

1                                   A bill to be entitled  
 2           An act relating to the Melbourne-Tillman Water Control  
 3           District, Brevard County; amending chapter 2001-336,  
 4           Laws of Florida; deleting obsolete language; revising  
 5           maximum stormwater management user fees for  
 6           residential, agricultural, and commercial parcels of  
 7           land; 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. Subsection (12) of section 8 of section 3 of  
 12           chapter 2001-336, Laws of Florida, is amended to read:

13           Section 8. Powers given the Board to effect a surface  
 14           water management system within District boundaries.—In order to  
 15           responsibly, efficiently, and effectively secure, operate, and  
 16           maintain an adequate, dependable surface water management  
 17           system, the Board of Directors, consistent with and supportive  
 18           of the state water policy, the state water use plan, the state  
 19           land development plan, and the regional policy plan, shall:

20           (12) ~~(a)~~ Levy, assess, and collect an annual stormwater  
 21           management user fee to carry out the purposes of the District,  
 22           beginning with the 1990-1991 budget year.

23           (a) Such fee must be just and equitable and shall be based  
 24           upon the impact that a given parcel of land imposes on the  
 25           stormwater management system.

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26 (b) A fee may not be finally set by the Board of Directors  
27 or approved by the Board of County Commissioners of Brevard  
28 County during its annual budget review until after a public  
29 hearing is held by the Board of County Commissioners. The Board  
30 of County Commissioners must hold a special public hearing  
31 within the boundaries of the District. At the public hearing,  
32 all owners of property in the District shall have an opportunity  
33 to be heard concerning the proposed fee.

34 (c) Notice of such public hearing for the 1990-1991 budget  
35 year must be given in the manner prescribed in subsection (2) of  
36 Section 16. Thereafter, notice must be given by publication in a  
37 newspaper of general circulation in Brevard County at least 7  
38 days before the date of the hearing. The stormwater management  
39 user fee, when established, shall be deemed to be reasonable and  
40 necessary to carry out the obligations, responsibilities, and  
41 duties of the District. All of the proceeds of the fee are in  
42 payment for the use of the District stormwater management  
43 system. The fee must be established by resolution of the Board  
44 of Directors and approved by a majority vote of the Board of  
45 County Commissioners of Brevard County, with each County  
46 Commissioner whose county commission residency area lies wholly  
47 or partially within the District voting in the affirmative.

48 (d) The stormwater management user fee structure shall  
49 have three land classifications: Residential, Agricultural, and  
50 Commercial. The Board of Directors, in establishing the annual

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51 fee, must use the Brevard County Land Use Code Index as the  
52 basis for land classification. The annual stormwater management  
53 user fee shall be levied on the parcels, as the Brevard County  
54 Land Use Code Index has them designated, for that respective  
55 budget year.

56 ~~For the 1990-1991 budget year, the residential fee may not~~  
57 ~~exceed \$10 per acre or portion thereof, the agricultural fee may~~  
58 ~~not exceed \$3.50 per acre or portion thereof, and the commercial~~  
59 ~~fee may not exceed \$21 per acre or portion thereof.~~

60 ~~Thereafter,~~ The stormwater management fee for residential  
61 parcels, agricultural parcels, or commercial parcels may not be  
62 more than 10 percent above the fee for the preceding year.  
63 However, the maximum fee per acre or portion thereof for  
64 residential parcels may not exceed \$50 ~~\$25~~, the maximum fee per  
65 acre or portion thereof for agricultural parcels may not exceed  
66 \$17 ~~\$8.50~~, and the maximum fee per acre or portion thereof for  
67 commercial parcels may exceed \$105 ~~\$52.50~~.

68 Section 2. This act shall take effect upon becoming a law.