

OSCEOLA COUNTY, FLORIDA

STORMWATER ASSESSMENT ORDINANCE

ENACTED June 15, 2009

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ORDINANCE NO. 09-13

AN ORDINANCE OF OSCEOLA COUNTY, FLORIDA, RELATING TO STORMWATER MANAGEMENT; PROVIDING FOR GENERAL STORMWATER MANAGEMENT SERVICES AND SUBDIVISION FACILITIES MAINTENANCE SERVICES, AND THE IMPOSITION OF ASSESSMENTS RELATED TO THOSE SERVICES WITHIN OSCEOLA COUNTY; PROVIDING DEFINITIONS AND FINDINGS; DESIGNATING RESPONSIBILITIES OF THE COUNTY'S STORMWATER MANAGEMENT PROGRAM; ESTABLISHING A STORMWATER ASSESSMENT FUND; AUTHORIZING THE IMPOSITION AND COLLECTION OF STORMWATER ASSESSMENTS TO FUND THE COST OF PROVIDING GENERAL STORMWATER MANAGEMENT SERVICES AND SUBDIVISION FACILITIES MAINTENANCE SERVICES; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF STORMWATER ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT STORMWATER ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE STORMWATER ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF THE STORMWATER ASSESSMENTS, INCLUDING STORMWATER ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. When used in this Ordinance, the following terms shall have the meanings set forth below, unless the context clearly requires otherwise. Application of the definitions provided in this Ordinance or any Initial Stormwater Assessment Resolution, Final Stormwater Assessment Resolution or Annual Stormwater Assessment Resolution shall be limited to the instrument in which they appear or are specifically incorporated by reference.

"Annual Stormwater Assessment Resolution" means the resolution described in 3.07 hereof, approving the Stormwater Assessment Roll for a specific Fiscal Year.

"Board" means the Board of County Commissioners of Osceola County, Florida.

"County" means Osceola County, a charter county and political subdivision of the State of Florida.

"Developed Property" means property that includes Impervious Area, excluding Federal, State, County and municipal road systems.

"ERU" means "equivalent runoff unit," the standard unit to be used in calculating the stormwater burden expected to be generated by the Impervious Area of Developed Property.

"Final Stormwater Assessment Resolution" means the resolution described in Section 3.06 hereof, which shall confirm, modify or repeal the Initial Stormwater Assessment Resolution and which shall be the final proceeding for the imposition of a Stormwater Assessment.

"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period prescribed by law as the fiscal year for the County.

"General Stormwater Management Services" means (A) management and administration of the County's stormwater management program within the Stormwater Service Area, including compliance with the County's National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit; (B) operation and maintenance of the County's capital facilities for stormwater management within the Stormwater Service Area, including extraordinary maintenance; and (C) legal, engineering and other consultant services relating to the foregoing services. Notwithstanding the foregoing, "Stormwater Management Services" shall not include the cost to maintain the stormwater conveyance portion of Federal, State, County and municipal road systems.

"General Stormwater Management Cost" means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to General Stormwater Management Services provided within the Stormwater Service Area under generally accepted accounting principles.

"Government Property" means property owned by the United States of America, the State of Florida, a County, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

"Impervious Area" means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

"Initial Stormwater Assessment Resolution" means the resolution described in Section 3.02 hereof, which shall be the initial proceeding for the imposition of the Stormwater Assessment.

"Ordinance" means this Stormwater Assessment Ordinance.

"Property Appraiser" means the Osceola County Property Appraiser.

"Resolution of Intent" means the resolution required by the Uniform Assessment Collection Act to express the Board's intent to collect assessments on the ad valorem tax bill.

"Special Assessment Coordinator" means the person designated by the County to be responsible for managing special assessments, or such person's designee.

"Stormwater" means the flow of water which results from, and which occurs following, a rainfall event.

"Stormwater Assessment" means an annual special assessment imposed upon each benefitted parcel within the Stormwater Service Area to fund General Stormwater Management Services and, if applicable, Subdivision Facilities Maintenance Services.

"Stormwater Assessment Roll" means the special assessment roll relating to Stormwater Assessments, approved by a Final Stormwater Assessment Resolution or an Annual Stormwater Assessment Resolution pursuant to Sections 3.06 or 3.07 hereof.

"Stormwater Management Program" means the entity designated by Section 2.01 hereof to implement the County's stormwater management program.

"Stormwater Manager" means the County's Stormwater Manager or such person's designee.

"Stormwater Management Facilities" means facilities which are designed and constructed or implemented to control stormwater, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse stormwater to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the facilities.

"Stormwater Service Area" means the geographic area described in the Initial Stormwater Assessment Resolution that encompasses all parcels within the County which specially benefit from General Stormwater Management Services and, in portions of such area, Subdivision Facilities Maintenance Services.

"Subdivision Facilities Maintenance Cost" means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to Subdivision Facilities Maintenance Services provided within the Stormwater Service Area under generally accepted accounting principles.

"Subdivision Facilities Maintenance Services" means inspection, operation and maintenance of Stormwater Management Facilities that have been dedicated or conveyed to the County for maintenance including, but not limited to, structure maintenance, mowing and aquatic weed control.

"Tax Collector" means the Osceola County Tax Collector.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Words importing the singular number shall include the plural in each case and vice versa, and words importing persons shall include firms and corporations. The terms "herein," "hereunder," "hereby," "hereto," "hereof," and any similar terms, shall refer to this Ordinance; the term "heretofore" shall mean prior to execution of this Ordinance; and the term "hereafter" shall mean following execution of this Ordinance. This Ordinance, being necessary for the welfare of the inhabitants of the County, the owners of the Benefited Property, shall be liberally construed to effect the purposes hereof.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that:

(A) Article VIII, Section 1 of the Florida Constitution, Sections 125.01 and 125.66, Florida Statutes, and the County's Home Rule Charter, grant to the Board all powers of local self-government to perform County functions and to render services for County purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of County ordinances.

(B) The Stormwater Management Program is a "stormwater utility" within the meaning of Section 403.0893, Florida Statutes. The purpose of this Ordinance is to designate responsibilities of the Stormwater Management Program and authorize the imposition of Stormwater Assessments to provide a dedicated funding source to improve stormwater management within the County in a manner consistent with the County's comprehensive plan and applicable state and federal laws. The Stormwater Management Program will address the quality and quantity of stormwater runoff to surface and subsurface waters.

(C) The Stormwater Assessments authorized by this Ordinance are consistent with the authority granted in Section 403.0893, Florida Statutes, which is additional authority and supplements the constitutional and statutory power of local government granted to a charter County.

(D) The benefits provided by the Stormwater Management Program to Developed Property located within the Stormwater Service Area include, by way of example and not limitation:

(1) the availability and use of facilities or improvements by owners and occupants of Developed Property to properly and safely detain, retain, convey or treat stormwater discharged from Developed Property;

- (2) stabilization of or the increase of Developed Property values;
- (3) increased safety and better access to Developed Property;
- (4) improved appearance;
- (5) rendering Developed Property more adaptable to a current or reasonably foreseeable new and higher use; and
- (6) alleviation of the burdens caused by stormwater runoff related to the use of Developed Property.

(E) The County's stormwater management program is necessitated by Impervious Area. Accordingly, Stormwater Assessments will be imposed only against Developed Property.

(F) Since the stormwater conveyance portion of the County road system provides stormwater capacity that exceeds the stormwater burden generated by the Impervious Area of the County road system, Stormwater Assessments will not be imposed against the Federal, State, County and municipal road systems.

(G) The benefits provided by the Stormwater Management Program bear a logical relationship to the value, use and characteristics of Developed Property located within the Stormwater Service Area.

(H) The Stormwater Assessments authorized by this Ordinance provide an equitable method of funding the General Stormwater Management Cost and, if applicable, the Subdivision Facilities Maintenance Cost by fairly and reasonably allocating the General Stormwater Management Cost and the Subdivision Facilities Maintenance Cost to specially benefitted Developed Property classified on the basis of the stormwater burden expected to be generated by the physical characteristics and use of such Developed Property (by individual parcel or any reasonable classification of parcels).

(I) The Stormwater Assessments imposed pursuant to this Ordinance are imposed by the Board, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed as ministerial.

ARTICLE II

STORMWATER MANAGEMENT PROGRAM

SECTION 2.01. STORMWATER MANAGEMENT PROGRAM.

(A) The Stormwater Management Program shall be the operational means of implementing the County's stormwater management program. The Stormwater Management Program will place emphasis on achieving maximum economic efficiency through identifying programs and funding sources which are complementary to other regional, state and federal programs. The Stormwater Manager shall be responsible for administration of the Stormwater Management Program.

(B) The Stormwater Management Program shall provide General Stormwater Management Services and, if applicable, Subdivision Facilities Maintenance Services to the Stormwater Service Area. All or any portion of the General Stormwater Management Cost and the Subdivision Facilities Maintenance Cost may be funded from the proceeds of Stormwater Assessments.

(C) The Stormwater Management Program may also acquire and construct capital facilities for stormwater management. The cost of such facilities shall be funded from sources other than proceeds of the Stormwater Assessments.

SECTION 2.02. STORMWATER ASSESSMENT FUND. The Board intends to fund the cost of providing General Stormwater Management Services and Subdivision Facilities Maintenance Services through Stormwater Assessments. The Board further concludes that periodic determination of revenues earned and expenses incurred in connection with the provision of General Stormwater Management Services and Subdivision Facilities Maintenance Services will enhance accountability and management control of the County's stormwater management program and will facilitate implementation of the Board's funding policy for stormwater management. Accordingly, there shall be established a Stormwater Assessment Fund. From an accounting perspective, the Stormwater Assessment Fund shall be established as a "special revenue fund."

ARTICLE III

STORMWATER ASSESSMENTS

SECTION 3.01. AUTHORIZATION.

(A) The Board is hereby authorized to impose Stormwater Assessments against Developed Property located within the Stormwater Service Area to fund all or any portion of the General Stormwater Management Cost and the Subdivision Facilities Maintenance Cost. Stormwater Assessments may also include the cost of billing and collecting the Stormwater Assessments and an amount to cover the discount required by Section 129.01(2)(b), Florida Statutes, for reasonably anticipated receipts from the Stormwater Assessments in connection with preparation of the County's annual budget.

(B) The General Stormwater Management Cost shall be assessed against all parcels of Developed Property within the Stormwater Service Area at a rate of assessment based upon the special benefit accruing to such Developed Property from the County's provision of General Stormwater Management Services, measured by the number of ERUs attributable to each parcel or classification of Developed Property. A mitigation credit, representing the reduction in the Stormwater burden attributable to Stormwater Management Facilities that provide drainage for a specific development, shall be applied to reduce the number of ERUs attributable to parcels or classifications of property served by the Stormwater Management Facilities.

(C) The Subdivision Facilities Maintenance Cost shall be assessed against single family residential parcels of Developed Property served by Stormwater Management Facilities that have been dedicated or conveyed to the County for maintenance, at a rate of assessment based upon the special benefit accruing to such Developed Property from the County's provision of Subdivision Facilities Maintenance Services, measured by the number of ERUs attributable to each parcel or classification of Developed Property.

(D) Nothing contained in this Ordinance shall be construed to require or preclude the imposition of Stormwater Assessments against Government Property. The Board may enter into agreements with the owners of Government Property, relating to the imposition, computation and collection of Stormwater Assessments, which may augment the terms of the Initial Assessment Resolution.

(E) All proceeds of the Stormwater Assessment imposed for General Stormwater Maintenance Services shall be expended for the provision of General Stormwater Management Services. All proceeds of the Stormwater Assessment imposed for Subdivision Facilities Maintenance Services shall be expended for the provision of Subdivision Facilities Maintenance Services.

SECTION 3.02. INITIAL STORMWATER ASSESSMENT RESOLUTION.

The initial proceeding for imposition of a Stormwater Assessment shall be the Board's adoption of an Initial Stormwater Assessment Resolution: (A) identifying the Stormwater Service Area and that portion of the Stormwater Service Area to receive Subdivision Facilities Maintenance

Services; (B) determining that property located in such areas will be specially benefited by the General Stormwater Management Services and, if applicable, Subdivision Facilities Maintenance Services provided by the Stormwater Management Program; (C) establishing the General Stormwater Management Cost and the Subdivision Facilities Maintenance Cost to be funded from proceeds of the Stormwater Assessment; (D) describing the method of allocating the General Stormwater Management Cost among the parcels specially benefiting from the General Stormwater Management Services and determining that the General Stormwater Management Cost is fairly and reasonably allocated among such parcels of property; (E) describing the method of allocating the Subdivision Facilities Maintenance Cost among the parcels of property specially benefiting from the Subdivision Facilities Maintenance Services and determining that the Subdivision Facilities Maintenance Cost is fairly and reasonably allocated among such parcels of property; and (F) identifying the proposed method of collection.

SECTION 3.03. STORMWATER ASSESSMENT ROLL.

(A) Using information provided by the Stormwater Manager, the Special Assessment Coordinator shall prepare, or direct the preparation of, a preliminary Stormwater Assessment Roll for each Fiscal Year, which shall contain the following information:

- (1) a summary description of each parcel of Developed Property (conforming to the description contained on the Tax Roll) subject to the Stormwater Assessment;
- (2) the name of the owner of record of each parcel as shown on the Tax Roll;
- (3) the number of ERUs attributable to each parcel for General Stormwater Maintenance Services and the number of ERUs attributable to each parcel for Subdivision Facilities Maintenance Services;
- (4) the proposed Stormwater Assessment to fund General Stormwater Maintenance Services for each ERU;
- (5) a designation of parcels subject to assessment for Subdivision Facilities Maintenance Services;
- (6) the proposed Stormwater Assessment to fund Subdivision Facilities Maintenance Services for each ERU; and
- (7) the proposed Stormwater Assessment for each parcel.

(B) Copies of the Initial Stormwater Assessment Resolution and the preliminary Stormwater Assessment Roll shall be on file in the office of the Special Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Stormwater Assessment Roll be in printed form if the amount of the Stormwater Assessment for each parcel of Developed Property can be determined by use of a computer available to the public.

SECTION 3.04. NOTICE BY PUBLICATION. After the Assessment Roll is filed in the office of the Special Assessment Coordinator, as required by Section 3.03(B) hereof, the Special Assessment Manager shall publish once in a newspaper of general circulation within the County a notice stating that a public hearing of the Board will be held on a certain day and hour, not earlier than 20 calendar days from such publication, at which hearing the Board will receive written comments and hear testimony from all interested persons regarding and adoption of the Final Assessment Resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

SECTION 3.05. NOTICE BY MAIL. In addition to the published notice required by Section 3.04, the Special Assessment Coordinator shall provide notice of the proposed Stormwater Assessment by first class mail to the owner of each parcel of property subject to the Stormwater Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll within ninety (90) days prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Special Assessment Coordinator may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Stormwater Assessment Roll nor release or discharge any obligation for the payment of a Stormwater Assessment imposed by the Board pursuant to this Ordinance.

SECTION 3.06. FINAL STORMWATER ASSESSMENT RESOLUTION. At the time named in such notice, or such time to which an adjournment or continuance may be taken, the Board shall receive written objections and hear testimony of interested persons and may then adopt the Final Stormwater Assessment Resolution which shall (A) confirm, modify or repeal the Initial Stormwater Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (B) approve the Stormwater Assessment Roll, with such amendments as it deems just and right; and (C) determine the method of collection. The Stormwater Assessments so approved shall be in proportion to the special benefits received by the affected parcels as a result of the management of the stormwater burden expected to be generated by the physical characteristics and use of the Developed Property (by individual parcel or any reasonable classification of parcels). All objections to adoption of the Final Stormwater Assessment Resolution shall be made in writing, and filed with the Clerk to the Board at or before the time, or adjourned time, of such hearing.

SECTION 3.07. ANNUAL STORMWATER ASSESSMENT RESOLUTION. During its budget adoption process, the Board shall adopt an Annual Stormwater Assessment Resolution for each Fiscal Year following adoption of the Final Stormwater Assessment Resolution. The Final Stormwater Assessment Resolution shall constitute the Annual Stormwater Assessment Resolution for the initial Fiscal Year. The Annual Stormwater Assessment Resolution shall approve the Stormwater Assessment Roll for such Fiscal Year. The Stormwater Assessment Roll shall be prepared in accordance with the Initial Stormwater Assessment Resolution, as confirmed by the Final Stormwater Assessment Resolution or as amended. If the proposed Stormwater Assessment for any parcel of Developed Property exceeds the maximum amount established in the Final Stormwater Assessment Resolution or if a

Stormwater Assessment is imposed against property not previously subject thereto, the Board shall provide notice to the owner of such property in accordance with Sections 3.04 and 3.05 hereof and conduct a public hearing prior to adoption of the Annual Stormwater Assessment Resolution. Failure to adopt an Annual Stormwater Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 3.08. EFFECT OF STORMWATER ASSESSMENT RESOLUTIONS. The adoption of the Final Stormwater Assessment Resolution or Annual Stormwater Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater Assessment Roll and the levy and lien of the Stormwater Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board adoption of the Final Stormwater Assessment Resolution. The Stormwater Assessments for each Fiscal Year shall be established upon adoption of the Annual Stormwater Assessment Resolution. The Stormwater Assessment Roll, as approved by the Annual Stormwater Assessment Resolution, shall be delivered to the Tax Collector, as required by the Uniform Assessment Collection Act.

SECTION 3.09. LIEN OF STORMWATER ASSESSMENTS.

(A) Upon adoption of the Annual Stormwater Assessment Resolution for each Fiscal Year, Stormwater Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the Annual Stormwater Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the Final Stormwater Assessment Resolution, Stormwater Assessments to be collected under any alternative method of collection provided in Section 4.02 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Osceola County, Florida.

SECTION 3.10. REVISIONS TO STORMWATER ASSESSMENTS. If any Stormwater Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Board is satisfied that any such Stormwater Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include any Developed Property on the Stormwater Assessment Roll that should have been so included, the Board may take all necessary steps to impose a new Stormwater Assessment against any such Developed Property, following as nearly as may be practicable the provisions of this Ordinance and in case such second Stormwater

Assessment is annulled, the Board may obtain and impose other Stormwater Assessments until a valid Stormwater Assessment is imposed.

SECTION 3.11. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any Stormwater Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Stormwater Assessment as finally approved shall be competent and sufficient evidence that such Stormwater Assessment was duly levied, that the Stormwater Assessment was duly made and adopted, and that all other proceedings adequate to such Stormwater Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 3.11, any party objecting to a Stormwater Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 3.12. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Board, Stormwater Manager, Special Assessment Coordinator, Property Appraiser, Tax Collector or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any Stormwater Assessment imposed by the Board under the provisions of this Ordinance.

(B) The number of ERUs attributed to a parcel of Developed Property may be corrected at any time by the Stormwater Manager. Any such correction which reduces a Stormwater Assessment shall be considered valid from the date on which the Stormwater Assessment was imposed and shall in no way affect the enforcement of the Stormwater Assessment imposed under the provisions of this Ordinance. Any such correction which increases a Stormwater Assessment or imposes an assessment on omitted Developed Property shall first require notice to the affected owner in the manner described in Section 3.05 hereof, providing the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the Stormwater Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

ARTICLE IV

COLLECTION OF STORMWATER ASSESSMENTS

SECTION 4.01. METHOD OF COLLECTION.

(A) Unless directed otherwise by the Board, Stormwater Assessments (other than Stormwater Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions thereof, including but not limited to (A) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, and (B) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Stormwater Assessment Resolution; provided, however, that the Resolution of Intent must be adopted prior to January 1 (or March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Stormwater Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

(B) The amount of a Stormwater Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific tax parcel may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's Stormwater Assessment provided, (1) the collection method used in connection with the prior year's Stormwater Assessment was not made pursuant to the Uniform Assessment Collection Act, (2) notice is provided to the owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected tax parcel for the prior year's Stormwater Assessment is supplanted and transferred to such current year's Stormwater Assessment upon certification of the Stormwater Assessment Roll to the Tax Collector by the County.

SECTION 4.02. ALTERNATIVE METHOD OF COLLECTION. In lieu of using the Uniform Assessment Collection Act, the County may elect to collect the Stormwater Assessment by any other method which is authorized by law or provided by this section as follows:

(A) The County shall provide Stormwater Assessment bills by first class mail to the owner of each affected parcel of Developed Property, other than Government Property. The bill or accompanying explanatory material shall include:

- (1) a brief explanation of the Stormwater Assessment;
- (2) a description of the ERU used to determine the amount of the Stormwater Assessment;
- (3) the number of ERUs attributed to the parcel;

(4) the proposed Stormwater Assessment to fund General Stormwater Maintenance Services for each ERU;

(5) if applicable, the proposed Stormwater Assessment to fund Subdivision Facilities Maintenance Services for each ERU; and

(6) the total amount of the parcel's Stormwater Assessment for the appropriate period;

(7) the location at which payment will be accepted;

(8) the date on which the Stormwater Assessment is due; and

(9) a statement that the Stormwater Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, County, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Stormwater Assessments shall be recorded in the Official Records of Osceola County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

(C) The County shall have the right to appoint or retain an agent to foreclose and collect all delinquent Stormwater Assessments in the manner provided by law. A Stormwater Assessment shall become delinquent if it is not paid within thirty days from the date any installment is due. The County or its agent shall notify any property owner who is delinquent in payment of his or her Stormwater Assessment within sixty days from the date the Stormwater Assessment was due. Such notice shall state in effect that the County or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Stormwater Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as an individual person or corporation. The County may join in one foreclosure action the collection of Stormwater Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County and its agents, including reasonable attorney fees, in collection of such delinquent Stormwater Assessments and any other costs incurred by the County as a result of such delinquent Stormwater Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Stormwater Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that:

- (1) notice is provided to the owner in the manner required by law and this Ordinance; and
- (2) any existing lien of record on the affected parcel for the delinquent Stormwater Assessment is supplanted by the lien resulting from certification of the Stormwater Assessment Roll to the Tax Collector.

SECTION 4.03. GOVERNMENT PROPERTY.

(A) If Stormwater Assessments are imposed against Government Property, the County shall provide Stormwater Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill accompanying explanatory material shall include:

- (1) a brief explanation of the Stormwater Assessment;
- (2) a description of the ERU used to determine the amount of the Stormwater Assessment;
- (3) the number of ERUs attributed to the parcel;
- (4) the proposed Stormwater Assessment to fund General Stormwater Maintenance Services for each ERU;
- (5) if applicable, the proposed Stormwater Assessment to fund Subdivision Facilities Maintenance Services for each ERU; and
- (6) the total amount of the parcel's Stormwater Assessment for the appropriate period;
- (7) the location at which payment will be accepted; and
- (8) the date on which the Stormwater Assessment is due.

(B) Stormwater Assessments imposed against Government Property shall be due on the same date as all other Stormwater Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) A Stormwater Assessment shall become delinquent if it is not paid within thirty days from the date any installment is due. The County shall notify the owner of any Government Property that is delinquent in payment of its Stormwater Assessment within sixty days from the date the Stormwater Assessment was due. Such notice shall state in effect that the County will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County, including reasonable attorney fees, in collection of such delinquent Stormwater Assessments and any other costs incurred by the County as a result of such delinquent Stormwater Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, a Stormwater Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The Board may contract for such billing services with any utility not owned by the County.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the imposition and collection of Stormwater Assessments and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.

SECTION 5.02. CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

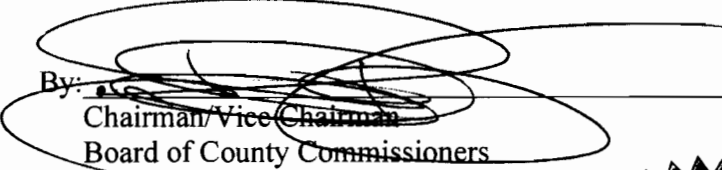
SECTION 5.03. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 5.04. CODIFICATION. It is the intention of the Board that the provisions of this Ordinance shall become a part of the County's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

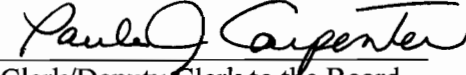
SECTION 5.05. EFFECTIVE DATE. A certified copy of this ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment. This ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ENACTED this 15 day of June, 2009.

OSCEOLA COUNTY, FLORIDA

By: 
Chairman/Vice Chairman
Board of County Commissioners

ATTEST:


Clerk/Deputy Clerk to the Board
(SEAL)

