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LEGISLATIVE ACTION

Senate

House

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Floor: 1/WD/2R

03/09/2012 11:01 PM

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 566 and 567

insert:

Section 6. Paragraph (d) of subsection (2) of section 163.2511, Florida Statutes, is amended to read:

163.2511 Urban infill and redevelopment.—

(2) It is declared that:

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



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14 facilities, and economic development to sustain these cores into
15 the future.

16 Section 7. 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
42 shall also:



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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 8. 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.



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72 Section 9. 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
100 nonmotorized transportation.



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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.

129 e. Representative and rare native Florida natural systems.



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130 13. Ensure the cost-efficient provision of public
131 infrastructure and services.

132 Section 10. 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 11. Section 163.501, Florida Statutes, is amended
154 to read:

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

157 Section 12. Section 163.502, Florida Statutes, is amended
158 to read:



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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
187 welfare of these areas and their inhabitants, visitors, property



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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 13. Section 163.503, Florida Statutes, is amended
206 to 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~~
216 ~~design, environmental security, or defensible space techniques,~~



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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 Economic
226 Opportunity ~~Legal Affairs~~.

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

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

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

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



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

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

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

251 Section 14. Section 163.5035, Florida Statutes, is amended
252 to read:

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

259 Section 15. Section 163.504, Florida Statutes, is amended
260 to read:

261 163.504 ~~Safe~~ Neighborhood improvement districts, ~~planning~~
262 ~~funds.~~—

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

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



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

278 ~~(3) Municipalities and counties may implement the~~
279 ~~provisions of this section without planning funds from the~~
280 ~~Department of Legal Affairs. However, nothing in this section~~
281 ~~shall be construed to exempt any district from the requirements~~
282 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
283 ~~163.516.~~

284 Section 16. Section 163.5055, Florida Statutes, is amended
285 to read:

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

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

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

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

302 Section 17. Section 163.506, Florida Statutes, is amended
303 to read:



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

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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

387 1. Within 45 days after the date the governing body of the
388 municipality or county enacts an ordinance calling a referendum
389 pursuant to this subsection, the city clerk or the supervisor of
390 elections, whichever is appropriate, shall certify such



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391 ordinance 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 calling for the referendum.

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



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- 420 a. A description of the general provisions of this
421 paragraph applicable to local government neighborhood
422 improvement districts;
423 b. The assessed value of the freeholder's property;
424 c. The percent of the freeholder's interest in such
425 property; and
426 d. Immediately following the information required in sub-
427 subparagraphs a.-c., the following:

428
429 "Do you favor authorizing the Local Government
430 Neighborhood Improvement District to levy up to 2 mills of ad
431 valorem taxes by such proposed district?

432
433 Yes, for authorizing the levy of up to 2 mills of ad
434 valorem taxes by such proposed district.

435
436 No, against authorizing the levy of up to 2 mills of ad
437 valorem taxes by such proposed district."

438
439 "Do you favor authorizing the Local Government
440 Neighborhood Improvement District to borrow money, including the
441 issuance of bonds, as provided by s. 163.506(1)(i)?

442
443 Yes, for authorizing the borrowing of money for
444 district purposes.

445
446 No, against authorizing the borrowing of money for
447 district purposes."
448



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

454
455Yes, for the special assessment.

456
457No, against the special assessment."

458
459 5. Ballots shall be returned by first-class United States
460 mail or by personal delivery.

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

466 7. The freeholders shall be deemed to have approved of the
467 provisions of this paragraph at such time as the city clerk or
468 the supervisor of elections certifies to the governing body of
469 the municipality or county that approval has been given by
470 freeholders owning in excess of 50 percent of the assessed value
471 of the properties represented by ballots cast.

472 8. The city clerk or the supervisor of elections, whichever
473 is appropriate, shall enclose with each ballot sent pursuant to
474 this paragraph two envelopes: a secrecy envelope, into which the
475 freeholder shall enclose the marked ballot; and a mailing
476 envelope, into which the freeholder shall then place the secrecy
477 envelope, which shall be addressed to the city clerk or the



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478 supervisor of elections. The back side of the mailing envelope
479 shall bear a certificate in substantially the following form:

481 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
482 AND COMPLETING VOTER'S CERTIFICATE.

483
484 VOTER'S CERTIFICATE

485
486 I,, am a duly qualified and registered freeholder of
487 the proposed ...(name)... local government neighborhood
488 improvement district; and I am entitled to vote this ballot. I
489 do solemnly swear or affirm that I have not and will not vote
490 more than one ballot in this election. I understand that failure
491 to sign this certificate and have my signature witnessed will
492 invalidate my ballot.

493
494 ...(Voter's Signature)...

495
496 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
497 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

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

500
501 ...(Signature of Witness)...

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

503
504 9. The certificate shall be arranged on the back of the
505 mailing envelope so that the lines for the signatures of the
506 freeholder and the attesting witness are across the seal of the



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507 envelope; however, no statement shall appear on the envelope
508 which indicates that a signature of the freeholder or witness
509 must cross the seal of the envelope. The freeholder and the
510 attesting witness shall execute the certificate on the envelope.

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

515
516 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

517
518 a. VERY IMPORTANT. In order to ensure that your ballot will
519 be counted, it should be completed and returned as soon as
520 possible so that it can reach the city clerk or the supervisor
521 of elections no later than 7 p.m. on the (final day of the 120-
522 day period given here).

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

524 c. Place your marked ballot in the enclosed secrecy
525 envelope.

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

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

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

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



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

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

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



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565 ~~directors shall organize by electing from their number a chair~~
566 ~~and a secretary.~~

567 (3)~~(4)~~ A district may be dissolved by the governing body by
568 rescinding the ordinance creating the district. The governing
569 body may rescind ~~shall consider rescinding~~ the ordinance if
570 presented with a petition requesting that it be rescinded.
571 Petitions related to a residential neighborhood improvement
572 district must contain ~~containing~~ the signatures of 60 percent of
573 the residents. Petitions related to a commercial neighborhood
574 improvement district must contain signatures representing owners
575 of 60 percent of the land area of the ~~of a~~ district.

576 Section 18. Section 163.508, Florida Statutes, is amended
577 to read:

578 163.508 Property owners' association neighborhood
579 improvement districts; creation; powers and duties; duration.—

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

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

592 (b) Specifies the boundaries, size, and name of the
593 district.



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

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

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

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

610 (d) Provides for an audit of the property owners'
611 association.

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

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

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

620 (2) In order to qualify for the creation of a neighborhood
621 improvement district, the property owners shall form an
622 association in compliance with this section, or use an existing



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

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

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

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

649 (c) To make and collect assessments against all property
650 within the boundaries of the district pursuant to the provisions
651 of s. 163.514(16) and to lease, maintain, repair, and



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652 reconstruct any privatized street, land, or common area within
653 the district upon dedication thereof to the association.

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

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

670 Section 19. Subsections (1), (7), (8), and (10) of section
671 163.511, Florida Statutes, are amended to read:

672 163.511 Special neighborhood improvement districts;
673 creation; referendum; board of directors; duration; extension.-

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

680 (a) Conditions the implementation of the ordinance on the



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681 approval of a referendum as provided in subsection (2).

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

685 (c) Authorizes the use of special assessments to support
686 planning and implementation of district improvements pursuant to
687 the provisions of s. 163.514(16), ~~including community policing~~
688 ~~innovations.~~

689 (d) Specifies the boundaries, size, and name of the
690 district.

691 (e) Authorizes the district to receive a planning grant
692 from the department.

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

695 (g) May authorize a special neighborhood improvement
696 district to exercise the power of eminent domain pursuant to
697 chapters 73 and 74. Any property identified for eminent domain
698 by the district shall be subject to the approval of the local
699 governing body before eminent domain procedures are exercised.

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

702 (i) Requires the district to notify ~~the Department of Legal~~
703 ~~Affairs and~~ the Department of Economic Opportunity ~~Community~~
704 ~~Affairs~~ in writing of its establishment within 30 days thereof
705 pursuant to s. 163.5055.

706 (j) May authorize a special neighborhood improvement
707 district to develop and implement community policing innovations
708 in consultation with the local law enforcement agency having
709 jurisdiction within the district boundaries.



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

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



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

746 Section 20. Section 163.512, Florida Statutes, is amended
747 to read:

748 163.512 Community redevelopment neighborhood improvement
749 districts; creation; advisory council; dissolution.-

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

757 (a) Specifies the boundaries, size, and name of the
758 district.

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

761 (c) Authorizes the use of the community redevelopment trust
762 fund created pursuant to s. 163.387 for the purposes of
763 implementing the district's ~~safe neighborhood~~ improvement plan
764 ~~and furthering crime prevention through community policing~~
765 ~~innovations, environmental design, environmental security, and~~
766 ~~defensible space techniques, if the expenditures from the~~
767 ~~community redevelopment trust fund~~ are consistent with the



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768 community redevelopment plan created pursuant to s. 163.360.

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

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

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

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

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

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

790 (2) The advisory council shall perform such duties as may
791 be prescribed by the community redevelopment board established
792 pursuant to s. 163.356 and shall submit within the time period
793 specified by the board of directors a report on the district's
794 activities and a proposed budget to accomplish its objectives.
795 In formulating a plan for services or improvements, the advisory
796 council shall consult in public session with the appropriate



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797 staff or consultants of the community redevelopment board
798 ~~responsible for the district's plan.~~

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

804 Section 21. Section 163.513, Florida Statutes, is repealed.

805 Section 22. Section 163.514, Florida Statutes, is amended
806 to read:

807 163.514 Powers of neighborhood improvement districts.-
808 Unless prohibited by ordinance, the board of any district is
809 ~~shall be~~ empowered to:

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

812 (2) Have and use a corporate seal.

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

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

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

824 (6) Cooperate and contract with other governmental agencies
825 or other public bodies.



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

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

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

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

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

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

851 (13) Privatize, close, vacate, plan, or replan streets,
852 roads, sidewalks, and alleys, subject to the concurrence of the
853 local governing body and, if required, the state Department of
854 Transportation.



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

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

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

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



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884 shall be by United States mail and, in addition thereto, by
885 publication one time in a newspaper of general circulation in
886 the county or municipality in which the district is located.

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

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

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

897 2. Immediately following said information, the following:

898

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

903

904Yes, for the special assessment.

905

906No, against the special assessment."

907

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

910 (f) All ballots received within 60 days after the closing
911 of registration shall be tabulated by the city clerk or the
912 supervisor of elections, who shall certify the results thereof



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913 to the city governing body or county commission no later than 5
914 days after said 60-day period.

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

917 Section 23. Subsections (3) and (4) of section 163.5151,
918 Florida Statutes, are amended to read:

919 163.5151 Fiscal management; budget preparation.—

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

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

939 Section 24. Section 163.516, Florida Statutes, is amended
940 to read:

941 163.516 ~~Safe~~ Neighborhood improvement plans.—



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- 942 (1) A ~~safe~~ neighborhood improvement plan is mandated for
943 all neighborhood improvement districts. The plan must ~~shall~~
944 contain at least the following elements:
- 945 (a) Demographics of the district.
 - 946 ~~(b) Crime activity data and analysis.~~
 - 947 (b)(e) Land use, zoning, housing, and traffic analysis.
 - 948 ~~(d) Determination of the problems of the crime-to-~~
949 ~~environment relationship and the stability of the neighborhood~~
950 ~~improvement district.~~
 - 951 (c)(e) Statement of the district's goal and objectives.
 - 952 ~~(f) Assessment of crime prevention through community~~
953 ~~policing innovations, environmental design, environmental~~
954 ~~security, and defensible space strategies and tactics that will~~
955 ~~be applied to the crime-to-environment relationship problems.~~
 - 956 ~~(g) Cost estimates and the methods of financing.~~
 - 957 ~~(h) Outline of program participants and their functions and~~
958 ~~responsibilities.~~
 - 959 ~~(i) Schedule for executing program activities.~~
 - 960 ~~(j) Evaluation guidelines.~~
- 961 (2) Every ~~safe~~ neighborhood improvement plan must ~~shall~~
962 show, by diagram and by general explanation:
- 963 (a) Such property as is intended for use as public parks,
964 recreation areas, streets, public utilities, and public
965 improvements of any nature.
 - 966 (b) Specific identification of any publicly funded capital
967 improvement projects to be undertaken within the district.
 - 968 ~~(c) Adequate assurances that the improvements will be~~
969 ~~carried out pursuant to the plan.~~
 - 970 ~~(d) Provision for the retention of controls and the~~



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

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

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

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

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

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

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

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

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

998 ~~(4)~~ ~~The county, municipality, or district may prepare or~~
999 ~~cause to be prepared a safe neighborhood improvement plan, or~~



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

1010 ~~(4)~~(5) Prior to adoption of the safe neighborhood
1011 improvement plan, the board shall hold a public hearing on the
1012 plan after public notice thereof by publication in a newspaper
1013 of general circulation in the county or municipality in which
1014 the district is located. The notice shall describe the time,
1015 date, place, and purpose of the hearing; identify the boundaries
1016 of the district; and outline the general scope of the plan.

1017 ~~(5)~~(6) The board, after the public hearing, may approve the
1018 safe neighborhood improvement plan if it finds:

1019 (a) The plan has been approved as consistent with the local
1020 comprehensive plan by the local governing body; and

1021 (b) The plan will improve the promotion, appearance,
1022 ~~safety, security,~~ and public amenities of the neighborhood
1023 improvement district as stipulated in s. 163.502.

1024 ~~(6)~~(7) If, at any time after approval of the safe
1025 neighborhood improvement plan, it becomes desirable to amend or
1026 modify the plan, the board may do so. Prior to any such
1027 amendment or modification, the board shall obtain written
1028 approval of the local governing body concerning conformity to



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1029 the local government comprehensive plan and hold a public
1030 hearing on the proposed amendment or modification after public
1031 notice thereof by publication in a newspaper of general
1032 circulation in the county or municipality in which the district
1033 is located. The notice shall describe the time, place, and
1034 purpose of the hearing and generally describe the proposed
1035 amendment or modification.

1036 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1037 ~~municipality or county shall hold two public hearings to~~
1038 ~~consider the board-adopted safe neighborhood improvement plan as~~
1039 ~~an amendment or modification to the municipality's or county's~~
1040 ~~adopted local comprehensive plan.~~

1041 ~~(9) A safe neighborhood improvement plan for each district~~
1042 ~~shall be prepared and adopted by the municipality or county~~
1043 ~~prior to the levy and expenditure of any of the proceeds of any~~
1044 ~~tax assessment or fee authorized to such districts other than~~
1045 ~~for the preparation of the safe community or business~~
1046 ~~improvement plan.~~

1047 Section 25. Section 163.517, Florida Statutes, is repealed.

1048 Section 26. Section 163.519, Florida Statutes, is repealed.

1049 Section 27. Section 163.521, Florida Statutes, is repealed.

1050 Section 28. Section 163.5215, Florida Statutes, is
1051 repealed.

1052 Section 29. Section 163.522, Florida Statutes, is repealed.

1053 Section 30. Section 163.523, Florida Statutes, is repealed.

1054 Section 31. Section 163.524, Florida Statutes, is repealed.

1055 Section 32. Section 163.526, Florida Statutes, is repealed.

1056 Section 33. Paragraph (c) of subsection (1) of section
1057 376.84, Florida Statutes, is amended to read:



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1058 376.84 Brownfield redevelopment economic incentives.—It is
1059 the intent of the Legislature that brownfield redevelopment
1060 activities be viewed as opportunities to significantly improve
1061 the utilization, general condition, and appearance of these
1062 sites. Different standards than those in place for new
1063 development, as allowed under current state and local laws,
1064 should be used to the fullest extent to encourage the
1065 redevelopment of a brownfield. State and local governments are
1066 encouraged to offer redevelopment incentives for this purpose,
1067 as an ongoing public investment in infrastructure and services,
1068 to help eliminate the public health and environmental hazards,
1069 and to promote the creation of jobs in these areas. Such
1070 incentives may include financial, regulatory, and technical
1071 assistance to persons and businesses involved in the
1072 redevelopment of the brownfield pursuant to this act.

1073 (1) Financial incentives and local incentives for
1074 redevelopment may include, but not be limited to:

1075 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1076 part IV of chapter 163 ss. 163.501-163.523.

1077 Section 34. Subsection (2) of section 704.01, Florida
1078 Statutes, is amended to read:

1079 704.01 Common-law and statutory easements defined and
1080 determined.—

1081 (2) STATUTORY WAY OF NECESSITY EXCLUSIVE OF COMMON-LAW
1082 RIGHT.—Based on public policy, convenience, and necessity, a
1083 statutory way of necessity exclusive of any common-law right
1084 exists when any land, including land formed by or connected to
1085 adjoining land by accretion, reliction, or other naturally
1086 occurring processes, or portion thereof, which is being used or



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1087 is desired to be used for a dwelling or dwellings or for
1088 agricultural or for timber raising or cutting or stockraising
1089 purposes, is shut off or hemmed in by lands, fencing, or other
1090 improvements by other persons so that a ne practicable route of
1091 egress or ingress is not available ~~therefrom~~ to the nearest
1092 practicable public ~~or private~~ road, or to a private road in
1093 which the landlocked owner has vested easement rights to a
1094 public road. The owner or tenant thereof, or anyone on ~~in~~ their
1095 behalf, lawfully may use and maintain an easement for persons,
1096 vehicles, stock, franchised cable television service, and any
1097 utility service, including, but not limited to, water,
1098 wastewater, reclaimed water, natural gas, electricity, and
1099 telephone service, over, under, through, and upon the lands that
1100 ~~which~~ lie between the said shut-off or hemmed-in lands and such
1101 public or private road by means of the nearest practical route,
1102 considering the use to which the said lands are being put; and
1103 the use thereof does, as aforesaid, shall not constitute a
1104 trespass; nor shall the party thus using the same be liable in
1105 damages for the use thereof if, provided that such easement is
1106 ~~shall be~~ used only in an orderly and proper manner. This
1107 subsection applies to any land that was previously hemmed in or
1108 landlocked or that becomes hemmed in or landlocked if the owner
1109 of such land provides compensation under s. 404.04 for any loss
1110 of private property rights to the owner of land over which a
1111 statutory easement is granted.

1112 Section 35. Subsection (2) of section 775.083, Florida
1113 Statutes, is amended to read:

1114 775.083 Fines.—

1115 (2) In addition to the fines set forth in subsection (1),



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1116 court costs shall be assessed and collected in each instance a
1117 defendant pleads nolo contendere to, or is convicted of, or
1118 adjudicated delinquent for, a felony, a misdemeanor, or a
1119 criminal traffic offense under state law, or a violation of any
1120 municipal or county ordinance if the violation constitutes a
1121 misdemeanor under state law. The court costs imposed by this
1122 section shall be \$50 for a felony and \$20 for any other offense
1123 and shall be deposited by the clerk of the court into an
1124 appropriate county account for disbursement for the purposes
1125 provided in this subsection. A county shall account for the
1126 funds separately from other county funds as crime prevention
1127 funds. The county, in consultation with the sheriff, must expend
1128 such funds for crime prevention programs in the county,
1129 including ~~safe~~ neighborhood improvement programs under part IV
1130 of chapter 163 ~~ss. 163.501-163.523.~~

1131 Section 36. Paragraphs (a) and (c) of subsection (5) of
1132 section 932.7055, Florida Statutes, are amended to read:

1133 932.7055 Disposition of liens and forfeited property.—

1134 (5) (a) If the seizing agency is a county or municipal
1135 agency, the remaining proceeds shall be deposited in a special
1136 law enforcement trust fund established by the board of county
1137 commissioners or the governing body of the municipality. Such
1138 proceeds and interest earned therefrom shall be used for school
1139 resource officer, crime prevention, ~~safe~~ neighborhood
1140 improvement, drug abuse education and prevention programs, or
1141 for other law enforcement purposes, which include defraying the
1142 cost of protracted or complex investigations, providing
1143 additional equipment or expertise, purchasing automated external
1144 defibrillators for use in law enforcement vehicles, and



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1145 providing matching funds to obtain federal grants. The proceeds
1146 and interest may not be used to meet normal operating expenses
1147 of the law enforcement agency.

1148 (c) An agency or organization, other than the seizing
1149 agency, that wishes to receive such funds shall apply to the
1150 sheriff or chief of police for an appropriation and its
1151 application shall be accompanied by a written certification that
1152 the moneys will be used for an authorized purpose. Such requests
1153 for expenditures shall include a statement describing
1154 anticipated recurring costs for the agency for subsequent fiscal
1155 years. An agency or organization that receives money pursuant to
1156 this subsection shall provide an accounting for such moneys and
1157 shall furnish the same reports as an agency of the county or
1158 municipality that receives public funds. Such funds may be
1159 expended in accordance with the following procedures:

1160 1. Such funds may be used only for school resource officer,
1161 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1162 education, or drug prevention programs or such other law
1163 enforcement purposes as the board of county commissioners or
1164 governing body of the municipality deems appropriate.

1165 2. Such funds shall not be a source of revenue to meet
1166 normal operating needs of the law enforcement agency.

1167 3. After July 1, 1992, and during every fiscal year
1168 thereafter, any local law enforcement agency that acquires at
1169 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1170 within a fiscal year must expend or donate no less than 15
1171 percent of such proceeds for the support or operation of any
1172 drug treatment, drug abuse education, drug prevention, crime
1173 prevention, ~~safe~~ neighborhood improvement, or school resource



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1174 officer program ~~program(s)~~. The local law enforcement agency has
1175 the discretion to determine which program or programs ~~program(s)~~
1176 will receive the designated proceeds.

1177
1178 Notwithstanding the drug abuse education, drug treatment, drug
1179 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
1180 school resource officer minimum expenditures or donations, the
1181 sheriff and the board of county commissioners or the chief of
1182 police and the governing body of the municipality may agree to
1183 expend or donate such funds over a period of years if the
1184 expenditure or donation of such minimum amount in any given
1185 fiscal year would exceed the needs of the county or municipality
1186 for such program or programs ~~program(s)~~. Nothing in this section
1187 precludes the expenditure or donation of forfeiture proceeds in
1188 excess of the minimum amounts established herein.

1189
1190 ===== T I T L E A M E N D M E N T =====

1191 And the title is amended as follows:

1192 Delete line 37

1193 and insert:

1194 seaport projects to use a mitigation bank; amending
1195 ss. 163.2511, 163.2517, 163.3182, 163.3246, and
1196 163.387, F.S.; conforming provisions to changes made
1197 by the act; amending s. 163.501, F.S.; renaming the
1198 "Safe Neighborhoods Act" as the "Neighborhoods
1199 Improvement Act"; amending s. 163.502, F.S.; revising
1200 legislative findings and purpose; amending s. 163.503,
1201 F.S.; revising and deleting definitions; amending s.
1202 163.5035, F.S.; conforming provisions to changes made



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1203 by the act; amending s. 163.504, F.S.; authorizing the
1204 governing body of any municipality or county to form a
1205 neighborhood improvement district through the adoption
1206 of an ordinance rather than by a planning ordinance;
1207 removing provisions pertaining to the creation and
1208 funding of safe neighborhood improvement districts;
1209 amending s. 163.5055, F.S.; requiring each
1210 neighborhood improvement district authorized under law
1211 to notify the Department of Economic Opportunity of
1212 its existence rather than to register with the
1213 Department of Community Affairs and the Department of
1214 Legal Affairs; removing the requirement that the
1215 neighborhood improvement district notify the
1216 Department of Community Affairs and the Department of
1217 Legal Affairs; amending s. 163.506, F.S.; revising
1218 provisions authorizing a local governing body to
1219 create a local government neighborhood improvement
1220 district; specifying that the ordinance may authorize
1221 the improvement district to borrow money, contract
1222 loans, and issue bonds; authorizing the governing body
1223 of the improvement district to levy ad valorem taxes
1224 upon real and tangible personal property within the
1225 district; authorizing the district to make and collect
1226 special assessments; conditioning the exercise of
1227 power by the local government neighborhood improvement
1228 district to borrow money, contract loans, issue bonds,
1229 charge, collect, and enforce fees, make and collect
1230 special assessments, and levy ad valorem taxes upon
1231 real and tangible personal property within the



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1232 district upon the approval of a referendum by the
1233 freeholders of the district; providing ballot
1234 requirements; removing provisions allowing an
1235 alternative organization for the board of directors;
1236 amending s. 163.508, F.S., relating to property
1237 owners' association neighborhood improvement
1238 districts; revising the requirements for creating a
1239 property owners' association neighborhood improvement
1240 district by the enactment of a separate ordinance for
1241 each district; authorizing the governing body to
1242 request grants from the state; amending s. 163.511,
1243 F.S., relating to special neighborhood improvement
1244 districts; revising provisions to conform to changes
1245 made by the act; revising the method of appointing and
1246 removing directors of the district; amending s.
1247 163.512, F.S.; revising provisions authorizing a
1248 municipality or county to create a community
1249 redevelopment neighborhood improvement district;
1250 authorizing the district to receive grants and other
1251 funding; providing that the local governing body may
1252 dissolve the district under certain circumstances;
1253 repealing s. 163.513, F.S., relating to crime
1254 prevention through community policing innovations;
1255 amending s. 163.514, F.S.; revising the powers of
1256 neighborhood improvement districts; allowing the
1257 district to contract with legal counsel and other
1258 needed professionals; authorizing the district to
1259 collect special assessments under certain
1260 circumstances and following designated procedures;



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1261 amending s. 163.5151, F.S.; requiring a local
1262 government and a special neighborhood improvement
1263 district to prepare its budget in a specified manner
1264 if levying an ad valorem tax on real or personal
1265 property; amending s. 163.516, F.S.; requiring
1266 neighborhood improvement plans to be created for each
1267 improvement district; revising the contents of the
1268 neighborhood improvement district's plan; repealing s.
1269 163.517, F.S., relating to the Safe Neighborhoods
1270 Program; repealing s. 163.519, F.S., relating to the
1271 duties of the Department of Legal Affairs relating to
1272 neighborhood improvement districts; repealing s.
1273 163.521, F.S., relating to funding for a neighborhood
1274 improvement district inside an enterprise zone;
1275 repealing s. 163.5215, F.S., relating to the effect
1276 and construction of existing laws relating to
1277 neighborhood improvement districts; repealing s.
1278 163.522, F.S., relating to state redevelopment
1279 programs; repealing s. 163.523, F.S., relating to
1280 cooperation and involvement of community organizations
1281 in the creation of safe neighborhood improvement
1282 districts; repealing s. 163.524, F.S., relating to
1283 participation in the Neighborhood Preservation and
1284 Enhancement Program; repealing s. 163.526, F.S.,
1285 relating to powers and duties of the Neighborhood
1286 Councils and the designated agency of the local
1287 government; amending ss. 376.84, F.S.; conforming
1288 provision to changes made by the act; amending s.
1289 704.01, F.S., relating to a statutory way of necessity



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1290 over land; providing applicability to hemmed in or
1291 landlocked land; requiring compensation; amending ss.
1292 775.083 and 932.7055, F.S.; conforming provisions to
1293 changes made by the act; providing