

ORDINANCE NO. C-19-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT PURSUANT TO SECTION 163.506, FLORIDA STATUTES, TO BE KNOWN AS THE BERMUDA RIVIERA NEIGHBORHOOD IMPROVEMENT DISTRICT AND ESTABLISHING BOUNDARIES, POWERS AND PROCEDURES THEREFOR, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Safe Neighborhoods Act, Section 163.501 et seq., Florida Statutes, provides that the governing body of a municipality may adopt an ordinance authorizing the formation of Safe Neighborhood Improvement Districts in accordance with the provisions of that Act; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, has adopted Ordinance No. C-87-80, authorizing the creation of Local Government Improvement Districts under the Safe Neighborhoods Act within the City of Fort Lauderdale; and

WHEREAS, the Bermuda Riviera Association, Inc., has formally requested Local Government Neighborhood Improvement District designation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. District Created. A Local Government Neighborhood Improvement District is hereby created pursuant to Section 163.506, Florida Statutes, to be known as the "Bermuda Riviera Neighborhood Improvement District" and to include all of the plat, "Bermuda-Riviera Subdivision of Galt Ocean Mile", according to the plat thereof, as recorded in Plat Book 38, Page 46, of the Public Records of Broward County, Florida, in Section 19, Township 49 South, Range 43 East, less all of Blocks "B" and "I" of said plat, said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

SECTION 2. Name of District. The Local Government Neighborhood Improvement District created hereby shall be known as the "Bermuda Riviera Neighborhood Improvement District".

SECTION 3. Authority to apply for and receive grant. The Local Government Neighborhood Improvement District created hereby is authorized to apply for and receive a planning grant from the Florida Department of Legal Affairs Safe Neighborhoods Trust Fund.

SECTION 4. Ad valorem tax. The District is authorized to levy ad valorem tax on real and personal property within the District up to two mills annually, subject to the limitation imposed by Florida Statutes and City ordinance, and further subject to such reasonable constraints as the District may impose on the exercise of that power by, through or under its by-laws.

SECTION 5. Special assessments. The District is authorized to use special assessments in accordance with the Safe Neighborhoods Act, subject to the terms of Section 163.514(16), Florida Statutes, as same may be amended from time to time, and subject to such further limitations as may be imposed upon the District by Florida Statutes, City ordinances or such reasonable constraints as the District may impose on the exercise of that power by, through or under its by-laws.

SECTION 6. Appointment of Board of Directors. A majority of the City Commission of the City of Fort Lauderdale shall appoint a board of seven Directors for the District who shall be residents of the District and who are subject to ad valorem taxation in the residential neighborhood improvement district. The Directors shall be appointed for staggered terms of three years. The initial appointments shall be as follows: one Director for a one-year term; one Director for a two-year term; and five Directors for three-year terms. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made. Each Director shall hold office until his successor is appointed and qualified unless the Director ceases to be qualified or is removed from office. Upon appointment and qualification and, in January of each year, the Directors shall organize by electing from their number a chairman and a secretary. The City Commission for District 2 shall serve as an ex-officio non-voting member of the appointed Board of Directors.

SECTION 7. Removal of Director. At a regularly scheduled meeting of the City Commission of the City of Fort Lauderdale and upon notice to the member(s) of the appointed Board of Directors to be affected, any or all of the appointed Directors of the Board may be removed, with or without cause, by a majority vote of the City Commission.

SECTION 8. District budget and levy. The District shall establish its budget pursuant to the provisions of Chapter 200, Florida Statutes, and other applicable state statutes. Prior to the adoption of a final annual budget and setting of the millage rate or assessment level for the ensuing fiscal year, the appointed Board of Directors shall submit a tentative budget, including proposed millage rate or assessment level, or both, to the City Commission of the City of Fort Lauderdale for approval or disapproval. The City Commission shall have the power to approve, disapprove or modify the budget, the millage rate or the assessment level submitted by the appointed Board of Directors. Subsequent to approval, the appointed Board of Directors shall

adopt its final budget, including millage rate or assessment level or both in accordance with the requirements of Chapter 200, Florida Statutes, and other applicable state statutes.

SECTION 9. Establishment of Advisory Council. An Advisory Council is hereby established for the Local Government Neighborhood Improvement District created hereby. The Advisory Council shall be composed of seven members who shall be owners of real property located in the District of residents of the District. The members of the Advisory Council shall be appointed by the appointed Board of Directors and serve at the pleasure of the appointed Board of Directors. The Advisory Council shall perform such duties as may be prescribed by the appointed Board of Directors and shall submit within the time period specified by the appointed Board of Directors, a report on the District's proposed activities and a proposed budget to accomplish the District's objectives. In formulating a plan for services or improvements, the Advisory Council shall consult in public session with the appropriate staff or consultants of the City of Fort Lauderdale responsible for the District's plan.

SECTION 10. Designation of District powers. Except as to those powers expressly prohibited herein, the appointed Board of Directors for the District is granted authority to exercise all powers enumerated in Section 163.514, Florida Statutes, as same may be amended from time to time, but subject to the limitations contained herein. The appointed Board of Directors is expressly prohibited from exercising the following powers:

1. Promote and advertise the commercial advantages of the District so as to attract new businesses and encourage the expansion of existing businesses.
2. Promote and advertise the District to the public and engage in cooperative advertising programs with businesses located in that District.
3. Improve drainage and utilities and provide safe access to mass transportation facilities in the District.
4. Privatize, close or vacate streets, roads, sidewalks or alleys within the District.
5. Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.

6. Levy and collect in any one budget year both ad valorem taxes and special assessments (as authorized by Sections 4 and 5 of this ordinance and applicable Florida Statutes)

SECTION 11. Registration of District. The District shall, within 30 days of the effective date hereof, register with the State of Florida Department of Legal Affairs and the Department of Community Affairs in accordance with Section 163.5055, Florida Statutes.

SECTION 12. If any clause, section or other part or application of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

SECTION 13. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 14. This ordinance shall become effective ten (10) days from the date of final passage.

PASSED FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI