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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/04/2013 | . | |
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Appropriations Subcommittee on Finance and Tax (Simmons)
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, revenue
63 ~~revenues~~ or aid that may be dispensed or appropriated to a
64 district as defined in s. 388.011 at the discretion of an entity
65 other than such district is ~~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.



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71 7. A community redevelopment agency.
72 Section 4. Subsection (2) of section 163.3246, Florida
73 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 (a) Demonstrate a record of effectively adopting,
79 implementing, and enforcing its comprehensive plan;
80 (b) Demonstrate technical, financial, and administrative
81 expertise to implement the provisions of this part without state
82 oversight;
83 (c) Obtain comments from the state and regional review
84 agencies regarding the appropriateness of the proposed
85 certification;
86 (d) Hold at least one public hearing soliciting public
87 input concerning the local government's proposal for
88 certification; and
89 (e) Demonstrate that it has adopted programs in its local
90 comprehensive plan and land development regulations which:
91 1. Promote infill development and redevelopment, including
92 prioritized and timely permitting processes in which
93 applications for local development permits within the
94 certification area are acted upon expeditiously for proposed
95 development that is consistent with the local comprehensive
96 plan.
97 2. Promote the development of housing for low-income and
98 very-low-income households or specialized housing to assist
99 elderly and disabled persons to remain at home or in independent



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100 living arrangements.

101 3. Achieve effective intergovernmental coordination and
102 address the extrajurisdictional effects of development within
103 the certified area.

104 4. Promote economic diversity and growth while encouraging
105 the retention of rural character, where rural areas exist, and
106 the protection and restoration of the environment.

107 5. Provide and maintain public urban and rural open space
108 and recreational opportunities.

109 6. Manage transportation and land uses to support public
110 transit and promote opportunities for pedestrian and
111 nonmotorized transportation.

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

115 8. Redevelop blighted areas.

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

119 10. Encourage clustered, mixed-use development that
120 incorporates greenspace and residential development within
121 walking distance of commercial development.

122 11. Encourage urban infill at appropriate densities and
123 intensities and separate urban and rural uses and discourage
124 urban sprawl while preserving public open space and planning for
125 buffer-type land uses and rural development consistent with
126 their respective character along and outside the certification
127 area.

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



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129 agricultural lands that are identified using state and local
130 inventories of natural areas. Key natural areas include, but are
131 not limited to:

132 a. Wildlife corridors.

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

136 c. Significant surface waters and springs, aquatic
137 preserves, wetlands, and outstanding Florida waters.

138 d. Water resources suitable for preservation of natural
139 systems and for water resource development.

140 e. Representative and rare native Florida natural systems.

141 13. Ensure the cost-efficient provision of public
142 infrastructure and services.

143 Section 5. Paragraph (c) of subsection (2) of section
144 163.387, Florida Statutes, is amended to read:

145 163.387 Redevelopment trust fund.-

146 (2)

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

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

151 2. A special district for which the sole available source
152 of revenue the district has the authority to levy is ad valorem
153 taxes at the time an ordinance is adopted under this section.
154 However, revenue ~~revenues~~ or aid that may be dispensed or
155 appropriated to a district as defined in s. 388.011 at the
156 discretion of an entity other than such district is ~~shall~~ not ~~be~~
157 deemed available.



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158 3. A library district, except a library district in a
159 jurisdiction where the community redevelopment agency had
160 validated bonds as of April 30, 1984.

161 4. A neighborhood improvement district created under the
162 ~~Safe~~ Neighborhoods Improvement Act.

163 5. A metropolitan transportation authority.

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

165 Section 6. Section 163.501, Florida Statutes, is amended to
166 read:

167 163.501 Short title.—This part may be cited as the "~~Safe~~
168 Neighborhoods Improvement Act."

169 Section 7. Section 163.502, Florida Statutes, is amended to
170 read:

171 163.502 ~~Safe~~ Neighborhoods improvement; legislative
172 findings and purpose.—

173 (1) The Legislature ~~hereby~~ finds and declares that among
174 the many causes of deterioration in the business and residential
175 neighborhoods of the state are the following: proliferation of
176 crime, automobile traffic flow strangled by outmoded street
177 patterns, unsuitable topography, faulty lot layouts,
178 fragmentation of land uses and parking areas necessitating
179 frequent automobile movement, lack of separation of pedestrian
180 areas from automobile traffic, lack of separation of vehicle
181 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
182 from automobile traffic, and lack of adequate public
183 improvements, such as streets, street lights, street furniture,
184 street landscaping, sidewalks, traffic signals, way-finding
185 signs, mass transit, stormwater systems, and other public
186 utilities and improvements.



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187 (2) The Legislature further finds and declares that healthy
188 and vibrant ~~safe~~ neighborhoods are the product of planning and
189 implementation of appropriate environmental design concepts,
190 comprehensive planning ~~crime prevention programs~~, land use
191 recommendations, and beautification techniques.

192 (3) The Legislature further finds and declares that the
193 provisions of this part and the powers granted to local
194 governments, property owners' associations, special dependent
195 districts, and community redevelopment neighborhood improvement
196 districts are desirable to guide and accomplish the coordinated,
197 balanced, and harmonious development of healthy and vibrant ~~safe~~
198 neighborhoods; to promote the health, ~~safety~~, and general
199 welfare of these areas and their inhabitants, visitors, property
200 owners, and workers; to establish, maintain, and preserve
201 property values and preserve and foster the development of
202 attractive neighborhood and business environments; to prevent
203 ~~overcrowding and~~ congestion; and to improve or redirect
204 automobile traffic and provide pedestrian safety; ~~to reduce~~
205 ~~crime rates and the opportunities for the commission of crime;~~
206 ~~and to provide improvements in neighborhoods so they are~~
207 ~~defensible against crime.~~

208 (4) It is the intent of the Legislature to assist local
209 governments in implementing plans that improve the ~~employ crime~~
210 ~~prevention through community policing innovations, environmental~~
211 ~~design, environmental security, and defensible space techniques~~
212 ~~to establish safe~~ neighborhoods of this state. The Legislature,
213 therefore, declares that the development, redevelopment,
214 preservation, and revitalization of neighborhoods in this state,
215 and all the purposes of this part, are public purposes for which



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

217 Section 8. Section 163.503, Florida Statutes, is amended to
218 read:

219 163.503 ~~Safe neighborhoods~~; Definitions.—

220 (1) "~~Safe~~ Neighborhood improvement district~~,"~~ or
221 "~~district,"~~ ~~or "neighborhood improvement district"~~ means a
222 district located in an area in which more than 75 percent of the
223 land is used for residential purposes, or in an area in which
224 more than 75 percent of the land is used for commercial, office,
225 business, or industrial purposes, excluding the land area used
226 for public facilities, and where there may be ~~is~~ a plan to
227 reduce crime through the implementation of crime prevention
228 through environmental design, environmental security, or
229 defensible space techniques, or through community policing
230 innovations. ~~Nothing in~~ This section does not ~~shall~~ preclude the
231 inclusion of public land in a neighborhood improvement district
232 although the amount of land used for public facilities is
233 excluded from the land use acreage calculations.

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

237 (3) "Department" means the Department of Economic
238 Opportunity ~~Legal Affairs~~.

239 (4) "Board" means the board of directors of a neighborhood
240 improvement district, ~~which may be the governing body of a~~
241 ~~municipality or county or the officers of a property owners'~~
242 ~~association or the board of directors of a special neighborhood~~
243 ~~improvement district or community redevelopment neighborhood~~
244 ~~improvement district.~~



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245 (5) "Environmental security" means an urban planning and
246 design process which integrates crime prevention with
247 neighborhood design and community development.

248 (6) "Crime prevention through environmental design" means
249 the planned use of environmental design concepts such as natural
250 access control, natural surveillance, and territorial
251 reinforcement in a neighborhood or community setting which is
252 designed to reduce criminal opportunity and foster positive
253 social interaction among the legitimate users of that setting.

254 (7) "Defensible space" means an architectural perspective
255 on crime prevention through physical design of the environment
256 to create the ability to monitor and control the environment
257 along individual perceived zones of territorial influence that
258 result in a proprietary interest and a felt responsibility.

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

261 ~~(8)(9)~~ "Community policing innovation" means techniques or
262 strategies as defined by s. 163.340.

263 (9) "Local governing body" means the governing body of the
264 municipality or county that creates a neighborhood improvement
265 district.

266 Section 9. Section 163.5035, Florida Statutes, is amended
267 to read:

268 163.5035 ~~Safe~~ Neighborhood improvement districts;
269 compliance with special district provisions.—Any ~~special~~
270 district created pursuant to this part shall comply with all
271 applicable provisions contained in chapter 189. In cases where a
272 provision contained in this part conflicts with a provision in
273 chapter 189, the provision in chapter 189 shall prevail.



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274 Section 10. Section 163.504, Florida Statutes, is amended
275 to read:

276 163.504 ~~Safe~~ Neighborhood improvement districts; ~~planning~~
277 ~~funds.~~—

278 ~~(1)~~ The governing body of any municipality or county may
279 authorize the formation of ~~safe~~ neighborhood improvement
280 districts through the adoption of an a ~~planning~~ ordinance that
281 ~~which~~ specifies that such districts may be created by one or
282 more of the methods established in ss. 163.506, 163.508,
283 163.511, and 163.512. A ~~No~~ district may not overlap the
284 jurisdictional boundaries of a municipality and the
285 unincorporated area of a county, unless approved ~~except~~ by
286 interlocal agreement.

287 ~~(2) If the governing body of a municipality or county~~
288 ~~elects to create a safe neighborhood improvement district, it~~
289 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
290 ~~Program, created pursuant to s. 163.517 and administered by the~~
291 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
292 ~~improvement plan for the district.~~

293 ~~(3) Municipalities and counties may implement the~~
294 ~~provisions of this section without planning funds from the~~
295 ~~Department of Legal Affairs. However, nothing in this section~~
296 ~~shall be construed to exempt any district from the requirements~~
297 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
298 ~~163.516.~~

299 Section 11. Section 163.5055, Florida Statutes, is amended
300 to read:

301 163.5055 Notice ~~Registration~~ of district establishment;
302 notice of dissolution.—



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303 (1) ~~(a)~~ Each neighborhood improvement district that is
304 authorized and established under this part shall, within 30 days
305 after its establishment, provide the department thereof register
306 ~~with both the Department of Economic Opportunity and the~~
307 ~~Department of Legal Affairs by providing these departments with~~
308 the district's name, location, size, and type, and such other
309 information as the department departments may request require.

310 (2) ~~(b)~~ Each local governing body that authorizes the
311 dissolution of a district shall notify ~~both~~ the department ~~of~~
312 ~~Economic Opportunity and the Department of Legal Affairs~~ within
313 30 days after the dissolution of the district.

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

316 Section 12. Section 163.506, Florida Statutes, is amended
317 to read:

318 163.506 Local government neighborhood improvement
319 districts; creation; advisory council; dissolution.-

320 (1) After an ~~a~~ local ~~planning~~ ordinance has been adopted
321 authorizing the creation of local government neighborhood
322 improvement districts, the local governing body ~~of a~~
323 ~~municipality or county~~ may create residential or commercial
324 local government neighborhood improvement districts by the
325 enactment of a separate ordinance for each district, ~~7~~ which
326 ~~ordinance~~:

327 (a) Specifies the boundaries, size, and name of the
328 district.

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

331 (c) Authorizes the ~~local government neighborhood~~



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332 ~~improvement~~ district to levy an ad valorem tax on real and
333 personal property of up to 2 mills annually.

334 (d) For residential local government neighborhood
335 improvement districts, authorizes the district to use ~~of~~ special
336 assessments imposed pursuant to s. 163.514(16) to support
337 planning and implementation of district improvements ~~pursuant to~~
338 ~~the provisions of s. 163.514(16), including community policing~~
339 ~~innovations.~~

340 (e) Designates the local governing body as the board of
341 directors of the district.

342 (f) Establishes an advisory council to the board of
343 directors comprised of property owners, representatives of
344 property owners, business owners, or residents of the district.

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

347 (h) Requires the district to notify the department ~~of Legal~~
348 ~~Affairs and the Department of Economic Opportunity~~ in writing of
349 its establishment within 30 days after establishment thereof
350 pursuant to s. 163.5055.

351 (i) Authorizes the district to borrow money, contract
352 loans, and issue bonds, certificates, warrants, notes, or other
353 evidence of indebtedness from time to time to finance the
354 undertaking of any capital or other project for the purposes
355 authorized by the State Constitution and this part and to pledge
356 the funds, credit, property, and taxing power of the district
357 for the payment of such debts and bonds.

358 1. Bonds that are issued under this paragraph must be
359 authorized by resolution of the board, by resolution of the
360 local governing body, by affirmative vote of the electors of the



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361 district. Such bonds may be issued in one or more series and
362 shall bear such date or dates; be payable upon demand or mature
363 at such time or times; bear interest at such rate or rates; be
364 in such denomination or denominations; be in such form,
365 registered or not, with or without coupon; carry such conversion
366 or registration privileges; have such rank or priority; be
367 executed in such manner; be payable in such medium of payment,
368 at such place or places, and subject to such terms of
369 redemption, with or without premium; be secured in such manner;
370 and have such other characteristics as may be provided by such
371 resolution or trust indenture or mortgage issued pursuant
372 thereto.

373 2. The board shall determine the terms and manner of sale
374 and distribution or other disposition of any bonds it issues,
375 consistent with s. 218.385, and shall have all powers necessary
376 for and convenient to such disposition.

377 3. The board may establish and administer such sinking
378 funds as it deems necessary or convenient for the payment,
379 purchase, or redemption of any outstanding bonded indebtedness
380 of the district.

381 4. The board may levy ad valorem taxes upon real and
382 tangible personal property within the district as it deems
383 necessary to make payment, including principal and interest,
384 upon the general obligation and ad valorem bonded indebtedness
385 of the district or into any sinking fund created pursuant to
386 this paragraph.

387 5. A board has full authority for the issuance of bonds
388 authorized under this paragraph.

389 (j) For commercial local government neighborhood



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390 improvement districts, authorizes the district to make and
391 collect special assessments pursuant to ss. 197.3632 and
392 197.3635 in order to pay for capital improvements within the
393 district and for reasonable expenses of operating the district,
394 including the payment of expenses included in the district's
395 budget. Such assessments may not exceed \$500 for each individual
396 parcel of land per year.

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

399 (l) For residential local government neighborhood
400 improvement districts, conditions the exercise of powers
401 provided in paragraphs (d) and (i) on approval by the local
402 governing body and a referendum as described in s. 163.514(16).

403 (m) For commercial local government neighborhood
404 improvement districts, conditions the exercise of the powers
405 provided in paragraphs (i) and (j) on approval by the local
406 governing body and a referendum as described in this paragraph:

407 1. Within 45 days after the date the local governing body
408 enacts an ordinance calling a referendum pursuant to this
409 paragraph, the city clerk or the supervisor of elections,
410 whichever is appropriate, shall certify such ordinance and
411 compile a list of the names and last known addresses of the
412 freeholders in the commercial local government neighborhood
413 improvement district from the tax assessment roll of the county
414 applicable as of December 31 in the year preceding the year in
415 which the ordinance is enacted. Except as otherwise provided in
416 this paragraph, the list constitutes the registration list for
417 purposes of the freeholder referendum required under this
418 paragraph.



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419 2. Within 45 days after compilation of the freeholder
420 registration list pursuant to subparagraph 1., the city clerk or
421 the supervisor of elections shall notify each such freeholder of
422 the general provisions of this section, including the taxing
423 authority and the date of the upcoming referendum, and the
424 method provided for submitting corrections to the registration
425 list if the status of the freeholder has changed since the
426 compilation of the tax roll. Notification shall be by first-
427 class mail and, in addition, by publication one time in a
428 newspaper of general circulation in the county or municipality
429 in which the district is located.

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

435 4. Notwithstanding s. 101.6102, within 15 days after the
436 closing of the registration list, the city clerk or the
437 supervisor of elections shall send a ballot by first-class mail
438 to each registered freeholder at his or her last known mailing
439 address. The ballot must include:

440 a. A description of the general provisions of this section
441 applicable to local government neighborhood improvement
442 districts;

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

444 c. The percent of the freeholder's interest in such
445 property; and

446 d. Immediately following the information required under
447 sub-subparagraphs a.-c., the following:



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

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

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

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

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

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

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



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477Yes, for the special assessment.

478
479No, against the special assessment."

480
481 5. Ballots shall be returned by first-class mail or by
482 personal delivery.

483 6. All ballots that are received within 120 days after
484 enactment of the ordinance shall be tabulated by the city clerk
485 or the supervisor of elections, who shall certify the results to
486 the city council or county commission no later than 5 days after
487 the 120-day period.

488 7. The freeholders shall be deemed to have approved of the
489 provisions of paragraph (i) at such time as the city clerk or
490 the supervisor of elections certifies to the local governing
491 body that approval has been given by freeholders owning in
492 excess of 50 percent of the assessed value of the properties
493 represented by ballots cast.

494 8. The freeholders shall be deemed to have approved of the
495 provisions of paragraph (j) at such time as the city clerk or
496 the supervisor of elections certifies to the local governing
497 body that approval has been given by freeholders owning a
498 majority of the parcels represented by ballots cast.

499 9. The city clerk or the supervisor of elections, whichever
500 is appropriate, shall enclose, with each ballot that is sent to
501 the freeholder pursuant to this paragraph, two envelopes: a
502 secrecy envelope, into which the freeholder shall enclose the
503 marked ballot; and a mailing envelope, into which the freeholder
504 shall place the secrecy envelope, which shall be addressed to
505 the city clerk or the supervisor of elections. The back side of



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506 the mailing envelope shall bear a certificate in substantially
507 the following form:

508
509 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
510 AND COMPLETING VOTER'S CERTIFICATE.

511
512 VOTER'S CERTIFICATE

513
514 I,, am a duly qualified and registered freeholder of
515 the proposed ...(name)... Local Government Neighborhood
516 Improvement District, and I am entitled to vote this ballot. I
517 do solemnly swear or affirm that I have not and will not vote
518 more than one ballot in this election. I understand that failure
519 to sign this certificate and have my signature witnessed will
520 invalidate my ballot.

521
522 ...(Voter's Signature)...

523
524 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
525 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

526
527 I swear or affirm that the elector signed this voter's
528 certificate in my presence.

529
530 ...(Signature of Witness)...

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

532
533 10. The certificate shall be arranged on the back of the
534 mailing envelope so that the lines for the signatures of the



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535 freeholder and the attesting witness are across the seal of the
536 envelope; however, no statement shall appear on the envelope
537 which indicates that a signature of the freeholder or witness
538 must cross the seal of the envelope. The freeholder and the
539 attesting witness shall execute the certificate on the envelope.

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

544
545 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

546
547 a. VERY IMPORTANT. In order to ensure that your ballot will
548 be counted, it should be completed and returned as soon as
549 possible so that it can reach the city clerk or the supervisor
550 of elections no later than 7 p.m. on the (final day of the 120-
551 day period given here).

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

553 c. Place your marked ballot in the enclosed secrecy
554 envelope.

555 d. Insert the secrecy envelope into the enclosed mailing
556 envelope, which is addressed to the city clerk or the supervisor
557 of elections.

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

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

562 g. VERY IMPORTANT. In order for your ballot to be counted,
563 it must include the signature and address of a witness 18 years



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564 of age or older affixed to the Voter's Certificate.

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

567 (2) The advisory council shall perform such duties as may
568 be prescribed by the governing body and shall submit within the
569 time period specified by the governing body, acting as the board
570 of directors, a report on the district's activities and a
571 proposed budget to accomplish its objectives. In formulating a
572 plan for services or improvements, the advisory council ~~board~~
573 shall consult in public session with the appropriate staff or
574 consultants of the local governing body responsible for the
575 district's plan.

576 ~~(3) As an alternative to designating the local governing~~
577 ~~body as the board of directors, a majority of the local~~
578 ~~governing body of a city or county may appoint a board of three~~
579 ~~to seven directors for the district who shall be residents of~~
580 ~~the proposed area and who are subject to ad valorem taxation in~~
581 ~~the residential neighborhood improvement district or who are~~
582 ~~property owners in a commercial neighborhood improvement~~
583 ~~district. The directors shall be appointed for staggered terms~~
584 ~~of 3 years. The initial appointments shall be as follows: one~~
585 ~~director for a 1-year term; one director for a 2-year term; and~~
586 ~~one director for a 3-year term. If more than three directors are~~
587 ~~to be appointed, the additional members shall initially be~~
588 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
589 ~~unexpired portion of a term in the same manner as the initial~~
590 ~~appointments were made. Each director shall hold office until~~
591 ~~his or her successor is appointed and qualified unless the~~
592 ~~director ceases to be qualified or is removed from office. Upon~~



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593 ~~appointment and qualification and in January of each year, the~~
594 ~~directors shall organize by electing from their number a chair~~
595 ~~and a secretary.~~

596 (3)(4) The local governing body may dissolve a district may
597 ~~be dissolved by the governing body by rescinding the ordinance~~
598 ~~creating the district. The local governing body may rescind~~
599 ~~shall consider rescinding the ordinance if presented with a~~
600 ~~petition requesting that it be rescinded. Petitions related to a~~
601 ~~residential local government neighborhood improvement district~~
602 ~~must contain containing the signatures of 60 percent of the~~
603 ~~residents. Petitions related to a commercial local government~~
604 ~~neighborhood improvement district must contain signatures~~
605 ~~representing owners of 60 percent of the land area of the of a~~
606 ~~district.~~

607 Section 13. Section 163.508, Florida Statutes, is amended
608 to read:

609 163.508 Property owners' association neighborhood
610 improvement districts; creation; powers and duties; duration.-

611 (1) After ~~an a local planning~~ ordinance has been adopted
612 authorizing the creation of property owners' association
613 neighborhood improvement districts, the local governing body of
614 a municipality or county may create property owners' association
615 neighborhood improvement districts by the enactment of a
616 separate ordinance for each district, ~~which ordinance:~~

617 (a) Establishes that an incorporated property owners'
618 association representing 75 percent of all owners of property
619 within a proposed district meeting the requirements of this
620 section has petitioned the local governing body ~~of the~~
621 ~~municipality or county~~ for creation of a district for the area



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622 encompassed by the property owned by members of the association.

623 (b) Specifies the boundaries, size, and name of the
624 district.

625 (c) Authorizes the district ~~governing body~~ through mutual
626 agreement with the property owners' association to:

627 1. Request grants ~~a matching grant from the state's Safe~~
628 ~~Neighborhoods Program to prepare the first year's safe~~
629 ~~neighborhood improvement plan. The provider of the local match~~
630 ~~for the state grant shall be mutually agreed upon between the~~
631 ~~governing body and the property owners' association. The~~
632 ~~governing body may agree to provide the match as a no-interest-~~
633 ~~bearing loan to be paid back from assessments imposed by the~~
634 ~~association on its members or shareholders.~~

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

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

641 (d) Provides for an audit of the property owners'
642 association.

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

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

647 (g) Requires the district to notify the department ~~of Legal~~
648 ~~Affairs and the Department of Economic Opportunity~~ in writing of
649 its establishment within 30 days after establishment thereof
650 pursuant to s. 163.5055.



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651 (2) In order to qualify for the creation of a neighborhood
652 improvement district, the property owners shall form an
653 association in compliance with this section, or use an existing
654 property owners' association in compliance with this section,
655 which must shall be a not-for-profit corporation. At least, for
656 ~~profit or not for profit, and of which not less than~~ 75 percent
657 of all property owners within the proposed area must consent
658 ~~have consented~~ in writing to become members ~~or shareholders~~.
659 Upon such consent by 75 percent of the property owners in the
660 proposed district, all consenting property owners and their
661 successors ~~shall~~ become members of the association and are shall
662 ~~be~~ bound by the provisions of the articles of incorporation, the
663 bylaws of the association, the covenants, the deed restrictions,
664 the indentures, and any other properly promulgated restrictions.
665 The association may not shall have a no member ~~or shareholder~~
666 who is not a bona fide owner of property within the proposed
667 district. Upon receipt of its certificate of incorporation, the
668 property owners' association shall notify the clerk of the city
669 or county court, whichever is appropriate, in writing, of such
670 incorporation and shall list the names and addresses of the
671 officers of the association.

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

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

677 (b) To use utilize various legal instruments such as
678 covenants, deed restrictions, and indentures to preserve and
679 maintain the integrity of property, land, and rights-of-way



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680 owned and conveyed to it within the district.

681 (c) To make and collect assessments against all property
682 within the boundaries of the district pursuant to the provisions
683 of s. 163.514(16) and to lease, maintain, repair, and
684 reconstruct any privatized street, land, or common area within
685 the district upon dedication thereof to the association.

686 (d) Without the joinder of any property owner, to modify,
687 move, or create any easement for ingress and egress or for the
688 purpose of utilities, if such easement constitutes part of or
689 crosses district property. However, this does ~~shall~~ not
690 authorize the association to modify or move any easement that
691 ~~which~~ is created in whole or in part for the use or benefit of
692 anyone other than association members, or that ~~which~~ crosses the
693 property of anyone other than association members, without the
694 consent or approval of such person as required by law or by the
695 instrument creating the easement. ~~Nothing in~~ This paragraph does
696 not ~~shall~~ affect the rights of ingress or egress of any member
697 of the association.

698 (4) A property owners' association neighborhood improvement
699 district shall continue in perpetuity as long as the property
700 owners' association created pursuant to this section exists
701 under the applicable laws of the state.

702 Section 14. Subsections (1), (7), (8), and (10) of section
703 163.511, Florida Statutes, are amended to read:

704 163.511 Special neighborhood improvement districts;
705 creation; referendum; board of directors; duration; extension.-

706 (1) After an ~~a local planning~~ ordinance has been adopted
707 authorizing the creation of special neighborhood improvement
708 districts, the local governing body ~~of a municipality or county~~



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709 may declare the need for and create special residential or
710 commercial business neighborhood improvement districts by the
711 enactment of a separate ordinance for each district, which
712 ordinance:

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

715 (b) Authorizes the ~~special neighborhood improvement~~
716 district to levy an ad valorem tax on real and personal property
717 of up to 2 mills annually.

718 (c) Authorizes the district to use ~~of~~ special assessments
719 to support planning and implementation of district improvements
720 pursuant to ~~the provisions of s. 163.514(16), including~~
721 ~~community policing innovations.~~

722 (d) Specifies the boundaries, size, and name of the
723 district.

724 (e) Authorizes the district to receive a planning grant
725 from the department.

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

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

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

735 (i) Requires the district to notify the department ~~of Legal~~
736 ~~Affairs and the Department of Economic Opportunity~~ in writing of
737 its establishment within 30 days after establishment ~~thereof~~



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738 pursuant to s. 163.5055.

739 (j) May authorize a ~~special neighborhood improvement~~
740 district to develop and implement community policing innovations
741 in consultation with the local law enforcement agency having
742 jurisdiction within the district boundaries.

743 (7) The business and affairs of a special neighborhood
744 improvement district shall be conducted and administered by a
745 board of three directors who must ~~shall~~ be residents of or
746 property owners within the proposed area and ~~who are~~ subject to
747 ad valorem taxation in the district. Upon their initial
748 appointment and qualification and in January of each year
749 thereafter, the directors shall organize by electing from their
750 number a chair and a secretary, and may also employ staff and
751 legal representatives as deemed appropriate, who shall serve at
752 the pleasure of the board and may receive such compensation as
753 shall be fixed by the board. The secretary shall keep a record
754 of the proceedings of the district and shall be custodian of all
755 books and records of the district. The directors may ~~shall~~ not
756 receive any compensation for their services or, ~~nor may they~~ be
757 employed by the district.

758 (8) Within 30 days after ~~of~~ the approval of the creation of
759 a special neighborhood improvement district, the local governing
760 body ~~if the district is in a municipality, a majority of the~~
761 ~~governing body of the municipality, or if the district is in the~~
762 ~~unincorporated area of the county, a majority of the county~~
763 ~~commission~~, shall appoint the three directors provided for in
764 this section ~~herein~~ for staggered terms of 3 years. The initial
765 appointments shall be as follows: one for a 1-year term, one for
766 a 2-year term, and one for a 3-year term. Each director holds



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767 ~~shall hold~~ office until his or her successor is appointed and
768 qualified unless the director ceases to be qualified to act as a
769 director or is removed from office. Vacancies on the board shall
770 be filled for the unexpired portion of a term in the same manner
771 as the initial appointments were made.

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

779 Section 15. Section 163.512, Florida Statutes, is amended
780 to read:

781 163.512 Community redevelopment neighborhood improvement
782 districts; creation; advisory council; dissolution.—

783 (1) Upon the recommendation of the community redevelopment
784 agency and after an ~~a local planning~~ ordinance has been adopted
785 authorizing the creation of community redevelopment neighborhood
786 improvement districts, the local governing body of a
787 municipality or county may create community redevelopment
788 neighborhood improvement districts by the enactment of a
789 separate ordinance for each district, ~~which ordinance:~~

790 (a) Specifies the boundaries, size, and name of the
791 district.

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

794 (c) Authorizes the use of the community redevelopment trust
795 fund created pursuant to s. 163.387 for the purposes of



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796 implementing the district's ~~safe~~ neighborhood improvement plan
797 and ~~furthering crime prevention through community policing~~
798 ~~innovations, environmental design, environmental security, and~~
799 ~~defensible space techniques,~~ if the expenditures ~~from the~~
800 ~~community redevelopment trust fund~~ are consistent with the
801 community redevelopment plan created pursuant to s. 163.360.

802 (d) Designates the community redevelopment board of
803 commissioners established pursuant to s. 163.356 or s. 163.357
804 as the board of directors for the district.

805 (e) Establishes an advisory council to the board of
806 directors comprised of property owners or residents of the
807 district.

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

810 (g) Requires that the district's ~~safe~~ neighborhood
811 improvement plan be consistent with the community redevelopment
812 plan created pursuant to s. 163.360, and permits the ~~safe~~
813 neighborhood improvement plan to be included in the community
814 redevelopment plan as an optional element.

815 (h) Requires that the boundaries of the ~~community~~
816 ~~redevelopment~~ district be contained in whole within the
817 community redevelopment area established pursuant to ss. 163.355
818 and 163.356.

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

823 (2) The advisory council shall perform such duties as may
824 be prescribed by the community redevelopment board established



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825 pursuant to s. 163.356 and shall submit within the time period
826 specified by the board of directors a report on the district's
827 activities and a proposed budget to accomplish its objectives.
828 In formulating a plan for services or improvements, the advisory
829 council shall consult in public session with the appropriate
830 staff or consultants of the community redevelopment board
831 ~~responsible for the district's plan.~~

832 (3) The local governing body may dissolve a district ~~may be~~
833 ~~dissolved by the local governing body~~ by rescinding the
834 ordinance creating the district. The local governing body may
835 rescind ~~shall consider rescinding~~ the ordinance if presented
836 with a petition containing the signatures of 60 percent of the
837 residents of a district.

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

839 Section 17. Section 163.514, Florida Statutes, is amended
840 to read:

841 163.514 Powers of neighborhood improvement districts.-
842 Unless prohibited by ordinance, the board of any district is
843 ~~shall be~~ empowered to:

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

846 (2) Have and use a corporate seal.

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

852 (4) Accept grants and donations of any type of property,
853 labor, or other thing of value from any public or private



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854 source.

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

858 (6) Cooperate and contract with other governmental agencies
859 or other public bodies.

860 (7) Contract for services ~~of planning consultants, experts~~
861 ~~on crime prevention through community policing innovations,~~
862 ~~environmental design, environmental security, or defensible~~
863 ~~space, or other experts~~ in areas pertaining to the operations of
864 the board ~~of directors~~ or the district.

865 (8) Contract with the county or municipal government for
866 planning assistance, legal advice, and ~~for~~ increased levels of
867 law enforcement protection and security, including additional
868 personnel.

869 (9) Promote and advertise the commercial advantages of the
870 district so as to attract new businesses and encourage the
871 expansion of existing businesses.

872 (10) Promote and advertise the district to the public and
873 engage in cooperative advertising programs with businesses
874 located in the district.

875 (11) Improve, plan, design, construct, operate, provide,
876 and maintain street lighting, parks, streets, drainage,
877 utilities, swales, parking facilities, transit facilities,
878 landscaping, and open areas, and provide ~~safe~~ access to mass
879 transportation facilities in the district.

880 (12) Undertake innovative approaches to securing
881 neighborhoods from crime, such as crime prevention through
882 community policing innovations, environmental design,



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883 environmental security, and defensible space.

884 (13) Privatize, close, vacate, plan, or replan streets,
885 roads, sidewalks, and alleys, subject to the concurrence of the
886 local governing body and, if required, the state Department of
887 Transportation.

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

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

894 (16) (a) Except for commercial local government neighborhood
895 improvement districts and subject to referendum approval, make
896 and collect special assessments pursuant to ss. 197.3632 and
897 197.3635 to pay for improvements to the district and for
898 reasonable expenses of operating the district, including the
899 payment of expenses included in the district's budget, subject
900 to an affirmative vote by a majority of the registered voters
901 residing in the district. Such assessments may ~~shall~~ not exceed
902 \$500 for each individual parcel of land per year.

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

905 (b) In order to implement this subsection, the city clerk
906 or the supervisor of elections, whichever is appropriate, shall
907 compile a list of the names and last known addresses of the
908 electors in the neighborhood improvement district from the list
909 of registered voters of the county as of the last day of the
910 preceding month. The same shall constitute the registration list
911 for the purposes of a referendum. Within 45 days after



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912 compilation of the voter registration list, the city clerk or
913 the supervisor of elections shall notify each elector of the
914 general provisions of this subsection ~~section~~, including the
915 taxing authority and the date of the upcoming referendum.
916 Notification must ~~shall~~ be by United States mail and, in
917 addition ~~thereto~~, by publication one time in a newspaper of
918 general circulation in the county or municipality in which the
919 district is located.

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

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

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

930 2. Immediately following said information, the following:

931
932 "Do you favor the imposition of a special assessment
933 of not greater than \$500 for each individual parcel of
934 land per year to pay for the expenses of operating the
935 neighborhood improvement district?

936
937Yes, for the special assessment.

938
939No, against the special assessment."
940



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941 (e) Ballots shall be returned by United States mail or by
942 personal delivery.

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

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

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

952 163.5151 Fiscal management; budget preparation.-

953 (3) Each local government and special neighborhood
954 improvement district levying an ad valorem tax on real or
955 personal property shall establish a its budget pursuant to the
956 provisions of chapter 200. Before adopting ~~Prior to adoption of~~
957 the final budget and setting of the millage rate to be levied by
958 the board, the board shall submit a tentative budget and
959 proposed millage rate of the district to the local governing
960 body ~~of the municipality in which the district is located, or to~~
961 ~~the county if the district is located in the unincorporated~~
962 ~~portion of the county,~~ for approval or disapproval. Such local
963 governing body has ~~shall have~~ the power to modify the budget or
964 millage submitted by the board. Subsequent to approval, the
965 board shall adopt its final budget and millage rate in
966 accordance with the requirements of chapter 200.

967 (4) At the option of the county property appraiser for the
968 county within which the neighborhood improvement district is
969 located, ~~the~~ assessments levied by the district may ~~shall~~ be



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970 collected in the same manner as all ad valorem taxes if so
971 requested by the local governing body pursuant to s. 197.363.

972 Section 19. Section 163.516, Florida Statutes, is amended
973 to read:

974 163.516 ~~Safe~~ Neighborhood improvement plans.—

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

978 (a) Demographics of the district.

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

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

981 ~~(d) Determination of the problems of the crime-to-~~
982 ~~environment relationship and the stability of the neighborhood~~
983 ~~improvement district.~~

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

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

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

990 ~~(h) Outline of program participants and their functions and~~
991 ~~responsibilities.~~

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

993 ~~(j) Evaluation guidelines.~~

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

996 (a) Such property as is intended for use as public parks,
997 recreation areas, streets, public utilities, and public
998 improvements of any nature.



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999 (b) Specific identification of any publicly funded capital
1000 improvement projects to be undertaken within the district.

1001 ~~(c) Adequate assurances that the improvements will be~~
1002 ~~carried out pursuant to the plan.~~

1003 ~~(d) Provision for the retention of controls and the~~
1004 ~~establishment of any restrictions or covenants running with land~~
1005 ~~sold or leased for private use for such periods of time and~~
1006 ~~under such conditions as the governing body of the municipality~~
1007 ~~in which the district is located, or the county if the district~~
1008 ~~is located in the unincorporated portion of the county, deems~~
1009 ~~necessary to effectuate the purposes of this part.~~

1010 ~~(c)~~ (e) Projected costs of improvements, including the
1011 amount to be expended on publicly funded capital improvement
1012 projects in the district and any indebtedness of the district,
1013 the county, or the municipality proposed to be incurred if such
1014 indebtedness is to be repaid with district revenues.

1015 ~~(f) Promotion of advertising programs to be undertaken by~~
1016 ~~the district or in conjunction with businesses in the district.~~

1017 ~~(g) Suggested physical improvements necessary for the~~
1018 ~~safety of residents in or visitors to the district.~~

1019 ~~(h) Law enforcement and security plans for the district.~~

1020 (3) The safe neighborhood improvement plan must ~~shall~~:

1021 (a) Be consistent with the adopted comprehensive plan for
1022 the county or municipality pursuant to the Community Planning
1023 Act. A ~~No~~ district plan may not ~~shall~~ be implemented unless the
1024 local governing body has determined that the ~~said~~ plan is
1025 consistent.

1026 (b) Be sufficiently complete to indicate such land
1027 acquisition, demolition and removal of structures, street



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1028 modifications, redevelopment, and rehabilitation as may be
1029 proposed to be carried out in the district.

1030 ~~(c) Provide some method for and measurement of the~~
1031 ~~reduction of crime within the district.~~

1032 ~~(4) The county, municipality, or district may prepare or~~
1033 ~~cause to be prepared a safe neighborhood improvement plan, or~~
1034 ~~any person or agency, public or private, may submit such a plan~~
1035 ~~to a district. Prior to its consideration of a safe neighborhood~~
1036 ~~improvement plan, the district shall submit such plan to the~~
1037 ~~local governing body for review and written approval as to its~~
1038 ~~consistency with the local government comprehensive plan. The~~
1039 ~~district must be notified of approval or disapproval within 60~~
1040 ~~days after receipt of the plan for review, and a revised version~~
1041 ~~of the plan may be submitted to satisfy any inconsistencies. The~~
1042 ~~district may not proceed with the safe neighborhood improvement~~
1043 ~~plan until final approval is given by the local governing body.~~

1044 ~~(4)-(5)~~ Before ~~Prior to~~ adoption of the safe neighborhood
1045 improvement plan, the board must ~~shall~~ hold a public hearing on
1046 the plan after public notice thereof by publication in a
1047 newspaper of general circulation in the county or municipality
1048 in which the district is located. The notice must ~~shall~~ describe
1049 the time, date, place, and purpose of the hearing; identify the
1050 boundaries of the district; and outline the general scope of the
1051 plan.

1052 ~~(5)-(6)~~ The board, after the public hearing, may approve the
1053 ~~safe~~ neighborhood improvement plan if it finds that:

1054 (a) The plan has been approved as consistent with the local
1055 comprehensive plan by the local governing body; and

1056 (b) The plan will improve the promotion, appearance,



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1057 ~~safety, security,~~ and public amenities of the neighborhood
1058 improvement district as stipulated in s. 163.502.

1059 ~~(6)(7)~~ If, at any time after approval of the ~~safe~~
1060 neighborhood improvement plan, it becomes desirable to amend or
1061 modify the plan, the board may do so. ~~Before~~ ~~Prior to~~ any such
1062 amendment or modification, the board must ~~shall~~ obtain written
1063 approval of the local governing body concerning conformity to
1064 the local government comprehensive plan and must hold a public
1065 hearing on the proposed amendment or modification after public
1066 notice thereof by publication in a newspaper of general
1067 circulation in the county or municipality in which the district
1068 is located. The notice must ~~shall~~ describe the time, place, and
1069 purpose of the hearing and generally describe the proposed
1070 amendment or modification.

1071 ~~(8) Pursuant to s. 163.3184, the governing body of a~~
1072 ~~municipality or county shall hold two public hearings to~~
1073 ~~consider the board-adopted safe neighborhood improvement plan as~~
1074 ~~an amendment or modification to the municipality's or county's~~
1075 ~~adopted local comprehensive plan.~~

1076 ~~(9) A safe neighborhood improvement plan for each district~~
1077 ~~shall be prepared and adopted by the municipality or county~~
1078 ~~prior to the levy and expenditure of any of the proceeds of any~~
1079 ~~tax assessment or fee authorized to such districts other than~~
1080 ~~for the preparation of the safe community or business~~
1081 ~~improvement plan.~~

1082 Section 20. Section 163.517, Florida Statutes, is repealed.

1083 Section 21. Section 163.519, Florida Statutes, is repealed.

1084 Section 22. Section 163.521, Florida Statutes, is repealed.

1085 Section 23. Section 163.5215, Florida Statutes, is



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1086 repealed.

1087 Section 24. Section 163.522, Florida Statutes, is repealed.

1088 Section 25. Section 163.523, Florida Statutes, is repealed.

1089 Section 26. Subsection (13) is added to section 163.524,
1090 Florida Statutes, to read:

1091 163.524 Neighborhood Preservation and Enhancement Program;
1092 participation; creation of Neighborhood Preservation and
1093 Enhancement Districts; creation of Neighborhood Councils and
1094 Neighborhood Enhancement Plans.—

1095 (13) Effective July 1, 2013, this section applies only to a
1096 Neighborhood Preservation and Enhancement District and a
1097 Neighborhood Council that are active on or before June 30, 2013.
1098 A Neighborhood Preservation and Enhancement District and a
1099 Neighborhood Council may not be created after June 30, 2013.

1100 Section 27. Section 27. Subsection (4) is added to section
1101 163.526, Florida Statutes, to read:

1102 163.526 Neighborhood Councils and local government
1103 designated agency; powers and duties.—

1104 (4) Effective July 1, 2013, this section applies only to a
1105 Neighborhood Council that is active on or before June 30, 2013.

1106 Section 28. Paragraph (c) of subsection (1) of section
1107 376.84, Florida Statutes, is amended to read:

1108 376.84 Brownfield redevelopment economic incentives.—It is
1109 the intent of the Legislature that brownfield redevelopment
1110 activities be viewed as opportunities to significantly improve
1111 the utilization, general condition, and appearance of these
1112 sites. Different standards than those in place for new
1113 development, as allowed under current state and local laws,
1114 should be used to the fullest extent to encourage the



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1115 redevelopment of a brownfield. State and local governments are
1116 encouraged to offer redevelopment incentives for this purpose,
1117 as an ongoing public investment in infrastructure and services,
1118 to help eliminate the public health and environmental hazards,
1119 and to promote the creation of jobs in these areas. Such
1120 incentives may include financial, regulatory, and technical
1121 assistance to persons and businesses involved in the
1122 redevelopment of the brownfield pursuant to this act.

1123 (1) Financial incentives and local incentives for
1124 redevelopment may include, but not be limited to:

1125 (c) ~~Safe~~ Neighborhood improvement districts as provided in
1126 part IV of chapter 163 ss. 163.501-163.523.

1127 Section 29. Subsection (2) of section 775.083, Florida
1128 Statutes, is amended to read:

1129 775.083 Fines.—

1130 (2) In addition to the fines set forth in subsection (1),
1131 court costs shall be assessed and collected in each instance a
1132 defendant pleads nolo contendere to, or is convicted of, or
1133 adjudicated delinquent for, a felony, a misdemeanor, or a
1134 criminal traffic offense under state law, or a violation of any
1135 municipal or county ordinance if the violation constitutes a
1136 misdemeanor under state law. The court costs imposed by this
1137 section shall be \$50 for a felony and \$20 for any other offense
1138 and shall be deposited by the clerk of the court into an
1139 appropriate county account for disbursement for the purposes
1140 provided in this subsection. A county shall account for the
1141 funds separately from other county funds as crime prevention
1142 funds. The county, in consultation with the sheriff, must expend
1143 such funds for crime prevention programs in the county,



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1144 including ~~safe~~ neighborhood improvement programs under part IV
1145 of chapter 163 ss. ~~163.501-163.523.~~

1146 Section 30. Subsection (5) of section 932.7055, Florida
1147 Statutes, is amended to read:

1148 932.7055 Disposition of liens and forfeited property.-

1149 (5) (a) If the seizing agency is a county or municipal
1150 agency, the remaining proceeds shall be deposited in a special
1151 law enforcement trust fund established by the board of county
1152 commissioners or the governing body of the municipality. These
1153 ~~Such~~ proceeds and interest earned therefrom shall be used for
1154 school resource officer, crime prevention, ~~safe~~ neighborhood
1155 improvement, drug abuse education and prevention programs, or
1156 for other law enforcement purposes, which include defraying the
1157 cost of protracted or complex investigations, providing
1158 additional equipment or expertise, purchasing automated external
1159 defibrillators for use in law enforcement vehicles, and
1160 providing matching funds to obtain federal grants. The proceeds
1161 and interest may not be used to meet normal operating expenses
1162 of the law enforcement agency.

1163 (b) These funds may be expended upon request by the sheriff
1164 to the board of county commissioners or by the chief of police
1165 to the governing body of the municipality, accompanied by a
1166 written certification that the request complies with the
1167 provisions of this subsection, and only upon appropriation to
1168 the sheriff's office or police department by the board of county
1169 commissioners or the governing body of the municipality.

1170 (c) An agency or organization, other than the seizing
1171 agency, that wishes to receive such funds shall apply to the
1172 sheriff or chief of police for an appropriation and its



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1173 application shall be accompanied by a written certification that
1174 the moneys will be used for an authorized purpose. Such requests
1175 for expenditures must ~~shall~~ include a statement describing
1176 anticipated recurring costs for the agency for subsequent fiscal
1177 years. An agency or organization that receives money pursuant to
1178 this subsection shall provide an accounting for such moneys and
1179 shall furnish the same reports as an agency of the county or
1180 municipality that receives public funds. Such funds may be
1181 expended in accordance with the following procedures:

1182 1. Such funds may be used only for school resource officer,
1183 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
1184 education, or drug prevention programs or such other law
1185 enforcement purposes as the board of county commissioners or
1186 governing body of the municipality deems appropriate.

1187 2. Such funds may ~~shall~~ not be a source of revenue to meet
1188 normal operating needs of the law enforcement agency.

1189 3. After July 1, 1992, and during every fiscal year
1190 thereafter, any local law enforcement agency that acquires at
1191 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
1192 within a fiscal year must expend or donate at least ~~no less than~~
1193 15 percent of such proceeds for the support or operation of any
1194 drug treatment, drug abuse education, drug prevention, crime
1195 prevention, ~~safe~~ neighborhood improvement, or school resource
1196 officer program or programs ~~program(s)~~. The local law
1197 enforcement agency has the discretion to determine which program
1198 or programs ~~program(s)~~ will receive the designated proceeds.

1199
1200 Notwithstanding the drug abuse education, drug treatment, drug
1201 prevention, crime prevention, ~~safe~~ neighborhood improvement, or



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1202 school resource officer minimum expenditures or donations, the
1203 sheriff and the board of county commissioners or the chief of
1204 police and the governing body of the municipality may agree to
1205 expend or donate such funds over a period of years if the
1206 expenditure or donation of such minimum amount in any given
1207 fiscal year would exceed the needs of the county or municipality
1208 for such program or programs ~~program(s)~~. ~~Nothing in~~ This section
1209 does not preclude ~~precludes~~ the expenditure or donation of
1210 forfeiture proceeds in excess of the minimum amounts established
1211 in this subsection ~~herein~~.

1212 Section 31. This act shall take effect July 1, 2013.

1213
1214 ===== T I T L E A M E N D M E N T =====

1215 And the title is amended as follows:

1216 Delete everything before the enacting clause
1217 and insert:

1218 A bill to be entitled
1219 An act relating to neighborhood improvement districts;
1220 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
1221 and 163.387, F.S.; conforming provisions to changes
1222 made by the act; amending s. 163.501, F.S.; renaming
1223 the "Safe Neighborhoods Act" as the "Neighborhoods
1224 Improvement Act"; amending s. 163.502, F.S.; revising
1225 legislative findings and purpose; amending s. 163.503,
1226 F.S.; revising and deleting definitions; amending s.
1227 163.5035, F.S.; conforming provisions to changes made
1228 by the act; amending s. 163.504, F.S.; authorizing the
1229 governing body of any municipality or county to form a
1230 neighborhood improvement district through the adoption



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1231 of an ordinance rather than by a planning ordinance;
1232 deleting provisions relating to the creation and
1233 funding of safe neighborhood improvement districts;
1234 amending s. 163.5055, F.S.; requiring each
1235 neighborhood improvement district authorized under law
1236 to provide the Department of Economic Opportunity with
1237 certain information; requiring a local governing body
1238 to notify the department of a dissolution of a
1239 district; deleting an obsolete provision; amending s.
1240 163.506, F.S.; revising provisions authorizing a local
1241 governing body to create a residential or commercial
1242 local government neighborhood improvement district by
1243 the enactment of an ordinance; revising the
1244 requirements of the ordinance; specifying that the
1245 ordinance may authorize residential or commercial
1246 local government neighborhood improvement districts to
1247 borrow money, contract loans, and issue bonds or other
1248 evidence of indebtedness; authorizing the governing
1249 body of the improvement district to levy ad valorem
1250 taxes upon real and tangible personal property within
1251 the district; authorizing a commercial local
1252 government neighborhood improvement district to make
1253 and collect special assessments; conditioning the
1254 exercise of certain powers by a residential local
1255 government neighborhood improvement district on
1256 approval by the local governing body and a referendum;
1257 conditioning the exercise of power by a commercial
1258 local government neighborhood improvement district to
1259 borrow money; contract loans; issue bonds; charge,



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1260 collect, and enforce fees; make and collect special
1261 assessments; and levy ad valorem taxes upon real and
1262 tangible personal property within the district upon
1263 the approval of a referendum by the freeholders of the
1264 district; providing ballot requirements; removing
1265 provisions allowing an alternative organization for
1266 the board of directors; revising requirements for
1267 dissolving a district; amending s. 163.508, F.S.,
1268 relating to property owners' association neighborhood
1269 improvement districts; revising the requirements for
1270 creating a property owners' association neighborhood
1271 improvement district by the enactment of a separate
1272 ordinance for each district; authorizing the governing
1273 body to request grants; requiring that the property
1274 owners form an association or use an existing property
1275 owners' association that is a not-for-profit
1276 corporation; amending s. 163.511, F.S., relating to
1277 special neighborhood improvement districts; revising
1278 provisions to conform to changes made by the act;
1279 revising the method of appointing and removing
1280 directors of the district; amending s. 163.512, F.S.;
1281 revising provisions authorizing a municipality or
1282 county to create a community redevelopment
1283 neighborhood improvement district; authorizing the
1284 district to receive grants and other funding;
1285 providing that the local governing body may dissolve
1286 the district under certain circumstances; repealing s.
1287 163.513, F.S., relating to crime prevention through
1288 community policing innovations; amending s. 163.514,



1289 F.S.; revising the powers of the board of a
1290 neighborhood improvement district; authorizing the
1291 district to contract for services in areas pertaining
1292 to the operations of the board or the district;
1293 authorizing the district to improve, plan, design,
1294 construct, operate, provide, and maintain certain
1295 facilities; authorizing a district, except for a
1296 commercial local government neighborhood improvement
1297 district, to collect special assessments under certain
1298 circumstances and following implementation of
1299 designated procedures; amending s. 163.5151, F.S.;
1300 requiring a local government and a special
1301 neighborhood improvement district levying an ad
1302 valorem tax on real or personal property to prepare a
1303 budget in a specified manner; amending s. 163.516,
1304 F.S.; requiring that neighborhood improvement plans be
1305 created for each improvement district; revising the
1306 contents of the neighborhood improvement plan;
1307 conforming provisions to changes made by the act;
1308 repealing s. 163.517, F.S., relating to the Safe
1309 Neighborhoods Program; repealing s. 163.519, F.S.,
1310 relating to the duties of the Department of Legal
1311 Affairs relating to neighborhood improvement
1312 districts; repealing s. 163.521, F.S., relating to
1313 funding for a neighborhood improvement district inside
1314 an enterprise zone; repealing s. 163.5215, F.S.,
1315 relating to the effect and construction of existing
1316 laws relating to neighborhood improvement districts;
1317 repealing s. 163.522, F.S., relating to state



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1318 redevelopment programs; repealing s. 163.523, F.S.,
1319 relating to cooperation and involvement of community
1320 organizations in the creation of safe neighborhood
1321 improvement districts; amending s. 163.524, F.S.;
1322 limiting application of provisions governing
1323 Neighborhood Preservation and Enhancement District and
1324 Neighborhood Council to those districts and councils
1325 that are active on or before a specified date;
1326 prohibiting a new Neighborhood Preservation and
1327 Enhancement District and Neighborhood Councils from
1328 being created after a specified date; amending ss.
1329 163.526, 376.84, 775.083, and 932.7055, F.S.;
1330 conforming provisions to changes made by the act;
1331 providing an effective date.