

By Senator Altman

16-00997A-13

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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.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 403.0893, Florida Statutes, is amended  
13 to read:

14 403.0893 Stormwater funding; dedicated funds for stormwater  
15 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  
29 Cooperation Act, s. 163.01, one or more stormwater management

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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 or  
44 municipalities may use the non-ad valorem levy, collection, and  
45 enforcement method as provided for in chapter 197. These fees  
46 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.