, resulting in a process where the first developer pays a fee and all subsequent applicants pay nothing.

Changes to the Florida Retirement System should protect existing employees, employers and taxpayers

Policy Objective

FAC supports a comprehensive review of any changes proposed to the Florida Retirement System and opposes increases to county and counties employee contribution rates. Savings from past contribution rate increases or possible future increases should be kept in their respective local communities to be reinvested.

Key Points

The Florida Association of Counties:

- Recognizes the fiscal burden the FRS system places on state and local governments and would oppose any increase in contribution rates to existing participants.
- Any proposals for county or county employee contribution rate increases should be carefully analyzed to determine the impact on all governments – state and local.
- While our opposition to contribution increases remains steadfast, it should be clear that any past or future savings realized from increased contribution rates must be returned to their local communities to be reinvested.
- With counties making up 23 percent of all FRS members, communities should be a part of any decisions made impacting the FRS system, its members or its contributors.

Background:

Counties are statutorily required to participate in the Florida Retirement System (FRS). County employees and elected officers, who also include employees of the constitutional offices (sheriffs, property appraisers, tax collectors, clerks and supervisors of elections), make up 23 percent of the FRS members.

The Legislature controls all aspects of the FRS, including benefit levels, contribution rates, retirement age, and vesting periods. Counties contribute funds to the FRS based on the number of employees they have in each retirement class.

Counties cannot establish individual contribution rates, but simply pay the contribution rates established by the Legislature. Counties do not make retirement decisions at the local level. All benefits promised are those made by the Legislature.



2011 County Property Tax Summary - PRELIMINARY

Doug Smith, President

Bill Williams, President-Elect

Bryan Desloge, 1st Vice President

Ken Welch, 2nd Vice President

Ilene Lieberman, Immediate Past
President

Christopher L. Holley, Executive
Director

For the 3rd year, the Florida Association of Counties has compiled the proposed property tax numbers for counties across the state to reflect the reductions and changes that have occurred over the past four years.

Counties primarily provide public safety, fire, emergency medical services, public record-keeping, jails, parks, libraries, health care, economic development, comprehensive planning, and roads, just to name a few.

Each year unlike the state and federal government, counties are required to establish the property tax rate needed to provide services for their community. State and federal government work within the confines of a predetermined tax rate. For instance, if the sales tax rate is 6% then tax revenue is determined by how much is sold and the state budget is determined based off the revenue expected.

County governments have the opportunity to determine the costs of services mandated by law, critical public safety services and other important services then set the tax rate that will ensure these demands are met. However, it is evident in the following report that with the drop in property values – close to 26 percent combined over the last four years – most local governments did not raise property taxes at all and eight exceeded the statutorily mandated roll back rate.

When local governments begin establishing their budgets they are required by the end of August to submit to the state their maximum proposed millage rate. Once that rate is established most counties then debate their proposed budget and millage rates making many changes along the way. Following the debate a minimum of two public hearings are held where citizens and community leaders can discuss their concerns and support of budget items.

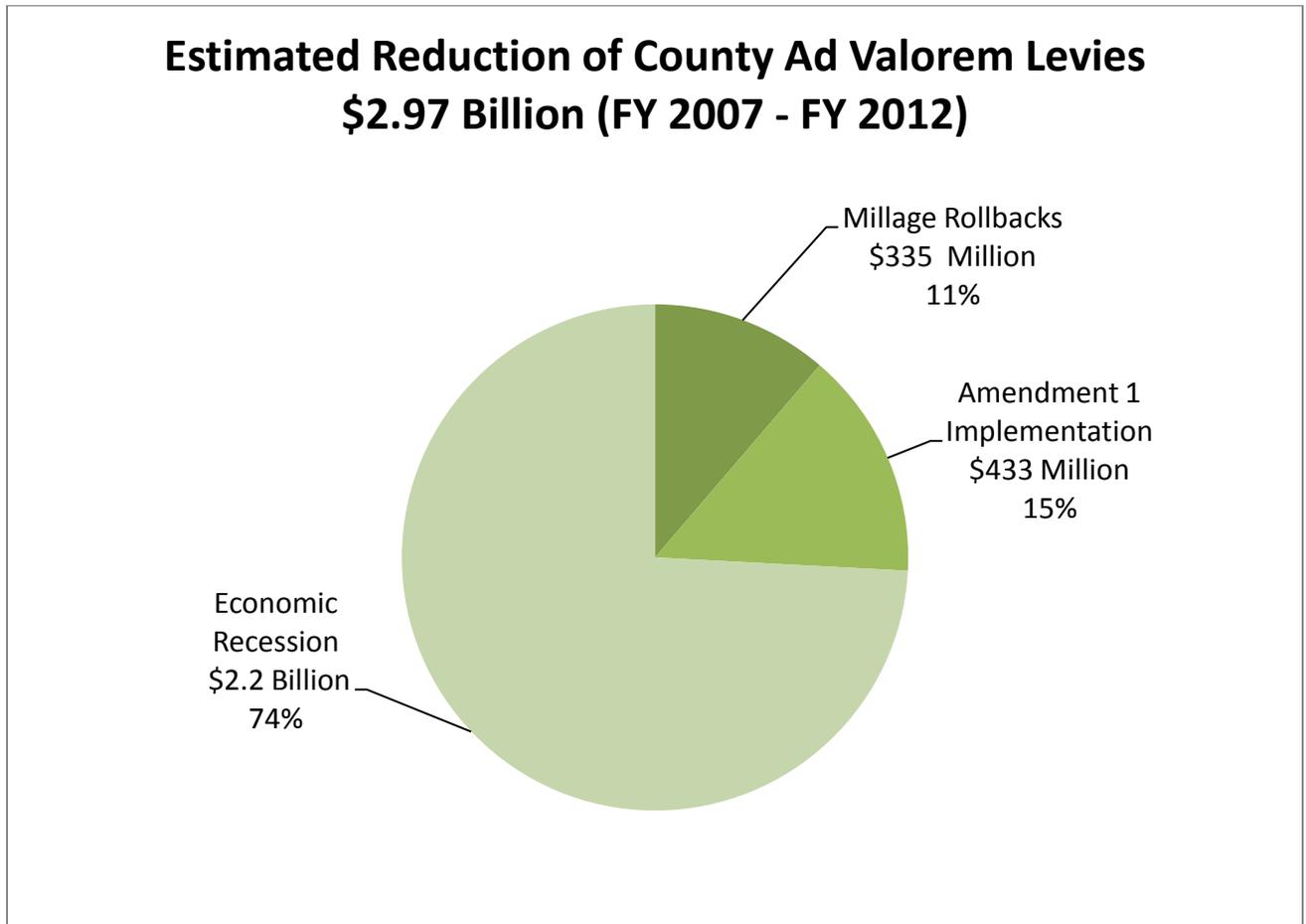
Throughout the budget process the millage rate may change many times, however, it can not exceed the rate given to the state in August. Therefore, many local governments may establish a higher preliminary millage rate to provide more room for debate and discussion and then will reduce that rate upon the final adoption of the budget at the end of September.

This report covers only the preliminary millage rates and a revised report will be completed after the first of the year when final millage rates and property values have been reported and verified.

Three major factors have impacted property taxes in Florida since 2007: the recession and resulting decline in property values, the implementation of the roll back rates (2007) and Amendment 1 (2008). This year alone counties have reduced revenue by nearly \$409 million¹

¹ Data for all 67 of Florida's counties is based off of their preliminary property tax data submitted to the Florida Department of Revenue on Form-DR420. The aggregate millage rate will likely decrease once final millage rates and property values are set at the end of 2011.

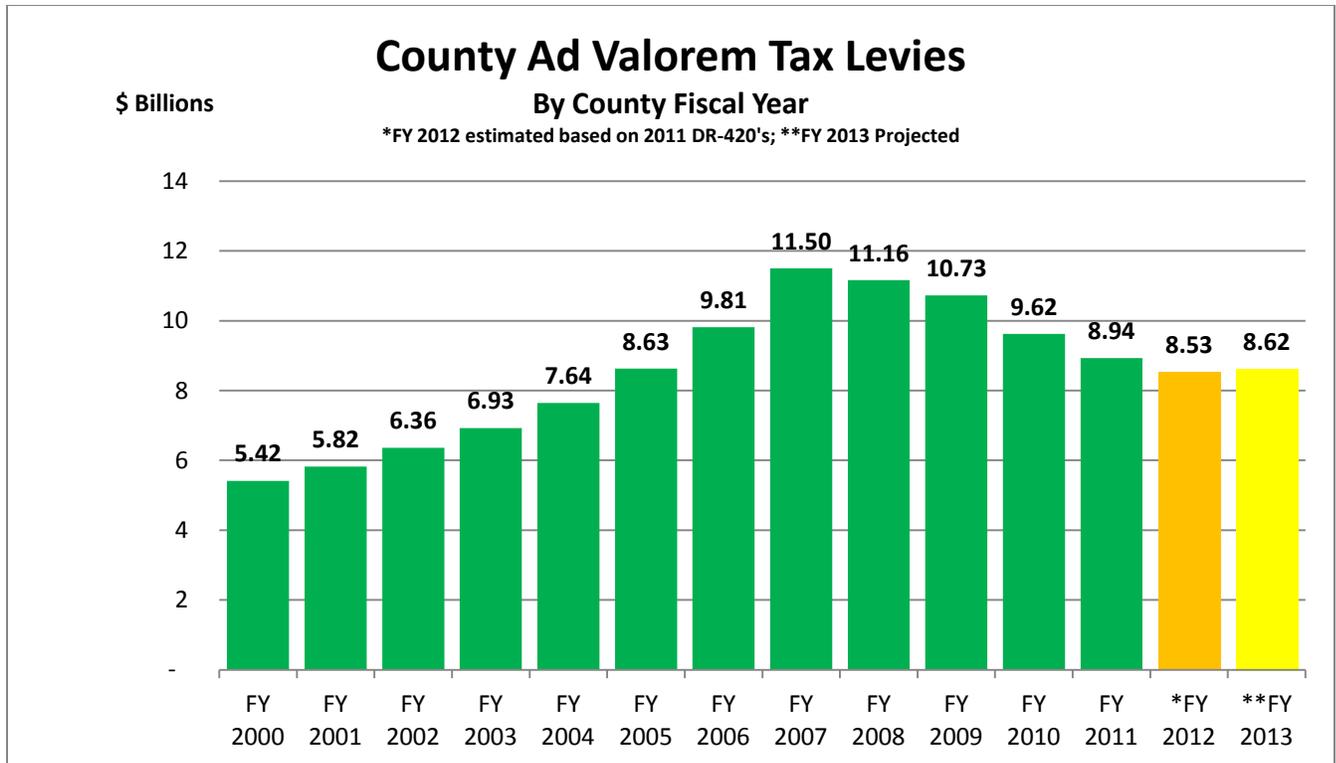
(4.6%). In five years, that reduction totals \$3 Billion or 25.8%². These reductions have resulted in major workforce cuts as well as cuts to all levels of service.



With property taxes influenced by the decline in property values as well as previous changes to the property tax system, 2011-12 property tax revenues are below 2004-05 revenues (see next chart). If current economic trends continue, counties will remain near or below 2004-2005 revenue levels until after 2013-14³.

² Historical data for County Ad Valorem Tax Levies provided by LCIR Florida County Tax Profile 1999-2009.

³ Future estimates of County Ad Valorem Levies use a combination of data provided by the Office of Economic and Demographic Research for Change in Taxable Values and New Construction Values. Future estimates of County Ad Valorem Levies assume no change in the proposed "aggregate statewide millage rate" of 7.5222.



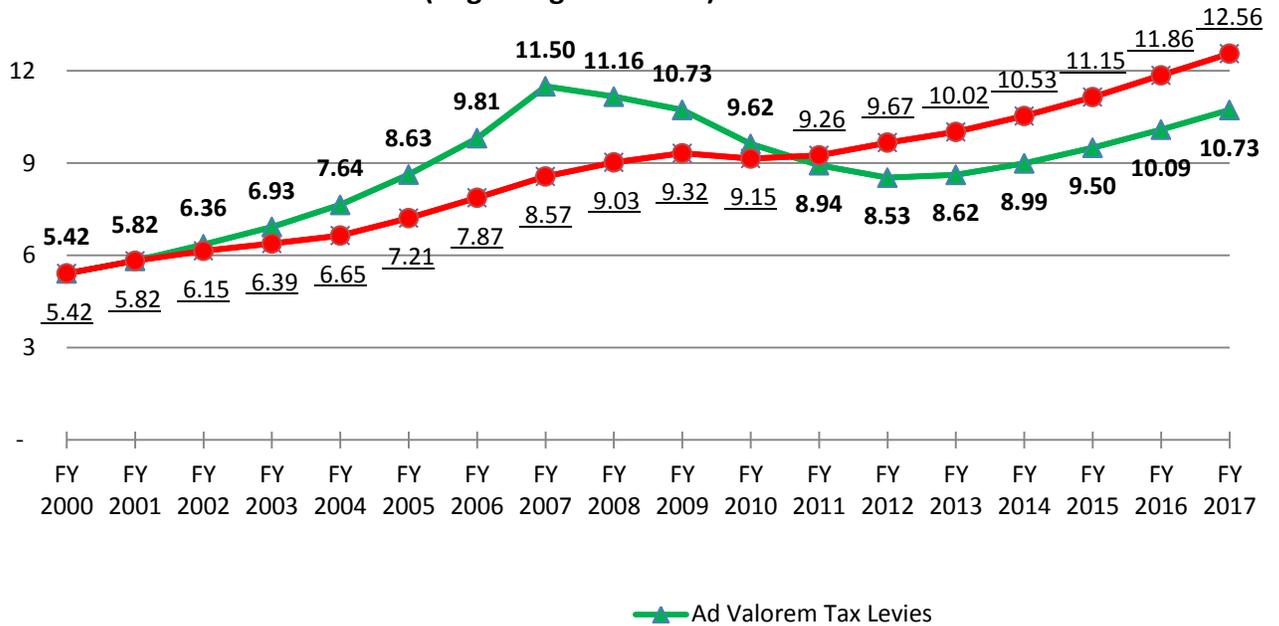
The next chart reflects actual property tax revenue numbers in comparison to the guidelines established by the Legislature in 2007⁴. This chart clearly outlines that economic conditions and existing property tax changes have realigned property tax revenues with the trend lines established by the Legislature. Based on proposed millage rates counties are more than \$1 billion below the statutory trend line for FY 2012.

⁴ Historical and future estimates of population and change in personal per capita income provided by data from the Office of Economic and Demographic Research. Historical and future estimates of the "capped" trend line were calculated by applying the combined change in population and per capita personal income against the total amount of taxes levied in the previous year. This calculation does not take into account any other factors used in the traditional calculation of millage rates and ad valorem tax levies. Additionally, the estimates do not take into account any other changes in Florida Ad Valorem law.

County Ad Valorem Tax Levies by Fiscal Year

\$ Billions

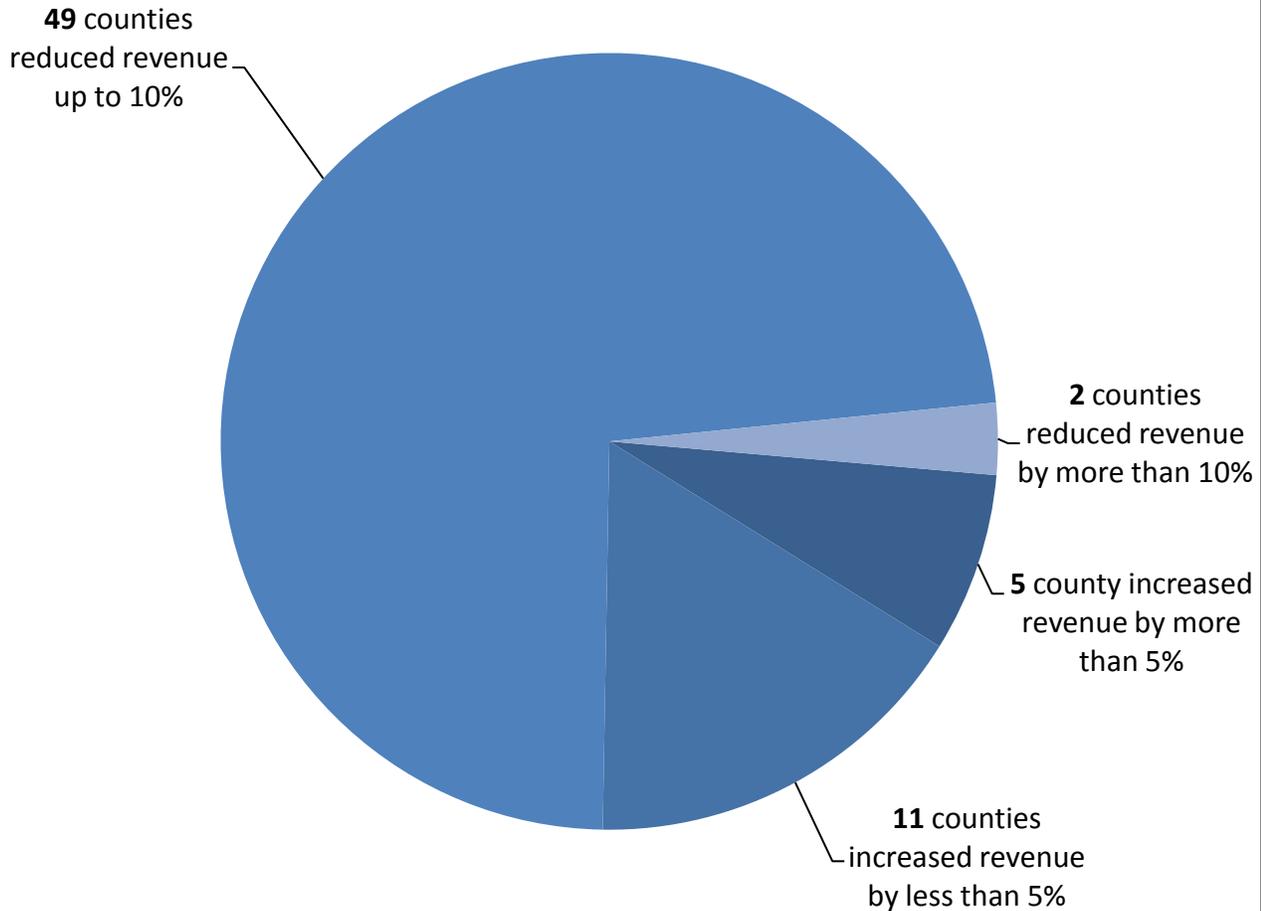
Actual Levy vs. Capped Levy
(Beginning in FY 2000)



It can be reasonably argued that the jump in property values from 2006-2007 was an anomaly and the free market has leveled tax rates in such a manner that will likely keep local government revenue below any policies that the legislature has or may enact.

This year 51 counties (76%) will collect less property tax revenue and 16 counties (24%) will collect more property tax revenue than in 2010-11. Of those 51 counties, 2 of them have reduced their tax revenue by greater than 10%, and 49 have reduced their tax revenue up to, but below 10%. Of the 16 counties with increased property tax revenue, 11 counties increased their revenue by less than 5% and 5 by more than 5%. Fiscally constrained counties account for 10 of those 16 counties that voted to increase their property tax revenues.

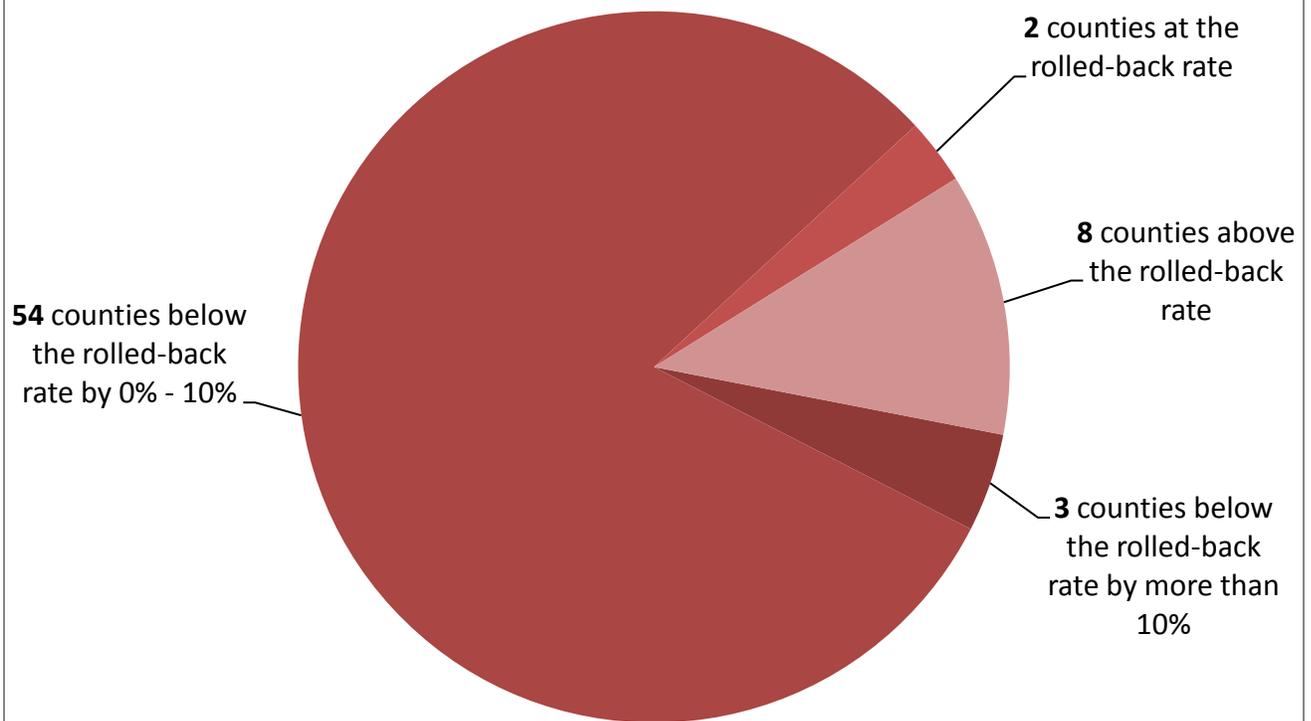
2011 Tax Year - All Florida Counties Revenues



If you were to look at these numbers in comparison to the statutory rollback rate, you would see that 57 counties are below the rollback rate, 2 counties met the rollback rate and 8 counties exceeded the rollback rate⁵.

⁵ Data for all 67 of Florida's counties is based off of their preliminary property tax data submitted to the Florida Department of Revenue on Form-DR420. The aggregate millage rate will likely decrease once final millage rates and property values are set at the end of 2011.

2011 Tax Year - All Florida Counties Rolled-back Rates



Florida's strength is in her diversity and her counties paint that picture. While every county has made reductions over the last four years, each has done so in a manner that serves the unique community they represent.

The Florida Association of Counties (FAC) is committed to not only serving our members but providing our legislative partners with accurate and critical information needed to make ongoing tax decisions. It is clear that counties, just as the state, have been forced by many factors to make dramatic reductions and they have done so accordingly.



PRELIMINARY - FACT SHEET

County Property Taxes 2011-12

Property taxes levied in 2011-12 are **reduced by 4.6% or \$409 Million** from 2010-11
 Property taxes levied have been reduced by 26% or **\$2.97 Billion** since 2006-07

Property Taxes Collected by Counties⁶

2012-2013* (Projected)	\$8.63 Billion
2011-2012	\$8.53 Billion
2010-2011	\$8.94 Billion
2009-2010	\$9.62 Billion
2008-2009	\$10.73 Billion
2007-2008	\$11.16 Billion
2006-2007	\$11.5 Billion

Average County Proposed % Change in Taxes Levied (2011-12): **-2.84%**
 Average County Proposed Percent Change in Tax rate compared to Rollback Rate: **-3.45%**

Est. taxable property values: *\$1.28 Trillion, a reduction of 3.41%* or \$45.3 Billion from 2010-11.

⁶ Data for all 67 of Florida's counties is based off of their preliminary property tax data submitted to the Florida Department of Revenue on Form-DR420. The aggregate millage rate will likely decrease once final millage rates and property values are set at the end of 2011.



PRELIMINARY - FACT SHEET

County Property Taxes 2011-12

30 counties increased their millage rate, of those 22 remained at or below the rollback rate. For Example: Brevard County increased their millage by 16.56% yet they remain 1.36% BELOW the rollback rate with \$210,000 in decreased revenues - a .12% drop from 2011.

PRELIMINARY DATA 2011-2012 (September 2011)

51 counties (76%) will collect less property tax revenue

16 counties (24%) will collect more property tax revenue

57 counties are below the roll back rate

2 counties are proposing to adopt the roll back rate⁷

- Holmes County
- Levy County

8 counties could exceed the roll back rate

- Alachua County .02%
- Citrus County 1.26%
- Franklin County 5.14%
- Hendry County 6.89%
- Madison County .13%
- Okeechobee County 4.09%
- St. Johns County 3.97%
- St. Lucie County 1.69%

.83%: 2012 New Construction as a percent of 2011 Gross Taxable Value

⁷ Data for all 67 of Florida's counties is based off of their preliminary property tax data submitted to the Florida Department of Revenue on Form-DR420. The aggregate millage rate will likely decrease once final millage rates and property values are set at the end of 2011.

**Florida Associations of Counties
2011 County by County Rollback Rate**

#	Jurisdiction	2010 Taxable Value	2011 Taxable Value	FY 2011 Taxes Levied	FY 2012 Taxes Levied	FY 2012 Rolled-back Rate	FY 2012 Millage Rate	% over/under Rolled-back Rate
1	Miami-Dade County	183,044,795,314	186,962,023,337	1,517,317,588	1,308,425,106	7.9325	6.9983	(11.78%)
2	Wakulla County	1,192,454,342	1,083,304,763	10,433,979	9,478,917	9.7312	8.7500	(10.08%)
3	Washington County	932,940,830	842,673,063	8,321,366	7,516,222	9.9178	8.9195	(10.07%)
4	Marion County	16,212,563,401	14,999,675,147	107,359,945	98,003,318	7.2155	6.5337	(9.45%)
5	Hernando County	8,460,724,169	7,547,546,735	65,319,831	59,645,511	8.7255	7.9026	(9.43%)
6	Lake County	17,021,802,722	15,587,582,550	94,726,891	86,685,160	6.1301	5.5612	(9.28%)
7	Columbia County	2,446,401,713	2,268,066,777	19,607,893	18,178,555	8.7509	8.0150	(8.41%)
8	Gulf County	1,570,245,269	1,460,421,523	9,534,893	8,846,575	6.5839	6.0575	(8.00%)
9	Indian River County	14,139,034,830	13,237,968,419	72,054,224	67,067,832	5.4865	5.0663	(7.66%)
10	Sarasota County	42,128,065,358	39,575,831,502	156,256,971	146,276,730	3.9835	3.6961	(7.21%)
11	Putnam County	3,718,247,933	3,466,631,128	34,372,647	29,731,562	9.2295	8.5765	(7.08%)
12	Highlands County	4,921,416,247	4,662,113,828	34,964,459	33,101,008	7.6400	7.1000	(7.07%)
13	Polk County	26,042,396,666	24,440,706,317	187,486,816	175,677,088	7.7252	7.1879	(6.96%)
14	*Duval County	49,440,991,273	46,334,908,439	496,155,180	464,984,707	10.7688	10.0353	(6.81%)
15	Glades County	587,867,848	554,361,665	6,517,514	6,146,041	11.8538	11.0867	(6.47%)
16	Taylor County	1,261,092,580	1,185,814,649	9,986,968	9,388,649	8.4599	7.9175	(6.41%)
17	Seminole County	25,343,264,959	23,949,202,192	165,447,333	156,325,743	6.9582	6.5151	(6.37%)
18	Nassau County	7,015,415,600	6,636,382,806	47,659,219	45,025,712	7.2457	6.7847	(6.36%)
19	Dixie County	518,528,529	482,271,913	6,727,832	6,269,535	13.8831	13.0000	(6.36%)
20	Hillsborough County	64,703,059,287	62,100,870,943	582,419,055	556,627,429	9.5072	8.9633	(5.72%)
21	Orange County	83,586,769,561	81,565,444,961	563,226,859	546,446,201	7.1045	6.6995	(5.70%)
22	Okaloosa County	14,499,871,635	13,802,468,365	48,914,106	46,574,653	3.5696	3.3744	(5.47%)
23	Flagler County	7,657,765,461	6,563,932,871	42,811,764	40,848,667	6.5726	6.2232	(5.32%)
24	Osceola County	18,093,147,123	16,720,207,326	142,050,596	136,029,791	8.5813	8.1357	(5.19%)
25	Walton County	11,448,430,637	10,945,813,593	41,269,495	39,420,502	3.7962	3.6014	(5.13%)
26	Baker County	802,336,380	772,329,647	5,736,304	5,521,771	7.4891	7.1495	(4.53%)
27	Collier County	61,436,197,437	58,314,443,709	261,574,034	252,456,300	4.5206	4.3292	(4.23%)
28	Bay County	15,070,375,927	14,286,446,652	60,876,806	58,830,621	4.2968	4.1179	(4.16%)
29	Lee County	55,520,514,001	53,601,523,403	278,384,498	267,788,581	5.2128	4.9959	(4.16%)
30	Manatee County	24,748,698,573	23,756,729,326	166,836,702	161,814,214	7.0970	6.8113	(4.03%)
31	Hardee County	1,536,127,184	1,476,266,644	13,140,032	12,627,985	8.8928	8.5540	(3.81%)
32	Union County	227,518,526	219,714,910	2,369,990	2,197,149	10.3928	10.0000	(3.78%)
33	Santa Rosa County	7,567,223,011	7,393,027,769	46,120,020	45,062,722	6.3301	6.0953	(3.71%)
34	Monroe County	19,553,885,436	18,690,561,551	84,911,851	78,999,156	4.3886	4.2267	(3.69%)
35	Escambia County	13,638,819,049	13,296,901,852	101,913,481	99,330,134	7.7384	7.4702	(3.47%)
36	Pasco County	20,727,430,773	20,323,341,802	159,295,480	156,161,958	7.9323	7.6839	(3.13%)
37	Leon County	14,409,226,025	14,073,788,898	120,721,717	117,516,137	8.6168	8.3500	(3.10%)
38	Volusia County	26,182,716,383	24,090,219,710	200,737,428	197,138,007	8.4292	8.1833	(2.92%)
39	Bradford County	846,871,177	828,622,772	7,771,652	7,604,188	9.4501	9.1769	(2.89%)
40	Lafayette County	220,494,451	217,727,244	1,929,326	1,905,113	8.9724	8.7500	(2.48%)
41	Gadsden County	1,376,184,308	1,363,932,104	12,256,848	12,147,725	9.0820	8.9064	(1.93%)
42	Palm Beach County	126,784,523,829	124,519,237,190	837,930,145	835,144,556	6.8271	6.7070	(1.76%)
43	Jefferson County	542,142,579	538,337,799	4,512,036	4,480,370	8.4530	8.3226	(1.54%)
44	Clay County	8,598,848,683	8,112,601,529	62,095,422	61,563,038	7.7074	7.5886	(1.54%)
45	Hamilton County	713,571,187	706,800,381	7,135,712	7,068,004	10.1428	10.0000	(1.41%)
46	Brevard County	29,104,449,212	24,940,629,760	180,765,358	180,554,598	7.3391	7.2394	(1.36%)
47	Jackson County	1,432,377,309	1,420,143,629	10,201,821	10,114,689	7.2178	7.1223	(1.32%)
48	Pinnellas County	58,203,688,479	55,602,604,228	369,154,462	367,506,802	6.6974	6.6095	(1.31%)
49	Charlotte County	13,525,230,842	12,546,850,954	110,517,066	110,518,085	8.9060	8.8084	(1.10%)
50	Martin County	17,492,910,077	17,142,845,280	136,157,629	137,225,954	8.0743	8.0049	(0.86%)
51	Suwanee County	1,434,092,061	1,434,722,529	11,472,736	11,477,780	8.0693	8.0000	(0.86%)
52	Calhoun County	364,288,518	365,271,151	3,641,640	3,652,712	10.0659	10.0000	(0.65%)
53	Broward County	128,455,341,428	126,414,014,099	665,726,685	660,607,363	5.2459	5.2257	(0.39%)
54	Liberty County	207,330,999	209,517,414	2,136,160	2,095,174	10.0323	10.0000	(0.32%)
55	Gilchrist County	628,218,106	602,704,144	5,888,586	5,937,523	9.8686	9.8515	(0.17%)
56	Sumter County	6,204,767,892	6,633,699,940	39,273,461	41,924,984	6.3247	6.3200	(0.07%)
57	Desoto County	1,501,991,518	1,410,963,574	11,005,310	11,000,357	7.8000	7.7963	(0.05%)
58	Holmes County	408,011,267	404,877,841	3,855,380	3,911,322	9.6605	9.6605	0.00%
59	Levy County	1,869,593,968	1,731,342,655	13,874,631	13,957,046	8.0614	8.0614	0.00%
60	Alachua County	12,052,898,624	11,667,900,818	118,873,466	120,601,252	10.3337	10.3362	0.02%
61	Madison County	616,233,159	616,437,375	5,786,429	5,893,634	9.5487	9.5608	0.13%
62	Citrus County	9,582,636,515	9,336,411,252	62,040,409	63,215,255	6.6864	6.7708	1.26%
63	Saint Lucie County	15,013,709,614	14,445,123,153	122,631,894	124,146,416	8.4511	8.5943	1.69%
64	Saint Johns County	18,364,786,783	17,449,553,890	122,560,945	129,293,730	7.1267	7.4096	3.97%
65	Okeechobee County	1,556,664,948	1,457,037,157	12,455,578	13,113,334	8.6460	9.0000	4.09%
66	Franklin County	2,013,686,272	1,899,113,617	8,951,298	9,457,586	4.7365	4.9800	5.14%
67	Hendry County	1,790,130,483	1,709,978,757	11,656,254	12,464,719	6.8197	7.2894	6.89%
		1,328,314,036,280	1,283,000,522,921	8,935,820,106	8,526,749,258			

Notes:

*Duval County Data excludes values and figures for Beaches and Baldwin Districts

2010 & 2011 Taxable Value These figures represent gross taxable value, not adjusted for new construction and were taken from 2011 Form DR-420 (Line 7 and Line 4) for each County

These figures were taken from Department of Revenue published data and were calculated after 2009/2010 VAB process. Data can be found at <http://dor.myflorida.com/dor/property/taxpayers/cmdata/table1.html>

FY 2011 Taxes Levied These figures represent all ad valorem taxes levied including mstu's and were taken from 2011 Form DR-420 (line 25) for each County

FY 2012 Rolled-Back Rate Current year aggregate rollback rate. Data taken from 2010 Form DR-420 (Line 23) for each county

Current tax year calculated aggregate millage rate for each county (Current year total taxes levied divided by current year gross taxable value multiplied by 1000).

FY 2012 Millage Rate Data taken from 2010 Form DR-420 (Line 23) for each county

**Florida Association of Counties
2011 County by County Property Tax Data**

#	Jurisdiction	2010	2011	% +/-	New	% New	*FY 10/11	FY 11/12	FY 2011	FY 2012 Rolled-	FY 2012 Millage	% +/- Rolled-	\$ Change +/-	% Change +/-
		Taxable Value	Taxable Value	Taxable Value	Construction	Construction	Taxes Levied	Taxes Levied	Millage Rate	Back Rate	Rate	Back Rate	Taxes Levied	Taxes Levied
1	Alachua County	12,052,898,624	11,667,900,818	(3.19%)	90,814,100	0.78%	118,873,466	120,601,252	9.8626	10.3337	10.3362	0.02%	1,727,786	1.45%
2	Baker County	802,336,380	772,329,647	(3.74%)	6,376,045	0.83%	5,736,304	5,521,771	7.1495	7.4891	7.1495	(4.53%)	(214,533)	(3.74%)
3	Bay County	15,070,375,927	14,286,446,652	(5.20%)	76,411,397	0.53%	60,876,806	58,830,621	4.0395	4.2968	4.1179	(4.16%)	(2,046,185)	(3.36%)
4	Bradford County	846,871,177	828,622,772	(2.15%)	6,237,984	0.75%	7,771,652	7,604,188	9.1769	9.4501	9.1769	(2.89%)	(167,464)	(2.15%)
5	Brevard County	29,104,449,212	24,940,629,760	(14.31%)	210,398,625	0.84%	180,765,358	180,554,598	6.2109	7.3391	7.2394	(1.36%)	(210,760)	(0.12%)
6	Broward County	128,455,341,428	126,414,014,099	(1.59%)	633,590,520	0.50%	665,726,685	660,607,363	5.1826	5.2459	5.2257	(0.39%)	(5,119,322)	(0.77%)
7	Calhoun County	364,288,518	365,271,151	0.27%	3,365,919	0.92%	3,641,640	3,652,712	9.9966	10.0659	10.0000	(0.65%)	11,072	0.30%
8	Charlotte County	13,525,230,842	12,546,850,954	(7.23%)	78,127,215	0.62%	110,517,066	110,518,085	8.1712	8.9060	8.8084	(1.10%)	1,019	0.00%
9	Citrus County	9,582,636,515	9,336,411,252	(2.57%)	55,954,014	0.60%	62,040,409	63,215,255	6.4743	6.6864	6.7708	1.26%	1,174,846	1.89%
10	Clay County	8,598,848,683	8,112,601,529	(5.65%)	72,798,111	0.90%	62,095,422	61,563,038	7.2214	7.7074	7.5886	(1.54%)	(532,384)	(0.86%)
11	Collier County	61,436,197,437	58,314,443,709	(5.08%)	502,084,302	0.86%	261,574,034	252,456,300	4.2577	4.5206	4.3292	(4.23%)	(9,117,734)	(3.49%)
12	Columbia County	2,446,401,713	2,268,066,777	(7.29%)	22,050,151	0.97%	19,607,893	18,178,555	8.0150	8.7509	8.0150	(8.41%)	(1,429,338)	(7.29%)
13	Desoto County	1,501,991,518	1,410,963,574	(6.06%)	6,269,140	0.44%	11,005,310	11,000,357	7.3271	7.8000	7.7963	(0.05%)	(4,953)	(0.05%)
14	Dixie County	518,528,529	482,271,913	(6.99%)	67,992	0.01%	6,727,832	6,269,535	12.9749	13.8831	13.0000	(6.36%)	(458,297)	(6.81%)
15	*Duval County	49,440,991,273	46,334,908,439	(6.28%)	339,991,596	0.73%	496,155,180	464,984,707	10.0353	10.7688	10.0353	(6.81%)	(31,170,473)	(6.28%)
16	Escambia County	13,638,819,049	13,296,901,852	(2.51%)	88,069,833	0.66%	101,913,481	99,330,134	7.4723	7.7384	7.4702	(3.47%)	(2,583,347)	(2.53%)
17	Flagler County	7,657,765,461	6,563,932,871	(14.28%)	51,265,464	0.78%	42,811,764	40,848,667	5.5906	6.5726	6.2232	(5.32%)	(1,963,097)	(4.59%)
18	Franklin County	2,013,686,272	1,899,113,617	(5.69%)	9,729,324	0.51%	8,951,298	9,457,586	4.4452	4.7365	4.9800	5.14%	506,288	5.66%
19	Gadsden County	1,376,184,308	1,363,932,104	(0.89%)	14,362,569	1.05%	12,256,848	12,147,725	8.9064	9.0820	8.9064	(1.93%)	(109,123)	(0.89%)
20	Gilchrist County	628,218,106	602,704,144	(4.06%)	5,861,839	0.97%	5,888,586	5,937,523	9.3735	9.8686	9.8515	(0.17%)	48,937	0.83%
21	Glades County	587,867,848	554,361,665	(5.70%)	5,277,838	0.95%	6,517,514	6,146,041	11.0867	11.8538	11.0867	(6.47%)	(371,473)	(5.70%)
22	Gulf County	1,570,245,269	1,460,421,523	(6.99%)	10,054,860	0.69%	9,534,893	8,846,575	6.0722	6.5839	6.0575	(8.00%)	(688,318)	(7.22%)
23	Hamilton County	713,571,187	706,800,381	(0.95%)	3,276,412	0.46%	7,135,712	7,068,004	10.0000	10.1428	10.0000	(1.41%)	(67,708)	(0.95%)
24	Hardee County	1,536,127,184	1,476,266,644	(3.90%)	3,991,222	0.27%	13,140,032	12,627,985	8.5540	8.8928	8.5540	(3.81%)	(512,047)	(3.90%)
25	Hendry County	1,790,130,483	1,709,978,757	(4.48%)	6,194,540	0.36%	11,656,254	12,464,719	6.5114	6.8197	7.2894	6.89%	808,465	6.94%
26	Hernando County	8,460,724,169	7,547,546,735	(10.79%)	60,199,020	0.80%	65,319,831	59,645,511	7.7204	8.7255	7.9026	(9.43%)	(5,674,320)	(8.69%)
27	Highlands County	4,921,416,247	4,662,113,828	(5.27%)	57,248,135	1.23%	34,964,459	33,101,008	7.1046	7.6400	7.1000	(7.07%)	(1,863,451)	(5.33%)
28	Hillsborough County	64,703,059,287	62,100,870,943	(4.02%)	580,695,319	0.94%	582,419,055	556,627,429	9.0014	9.5072	8.9633	(5.72%)	(25,791,626)	(4.43%)
29	Holmes County	408,011,267	404,877,841	(0.77%)	5,789,468	1.43%	3,855,380	3,911,322	9.4492	9.6605	9.6605	0.00%	55,942	1.45%
30	Indian River County	14,139,034,830	13,237,968,419	(6.37%)	98,918,159	0.75%	72,054,224	67,067,832	5.0961	5.4865	5.0663	(7.66%)	(4,986,392)	(6.92%)
31	Jackson County	1,432,377,309	1,420,143,629	(0.85%)	10,485,291	0.74%	10,201,821	10,114,689	7.1223	7.2178	7.1223	(1.32%)	(87,132)	(0.85%)
32	Jefferson County	542,142,579	538,337,799	(0.70%)	4,559,527	0.85%	4,512,036	4,480,370	8.3226	8.4530	8.3226	(1.54%)	(31,666)	(0.70%)
33	Lafayette County	220,494,451	217,727,244	(1.26%)	2,698,507	1.24%	1,929,326	1,905,113	8.7500	8.9724	8.7500	(2.48%)	(24,213)	(1.25%)
34	Lake County	17,021,802,722	15,587,582,550	(8.43%)	164,819,391	1.06%	94,726,891	86,685,160	5.5650	6.1301	5.5612	(9.28%)	(8,041,731)	(8.49%)
35	Lee County	55,520,514,001	53,601,523,403	(3.46%)	371,608,661	0.69%	278,384,498	267,788,581	5.0141	5.2128	4.9959	(4.16%)	(10,595,917)	(3.81%)
36	Leon County	14,409,226,025	14,073,788,898	(2.33%)	71,143,406	0.51%	120,721,717	117,516,137	8.3781	8.6168	8.3500	(3.10%)	(3,205,580)	(2.66%)
37	Levy County	1,869,593,968	1,731,342,655	(7.39%)	9,853,871	0.57%	13,874,631	13,957,046	7.4212	8.0614	8.0614	0.00%	82,415	0.59%
38	Liberty County	207,330,999	209,517,414	1.05%	2,854,368	1.36%	2,136,160	2,095,174	10.3031	10.0323	10.0000	(0.32%)	(40,986)	(1.92%)
39	Madison County	616,233,159	616,437,375	0.03%	10,118,331	1.64%	5,786,429	5,893,634	9.3900	9.5487	9.5608	0.13%	107,205	1.85%
40	Manatee County	24,748,698,573	23,756,729,326	(4.01%)	264,119,102	1.11%	166,836,702	161,814,214	6.7412	7.0970	6.8113	(4.03%)	(5,022,488)	(3.01%)
41	Marion County	16,212,563,401	14,999,675,147	(7.48%)	112,507,642	0.75%	107,359,945	98,003,318	6.6220	7.2155	6.5337	(9.45%)	(9,356,627)	(8.72%)
42	Martin County	17,492,910,077	17,142,845,280	(2.00%)	323,594,067	1.89%	136,157,629	137,225,954	7.7836	8.0743	8.0049	(0.86%)	(1,068,325)	0.78%
43	Miami-Dade County	183,044,795,314	186,962,023,337	2.14%	1,543,251,369	0.83%	1,517,317,588	1,308,425,106	8.2893	7.9325	6.9983	(11.78%)	(208,892,482)	(13.77%)
44	Monroe County	19,553,885,436	18,690,561,551	(4.42%)	106,055,074	0.57%	84,911,851	78,999,156	4.3425	4.3886	4.2267	(3.69%)	(5,912,695)	(6.96%)
45	Nassau County	7,015,415,600	6,636,382,806	(5.40%)	58,691,463	0.88%	47,659,219	45,025,712	6.7935	7.2457	6.7847	(6.36%)	(2,633,507)	(5.53%)
46	Okaloosa County	14,499,871,635	13,802,468,365	(4.81%)	116,982,246	0.85%	48,914,106	46,574,653	3.3734	3.5696	3.3744	(5.47%)	(2,339,453)	(4.78%)
47	Okeechobee County	1,556,668,948	1,457,037,157	(6.40%)	16,683,460	1.15%	12,455,578	13,113,334	8.0015	8.6460	9.0000	4.09%	657,756	5.28%
48	Orange County	83,586,769,561	81,565,444,961	(2.42%)	905,996,685	1.11%	563,226,859	546,446,201	6.7382	7.1045	6.6995	(5.70%)	(16,780,658)	(2.98%)
49	Osceola County	18,093,147,123	16,720,207,326	(7.59%)	159,429,713	0.95%	142,050,596	136,029,791	7.8511	8.5813	8.1357	(5.19%)	(6,020,805)	(4.24%)
50	Palm Beach County	126,784,523,829	124,519,237,190	(1.79%)	1,024,390,339	0.82%	837,930,145	835,144,556	6.6091	6.8271	6.7070	(1.76%)	(2,785,589)	(0.33%)
51	Pasco County	20,727,430,773	20,323,341,802	(1.95%)	243,175,851	1.20%	159,295,480	156,161,958	7.6852	7.9323	7.6839	(3.13%)	(3,133,522)	(1.97%)
52	Pinnellas County	58,203,688,479	55,602,604,228	(4.47%)	312,200,916	0.56%	369,154,462	367,506,802	6.3425	6.6095	6.6095	(1.31%)	(1,647,660)	(0.45%)
53	Polk County	26,042,396,666	24,440,706,317	(6.15%)	314,191,415	1.29%	187,486,816	175,677,088	7.1993	7.7252	7.1879	(6.96%)	(11,809,728)	(6.30%)
54	Putnam County	3,718,247,933	3,466,631,128	(6.77%)	11,444,647	0.33%	34,372,647	29,731,562	9.2443	9.2295	8.5765	(7.08%)	(4,641,085)	(13.50%)
55	Saint Johns County	18,364,786,783	17,449,553,890	(4.98%)	231,333,079	1.33%	122,560,945	129,293,730	6.6737	7.1267	7.4096	3.97%	6,732,785	5.49%
56	Saint Lucie County	15,013,709,614	14,445,123,153	(3.79%)	34,210,907	0.24%	122,631,894	124,146,416	8.1680	8.4511	8.5943	1.69%	1,514,522	1.24%
57	Santa Rosa County	7,567,223,011	7,393,027,769	(2.30%)	114,425,411	1.55%	46,120,020	45,062,722	6.0947	6.3301	6.0953	(3.71%)	(1,057,298)	(2.29%)

**Florida Association of Counties
2011 County by County Property Tax Data**

#	Jurisdiction	2010 Taxable Value	2011 Taxable Value	% +/- Taxable Value	New Construction	% New Construction	*FY 10/11 Taxes Levied	FY 11/12 Taxes Levied	FY 2011 Millage Rate	FY 2012 Rolled- Back Rate	FY 2012 Millage Rate	% +/- Rolled- Back Rate	\$ Change +/- Taxes Levied	% Change +/- Taxes Levied
58	Sarasota County	42,128,065,358	39,575,831,502	(6.06%)	224,315,474	0.57%	156,256,971	146,276,730	3.7091	3.9835	3.6961	(7.21%)	(9,980,241)	(6.39%)
59	Seminole County	25,343,264,959	23,949,202,192	(5.50%)	134,713,255	0.56%	165,447,333	156,325,743	6.5283	6.9582	6.5151	(6.37%)	(9,121,590)	(5.51%)
60	Sumter County	6,204,767,892	6,633,699,940	6.91%	425,315,559	6.41%	39,273,461	41,924,984	6.3296	6.3247	6.3200	(0.07%)	2,651,523	6.75%
61	Suwanee County	1,434,092,061	1,434,722,529	0.04%	12,949,251	0.90%	11,472,736	11,477,780	8.0000	8.0693	8.0000	(0.86%)	5,044	0.04%
62	Taylor County	1,261,092,580	1,185,814,649	(5.97%)	5,766,557	0.49%	9,986,968	9,388,649	7.9193	8.4599	7.9175	(6.41%)	(598,319)	(5.99%)
63	Union County	227,518,526	219,714,910	(3.43%)	1,996,990	0.91%	2,369,990	2,197,149	10.4167	10.3928	10.0000	(3.78%)	(172,841)	(7.29%)
64	Volusia County	26,182,716,383	24,090,219,710	(7.99%)	156,017,155	0.65%	200,737,428	197,138,007	7.6668	8.4292	8.1833	(2.92%)	(3,599,421)	(1.79%)
65	Wakulla County	1,192,454,342	1,083,304,763	(9.15%)	11,088,380	1.02%	10,433,979	9,478,917	8.7500	9.7312	8.7500	(10.08%)	(955,062)	(9.15%)
66	Walton County	11,448,430,637	10,945,813,593	(4.39%)	86,308,612	0.79%	41,269,495	39,420,502	3.6048	3.7962	3.6014	(5.13%)	(1,848,993)	(4.48%)
67	Washington County	932,940,830	842,673,063	(9.68%)	2,996,722	0.36%	8,321,366	7,516,222	8.9195	9.9178	8.9195	(10.07%)	(805,144)	(9.68%)
		1,328,314,036,280	1,283,000,522,921	(3.41%)	10,707,763,807	0.83%	8,935,820,106	8,526,749,258	7.4499	7.8364	7.5636	(3.45%)	(409,070,848)	(4.58%)

Notes:

***Duval County**

Data excludes values and figures for Beaches and Baldwin Districts

2010 & 2011 Taxable Value

These figures represent gross taxable value, not adjusted for new construction and were taken from 2011 Form DR-420 (Line 7 and Line 4) for each County

New Construction

These figures are shown as a percent of 2010 gross taxable value and were taken from 2011 Form DR-420 (Line 5) for each County

FY 10/11 Taxes Levied

These figures were taken from Department of Revenue published data and were calculated after FY 2011 VAB process. Data can be found at <http://dor.myflorida.com/dor/property/taxpayers/cmdata/table1.html>

FY 11/12 Taxes Levied

These figures represent all ad valorem taxes levied including mstu's and were taken from 2011 Form DR-420 (line 25) for each County

FY 2011 Millage Rate

Previous tax year calculated aggregate millage rate for each county (Previous year total taxes levied divided by previous year gross taxable value multiplied by 1000)

FY 2012 Rolled-Back Rate

Current year aggregate rollback rate. Data taken from 2011 Form DR-420 (Line 23) for each county

FY 2012 Millage Rate

Current tax year calculated aggregate millage rate for each county (Current year total taxes levied divided by current year gross taxable value multiplied by 1000). Data taken from 2011 Form DR-420 (Line 23) for each county

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 12/5/2011 12:31:26 PM

Ends: 12/5/2011 2:02:59 PM

Length: 01:31:34

12:32:25 PM Call to order
12:32:29 PM Roll call
12:32:47 PM Tab 6
12:33:05 PM Senator Hays introduces SB 502
12:34:13 PM Committee vote on SB 502
12:34:32 PM Tab 3
12:34:49 PM Senator Bogdanoff introduces the bill
12:35:25 PM Committee vote on SB 538
12:35:40 PM Tab 4
12:35:56 PM Introduced by Senator Lynn
12:36:05 PM Committee vote on SB 562
12:36:26 PM Tab 1
12:36:33 PM Introduction of bill
12:37:16 PM Committee vote on SB 396
12:37:27 PM Tab 2
12:37:52 PM Introduction of bill
12:38:32 PM Call for questions
12:39:19 PM Senator Thrasher
12:40:37 PM Jeff Doyle for animal control
12:41:39 PM Senator Thrasher question
12:43:23 PM Senator Gibson
12:44:43 PM Senator Norman
12:46:02 PM Senator Thrasher
12:47:24 PM Tab 5
12:47:50 PM Introduction of late filed amendment
12:51:10 PM Brian Pitts
12:52:39 PM Kyle Shephard
12:53:52 PM Vote on amendment adoption
12:54:21 PM Vote on SB 582 as amended
12:54:36 PM Tab 7
12:54:41 PM Senator Ring introduces
12:55:22 PM Brian Pitts speaks
12:59:14 PM Chairman speaks
12:59:41 PM Senator Norman
1:00:32 PM Senator Ring closes
1:01:18 PM Senator Thrasher
1:01:38 PM Committee vote on SB 570
1:02:25 PM Chair turns over to Senator Norman
1:02:52 PM Tab 8
1:03:21 PM Technical amendment
1:03:47 PM Call for discussion
1:03:56 PM Committee vote on SB 440
1:04:17 PM Tab 9
1:04:25 PM Senator Bennett introduces
1:06:02 PM Senator Bennett introduces amendment
1:06:24 PM Brian Pitts
1:09:37 PM Senator Bennett closes
1:10:31 PM Committee vote on SB 466
1:11:05 PM Tab 10
1:11:14 PM Senator Bennett introduces
1:12:58 PM Brian Pitts speaks
1:16:09 PM David Ramba - Masonry Association of Florida

1:17:59 PM Senator Storms
1:20:06 PM Senator Bennett
1:21:12 PM Senator Wise
1:23:19 PM Senator Thrasher
1:24:34 PM Senator Wise
1:25:02 PM Senator Wise
1:25:09 PM Senator Ring
1:25:53 PM Senator Bennett responds to Senator Ring's question
1:26:26 PM Senator Bennett closes
1:27:41 PM Photo opportunity
1:28:10 PM Committee vote on SB 412
1:28:16 PM Tab 11
1:28:31 PM Senator Bennett introduces
1:29:25 PM Senator Bennett introduces Amendment
1:30:02 PM Call for discussion
1:30:08 PM Senator Bennett waives closing
1:30:16 PM Committee vote on SB 600
1:30:28 PM Senator Bennett has the chair
1:30:42 PM Passing on tab 13
1:30:46 PM Tab 12
1:31:17 PM Florida League of Cities - Scott Dudley presentation
1:44:13 PM Question - Senator Bennett
1:46:25 PM Senator Norman
1:46:43 PM Response
1:48:04 PM Senator Norman
1:48:29 PM Response
1:49:36 PM Senator Storms
1:51:19 PM Senator Bennett
1:52:35 PM Senator Storms comment
1:53:25 PM Senator Bennett and Mr. Dudley respond
1:53:30 PM Senator Gibson
1:54:00 PM Mr. Dudley responds
1:54:06 PM Senator Gibson
1:54:41 PM Mr. Dudley responds
1:57:42 PM Senator Ring
2:01:57 PM Senator Norman
2:02:38 PM End of presentation
2:02:48 PM End of meeting