

HB 1231

2013

1 A bill to be entitled
2 An act relating to stormwater management system fees;
3 amending s. 403.0893, F.S.; providing that certain
4 stormwater utility fees or per acreage fees constitute
5 a lien on the land or premises until such fees are
6 paid; establishing the priority of certain liens;
7 providing for foreclosure of certain liens; providing
8 an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 403.0893, Florida Statutes, is amended
13 to read:

14 403.0893 Stormwater funding; dedicated funds for
15 stormwater management.—

16 (1) In addition to any other funding mechanism legally
17 available to local government to construct, operate, or maintain
18 stormwater systems, a county or municipality may:

19 (a)~~(1)~~ Create one or more stormwater utilities and adopt
20 stormwater utility fees sufficient to plan, construct, operate,
21 and maintain stormwater management systems set out in the local
22 program required pursuant to s. 403.0891(3);

23 (b)~~(2)~~ Establish and set aside, as a continuing source of
24 revenue, other funds sufficient to plan, construct, operate, and
25 maintain stormwater management systems set out in the local
26 program required pursuant to s. 403.0891(3); or

27 (c)~~(3)~~ Create, alone or in cooperation with counties,
28 municipalities, and special districts pursuant to the Interlocal

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29 Cooperation Act, s. 163.01, one or more stormwater management
30 system benefit areas. All property owners within said area may
31 be assessed a per acreage fee to fund the planning,
32 construction, operation, maintenance, and administration of a
33 public stormwater management system for the benefited area. Any
34 benefit area containing different land uses which receive
35 substantially different levels of stormwater benefits shall
36 include stormwater management system benefit subareas which
37 shall be assessed different per acreage fees from subarea to
38 subarea based upon a reasonable relationship to benefits
39 received. The fees shall be calculated to generate sufficient
40 funds to plan, construct, operate, and maintain stormwater
41 management systems called for in the local program required
42 pursuant to s. 403.0891(3).

43 (2) For fees assessed pursuant to this section, counties
44 or municipalities may use the non-ad valorem levy, collection,
45 and enforcement method as provided for in chapter 197. These
46 fees constitute a lien on all lands or premises served by the
47 stormwater management system until paid and shall be prior to
48 all other liens on such lands or premises, except the liens of
49 state, county, and municipal taxes, and be on parity with the
50 other liens of such state, county, and municipal taxes. Such
51 liens, if delinquent for more than 30 days, may be foreclosed by
52 a municipality in the manner provided by the laws of this state
53 which govern the foreclosure of mortgages on real property.

54 Section 2. This act shall take effect July 1, 2013.