

**ORDINANCE NO. 03-2025**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, CREATING A STORMWATER UTILITY AND ASSESSMENT CITYWIDE; BY CREATING CHAPTER 43, STORMWATER UTILITY, ARTICLE I, STORMWATER UTILITY AND ASSESSMENTS; CREATING DIVISION 1, INTRODUCTION; RESERVING SECTIONS 43-1 THROUGH 43-9; CREATING SECTION 43-10, DEFINITIONS; CREATING SECTION 43-11, INTERPRETATION; CREATING SECTION 43-12, GENERAL FINDINGS; RESERVING SECTIONS 43-13 THROUGH 43-16; CREATING DIVISION 2, STORMWATER UTILITY; CREATING SECTION 43-17, STORMWATER UTILITY; CREATING SECTION 43-18, STORMWATER UTILITY FUND; RESERVING SECTIONS 43-19 THROUGH 43-22; CREATING DIVISION 3, STORMWATER ASSESSMENTS; CREATING SECTION 43-23, LEGISLATIVE DECLARATIONS OF SPECIAL BENEFIT; CREATING SECTION 43-24, STORMWATER FEES; RESERVING SECTION 43-25; CREATING SECTION 43-26, STORMWATER ASSESSMENT ROLL; CREATING SECTION 43-27, NOTICE BY PUBLICATION; CREATING SECTION 43-28, NOTICE BY MAIL; CREATING SECTION 43-29, STATUTORY STORMWATER ASSESSMENT RESOLUTION; CREATING SECTION 43-30, ANNUAL STORMWATER ASSESSMENT RESOLUTION; CREATING SECTION 43-31, EFFECT OF STORMWATER RESOLUTION; CREATING SECTION 43-32, LIEN OF STORMWATER ASSESSMENTS; CREATING SECTION 43-33, AUTHORIZATION FOR EXEMPTIONS; RESERVING SECTIONS 43-34 THROUGH 43-40; CREATING DIVISION 4, COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-41, METHOD OF COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-42, PROPERTIES SUBJECT TO THE SPECIAL ASSESSMENT; CREATING SECTION 43-43, ANNUAL CERTIFICATION; CREATING SECTION 43-44, AUTHORIZING INTERLOCAL AGREEMENT; CREATING SECTION 43-45, ALTERNATIVE METHOD OF COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-46, COLLECTION OF STORMWATER ASSESSMENTS FROM GOVERNMENT PROPERTY; CREATING SECTION 43-47, RESPONSIBILITY FOR ENFORCEMENT; RESERVING SECTIONS 43-48 THROUGH 43-52; CREATING DIVISION 5, GENERAL PROVISIONS; CREATING SECTION 43-53,**

**ISSUANCE OF OBLIGATIONS; CREATING SECTION 43-54, REVISIONS TO STORMWATER ASSESSMENTS; CREATING SECTION 43-55, PROCEDURAL IRREGULARITIES; CREATING SECTION 43-56, CORRECTION OF ERRORS AND OMISSIONS; CREATING SECTION 43-57, APPLICABILITY; CREATING SECTION 43-58, ALTERNATIVE METHOD; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the authority set forth in Chapter 166, Florida Statutes, Section 166.021, and Section 2 (b), Article VII, of the Constitution of the State of Florida, municipalities have the governmental, corporate, and proprietary power to conduct municipal government, perform municipal functions, and render municipal services and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, such statutory and constitutional authorization includes the ability to levy a special assessment for the operation and maintenance of the stormwater conveyance system within the corporate limits of the City of Seminole; and

**WHEREAS**, Chapter 197, Florida Statutes, Section 197.3632, sets forth the required procedure to be followed by the City to use the uniform method of levying, collecting, and enforcing non-ad valorem assessments; and

**WHEREAS**, the City Council held a public hearing on the Stormwater Assessment Resolution 2025-05 on February 25, 2025, after advertising in the *Tampa Bay Times* for four (4) consecutive weeks as required by Chapter 197, Florida Statutes, Section 197.3632 (3)(a); and

**WHEREAS**, Resolution 2025-05 satisfies the requirements of Section 197.3632(3)(a), Florida Statutes by stating the City's intent to collect stormwater assessments using the uniform method of collecting such assessments; and

**WHEREAS**, by this Ordinance, the City Council desires to establish a stormwater utility and stormwater assessments, which shall be the means of implementing and otherwise carrying out the functional requirements of the city's stormwater management system to construct or acquire stormwater improvements and provide stormwater management services.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Seminole, Florida, that:

**Section 1.** Chapter 43, Stormwater Utility, Article I, Stormwater Utility and Assessments, Division 1, Introduction, of the City of Seminole Code of Ordinances, is hereby created and shall read as follows:

**CHAPTER 43 STORMWATER UTILITY**  
**ARTICLE I. STORMWATER UTILITY AND ASSESSMENTS**

*DIVISION 1. INTRODUCTION*

**Section 2.** The following sections are reserved as follows:

**Secs. 43-1 through 43-9 – Reserved.**

**Section 3.** Section 43-10 is hereby created and shall read as follows:

**Sec. 43-10. Definitions.**

When used in this article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

*Annual stormwater assessment resolution* means the resolution described in section 43-30 hereof, approving a stormwater assessment roll for a specific fiscal year.

*Assessed property* means all parcels of real property included on the stormwater assessment roll that receive a special benefit from the stormwater improvements and stormwater management services identified in an annual stormwater assessment resolution.

*Capital cost* means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of stormwater improvements under generally accepted accounting principles and including reimbursement to the city for any moneys advanced for capital cost and interest on any interfund or intrafund loan for such purposes.

*Capital Improvement Plan* is a strategic plan that outlines the necessary investments in stormwater infrastructure improvements and stormwater management systems to ensure effective control and treatment of stormwater runoff.

*City* means City of Seminole, Florida.

*City clerk* means the City Clerk of the City of Seminole, Florida, or such other person as may be duly authorized to act on such person's behalf.

*City manager* means the chief administrative officer of the city or such person's designee.

*County* means Pinellas County, Florida.

*Developed property* means property that has been developed with impervious area including, but not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns, which existed prior to development.

*Equivalent residential unit (ERU)* means a unit of measure of impervious surface in square feet, which represents the impervious surface area on a typical single-family residential parcel within the service area as a unit of comparison. For the purposes of this definition, one ERU shall equal 3,500 square feet.

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

*Government property* means property owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

*Impervious area* means the extent or measurement of impervious surface on a property.

*Impervious surface* means hard or artificial surface areas which either prevent, alter, reduce, 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 artificial or non-natural surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

*Maximum assessment rate* means the maximum rate of assessment established by the annual stormwater assessment resolution.

*Mitigation credit* means a credit applied to a stormwater assessment for a developed property in consideration of the management of the on-site stormwater system operation and maintenance budget as a consequence of the location of a mitigation facility or in consideration of discharge to a city or non-city stormwater system for the conveyance and/or treatment of stormwater or as otherwise required by law.

*Mitigation facility* means a manmade facility or structure on the site of a developed property which, by its design and function, retains stormwater on-site and treats and attenuates stormwater from the site.

*Multi-family residential (MFR)* means all residential developments not classified as single-family attached or single-family residential. This includes all property that contains residential uses such as condominiums, cooperatives and individually owned mobile home parcels.

*Non-single family residential (NSFR)* means all property that is classified or used for non-residential purposes, including but not limited to commercial, industrial, retail, governmental, and includes all developed real property not classified as single-family attached, single-family residential, or multi-family residential.

*Obligations* mean a series of bonds or other evidence of indebtedness, including, but not limited to notes, commercial paper, capital leases or any other obligations of the city issued or incurred to finance any portion of the capital cost of a stormwater improvement and secured, in whole or in part, by proceeds of the stormwater improvement assessments.

*Ordinance* means this stormwater ordinance, as amended from time-to-time.

*Pervious surface* means the area on a property which allows water to infiltrate into the ground rather than becoming runoff and does not impede the natural flow of water into the soil. Pervious surfaces include, but are not limited to, lawns, gardens, asphalt, and gravel used for non-vehicular travel, and unpaved areas. Maintained and well-functioning permeable pavers



and other alternative porous pavements, as defined in the City's Land Development Regulations, are not considered an impervious surface.

*Pledged revenue* means, as to any series of obligations, (a) the proceeds of such obligations, including investment earnings, (b) proceeds of the stormwater improvement assessments pledged to secure the payment of such obligations, and (c) any other legally available non-ad valorem revenue pledged to secure the payment of such obligations, as specified by the resolution authorizing such obligations.

*Project cost* means, (a) the capital cost of a stormwater improvement, (b) the transaction cost associated with the obligations to finance the stormwater improvement, (c) interest accruing on such obligations for such period of time as the city deems appropriate, (d) the debt service reserve fund or account, if any, established for the obligations which financed the stormwater improvement, and (e) any other costs or expenses related thereto.

*Property appraiser* means the Pinellas County Property Appraiser.

*Single-family attached (SFA)* means townhomes and other attached single-family residential properties which share a common space or area.

*Single-family residential (SFR)* means single family residences, duplexes, triplexes, and quadplexes on one parcel.

*Statutory stormwater assessment resolution* means the resolution required by Section 197.3632(3)(a), Fla. Stats., stating the city's intent to collect stormwater assessments using the uniform method of collecting such assessments.

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

*Stormwater assessment* or *fee* means either a stormwater improvement assessment, a stormwater service assessment, or both. *Stormwater assessment roll* means the special assessment roll created that includes all parcels within the city and their assigned stormwater assessment relating to stormwater improvements or stormwater management services approved by an annual stormwater assessment resolution pursuant to section 43-30 hereof.

*Stormwater basin* means a part of the earth's surface that contributes stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

*Stormwater improvement* means land, capital facilities, equipment, and improvements acquired or provided to detain, retain, convey, or treat stormwater.

*Stormwater improvement area* means one or more stormwater basins, or any portion or portions thereof, encompassing those parcels of property specially benefited by the purchase, construction, reconstruction or installation of all or any portion of a stormwater improvement that removes, detains, retains or treats, in whole or in part, the stormwater burden expected to be generated by the physical characteristics and use of the assessed property. Each stormwater improvement area will include either, (a) the property, which is hydrologically connected, directly or indirectly, to the stormwater improvement, or (b) all property located within a hydrologically defined area in which the city constructs one or more stormwater improvements to correct existing deficiencies with respect to a specific level of service and provide a consistent level of stormwater management.

*Stormwater management service* means, (a) stormwater program engineering, (b) stormwater improvements to be acquired or constructed during a single fiscal year without the issuance of any obligations, (c) billing and collection of stormwater assessments, including customer information and educational services and reserves for statutory discounts, (d) maintaining the city's capital facilities for stormwater management, including extraordinary maintenance, and (e) legal, engineering, and other consultant services.

*Stormwater service area* means the geographic area that encompasses all parcels within the city, which specially benefits from the stormwater management service and all parcels to which stormwater management services are provided.

*Stormwater service cost* means the estimated amount for any fiscal year of all expenditures and reasonable reserves that are properly attributable to the stormwater management service provided within the stormwater service area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the city for any moneys advanced for the stormwater management service, and interest on any interfund or intrafund loan for such purpose.

*Stormwater utility* means the entity established by section 43-17 hereof to implement the stormwater management program of the city.

*Tax collector* means the Pinellas 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.

*Transaction cost* means the costs, fees and expenses incurred by the city in connection with the issuance and sale of any series of obligations, including, but not limited to, (a) rating agency and other financing fees, (b) the fees and disbursements of bond counsel, (c) the underwriters' discount, (d) the fees and disbursements of the city's financial advisor, (e) the costs of preparing or printing the obligations and the documentation supporting issuance of the obligations, (f) the fees payable in respect of any municipal bond insurance policy, and (g) any other costs of a similar nature incurred in connection with issuance of such obligations.

*Uniform Assessment Collection Act* means F.S. §§ 197.3632 and 197.3635, 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 4.** Section 43-11 is hereby created and shall read as follows:

**Sec. 43-11. Interpretation.**

Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of gender include the correlative words of the other genders unless the context indicates otherwise.

**Section 5.** Section 43-12 is hereby created and shall read as follows:

**Sec. 43-12. General findings.**

It is hereby ascertained, determined, and declared that:

- (a) Pursuant to Article VIII, section 2(b), Florida Constitution, and F.S. § 166.021, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. These municipal powers include the adoption of ordinances.
- (b) The purpose of this article is to:
  - (1) Provide procedures and standards for the imposition of stormwater assessments under the constitutional and statutory power of the city;
  - (2) Authorize a procedure for the funding of stormwater management services, facilities, or programs providing special benefit to assessed property within the stormwater service area;
  - (3) Authorize a procedure for the funding of stormwater improvements providing special benefit to assessed property within the stormwater service area; and
  - (4) Legislatively determine the special benefit provided to assessed property from the stormwater utility.
- (c) The Florida Legislature has mandated that local governments in the State of Florida, including the city, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection, the Federal Clean Water Act, the water management districts, and the stormwater management programs established and maintained by other local governments.
- (d) The stormwater assessments imposed hereby are consistent with the authority granted in F.S. § 403.0893. This statutory provision is additional and supplemental authority to the constitutional and statutory powers granted to a municipality.
- (e) The city maintains a system of stormwater and surface water management facilities, including, but not limited to inlets, conduits, culverts, pipes, lines, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, treatment ponds, pump stations and other components as well as natural waterways.
- (f) Those elements of the city stormwater and surface water management system that provide for the collection, storage, treatment, and conveyance of stormwater are of benefit and provide services to all developed property within the city.
- (g) The cost of maintaining the stormwater management system and providing stormwater management services in accordance with existing permits and the financing of existing and future repairs, replacements, improvements, and extension

thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.

- (h) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate stormwater management practices. All developed property either uses the stormwater management system or benefits from the provision and operation of the stormwater management services.

**Section 6.** The following sections are reserved as follows:

**Secs. 43-13 through 43-16 – Reserved.**

**Section 7.** Division 2, Stormwater Utility, is hereby created, and Section 43-17 is hereby created and shall read as follows:

*DIVISION 2. STORMWATER UTILITY*

**Sec. 43-17. Stormwater utility.**

There is hereby established a stormwater utility, which shall be the means of implementing and otherwise carrying out the functional requirements of the city's stormwater management system to construct or acquire stormwater improvements and provide stormwater management services. The stormwater utility shall provide for the preparation of stormwater studies and the implementation of the stormwater utility and the repair, replacement, improvement, and enhancement, of the city's capital facilities for stormwater management. The stormwater utility shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which are complementary to other regional, state, and federal programs. The City Manager shall be responsible for administration of the stormwater utility.

**Section 8.** Section 43-18 is hereby created and shall read as follows:

**Sec. 43-18. Stormwater utility fund.**

The city council intends to fund the cost of providing stormwater management services and capital facilities for stormwater management through stormwater assessments. The city council has further concluded that periodic determination of revenues earned, and expenses incurred in connection with the provision of capital facilities and equipment for stormwater management will enhance accountability and management control of the city's stormwater utility and will facilitate implementation of the city council's funding policy for stormwater management. Accordingly, there shall be established a stormwater utility fund. From an accounting perspective, the stormwater utility fund shall be established as a "special revenue fund." Proceeds of the stormwater service assessment shall be used for payment of the stormwater service cost; capital cost of stormwater improvements including any required surface restoration or improvements; debt service on obligations issued to finance stormwater improvements; and restoration or repairs to any City-owned property or infrastructure (including but not limited to roads, sidewalks, swales, structures, or hardscape) that is damaged due to improvement, repair or failure of stormwater infrastructure.



**Section 9.** The following sections are reserved as follows:

**Secs. 43-19 through 43-22 – Reserved.**

**Section 10.** Division 3, Stormwater Assessments, is hereby created, and Section 43-23 is hereby created and shall read as follows:

*DIVISION 3. STORMWATER ASSESSMENTS*

**Sec. 43-23. Legislative declarations of special benefit.**

It is hereby ascertained and declared that the stormwater utility, the stormwater management services, and the stormwater improvements provide a special benefit to the assessed property based upon the following legislative determinations:

- (a) The stormwater utility possesses a logical relationship to the use and enjoyment of all developed property by treating and controlling stormwater generated by improvements constructed on developed property, which resulted in the alteration of such property from its natural state to accommodate such improvements.
- (b) The special benefit received by assessed property is the control, management and treatment of the stormwater burden generated by the improvements on developed property in the city.
- (c) Substantially all of the stormwater burden managed, controlled, and treated by the stormwater utility is generated by developed property and the amount of stormwater generated by property in its natural state that is managed, controlled, and treated by the stormwater utility is inconsequential.
- (d) The city has adopted the infrastructure element of the capital improvement plan, which sets forth drainage goals and objectives that make it necessary and essential to construct improvements and enhancements to the existing stormwater system so the collection, storage, treatment, and conveyance of stormwater within the city adequately protects the health, safety, and welfare of the citizens of the city. The creation and maintenance of the stormwater utility is designed to meet the drainage goals and objectives of the comprehensive plan and other municipal, federal, and state policies mandating stormwater management programs by local governments.

The special benefits provided by the stormwater management services and stormwater improvements to all developed property include, but are not limited to: (1) the provision of stormwater management services and the availability and use of stormwater improvements by the owners and occupants of developed property to properly and safely detain, retain, convey, or treat stormwater discharged from developed property, (2) increased safety and better access to developed property, and (3) alleviation of the burdens caused by stormwater runoff and accumulation attendant with the use of developed property.

**Section 11.** Section 43-24 is hereby created and shall read as follows:

**Sec. 43-24. Stormwater fees.**

- 1) The city council is hereby authorized to impose stormwater fees or assessments for service and improvement costs against each developed parcel located within the stormwater service area for services and facilities provided by the stormwater system. These costs will be assessed against developed property located within the stormwater service area at a rate of assessment based upon the special benefit accruing to such property from the stormwater management service provided by the city, measured by the number of ERUs attributable to each parcel.
- 2) Notwithstanding the foregoing, if the city council specifically determines that any portion of the stormwater service area receives a distinct special benefit from any component of the stormwater management service that is materially different in kind or degree from the special benefit received by other portions of the stormwater service area, the stormwater service cost related to such component shall be assessed against the portion of the stormwater service area receiving the distinct special benefit.
- 3) Stormwater fees will be based on total Impervious Area (IA) within a parcel as represented by ERUs. The following rate structure for charging the fee for services and facilities of the stormwater system is hereby established:
  - i. Each SFR parcel shall be billed the annual rate for 1 ERU.
  - ii. Total ERUs for all Non-Single Family Residential (NSFR) parcels will be calculated by dividing measured IA by the ERU value then rounding up to the nearest whole number. The NSFR parcel shall then be billed for the total ERU multiplied by the annual rate.
  - iii. For properties that have common area space, such as Single Family Attached (SFA) and Multi-Family Residential (MFR) parcels, total ERUs are calculated by first summing the measured IA for both common area parcels and dwelling unit parcels in the development and then dividing that by the ERU value and rounding it up the nearest whole number. The total ERUs are then equally allocated to each dwelling unit in the development by dividing total ERUs by the number of dwelling units. The MFR and SFA dwelling unit parcels shall then be billed by the allocated ERUs multiplied by the annual rate.
- 4) Stormwater fees shall apply to all developed properties within the city that are benefited by the system including those properties owned or occupied by a nonexempt governmental or nonprofit entity that are otherwise tax-exempt for ad valorem tax purposes.
- 5) Public right-of-way and bodies of water, excluding those with impervious surfaces or linings, are exempt from the application of user fees.
- 6) Properties with less than 400 sq ft of impervious surfaces will not be assessed a stormwater fee.
- 7) Mitigation Credits and Exemptions:

- a) Developed properties with on-site stormwater management or mitigation may apply for mitigation credits. These credits can be applied against the stormwater fees assessed to the parcel. The procedures to make application for and approval of mitigation credits are detailed in the Mitigation Credit Manual. The Mitigation Credit Manual effective on the effective date of this ordinance is hereby approved and ratified and made part of this ordinance by reference. The City Manager is authorized to enforce the provisions of the Mitigation Credit Manual, and any amendments to same, and to make changes to the referenced manual as he or she deems appropriate. The Mitigation Credit Manual can be found in the office of the City Clerk.

**Section 12.** The following section is reserved as follows:

**Sec. 43-25 – Reserved.**

**Section 13.** Section 43-26 is hereby created and shall read as follows:

**Sec. 43-26. Stormwater assessment roll.**

- (a) The City Manager shall prepare, or direct the preparation of, a preliminary stormwater assessment roll that contains the following information:
  - (1) A summary description of each parcel of 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; and
  - (4) The estimated maximum stormwater utility fee to become due in any fiscal year for each ERU and each tax parcel.
- (b) Copies of the statutory stormwater assessment resolution and the preliminary stormwater assessment roll shall be on file in the office of the City Clerk 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 property can be determined by use of a computer terminal available for use by the public.

**Section 14.** Section 43-27 is hereby created and shall read as follows:

**Sec. 43-27. Notice by publication.**

After filing the stormwater assessment roll in the office of the City Clerk, as required by section 43-26 hereof, the City Clerk shall publish once in a newspaper of general circulation within the city a notice stating that a public hearing of the city council will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the city council will receive written comments and hear testimony from all interested persons regarding adoption of the statutory stormwater assessment resolution and approval of the stormwater assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the stormwater assessments.

**Section 15.** Section 43-28 is hereby created and shall read as follows:

**Sec. 43-28. Notice by mail.**

In addition to the published notice required by section 43-27, the City Manager shall provide notice of the proposed stormwater assessments by First Class U.S. Mail to the owner of each parcel of property subject to the stormwater assessments, which notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each property owner at such address, as is shown on the tax roll on the twentieth (20th) calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The City Manager shall 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 city council pursuant to this article.

**Section 16.** Section 43-29 is hereby created and shall read as follows:

**Sec. 43-29. Statutory stormwater assessment resolution.**

The adoption of the statutory stormwater assessment resolution by the city council shall constitute a legislative determination that all parcels assessed derive a special benefit from the services, facilities or programs to be provided or constructed and a legislative determination that the stormwater assessments are equitably and reasonably apportioned among the properties that receive the special benefit. All objections to adoption of the stormwater assessment resolution shall be made in writing and filed with the City Clerk at or before the time or adjourned time of such hearing. The statutory stormwater assessment resolution shall constitute the City's intent to collect stormwater assessments using the uniform method of collection pursuant to Section 197.3632, Florida Statutes and was adopted prior to the effective date of this article.

**Section 17.** Section 43-30 is hereby created and shall read as follows:

**Sec. 43-30. Annual stormwater assessment resolution.**

- (a) Annually, during its budget adoption process, the city council shall determine whether to re-impose a stormwater assessment for each fiscal year following the initial fiscal year. If the city council elects to re-impose a stormwater assessment, the procedures in this section 43-30 shall be followed.
- (b) The city council shall adopt an annual stormwater assessment resolution for each fiscal year.
- (c) The annual stormwater assessment resolution shall:
  - (1) Establish the rate of assessment to be imposed in the upcoming fiscal year; and
  - (2) Approve the stormwater assessment roll for the upcoming fiscal year with such adjustments as the city council deems just and right. The stormwater



assessment roll shall be prepared in accordance with the method of apportionment set forward in the annual stormwater assessment resolution.

- (d) If the proposed stormwater assessment for any parcel of developed property exceeds the maximum assessment rate established in the annual stormwater assessment resolution, or if a stormwater assessment is imposed against property not previously subject thereto, the city council shall provide notice to the owner of such property by mail in accordance with section 43-28 hereof and conduct a public hearing prior to adoption of the assessment rate.

**Section 18.** Section 43-31 is hereby created and shall read as follows:

**Sec. 43-31. Effect of stormwater resolution.**

The adoption of the 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 twenty (20) days from the date of city council adoption of the annual 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, or such other official as the city council, by resolution, deems appropriate.

**Section 19.** Section 43-32 is hereby created and shall read as follows:

**Sec. 43-32. 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 prior liens, titles, and claims, until paid. The lien shall be deemed perfected upon adoption by the city council of the annual stormwater rate resolution and shall attach to the property included on the stormwater assessment roll as of the prior January 1, the lien date for ad valorem taxes.
- (b) Upon adoption of the statutory stormwater assessment resolution, stormwater assessments to be collected under the alternative method of collection provided in section 43-45 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 prior liens, titles, and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the official records of Pinellas County, Florida.

**Section 20.** Section 43-33 is hereby created and shall read as follows:

**Sec. 43-33. Authorization for exemptions.**

(a) The city council, in its sole discretion, shall determine whether to provide exemptions from payment of a stormwater assessment for government property, whose use is wholly or partially exempt from ad valorem taxation under Florida law.

(b) The city council shall designate the funds available to provide any exemptions. The provision of an exemption in any one (1) year shall in no way establish a right or entitlement to such exemption in any subsequent year, and the provision of funds in any year may be limited to the extent funds are available and appropriated by the city council. Any funds designated for exemptions shall be paid by the city from funds other than those generated by the stormwater assessment.

(c) Any shortfall in the expected stormwater assessment proceeds, due to any exemption from payment of the stormwater assessments required by law or authorized by the city council, shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the assessments. In the event a court of competent jurisdiction determines any exemption by the city council is improper or otherwise adversely affects the validity of the stormwater assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of an assessment upon each affected tax parcel in the amount of the stormwater assessment that would have been otherwise imposed, save for such exemption afforded the tax parcel by the city council.

**Section 21.** The following sections are reserved as follows:

**Secs. 43-34 through 43-40 – Reserved.**

**Section 22.** Division 4, Collection of Stormwater Assessments, is hereby created, and Section 43-41 is hereby created and shall read as follows:

*DIVISION 4. COLLECTION OF STORMWATER ASSESSMENTS*

**Sec. 43-41. Method of collection of stormwater assessments.**

Unless directed otherwise by the city council, stormwater assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the city shall comply with all applicable provisions thereof. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

**Section 23.** Section 43-42 is hereby created and shall read as follows:

**Sec. 43-42. Properties subject to the special assessment.**

Within the City of Seminole, the levy and collection of the annual special assessment shall apply to all developed properties within the incorporated area of the City of Seminole as described

in section 2.01 of Article II of the Charter of the City of Seminole and in official documents in the possession of the City Clerk as amended from time to time.

**Section 24.** Section 43-43 is hereby created and shall read as follows:

**Sec. 43-43. Annual certification.**

By September 15th of each year, the office of the City Manager shall certify to the Pinellas County Tax Collector a list of all properties within the city subject to the special assessment at any time subsequent to the last annual certification and prior to the date of the then current certification.

**Section 25.** Section 43-44 is hereby created and shall read as follows:

**Sec. 43-44. Interlocal agreement.**

The city council is authorized to enter into an interlocal agreement with Pinellas County in connection herewith.

**Section 26.** Section 43-45 is hereby created and shall read as follows:

**Sec. 43-45. Alternative method of collection of stormwater assessments.**

In lieu of using the Uniform Assessment Collection Act, the city may elect to collect the stormwater assessment by any other method which is authorized by law or under an alternative collection method provided by this section 43-45.

- (a) The city shall provide stormwater assessment bills by First Class U.S. Mail to the owner of each affected parcel of 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 calculation used to determine the amount of the assessment;
  - (3) The number of ERUs attributed to the parcel;
  - (4) The total amount of the parcel's stormwater assessment for the appropriate period;
  - (5) The location at which payment will be accepted;
  - (6) The date on which the stormwater assessment is due; and
  - (7) 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 Pinellas County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

- (c) The city 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 (30) days from the date any installment is due. The city or its agent shall notify any property owner who is delinquent in payment of his or her stormwater assessment within sixty (60) days from the date the stormwater assessment was due. Such notice shall state in effect that the city 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 as provided by law.
- (d) All costs, fees, and expenses, including reasonable attorney's 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 city may be the purchaser to the same extent as an individual person or corporation. The city 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 city and its agents, including reasonable attorney's fees in collection of such delinquent stormwater assessments and any other costs incurred by the city as a result of such delinquent stormwater assessments including, but not limited to, costs paid for draws on a credit facility, 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 article; 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 27.** Section 43-46 is hereby created and shall read as follows:

**Sec. 43-46. Collection of stormwater assessments from government property.**

- (a) Unless directed otherwise by the city council, the city may provide stormwater assessment bills by First Class U.S. Mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
  - (1) A brief explanation of the stormwater assessment;
  - (2) A description of the ERUs or other unit used to determine the amount of the stormwater assessment;
  - (3) The number of ERUs (or other units used to calculate the amount of the stormwater assessment) attributed to the parcel;



- (4) The total amount of the parcel's stormwater assessment for the appropriate period;
- (5) The location at which payment will be accepted; and
- (6) The date on which the stormwater assessment is due.

(b) A stormwater assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The city shall notify the owner of any government property that is delinquent in payment of its stormwater assessment within sixty (60) days from the date the stormwater assessment was due. Such notice shall state in effect that the city will initiate a mandamus or other appropriate judicial action to compel payment.

(c) All costs, fees, and expenses, including reasonable attorney's 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 city, including reasonable attorney's fees in collection of such delinquent stormwater assessments and any other costs incurred by the city as a result of such delinquent stormwater assessments including, but not limited to, costs paid for draws on a credit facility, and the same shall be collectible as a part of or in addition to, the costs of the action.

**Section 28.** Section 43-47 is hereby created and shall read as follows:

**Sec. 43-47. Responsibility for enforcement.**

The city and its agent, if any, shall maintain the duty to enforce the prompt collection of stormwater assessments by the means provided herein. The duties related to collection of stormwater assessments may be enforced at the suit of any holder of obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

**Section 29.** The following sections are reserved as follows:

**Secs. 43-48 through 43-52 – Reserved.**

**Section 30.** Division 5, General Provisions, is hereby created, and Section 43-53 is hereby created and shall read as follows:

*DIVISION 5. GENERAL PROVISIONS*

**Sec. 43-53. Issuance of obligations.**

(a) Upon adoption of the annual stormwater assessment resolution imposing stormwater improvement assessments, or at any time thereafter, the city council shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time-to-time in series, for the issuance of obligations of the city to fund the projects cost

thereof, and any amounts to be paid or accrued in connection with issuance of such obligations, including, but not limited to capitalized interest, transaction costs and reserve account deposits.

(b) The principal of and interest on each series of obligations shall be payable from pledged revenue. At the option of the city council, the city may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the obligations or in the payment of the obligations, from other non-ad valorem revenue sources. The city council may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

**Section 31.** Section 43-54 is hereby created and shall read as follows:

**Sec. 43-54. Revisions to stormwater assessments.**

If any stormwater assessment made under the provisions of this article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the city council is satisfied that any such stormwater assessment is so irregular or defective that the same cannot be enforced or collected, or if the city council has failed to include any property on the stormwater assessment roll that should have been so included, the city council may take all necessary steps to impose a new stormwater assessment against any such property, following as nearly as may be practicable, the provisions of this article and in case such second stormwater assessment is annulled, the city council may obtain and impose other stormwater assessments until a valid stormwater assessment is imposed.

**Section 32.** Section 43-55 is hereby created and shall read as follows:

**Sec. 43-55. Procedural irregularities.**

Any irregularity in the proceedings in connection with the levy of any stormwater assessment under the provisions of this article 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 article, 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 43-55, any party objecting to a stormwater assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time period prescribed in section 43-31 of this article.

**Section 33.** Section 43-56 is hereby created and shall read as follows:

**Sec. 43-56. Correction of errors and omissions.**

- (a) No act of error or omission on the part of the City Council, City Manager, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any stormwater assessment imposed by the city council under the provisions of this article.
- (b) The number of ERUs attributed to a parcel of property may be corrected at any time by the Public Works Director or City Manager. Any such correction which reduces a stormwater assessment shall be considered valid from the date on which the stormwater assessment was imposed as allowable by the Tax Collector and shall in no way affect the enforcement of the stormwater assessment imposed under the provisions of this article. Any such correction which increases a stormwater assessment or imposes a stormwater assessment on omitted property shall first require notice to the affected owner by mail in the manner described in section 43-28 hereof, providing the date, time and place that the city council 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, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes under state law.

**Section 34.** Section 43-57 is hereby created and shall read as follows:

**Sec. 43-57. Applicability.**

This article and the city's authority to impose stormwater assessments pursuant hereto shall be applicable throughout the city.

**Section 35.** Section 43-58 is hereby created and shall read as follows:

**Sec. 43-58. Alternative method.**

This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby 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. This article, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to affect the purposes hereof.

**Section 36.** For purposes of codification of any existing section of the City Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 37.** If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

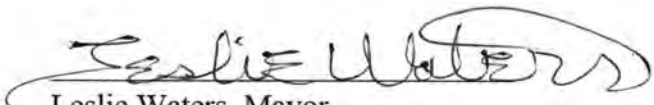
**Section 38.** The Codifier shall codify the substantive amendments to the City Code contained in Sections 1 and 35 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 39.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

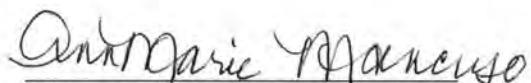
APPROVED ON FIRST READING: June 10, 2025

PUBLISHED: 5-28-25 and 6-11-, 2025

PASSED AND ADOPTED ON SECOND AND FINAL READING: June 24  
\_\_\_\_, 2025

  
Leslie Waters, Mayor

ATTEST:

  
Ann Marie Mancuso, City Clerk



# **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Seminole's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference:

**ORDINANCE NO. 03-2025**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, CREATING A STORMWATER UTILITY AND ASSESSMENT CITYWIDE; BY CREATING CHAPTER 43, STORMWATER UTILITY, ARTICLE I, STORMWATER UTILITY AND ASSESSMENTS; CREATING DIVISION 1, INTRODUCTION; RESERVING SECTIONS 43-1 THROUGH 43-9; CREATING SECTION 43-10, DEFINITIONS; CREATING SECTION 43-11, INTERPRETATION; CREATING SECTION 43-12, GENERAL FINDINGS; RESERVING SECTIONS 43-13 THROUGH 43-16; CREATING DIVISION 2, STORMWATER UTILITY; CREATING SECTION 43-17, STORMWATER UTILITY; CREATING SECTION 43-18, STORMWATER UTILITY FUND; RESERVING SECTIONS 43-19 THROUGH 43-22; CREATING DIVISION 3, STORMWATER ASSESSMENTS; CREATING SECTION 43-23, LEGISLATIVE DECLARATIONS OF SPECIAL BENEFIT; CREATING SECTION 43-24, STORMWATER FEES; RESERVING SECTION 43-25; CREATING SECTION 43-26, STORMWATER ASSESSMENT ROLL; CREATING SECTION 43-27, NOTICE BY PUBLICATION; CREATING SECTION 43-28, NOTICE BY MAIL; CREATING SECTION 43-29, STATUTORY STORMWATER ASSESSMENT RESOLUTION; CREATING SECTION 43-30, ANNUAL STORMWATER ASSESSMENT RESOLUTION; CREATING SECTION 43-31, EFFECT OF STORMWATER RESOLUTION; CREATING SECTION 43-32, LIEN OF STORMWATER ASSESSMENTS; CREATING SECTION 43-33, AUTHORIZATION FOR EXEMPTIONS; RESERVING SECTIONS 43-34 THROUGH 43-40; CREATING DIVISION 4, COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-41, METHOD OF COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-42, PROPERTIES SUBJECT TO THE SPECIAL ASSESSMENT; CREATING SECTION 43-43, ANNUAL CERTIFICATION; CREATING SECTION 43-44, AUTHORIZING INTERLOCAL AGREEMENT; CREATING SECTION 43-45, ALTERNATIVE METHOD OF COLLECTION OF STORMWATER ASSESSMENTS; CREATING SECTION 43-46, COLLECTION OF STORMWATER ASSESSMENTS FROM GOVERNMENT PROPERTY; CREATING SECTION 43-47, RESPONSIBILITY FOR ENFORCEMENT; RESERVING SECTIONS 43-48 THROUGH 43-52; CREATING DIVISION 5, GENERAL PROVISIONS; CREATING SECTION 43-53, ISSUANCE OF OBLIGATIONS; CREATING SECTION 43-54, REVISIONS TO STORMWATER ASSESSMENTS; CREATING SECTION 43-55, PROCEDURAL IRREGULARITIES; CREATING SECTION 43-56, CORRECTION OF ERRORS AND OMISSIONS; CREATING SECTION 43-57, APPLICABILITY;**

**CREATING SECTION 43-58, ALTERNATIVE METHOD; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Seminole is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Seminole is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Seminole hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

**The proposed ordinance creates a stormwater utility and provides procedures for the imposition of stormwater assessments for all developed property in the City. The City's stormwater and surface water management system provides for the collection, storage, treatment, and conveyance of stormwater. The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate stormwater management practices. All developed property in the City benefits from using the stormwater management system.**

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Seminole, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Seminole's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

**(a) Compliance Costs for Businesses: Tentative non-ad valorem assessment fee of \$140/year per Equivalent Residential Unit (ERU). ERU is defined as 3,500 square feet of impervious surface area.**

**(b) New Charge or Fee: Tentative non-ad valorem assessment fee of \$140/year per Equivalent Residential Unit (ERU). ERU is defined as 3,500 square feet of impervious surface area.**

**(c) Regulatory Costs/Estimated Revenues to City: Estimated revenues from tentative new charges: \$1,725,000**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

**378**

4. Additional information the governing body deems useful (if any):

**None.**