

By Senator Bennett

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1 A bill to be entitled
2 An act relating to special assessments for the
3 purchase of renewable energy for a municipality;
4 amending s. 170.01, F.S.; authorizing a municipality
5 to collect special assessments to pay the additional
6 costs to purchase renewable energy for the
7 municipality; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 170.01, Florida Statutes, is amended to
12 read:

13 170.01 Authority for providing improvements and levying and
14 collecting special assessments against property benefited.—

15 (1) Any municipality of this state may, by its governing
16 authority:

17 (a) Provide for the construction, reconstruction, repair,
18 paving, repaving, hard surfacing, rehard surfacing, widening,
19 guttering, and draining of streets, boulevards, and alleys; for
20 grading, regrading, leveling, laying, relaying, paving,
21 repaving, hard surfacing, and rehard surfacing of sidewalks; for
22 constructing or reconstructing permanent pedestrian canopies
23 over public sidewalks; and in connection with any of the
24 foregoing, provide related lighting, landscaping, street
25 furniture, signage, and other amenities as determined by the
26 governing authority of the municipality;

27 (b) Order the construction, reconstruction, repair,
28 renovation, excavation, grading, stabilization, and upgrading of
29 greenbelts, swales, culverts, sanitary sewers, storm sewers,

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30 outfalls, canals, primary, secondary, and tertiary drains, water
31 bodies, marshlands, and natural areas, all or part of a
32 comprehensive stormwater management system, including the
33 necessary appurtenances and structures thereto and including,
34 but not limited to, dams, weirs, and pumps;

35 (c) Order the construction or reconstruction of water
36 mains, water laterals, alternative water supply systems,
37 including, but not limited to, reclaimed water, aquifer storage
38 and recovery, and desalination systems, and other water
39 distribution facilities, including the necessary appurtenances
40 thereto;

41 (d) Pay for the relocation of utilities, including the
42 placement underground of electrical, telephone, and cable
43 television services, pursuant to voluntary agreement with the
44 utility, but nothing contained in this paragraph shall affect a
45 utility's right to locate or relocate its facilities on its own
46 initiative at its own expense;

47 (e) Provide for the construction or reconstruction of parks
48 and other public recreational facilities and improvements,
49 including appurtenances thereto;

50 (f) Provide for the construction or reconstruction of
51 seawalls;

52 (g) Provide for the drainage and reclamation of wet, low,
53 or overflowed lands;

54 (h) Provide for offstreet parking facilities, parking
55 garages, or similar facilities;

56 (i) Provide for mass transportation systems;

57 (j) Provide for improvements to permit the passage and
58 navigation of watercraft; ~~and~~

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59 (k) Pay the additional costs of renewable energy, as
60 defined in s. 366.91, which are in excess of a public utility's
61 full avoided costs, as defined in s. 366.051, pursuant to an
62 agreement with the public utility; and

63 (l)~~(k)~~ Provide for the payment of all or any part of the
64 costs of any such improvements by levying and collecting special
65 assessments on the abutting, adjoining, contiguous, or other
66 specially benefited property.

67
68 However, offstreet parking facilities, parking garages, or other
69 similar facilities and mass transportation systems must be
70 approved by vote of a majority of the affected property owners.
71 Any municipality which is legally obligated for providing
72 capital improvements for water, alternative water supplies,
73 including, but not limited to, reclaimed water, water from
74 aquifer storage and recovery, and desalination systems, or sewer
75 facilities within an unincorporated area of the county may
76 recover the costs of the capital improvements by levying and
77 collecting special assessments for the purposes authorized in
78 this section on the specially benefited property; however,
79 collections of the special assessment shall not take place until
80 the specially benefited property connects to the capital
81 improvement.

82 (2) Special assessments may be levied only for the purposes
83 enumerated in this section and shall be levied only on benefited
84 real property at a rate of assessment based on the special
85 benefit accruing to such property from such improvements when
86 the improvements funded by the special assessment provide a
87 benefit which is different in type or degree from benefits

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88 provided to the community as a whole.

89 (3) Any municipality, subject to the approval of a majority
90 of the affected property owners, may levy and collect special
91 assessments against property benefited for the purpose of
92 stabilizing and improving:

93 (a) Retail business districts,

94 (b) Wholesale business districts, or

95 (c) Nationally recognized historic districts,

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97 or any combination of such districts, through promotion,
98 management, marketing, and other similar services in such
99 districts of the municipality. This subsection does not
100 authorize a municipality to use bond proceeds to fund ongoing
101 operations of these districts.

102 Section 2. This act shall take effect July 1, 2011.