

By Senator Bennett

21-00232-12

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1 A bill to be entitled  
2 An act relating to the Coastal Barriers Infrastructure  
3 Finance Act; providing a directive to the Division of  
4 Statutory Revision; creating s. 163.71, F.S.;  
5 providing a short title; creating s. 163.72, F.S.;  
6 providing legislative intent; creating s. 163.73,  
7 F.S.; providing definitions; creating s. 163.74, F.S.;  
8 providing a procedure for petitioning for and  
9 conducting a referendum on the question of whether to  
10 establish an infrastructure-financing district;  
11 creating s. 163.75, F.S.; providing the powers of the  
12 governing body of a district; creating s. 163.76,  
13 F.S.; requiring the establishment of an infrastructure  
14 plan within a certain time; creating s. 163.77, F.S.;  
15 requiring the establishment of a local trust fund to  
16 hold the funds of the district; specifying the source  
17 of funding for district projects; creating s. 163.78,  
18 F.S.; providing exemptions; creating s. 163.79, F.S.;  
19 providing for dissolution of an infrastructure-  
20 financing district; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. The Division of Statutory Revision is requested  
25 to create part VII of chapter 163, Florida Statutes, consisting  
26 of ss. 163.71-163.79, Florida Statutes.

27 Section 2. Section 163.71, Florida Statutes, is created to  
28 read:

29 163.71 Short title.—This part may be cited as the "Coastal

21-00232-12

2012466

30 Barriers Infrastructure Finance Act."

31 Section 3. Section 163.72, Florida Statutes, is created to  
32 read:

33 163.72 Findings and intent.-

34 (1) The Legislature recognizes the enormous environmental  
35 and economic value of the state's coastal barriers, including  
36 barrier islands, beach and dune systems, waterways, biological  
37 systems, and related coastal features, which comprise much of  
38 the state's coastal zone and serve as a major attraction for  
39 both residents and tourists.

40 (2) The Legislature also recognizes that dependable,  
41 secure, and aesthetically attractive infrastructure is a  
42 necessary component of sustaining coastal barrier communities  
43 and the state's tourist-based economy while protecting the  
44 environment.

45 (3) The Legislature further recognizes that underground  
46 utilities provide a delivery system for utility services which  
47 is safer and more reliable than overhead facilities during and  
48 after severe storm and weather events to which coastal barriers  
49 are often exposed.

50 (4) It is therefore the intent of the Legislature to  
51 protect and preserve the state's coastal barrier resources,  
52 communities, and economy by providing to local government an  
53 alternative mechanism for the financing, installation, and  
54 operation of utility systems serving coastal barrier  
55 communities.

56 Section 4. Section 163.73, Florida Statutes, is created to  
57 read:

58 163.73 Definitions.-As used in this part, the term:

21-00232-12

2012466

59       (1) "Coastal barrier" means a coastal barrier island or  
60 other coastal feature consisting of a beach, dunes, and related  
61 features located within a coastal building zone as those terms  
62 are defined in s. 161.54.

63       (2) "Debt service millage" means any millage levied  
64 pursuant to s. 12, Art. VII of the State Constitution.

65       (3) "Infrastructure" means the construction,  
66 reconstruction, or improvement of electrical, telephone, cable,  
67 and other utility services delivered to a community by wire or  
68 cable, and any related land acquisition, planning, design,  
69 engineering, and administrative costs.

70       (4) "Infrastructure-financing authority" means the  
71 governing body of a county or municipality within which an  
72 infrastructure-financing district has been designated.

73       (5) "Infrastructure-financing district" means a geographic  
74 area within a coastal barrier system designated by the governing  
75 body of a county or municipality for infrastructure financing  
76 and construction.

77       (6) "Plan" means the infrastructure-financing plan adopted  
78 by the governing body of a county or municipality which creates  
79 an infrastructure-financing district.

80       (7) "Taxing authority" means the public body authorized to  
81 levy an ad valorem tax on real property that is located within  
82 an infrastructure-financing district.

83       Section 5. Section 163.74, Florida Statutes, is created to  
84 read:

85       163.74 Referendum.—

86       (1) If 10 percent of the registered electors who are  
87 residents within a coastal barrier petition the governing body

21-00232-12

2012466

88 of the county or municipality within which an identified coastal  
89 barrier is located requesting the conducting of a referendum on  
90 the question of creating an infrastructure-financing district  
91 for the purpose of financing and constructing underground  
92 utilities, the county or municipality governing board shall make  
93 the appropriate arrangements for conducting such referendum,  
94 including publishing notice of the election in a newspaper of  
95 general circulation in the area proposed for the establishment  
96 of the district. The petition must include the legal description  
97 and a map of the coastal barrier that is proposed for  
98 designation as an infrastructure-financing district.

99 (2) The referendum must be conducted within 120 days after  
100 the governing body verifies that 10 percent of the electors  
101 residing within the identified coastal barrier signed the  
102 petition. The referendum may be conducted by mail pursuant to s.  
103 101.6102. The ballot question for the referendum must be in  
104 substantially the following form: "Shall the ...governing board  
105 of (...County or Municipality...) create an infrastructure-  
106 financing district within the following legally described area  
107 for the purpose of providing a tax increment mechanism to  
108 finance and construct an underground utility infrastructure?"  
109 The statement must be followed by the words "yes" and "no," and  
110 must be accompanied by a map of the area that is proposed for  
111 designation.

112 (3) If the question submitted for referendum is approved by  
113 a simple majority of the electors voting in the referendum  
114 election, the county or municipality governing board shall  
115 create a coastal barrier infrastructure-financing district by  
116 ordinance.

21-00232-12

2012466

117 Section 6. Section 163.75, Florida Statutes, is created to  
118 read:

119 163.75 Powers.—Each district shall be governed by a coastal  
120 barrier infrastructure-financing authority, which has the power  
121 necessary or convenient to carry out the purposes of this part,  
122 including, but not limited to:

123 (1) Making and executing contracts and other instruments  
124 necessary and convenient to exercise the powers under this  
125 section.

126 (2) Undertaking, planning, and carrying out approved  
127 coastal barrier infrastructure projects for the benefit of the  
128 residents of the designated infrastructure-financing district.  
129 The projects include, but are not limited to, the plan, design,  
130 engineering, survey, legal, and related administrative services  
131 necessary for the construction of safe, reliable, and  
132 environmentally sound infrastructure projects as well as the  
133 construction of such projects. The projects may also include  
134 aesthetic features such as vegetation.

135 (3) Investing coastal barrier infrastructure finance funds  
136 held in reserve, sinking funds, or other such funds not required  
137 for immediate disbursement in property or in securities in which  
138 savings banks may legally invest funds, subject to the control  
139 of the authority, and redeeming such bonds as have been issued  
140 pursuant to this part at the redemption price established  
141 therein, or purchasing such bonds at less than redemption price.  
142 All bonds redeemed or purchased are canceled.

143 (4) Borrowing money, including, but not limited to, issuing  
144 debt obligations, such as bonds, notes, certificates, and  
145 similar debt instruments; applying for and accepting advances,

21-00232-12

2012466

146 loans, grants, contributions, and any other forms of financial  
147 assistance from the Federal Government or the state, county, or  
148 any other public body or from any source, public or private, for  
149 the purposes of this part; giving such security as may be  
150 required; entering into and carrying out contracts for financial  
151 assistance with the Federal Government for or with respect to a  
152 coastal barrier infrastructure project and related activities  
153 under the conditions imposed under federal laws which the  
154 coastal barrier infrastructure-financing authority consider  
155 reasonable and appropriate and which are not inconsistent with  
156 the purposes of this part.

157 (5) Making or having made all surveys and plans necessary  
158 to carry out the purposes of this part; contracting with any  
159 person, public or private, to make and carry out the plans; and  
160 adopting, approving, modifying, or amending any coastal barrier  
161 infrastructure finance plan.

162 (6) Appropriating funds and making expenditures as are  
163 necessary to carry out the purposes of this part and to enter  
164 into agreements with other public bodies, which agreements may  
165 extend over any period consistent with state law and rule.

166 Section 7. Section 163.76, Florida Statutes, is created to  
167 read:

168 163.76 Coastal barrier infrastructure plan.—Each coastal  
169 barrier infrastructure-financing authority shall adopt a coastal  
170 barrier infrastructure plan within 6 months after the creation  
171 of the district. The plan must:

172 (1) Include an inventory and survey of all utility  
173 infrastructure currently located above ground within the  
174 designated coastal barrier.

21-00232-12

2012466

175 (2) Identify all necessary rights-of-way and property  
176 needed for the construction of a system of underground utilities  
177 within the designated coastal barrier.

178 (3) Include the engineering design for a system of  
179 underground utility facilities within the coastal barrier.

180 Section 8. Section 163.77, Florida Statutes, is created to  
181 read:

182 163.77 Establishment of local trust fund.—The coastal  
183 barrier infrastructure-financing authority shall establish a  
184 local trust fund, which shall be administered by the authority.  
185 Each local trust fund must continue to be funded for as long as  
186 the projects set forth in the coastal barrier infrastructure  
187 plan remain to be completed or until any debt incurred to  
188 finance or refinance the related projects is no longer  
189 outstanding, whichever occurs later. Beginning in the first  
190 fiscal year after the creation of the district, each local trust  
191 fund shall be funded by the proceeds of an ad valorem tax  
192 increment collected within the designated coastal barrier  
193 infrastructure-financing district which must, at minimum, be 75  
194 percent of the difference between:

195 (1) The amount of ad valorem tax levied each year by each  
196 taxing authority, exclusive of any amount from any debt service  
197 millage, on taxable real property under the jurisdiction of the  
198 coastal barrier infrastructure-financing authority and within  
199 the coastal barrier infrastructure-financing district; and

200 (2) The amount of ad valorem taxes which would have been  
201 produced by the rate upon which the tax is levied each year by  
202 or for each taxing authority, exclusive of any debt service  
203 millage, upon the total of assessed value of the taxable real

21-00232-12

2012466

204 property within the infrastructure-financing district as shown  
205 on the most recent assessment roll used in connection with the  
206 taxation of such property of each taxing authority before the  
207 effective date of the ordinance funding the trust fund.

208 Section 9. Section 163.78, Florida Statutes, is created to  
209 read:

210 163.78 Exemptions.—The following public bodies or taxing  
211 authorities are exempt from this part:

212 (1) A special district that levies ad valorem taxes on  
213 taxable real property in more than one county.

214 (2) A special district for which the sole available source  
215 of revenue is the authority to levy ad valorem taxes when an  
216 ordinance is adopted under this part. However, revenues or aid  
217 that may be dispensed or appropriated to a district as defined  
218 in s. 388.011 at the discretion of an entity other than such  
219 district is not deemed available.

220 (3) A library district.

221 (4) A neighborhood improvement district created under the  
222 Safe Neighborhoods Act.

223 (5) A metropolitan transportation authority.

224 (6) A water management district created under s. 373.069.

225 (7) A community redevelopment agency.

226 Section 10. Section 163.79, Florida Statutes, is created to  
227 read:

228 163.79 Dissolution.—Upon completion of all coastal barrier  
229 infrastructure projects and repayment or defeasance of all debt  
230 issued to finance or refinance such projects, an infrastructure-  
231 financing district shall be dissolved, and its assets and  
232 liabilities transferred to the county or municipality within

21-00232-12

2012466\_\_

233 which the district is located. Any remaining assets of the  
234 district shall be used for the maintenance of the coastal  
235 barrier infrastructure project or projects created under this  
236 part.

237 Section 11. This act shall take effect July 1, 2012.