

ORDINANCE NO. 2011-28

1 AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,  
2 RELATING TO NEIGHBORHOOD IMPROVEMENT  
3 DISTRICTS; AMENDING CHAPTER 40, ORLANDO CITY  
4 CODE TO CREATE THE DOWNTOWN SOUTH  
5 NEIGHBORHOOD IMPROVEMENT DISTRICT;  
6 PROVIDING JURISDICTIONAL BOUNDARIES FOR THE  
7 DISTRICT; PROVIDING POWERS OF THE DISTRICT,  
8 INCLUDING THE AUTHORITY TO LEVY AN AD  
9 VALOREM TAX OF UP TO TWO MILLS ANNUALLY,  
10 SUBJECT TO APPROVAL BY REFERENDUM, AND THE  
11 AUTHORITY TO MAKE AND COLLECT SPECIAL  
12 ASSESSMENTS OF UP TO \$500 PER PARCEL PER YEAR,  
13 SUBJECT TO APPROVAL BY REFERENDUM;  
14 PROVIDING FOR A BOARD OF DIRECTORS AND AN  
15 ADVISORY COUNCIL; PROVIDING THE AUTHORITY  
16 TO CONTRACT FOR DISTRICT STAFF; REQUIRING A  
17 NEIGHBORHOOD IMPROVEMENT PLAN; PROVIDING  
18 FOR NOTICES TO THE STATE OF FLORIDA AND FOR A  
19 REFERENDUM; PROVIDING FOR SEVERABILITY,  
20 REPEAL OF CONFLICTING ORDINANCES,  
21 CODIFICATION, CORRECTION OF SCRIVENER'S  
22 ERRORS, AND AN EFFECTIVE DATE.  
23

24 WHEREAS, at section 163.502(1), Florida Statutes, the Florida Legislature found and  
25 declared, and the City Council of the City of Orlando, Florida (the "Orlando City Council"),  
26 hereby finds and declares that among the many causes of deterioration in the business and  
27 residential neighborhoods of the state are the following: proliferation of crime, automobile traffic  
28 flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts,  
29 fragmentation of land uses and parking areas necessitating frequent automobile movement, lack  
30 of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic  
31 lanes and railroad traffic, and excessive noise levels from automobile traffic; and  
32

33 WHEREAS, with the enactment of the Safe Neighborhood Act, Part IV, Chapter 163,  
34 Florida Statutes, the Florida Legislature authorized the creation of neighborhood improvement  
35 districts by municipal and county governments in Florida for the purpose of planning, designing,  
36 financing, constructing, operating, maintaining, and otherwise providing important public goods  
37 and services to the business and residential neighborhoods of the state; and  
38

39 WHEREAS, on September 20, 2010, the Downtown South Neighborhood Improvement  
40 District Exploratory Committee issued a report to the Orlando City Council recommending that  
41 the Council create a neighborhood improvement district for the Downtown South neighborhood;  
42 and  
43

44 WHEREAS, on March 28, 2011, the Orlando City Council adopted ordinance number  
45 2011-3, amending Chapter 40, Code of the City of Orlando, Florida (the "Orlando City Code"),  
46 to create the Orlando Neighborhood Improvement District Code; and

City Council Meeting: 2.25.11  
New: 11-2 Documentary: 10/25/11

ORDINANCE NO. 2011-28

47           **WHEREAS**, the Orlando Neighborhood Improvement District Code authorizes the  
48 creation of local government neighborhood improvement districts within the City of Orlando;  
49 and  
50

51  
52           **WHEREAS**, all persons, businesses, and organizations interested in the advancement of  
53 the Downtown South Neighborhood Improvement District are hereby encouraged to join and  
54 support the City's Downtown South Main Street district and the City's Downtown South Main  
55 Street district and its members are hereby encouraged to support the improvement efforts  
56 undertaken by the Downtown South Neighborhood Improvement District; and  
57

58           **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**  
59 **CITY OF ORLANDO, FLORIDA:**

60  
61           **SECTION 1. CHAPTER 40, AMENDED.** Chapter 40, Code of the City of Orlando,  
62 Florida, is hereby amended as follows:  
63

64           \*\*\*\*

65  
66                                   **Article II. Downtown South~~Reserved.~~**

67  
68                           **Sec. 40.11. Downtown South Neighborhood Improvement District Created.**

69  
70           Pursuant to section 163.506, Florida Statutes, and section 40.4, Orlando City Code, there  
71 is hereby created a local government neighborhood improvement district to be known as the  
72 "Downtown South Neighborhood Improvement District" (hereinafter referred to as the  
73 "district"). The district may adopt and use a different name for branding and marketing  
74 purposes.  
75

76                           **Sec. 40.12. Boundaries and size of the district.**

77  
78           The jurisdictional boundaries of the district are hereby established as depicted in Figure  
79 40.12-1. The district boundaries contain approximately 717 acres.  
80

81 [Drafter's note to the editor: Please insert Figure 40.12-1, attached to this ordinance as "Exhibit  
82 'A'," here.]  
83

84                           **Sec. 40.13. Grants.**

85  
86           Pursuant to section 163.506(b), Florida Statutes, the district is hereby authorized to  
87 receive grants of any kind from the Florida Department of Legal Affairs. The district is also  
88 hereby authorized to seek and receive grants from other sources if approved by the board of  
89 directors.  
90

91                           **Sec. 40.14. Ad valorem tax and special assessments.**  
92

ORDINANCE NO. 2011-28

93        (1) Subject to approval by referendum, and pursuant to section 163.506(c), Florida  
94 Statutes, the district may levy an ad valorem tax on real and personal property of up to two mills  
95 annually. The referendum required by this section shall be as provided by ordinance.  
96

97        (2) Pursuant to section 163.506(d), Florida Statutes, the district is hereby authorized to  
98 make and collect special assessments in accordance with section 163.514(16), Florida Statutes.  
99

100        **Sec. 40.15. Board of directors.**  
101

102        Pursuant to section 163.506(e), Florida Statutes, the Orlando City Council is hereby  
103 designated as the board of directors for the district. The presiding officer of the Orlando City  
104 Council shall be the presiding officer of the board of directors and the board shall conduct its  
105 business according to the rules of order of the Orlando City Council.  
106

107        **Sec. 40.16. Advisory council.**  
108

109        (1) Established. Pursuant to section 163.506(f), Florida Statutes, there is hereby  
110 established an advisory council to the board of directors. The advisory council shall be known as  
111 the "Downtown South Neighborhood Improvement District Advisory Council."  
112

113        (2) Membership. The advisory council shall consist of five members. Each member  
114 must own property in the district, represent a corporate owner of property within the district, or  
115 reside in the district. Members must be nominated and appointed to the advisory council  
116 pursuant to Article XV, Chapter 2, Orlando City Code. At least one member of the advisory  
117 council must be a representative of Orlando Health, at least one other member must be an owner  
118 of land within the district that is designated for industrial use on the City's future land use map,  
119 and at least one other member must be both a member and representative of the City's  
120 Downtown South Orlando Main Street district and an owner of land abutting Orange Avenue and  
121 that is designated as mixed use corridor or activity center on the City's future land use map and  
122 utilized for retail or commercial uses. In the event that a member and representative of the City's  
123 Downtown South Main Street district and owner of land abutting Orange Avenue that is  
124 designated as mixed use corridor or activity center on the City's future land use map is not  
125 available to serve on the advisory council, then this seat on the advisory council must be filled by  
126 an owner of land abutting Orange Avenue that is designated as mixed use corridor or activity  
127 center on the City's future land use map and utilized for retail or commercial uses.  
128

129        (3) Meetings. Regular meetings of the advisory council may be held no more than once  
130 per calendar month. The council is responsible for scheduling regular meetings and should issue  
131 a schedule of the regular meetings for the forthcoming calendar year by November 1 of each  
132 year. Special meetings may be called by the chair of the council.  
133

134        (4) Rules of order. The advisory council shall conduct its business according to the rules  
135 of order before boards and commissions as adopted by the Orlando City Council. The advisory  
136 council may adopt and use supplemental rules of order that are not inconsistent with the rules of  
137 order before boards and commissions as adopted by the Orlando City Council.  
138

ORDINANCE NO. 2011-28

139        (5) Responsibilities. The primary responsibility of the advisory council is to assist the  
140 board of directors in governing the affairs of the district. Pursuant to section 163.506(2), Florida  
141 Statutes, the advisory council shall perform such duties as may be prescribed by the board of  
142 directors and shall submit within the time period specified by the board of directors, a report on  
143 the district's activities and a proposed budget to accomplish the district's objectives. In  
144 formulating a plan for services or improvements the advisory council shall consult in public  
145 session with the appropriate staff or consultants of the City and district. The duties assigned to  
146 the advisory council shall be set forth in by-laws adopted by the board of directors.  
147

148        Sec. 40.17. District staff. The district may contract with the City for the provision of  
149 professional services. Subject to agreement between the district and the City, the City may  
150 provide engineering, planning, legal, procurement, and other professional, managerial, and  
151 administrative support. The city clerk or designee shall be the secretary of the board of directors  
152 and the city attorney shall be the board's attorney. The district may also hire consultants and  
153 employees as it deems necessary and proper.  
154

155        Sec. 40.18. Neighborhood improvement plan. All plans required by law to be  
156 undertaken by the district, and any other plan deemed advisable by the advisory council, shall be  
157 compiled in a unified neighborhood improvement plan to be known as the "Downtown South  
158 Neighborhood Improvement Plan." The plan shall be prepared by the advisory council, but is  
159 subject to review and approval by the board of directors. All amendments to the adopted plan  
160 are likewise subject to review and approval by the board of directors. The advisory council  
161 should regularly review the plan and should propose amendments thereto whenever it deems  
162 appropriate. All expenditures of district funds must be consistent with the neighborhood  
163 improvement plan.  
164

165        Sec. 40.19. Powers of the district. The district shall have all powers authorized by  
166 section 163.514, Florida Statutes, and all other powers provided by law.  
167

168 Secs. 40.20 – 40.29. Reserved.  
169

Article III. Reserved.

170  
171  
172        **SECTION 2. NOTICES TO THE STATE OF FLORIDA.** In accordance with  
173 section 163.506(h), Florida Statutes, the district is hereby directed to notify the Department of  
174 Legal Affairs and the Department of Community Affairs or its successor agency in writing of its  
175 establishment within 30 days thereof pursuant to section 163.5055, Florida Statutes.  
176

177        **SECTION 3. INITIAL ADVISORY COUNCIL MEMBERS.** The Mayor shall  
178 submit to Council his initial appointments to the advisory council within 90 days of the effective  
179 date of this ordinance.  
180

181        **SECTION 4. DISTRICT BY-LAWS.** The board of directors shall adopt initial by-  
182 laws within 180 days of the effective date of this ordinance. The initial by-laws must incorporate  
183 an assignment of duties to the advisory council as recommended by the Downtown South

ORDINANCE NO. 2011-28

184 Neighborhood Improvement District Exploratory Committee Final Report, dated September 20,  
185 2010.

186

187 **SECTION 5. REFERENDUM.** The exercise by the district of the power to levy an ad  
188 valorem tax on real and personal property of up to two mills annually is hereby conditioned on  
189 approval by referendum as described in this section.

190

191 (1) Within 45 days following the date the Orlando City Council adopts a resolution  
192 calling for a referendum pursuant to this section, the city clerk shall certify the resolution and  
193 compile a list of the names and last known addresses of the freeholders in the Downtown South  
194 Neighborhood Improvement District from the tax assessment roll of Orange County as of  
195 December 31 in the year preceding the year in which the resolution was adopted. Except as  
196 otherwise provided in this section, the list shall constitute the registration list for the purposes of  
197 the freeholders' referendum required under this section.

198

199 (2) Within 45 days after compilation of the freeholders' registration list pursuant to  
200 subsection (1), the city clerk shall notify each such freeholder of the general provisions of this  
201 section, including the taxing authority and the date of the upcoming referendum, and the method  
202 provided for submitting corrections to the registration list if the status of the freeholder has  
203 changed since the compilation of the tax rolls. Notification shall be by United States mail and, in  
204 addition thereto, by publication one time in a newspaper of general circulation in City of  
205 Orlando.

206

207 (3) Any freeholder whose name does not appear on the tax rolls compiled pursuant to  
208 subsection (1) may register to vote with the city clerk. The registration list shall remain open for  
209 75 days after enactment of the resolution calling for the referendum.

210

211 (4) Within 15 days after the closing of the registration list, the city clerk shall send a  
212 ballot to each registered freeholder at his or her last known mailing address by first-class United  
213 States mail. The ballot shall include:

214

215 a. A description of the general provisions of the Orlando Neighborhood  
216 Improvement District Code, including Article II of said Code, and this section;

217

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

219

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

221

222 d. Immediately following the information, the following:

223

224 "Do you favor authorizing the Downtown South Neighborhood  
225 Improvement District to levy up to 2 mills of ad valorem taxes by  
226 such proposed district?

227

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

ORDINANCE NO. 2011-28

230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275

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

(5) Ballots shall be returned by United States mail or by personal delivery.

(6) All ballots received within 120 days after adoption of the resolution shall be tabulated by the city clerk, who shall certify the results thereof to the Orlando City Council no later than 5 days after the 120-day period.

(7) The freeholders shall be deemed to have approved the authority to levy an ad valorem tax on real and personal property of up to two mills annually at such time as the city clerk certifies to the Orlando City Council that approval has been given by freeholders representing in excess of 50 percent of the assessed value of the property within the district.

(8) The city clerk shall enclose with each ballot sent pursuant to this paragraph two envelopes: a secrecy envelope, into which the freeholder shall enclose the marked ballot; and a mailing envelope, into which the freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk. The back side of the mailing envelope shall bear a certificate in substantially the following form:

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

VOTER'S CERTIFICATE

I, ..., am a duly qualified and registered freeholder of the Downtown South Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

...(Voter's Signature)

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

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

...(Signature of Witness)...

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

ORDINANCE NO. 2011-28

276 The certificate shall be arranged on the back of the mailing envelope so that the lines for  
277 the signatures of the freeholder and the attesting witness are across the seal of the envelope;  
278 however, no statement shall appear on the envelope which indicates that a signature of the  
279 freeholder or witness must cross the seal of the envelope. The freeholder and the attesting  
280 witness shall execute the certificate on the envelope.  
281

282 10. The city clerk shall enclose with each ballot sent to a freeholder pursuant to this  
283 section separate printed instructions in substantially the following form:  
284

285 **READ THESE INSTRUCTIONS CAREFULLY BEFORE**  
286 **MARKING BALLOT.**  
287

288 a. **VERY IMPORTANT.** In order to ensure that your ballot will  
289 be counted, it should be completed and returned as soon as  
290 possible so that it can reach the city clerk no later than 7 p.m. on  
291 the (final day of the 120-day period given here).  
292

293 b. Mark your ballot in secret as instructed on the ballot.  
294

295 c. Place your marked ballot in the enclosed secrecy envelope.  
296

297 d. Insert the secrecy envelope into the enclosed mailing  
298 envelope, which is addressed to the city clerk.  
299

300 e. Seal the mailing envelope and completely fill out the Voter's  
301 Certificate on the back of the mailing envelope.  
302

303 f. **VERY IMPORTANT.** Sign your name on the line provided for  
304 "(Voter's Signature)."  
305

306 g. **VERY IMPORTANT.** In order for your ballot to be counted, it  
307 must include the signature and address of a witness 18 years of age  
308 or older affixed to the voter's certificate.  
309

310 h. Mail, deliver, or have delivered the completed mailing  
311 envelope. Be sure there is sufficient postage if mailed.  
312

313 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its application to  
314 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
315 applications of this ordinance which can be given effect without the invalid provision or  
316 application, and to this end the provisions of this ordinance are severable.  
317

318 **SECTION 7. REPEAL.** All ordinances or parts of ordinances previously adopted and  
319 in conflict with this ordinance are hereby repealed.  
320

ORDINANCE NO. 2011-28

321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363

**SECTION 8. CODIFICATION.** The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 9. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.


**SECTION 10. EFFECTIVE DATE.** This ordinance takes effect immediately upon final passage.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this 11 day of July, 2011.

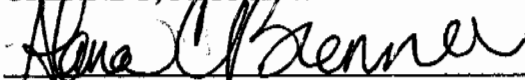
**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 11 day of July, 2011.

**DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 25 day of July, 2011.

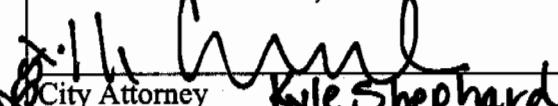
BY THE MAYOR/MAYOR PRO TEMPORE OF  
THE CITY OF ORLANDO, FLORIDA:

  
\_\_\_\_\_  
~~Mayor~~ / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

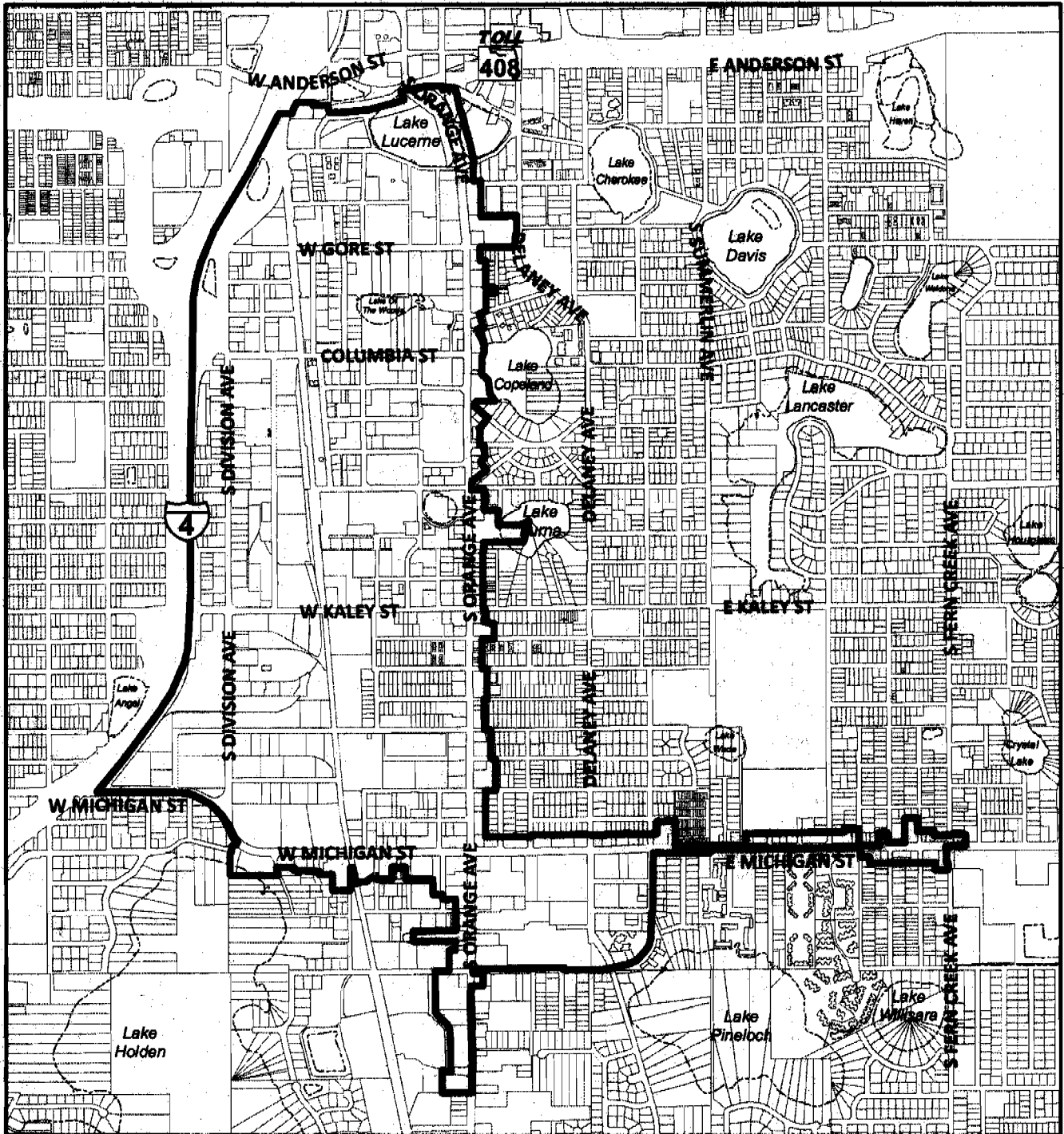
  
\_\_\_\_\_  
City Attorney

\*\*[Remainder of page intentionally left blank.]\*\*

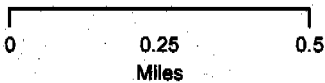


Figure  
40.12-1

# Downtown South Neighborhood Improvement District



## LEGEND



Downtown South  
Neighborhood Improvement District



# Orlando Sentinel

City Of Orlando  
400 S ORANGE AVE  
CITY OF ORLANDO  
ORLANDO, FL 32801-3360

*[Handwritten signature]*  
*[Handwritten text: Put from 7/25]*  
*[Handwritten initials]*

Before the undersigned authority personally appeared Jennifer Irwin/Tamela Vargas/Deborah M. Toney, who on oath says that s/he is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published in Orange County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of Ordinance #2011-28 in the Orange County was published in said newspaper in the issue(s); of

07/14/11

Affiant further says that the said Orlando Sentinel is a newspaper published in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each week day and has been entered as second-class mail matter at the post office in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that s/he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 14 day of July, 2011, Jennifer Irwin/Tamela Vargas/Deborah M. Toney, who is personally known to me and who did take an oath.

*[Handwritten signature: Tamela Vargas]*

*[Handwritten signature: Deborah M. Toney]*



DEBORAH M. TONEY  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# DD938521  
Expires 11/18/2013