



# **FLORIDA KEYS AQUEDUCT AUTHORITY**

## **RULES AND REGULATIONS**

**WATER  
WASTEWATER  
RECLAIMED WATER**

**FKAA  
RULES AND REGULATIONS**

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**GENERAL AND PROCEDURAL**

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**CHAPTER 48-101  
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**48-101.001 DESCRIPTION AND ORGANIZATION**

The Florida Keys Aqueduct Authority is a political sub-division of the State of Florida. The Authority was created by Special Act, Chapter 76-441, Laws of Florida, as amended, which has been amended from time to time. Special Act 76-441, Laws of Florida, as amended, is the specific authority for the adoption of rules by the Florida Keys Aqueduct Authority. Where any conflict arises between provisions of the Special Act and any other state law or regulation, the provisions of the Special Act shall prevail unless otherwise provided by law.

**48-101.002 DEFINITIONS AND CONSTRUCTION**

The terms defined in Chapter 120, Florida Statutes, shall have the same meaning when used in these rules, except where a different definition is prescribed by the Special Act, which shall prevail over any other definition. 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 these rules; and the term “hereafter” means after, and the term “heretofore” means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below shall have the following meaning except where the context clearly otherwise requires:

- (1) “Act” or “the Act” refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) “Active Account” means any account under which the Authority stands ready to serve developed property and for which Service is rendered or available on demand and payment for said Service is made or due from the recipient on a monthly basis.

- (3) “Advanced Sewage Disposal System” or “ASDS” means an on-site disposal system permitted and approved by DOH that provides for removal of nutrients (nitrogen and phosphorus) to the extent determined by DOH to be consistent with “best available technology.”
- (4) “Agency Decision” means an Authority decision or action in which the substantial interests of a party are determined.
- (5) “Agreement for Service” is the agreement with customer in writing, verbal, on line or by acceptance of service which establishes the relationship between the Customer and the Authority under which Service to the Customer is rendered and payment to the Authority for said Service is made.
- (6) “Agency Hearing” “Agency Hearing” means a hearing, requested by a customer or any other person or entity adversely affected by any “Agency Decision”, other than an “Agency Decision” rendered by the “Board”. The Agency Hearing shall be held before the Executive Director, or his designee, who shall review all information relevant to the matter and render a decision. The decision of the Executive Director may be reviewed by the “Board”. The decision of the “Board” shall be the final decision of the Authority.
- (7) “Alternate System Development Charge” means the assessment of the System Development Charge based on the size of meter provided by the Authority for Service to the premises when Fixture Values cannot be ascertained.
- (8) “Alternative Water Supply” means any potable water supply facilities not owned or operated by the Authority, including, but not limited to, Desalinization Water Supply facilities, Wells and Catchment Basins, and Alternative Water Supply Distribution Systems, and shall include all such water supplies subject to Authority jurisdiction except as otherwise provided herein or by law.
- (9) “Alternative Wastewater Facilities” means any Wastewater Facilities not owned or operated by the Authority, including but not limited to, individual On-site Wastewater Nutrient Reduction Systems (OWNRS), interim On-site Wastewater Nutrient Reduction Systems, clustered On-site Wastewater Nutrient Reduction Systems, and Package Wastewater Treatment Plants, and shall include all such Wastewater Facilities subject to Authority jurisdiction except as otherwise provided herein or by law.
- (10) “Annual Assessment Resolution” means the resolution described in Section 48-103.007, approving an Assessment Roll for a specific Fiscal Year.
- (11) “Annual Water Rate Index” means the formula by which the Authority annually adjusts the Base Facility Charge, Consumption Charge, and miscellaneous fees to reflect inflationary increases in the cost of providing services.
- (12) “Assessment” means a charge or special assessment (sometimes characterized as a non- ad valorem assessment) imposed by the Authority to fund the Capital Cost of Utility Improvements or the Operating Cost of Related Services, as provided for in Chapter 48-103.

(13) “Assessment Area” means any area identified by the Authority pursuant to Section 48-103.002 hereof, that is specifically benefited from Utility Improvements or other Operating Cost of Related Services.

(14) “Assessment Roll” means the special assessment roll relating to Utility Improvements or Related Services, approved by a Final Assessment Resolution pursuant to Section 48-103.006 or an Annual Assessment Resolution pursuant to Section 48-103.007.

(15) “Assessment Unit” means the unit or criteria utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. “Assessment Units” may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, land area, improvement area, equivalent residential connections, permitted land use, usage rates, fixture values, capacity factors under applicable concurrency management regulations, or any other physical characteristic or reasonably expected use of the property that is related to the Utility Improvement or Related Service to be funded from proceeds of the Assessment.

(16) “At Cost” means the current applicable cost of all equipment, labor, fringe benefits, and materials used to perform a defined task including overhead factors.

(17) “Authority” means the Florida Keys Aqueduct Authority, unless a different intent clearly appears from the context.

(18) “Backflow Prevention Assembly” shall mean either a reduced pressure or a double check valve assembly that protects the Authority’s public potable water supply at the meter assembly by isolating within the customer’s premises actual or potential pollution or contamination due to cross-connection.

(19) “Base Facility Charge” means the fixed monthly rate billed to customers based on the customer’s meter size and does not include charges for water consumption, wastewater flow or reclaimed water flow. The Base Facility Charge is based on Meter Size.

(20) “Base User Fee” for Wastewater means the minimum monthly charge based on the number of Equivalent Dwelling Units (EDU’s) served and a predetermined allowed amount of Wastewater anticipated to be generated by any Customer being served; or the minimum monthly charge based on the size of the Customer’s Reclaimed Water Meter and a predetermined allowed amount of Reclaimed Water anticipated to be used by a Customer on a monthly basis.

(21) “Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It shall also mean a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-day period as specified in Chapter 62-160, F.A.C.

(22) “Board” shall mean the Board of Directors of the Authority.

(23) “Boat Slip/Dock/Berth” means a slip, dock or berth bordered by a seawall, or a fixed or floating pier used for mooring or docking boats, houseboats, barges, or other types of floating modules or vessels used for or capable of being used for residential, or non-residential use at either marina facilities or on private waterways.

(24) “Building” shall mean any Premises or structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind, or any other improvement, use, or structure which creates or increases the potential demand on the Water, Wastewater or Reclaimed Water Utility System operated by the Authority. This term shall include trailers, mobile homes, Boat Slip/Dock/Berth, or any vehicle serving in any way the function of a Building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

(25) “Building Permit” shall mean an official document or certificate issued by the authority having jurisdiction, authorizing the construction or sitting of any Building. The term “Building Permit” shall also include tie-down permits or other similar authorizations for those structures or Buildings, such as a mobile home or a Boat Slip/Dock/Berth that does not otherwise require a Building Permit in order to be occupied.

(26) “Business Day” means the period of each day from 8:00 A.M. to 5:00 P.M., excluding the Authority’s declared holidays and weekends.

(27) “Bypass” means the intentional diversion of Wastewater streams from any portion of an Industrial User’s treatment facility.

(28) “Categorical Industrial User” means an Industrial User subject to Categorical Pretreatment Standards.

(29) “Capital Cost” means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Utility Improvements and imposition of the related Assessments under generally accepted accounting principles, including capitalized interest, financing costs and other costs related to a capital project.

(30) “Categorical Pretreatment Standard” refers to the national Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged by existing or new Industrial Users in specific industrial sub-categories, established as separate regulations as promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appears in 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471, as amended. These standards, unless specifically noted otherwise, shall be in addition to all Pretreatment Standards and requirements.

(31) “Class of Service” means the classifications by which the FCAA identifies a premises to which service is provided and shall include internal identification by location class, customer class and service type.

(32) “Code of Federal Regulations” or “C.F.R.” refers to the codification of the general and permanent rules published in the Federal Register by the Executive Departments and Agencies of the Federal Government. The Code is divided into fifty titles that represent broad areas subject to Federal Regulation. Each title is divided into chapters that usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas of concern.

(33) “Common and Public Bathroom Facilities” means separate multi-fixture installations of various combinations of commodes, urinals, bidets, lavatories, shower stalls, sinks and tubs used for human hygiene and sanitation, serviced by a 5/8 inch meter or larger connection, subject to common usage by human occupants of attendant and near-by camp sites, quarters, rooms, units or other modules, or by the general public.

(34) “Composite Samples” are used to measure the average amount of pollutants discharged by the IU during the composite period. Composite samples are preferred when evaluating compliance with twenty-four (24) hour or daily average concentration limits and mass limits. Samples may be obtained as either time-proportional or flow proportional. Time-proportional composite samples are generally collected under conditions of constant or slightly fluctuating effluent flows. A timed composite shall be collected continuously, or at constant sample volume with a constant time interval between samples. Flow-proportional composite samples are collected when both an IUs effluent flow and pollutant concentrations or loadings exhibit irregular changes. A flow proportional composite shall be collected continuously, proportional to stream flow. The Authority must approve the type of composite sampler which is used. In case of collection samples for BOD, the samples must be immediately refrigerated after collection, otherwise organic decomposition will take place and the accuracy of the sample will be in question.

(35) “Consumption Block” refers to the specific range of monthly water use, depending on meter size, which is used to calculate the Consumption Charge

(36) “Consumption Charge” means the charge billed customers per hundred gallons of metered water each month. The Consumption Charge is based on meter size and monthly Consumption Block as shown in Fees and Charges, Section 48-208.004.

(37) “Conventional Pollutant” means any of five Wastewater Pollutants as defined by the Act including B.O.D., suspended solids, fecal coliform, pH, and oil and grease.

(38) “Cost of Funds” means an interest rate equal to either (a) the Authority’s average rate of return on current short term investments or (b) the interest rate for a specific borrowing, whichever is applicable.

(39) “County” means Monroe County, a political subdivision of the State of Florida.

(40) “Cross-Connection” means any physical arrangement whereby a Potable Water Supply or a Reclaimed Water Supply is connected, directly or indirectly, with any other system capable of

imparting contamination to the Potable Water Supply or Reclaimed Water Supply as the result of backflow.

(41) “Customer” means any Person that accepts, receives or has been metered to receive Water, Wastewater, or Reclaimed Water Service.

(42) “Day” means one (1) twenty-four (24) hour period.

(43) “Delinquent Account” or “Delinquency” means that for the Active Account, payments for satisfaction of some or all past and current fees and charges are past due if not paid within 20 days from the date of the bill for the said Active Account, but Service has not yet been disconnected.

(44) “Delinquent Account Charge” means the charge billed customers when all or part of the payment on their account has become delinquent. The Delinquent Account Charge is based on the outstanding balance as shown in Fees and Charges 48-208-001 and 48-307.010(8).

(45) “Delinquent Account Reactivation Fee” means a charge to be based on the estimated cost of activities associated with such reactivation.

(46) “Department of Environmental Protection” or “DEP” means the State of Florida Department of Environmental Protection.

(47) “Department of Health” or “DOH” means the State of Florida Department of Health.

(48) “Department of Transportation” or “DOT” means the State of Florida Department of Transportation.

(49) “Developer” means a Person developing property for resale, rental or lease, to which Water, Wastewater, and Reclaimed Water Service may be provided by the Authority.

(50) “Director” means the Executive Director of the Authority or his or her designee.

(51) “Discharge” means the introduction of Pollutants into a Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

(52) “Distribution System” means the pipes owned by the Authority and used for the respective distribution of Water or Reclaimed Water to residential and non-residential Customers.

(53) “Dwelling Unit” means a single unit designated or intended for one-family occupancy (a household of one or more persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, or one mobile home.

- (54) “Duplicate Samples” are collected simultaneously from the same source under identical conditions into separate containers, usually as a quality control measure.
- (55) “Easement” means any acquired legal right for the specific use of land owned by others.
- (56) “Enforcement” means actions taken by Monroe County, a municipality, the Authority, or any other governmental entity in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.
- (57) “Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.
- (58) “Equivalent Dwelling Irrigation Unit” or “EDIU” means a system capacity equivalent that corresponds to five hundred (500) gallons per day of Reclaimed Water demand by the single-family residential category of Customer usage. This system capacity equivalency unit is used to establish the system demand for various sized connections for the purpose of assessing rates, fees, and charges.
- (59) “Equivalent Dwelling Unit” or “EDU” means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage. This system capacity equivalency unit may be utilized to establish the Water and Wastewater demand for the purpose of assessing rates, fees and charges.
- (60) “Existing Source” means any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which began before promulgation of Pretreatment Standards applicable to such source.
- (61) “Final Assessment Resolution” means the action described in Section 48-103.006, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of Assessments imposed under the procedures as provided for in Chapter 48-103.
- (62) “Fire Device” means the meter and/or reduced pressure zone assembly for the purpose of serving the customer’s fire protection system.
- (63) “Fire Lines” means the pipe, isolating valves, and fittings of the Authority, which extend from the water main to the property line, and which are used for supplying water exclusively for fire protection purposes.
- (64) “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 Authority.
- (65) “Fixture Review” means the Authority’s review of plans for the purposes of calculating the number of Fixture Values to determine the appropriate System Development Charge.

(66) “Fixture Value” means a determination of the amount of water (in gallons per minute) that a water-using fixture will normally demand, or the amount of Wastewater (in gallons per minute) that a water-using fixture is expected to generate, at a typical pressure of thirty-five pounds per square inch (35 psi). (Note: Fixture Values are determined by the American Water Works Association in the most recent edition of its publication designated as M22, Sizing Water Service Lines and Meters).

(67) “Force Main” means a pipe owned by the Authority and used to transmit Wastewater from a pump station to a treatment facility.

(68) “Flush out” (Blow off) means fittings installed at the end of a water main or water main extension used to flush line which is owned or intended to be owned by the Authority to which service lines may be connected.

(69) “Front Footage Assessment” means the charge made by the Authority to recover proportionate capital costs associated with providing Services to Premises located along a Water Main Extension, Reclaimed Water main, or wastewater line extension in accordance with Section 48-106.008. Such Assessment shall be applicable to the length of the Frontage of the property or Flush out when property is at end of installed water main.

(70) “Frontage” means the actual width of a property along which the proposed water main or wastewater line is to be installed, without regard to the position of any Building located on the Premises. For corner lots, Frontage shall mean the side of the lot that is consistent with the other lots on the same block.

(71) “Good Credit Refund” means that the Authority refunds or waives the Guarantee Payment Deposit for residential service based on established criteria.

(72) “Grab Sample” is a singular discreet sample collected without any regard to the waste stream flow. This sample may be used when both wastewater flow and pollutant concentration (i.e., loading) are constant over time. This sample may be used for batch discharges, such as a contaminated process tank that is periodically discharged. A batch discharge must be homogeneous in order to be accurately represented by a grab sample. Grab samples should be used when storing or compositing of a sample will alter the concentration or characteristics of pollutants being measured. Parameters that necessitate grab sample techniques include pH, temperature, volatile organics, gases, oil and grease, and phenols.

(73) “Guaranteed Payment Deposit” means a security deposit made by a Customer for payment of amounts due the Authority, to be applied first to any outstanding bills or other amounts owed by the Customer upon either discontinuance or termination of Service.

(74) “Industrial/Commercial Reclaimed Water Use” means reclaimed water that is used by the customer for non-potable purposes other than irrigation and other residential type applications. The FCAA shall determine industrial/commercial reclaimed water use applications, which shall be metered.

- (75) “Industrial Discharge Permit” or “IDP” means a written authorization from the utility Owner to Discharge Industrial Wastewater into a Wastewater Collection System and setting certain conditions and restrictions on such Discharge.
- (76) “Industrial Monitoring Report” or “IMR” means a report submitted by SIU’s indicating the nature and concentration of Pollutants for which the industry is regulated. These reported Pollutants may include local Discharge Standards and Categorical Pretreatment Standards.
- (77) “Industrial User” or “IU” means any Non-residential User discharging Industrial Wastewater into a Wastewater Collection System.
- (78) “Industrial Wastewater” means Wastewater from industrial operations, trade or business activities as distinct from domestic Wastewater.
- (79) “Industrial Wastewater Discharge Permit” means a written authorization from a utility Owner to Discharge Industrial Wastewater into the Wastewater Collection System and setting certain conditions or restrictions on such Discharge.
- (80) “Industrial Wastewater Surcharge” means an additional Service charge assessed against Industrial Users of a Wastewater System whose Wastewater characteristics exceed established surcharge limits.
- (81) “Initial Assessment Resolution” means the resolution described in Section 48-103.002, which shall be the initial proceeding for the imposition of an Assessment.
- (82) “Interruptible Service” means reclaimed water can be periodically stopped due to operational and/or seasonal fluctuations in supplies needed to meet demands.
- (83) “Irrigation” means the use of water to maintain and enhance the growth of lawns, shrubs, trees, or edible crops as set forth in Chapter 62-610, F.A.C. and will not return back into the wastewater system.
- (84) “Large Meter Service Unit” means a service unit having a potential peak demand for water exceeding the capacity of the Authority’s largest customary size service connection of a two-inch (2”) meter.
- (85) “Meter Relocation” means the relocation of a customer’s water meter based on the request of the customer or the Authority.
- (86) “Minimum Design and Construction Standards and Specifications” means the engineering design and construction specification demands of the Authority related to Water, Wastewater, or Reclaimed Water facilities constructed by any Developer, Owner, Customer or User, which are adopted by reference in these rules.
- (87) “MIU” stands for Meter Interface Unit. A device used to read the meter and transmit the information.

(88) “Mobile” means a campsite, lot or defined space of ground designed for or capable of being used by a recreational vehicle (RV) or other type of mobile or portable rigid or collapsible structure used for residential or non-residential use at either campsites, RV parks, on public or private property, including tent camp sites. (Permanently located mobile homes are considered single family dwellings).

(89) “Month” or “Monthly” means the time interval between successive meter reading dates, which is approximately thirty (30) calendar days.

(90) “New Source” means Wastewater sources defined as follows:

(a) Any building, structure, facility, or installation from which there is or may be a Discharge, for which construction is commenced after adoption of Pretreatment Standards applicable to such source.

(b) Any Building, structure, facility or installation from which there is or may be a Discharge, for which construction is commenced after the publication of Pretreatment Standards under Section 307(c) of the Act which are applicable to such source if such standards are thereafter promulgated in accordance with that section.

(c) New Sources shall have the following additional characteristics:

1. The building, structure, facility, or installation is constructed at a site at which no other source of Discharge is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
3. The production or Wastewater generating processes of the building structure, facility, or installation are substantially independent of an Existing Source of Discharge at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the Existing Source shall be considered; or
4. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(d) Construction of a new source, as defined herein, has commenced if the Owner or Operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or,
2. Caused significant site preparation work, including clearing, excavation, or removal of existing Buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,
3. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended for use in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under these rules.

(91) “Non-categorical Industrial User” means an Industrial User not subject to Categorical Pretreatment Standards.

(92) “Non-potable Water” shall mean water that is not intended for drinking or culinary purposes and does not meet the standards defined for potable water.

(93) “Obligations” means bonds or other evidence of indebtedness, including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance capital projects or any portion of the Capital Cost of Utility Improvements which may be secured, in whole or in part, by proceeds of the Assessments.

(94) “Off-Site Water Mains” means those water mains or wastewater lines located outside a development.

(95) “Oil/Grease Interceptor” or “OGI” means any device, including but not limited to grease traps and oil/water separators, designed and installed to separate and retain floating, deleterious, hazardous, and undesirable matter from Wastewater or liquid wastes, and that discharges to the Wastewater System.

(96) “Oil/Grease Interceptor User” or “OGIU” means establishments that use an Oil Grease Interceptor.

(97) “On-Site Disposal System” or “OSDS” means a Wastewater Treatment System utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit (ATU), on-site Wastewater Nutrient Reduction System (OWNRS), package sewage treatment facilities, including those facilities that are in full compliance with the regulatory standards and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal, or other type of Advanced Sewage Disposal System (ASDS). As used in this definition, the reference to “package sewage treatment facilities” includes any Wastewater treatment facility permitted for operation by the Florida Department of Environmental Protection, or its successor in function.

(98) “On-Site Mains” means those water mains or wastewater lines located in streets, rights of way, or easements within a development, and those mains located in streets that are peripheral to a development, which are constructed for use by that development, but are owned and operated by the Authority.

(99) “Operating Cost” means all or any portion of the expenses that are properly attributable to providing Services under generally accepted accounting principles.

(100) “Owner” means a Person who is the record Owner of any Premises.

(101) “Owner’s Acknowledgement of Service Restriction” means a legal document establishing restriction of change in conditions at a Premises or location to which Water, Wastewater, or Reclaimed Water Service is provided that impose an increase in potential demand on Authority facilities. The Owner’s Acknowledgement of Service Restriction is made for the purpose of protecting the Authority from a Customer modifying the Premises, such that water-using fixtures are added, thereby increasing the potential demand for Water, Wastewater,

or Reclaimed Water Service, without the Authority's consent. Such covenants shall be recorded in the Public Records of Monroe County.

(102) "Permanent" means a structure built, sited or installed on a permanent foundation used for residential or non-residential use.

(103) "Person" means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, private or governmental, as the context may require.

(104) "pH" is the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

(105) "Plumbing" means all pipes, fittings and appurtenances on the owner's side of the water meter.

(106) "Point of Available Service" means the point where the Authority's Water, Wastewater or Reclaimed Water Facilities have been installed to provide services to a developed property which is unoccupied and for which there is no customer currently obtaining active service.

(107) "Point of Service" means:

(a) For Reclaimed Water, the point where the Authority's Reclaimed Water facilities connect to Customer installed, owned, operated and maintained Reclaimed Water facilities;

(b) For Wastewater, the point where the Authority's Wastewater Facilities have been connected to Customer installed, owned, operated and maintained facilities. The Point of Service shall generally be at the point where the Building gravity Wastewater Service Lateral intersects the right-of-way line or, in the event a utility easement exists adjacent to the right-of-way line, at the point where the Building Wastewater Service Lateral intersects the utility easement line furthest from the main. A clean-out shall be located at the Point of Service as applicable.

(c) For Water, the point where the Authority's water meter has been connected to Customer owned or operated water-using facility, and where Water Service to the Customer begins. If no water meter is required, as for certain fire flow connections, the Point of Service is the point where the Authority's pipe has been connected to Customer owned or operated facility. If a meter or meter assembly is installed at the end of the Service Connection, the Service Connection shall mean the downstream end of the meter or meter assembly. There shall be no unprotected takeoffs from the Customer's service line ahead of any backflow preventer to the Customer's water system.

(108) "Pollutant" means any dredged spoil, solid waste, incinerator residue, Wastewater, garbage, Wastewater Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

(109) “Potable Water” means water that satisfies the standards of the responsible health authorities (i.e., U.S. Environmental Protection Agency, State of Florida Department of Environmental Protection and Department of Health) as drinking water.

(110) “Premises” means any and all real property and tangible personal property affixed to real property served or capable of being served by the Authority as a result of the existence of a Service Connection.

(111) “Pretreatment” means reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a Wastewater Collection or Treatment System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

(112) “Pretreatment Facility” means any equipment, system or process intended to reduce or eliminate the amount of Pollutants or alter the nature of prohibited Pollutants prior to a Discharge into the Wastewater Collection System.

(113) “Pretreatment Program” means the provisions and activities related to the regulation of direct and indirect Discharges into the Authority’s Wastewater Collection System, including the provisions and activities of the Authority provided for in Chapter 48-304.

(114) “Pretreatment Standards” means the prohibitive discharge standards as set forth in any applicable county or municipal wastewater facilities use ordinance (or similar local government ordinance), State of Florida Pretreatment Standards, Categorical Pretreatment Standards of the EPA, or the Authority Pretreatment Program.

(115) “Property Appraiser” means the Property Appraiser of the county in which a benefited Premises is located.

(116) “Reclaimed Bulk Rate User” shall mean the actual non-residential user of reclaimed water inside or outside the Authority limits that has an agreement for a specified reclaimed water rate.

(117) “Reclaimed Hose Bib Connection” means a special connection installed by the customer at certain points of delivery of reclaimed water that will enable the customer to attach a hose with a customized adaptor to use reclaimed water for non-potable purposes.

(118) “Reclaimed Master Control Valve” shall mean the Authority-installed and maintained valve which controls the total reclaimed water flow to the customer's property.

(119) “Reclaimed Service Line” shall mean that conduit to convey reclaimed water from the distribution main to the customer's property line.

- (120) “Reclaimed Shutoff Valve ” means a required, manually operated valve provided, installed and maintained by the customer downstream from the point of delivery that controls the reclaimed water flow to the customer's own system using reclaimed water.
- (121) “Reclaimed Water” means water that has received advanced treatment and disinfection and is reused after flowing out of a Wastewater Treatment Facility as set forth in Chapter 62-610, F.A.C.
- (122) “Reclaimed Water Distribution System” means the system comprised of all pipes, pumping facilities, storage facilities, and related appurtenances designed to convey and distribute Reclaimed Water from one or more Wastewater treatment facilities to the Point of Service with a Customer.
- (123) “Related Service” means the operation and maintenance of a Utility Improvement.
- (124) “Residential Service” means Service intended strictly for Dwelling Unit use.
- (125) “Residential User” means all Premises used only for human residency and which are connected to the Water, Wastewater, or Reclaimed Water facilities.
- (126) “Resolution of Intent” means the resolution expressing the Board’s intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.
- (127) “Returned Check”, “Bank Draft” or Dishonored Credit Card Payment” charge is a charge based on the estimated administrative cost of collecting the amount due from the tendered check, bank draft or credit card payment that was not honored by the payer’s bank as provided by Section 832.07, Florida Statutes.
- (128) “Sample Collection Station” means a manhole or other suitable structure through which the total Wastewater from a facility flows, and that can accommodate equipment for Wastewater sampling and flow measurement.
- (129) “Sanitary Conveniences” means facilities such as toilets, urinals, sinks, showers, bathtubs, and bidets which Discharge Wastewater to the Wastewater System.
- (130) “Sanitary Wastewater” means Wastewater Discharged from the Sanitary Conveniences of dwellings, office buildings, industrial plants, or institutions.
- (131) “Senior Citizen Service” means the class of service designated for qualifying Senior Citizens and Disabled American Veterans who fall within the maximum household income limits to qualify for the Senior Citizens’/Disabled American Veterans Water Service as shown in Chapters 48-104.003.
- (132) “Service” means availability or the supply of Potable Water or Reclaimed Water, or the readiness to accept, or the acceptance of Wastewater, to or from a Customer at a Point of Service by the Authority. It includes the readiness and ability on the part of the Authority to furnish

Water, Wastewater, or Reclaimed Water Service to the Customer on demand due to the presence of a Service Connection.

(133) “Service Charge” means the charge assessed customers, per event, when the Authority travels to the premise or for administrative processing by the Authority.

(134) “Service Connection” means the physical attachment of the Authority’s facilities to those facilities of any property through which Water, Wastewater, or Reclaimed Water Service is deliverable.

(135) “Service Initiation” means the date the customer begins to receive services through a Potable Water meter, Reclaimed Water meter, or Wastewater connection or the date that service is available in a newly constructed wastewater system.

(136) “Service Installation Fee” shall be based on the estimated cost of activities associated with construction of a Water, Wastewater, or Reclaimed Water Service Lateral.

(137) “Service Lateral” means the pipe which connects the Authority’s distribution line or collection facilities, as the circumstances require, to the Service Connection at the Point of Service. Said pipe is typically situated on private property and is owned, operated and maintained by the Owner.

(138) “Service Line” means that portion of the Sewer System that extends beyond the end of the building drain and conveys Wastewater to a public, private or individual Wastewater Collection System, or other point of disposal. In cases where the building is served by a Vacuum Sewer, the Building Sewer shall include the gravity line to the vacuum valve collection sump constructed within the public right-of-way or an Easement.

(139) “Service Unit” means Premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other water using appliance, or Wastewater generating fixtures, and used for a single residential or non-residential use. Service Units fall into the general categories of Permanent, Boat Slip/Dock/Berth, and Mobile.

(140) “Sewer” means any pipe, conduit, or other device used to collect and transport Wastewater and from which storm water, surface water, and groundwater is generally excluded. As the context requires, the term shall also be synonymous with the term Wastewater or other terms incorporating such term therein.

(141) “Sewer System Impact Development” shall mean development upon lands within the area served by Wastewater Facilities owned and operated by the Authority, which shall be subjected to the System Development Charges (SDC) upon the first occurrence of any of the following:

(a) Whenever any existing building or structure, which has not previously paid an SDC, connects to the Authority’s Wastewater Facilities; or

(b) Whenever any existing building or structure or applicable improvement which is connected to interim or Alternative Wastewater Facilities is connected, either directly or indirectly, to the Authority's Wastewater Facilities; or

(c) Whenever any Person applies for a Building Permit to construct a building, structure or applicable improvement within the service area of the Authority, even though the subject lands may receive interim sewer service from a source other than the Authority; or

(d) Whenever a Person applies for a Building Permit to alter an existing building, structure or applicable improvement already connected to the Wastewater System, where such alteration increases the potential demand on the Authority's Wastewater System.

(142) "Significant Industrial User" or "SIU" means:

(a) Any Non-categorical Industrial User that discharges 10,000 gallons per day or more of process Wastewater into a Wastewater System (excluding domestic Wastewater, non-contact cooling and boiler blow-down Wastewater), or that contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the treatment plant operation or for violating any pretreatment standard or requirement (in accordance with Rule 62-625.500(2)(e), F.A.C.); or,

(b) Upon finding that an Industrial User meeting the criteria in paragraph (a) above, has no reasonable potential for adversely affecting the Wastewater System operation or for violating any pretreatment standard or requirement, the Authority may at anytime, on its own initiative or in response to a request received from an Industrial User, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such Industrial User is not a Significant Industrial User.

(143) "Sludge" means any solid or semisolid waste generated from a county, municipal, commercial, or Industrial Wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater treatment plant.

(144) "South Florida Water Management District" (a.k.a.: SFWMD) is an agency created by Section 373.069, Florida Statutes.

(145) "Special Act" means Chapter 76-441, Laws of Florida, including amendments provided in Chapters 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 98-519, 2002-337, and 2003-304, Laws of Florida.

(146) "Special Water Service" means the short-term water service which is metered separately and established for specific purposes such as filling of pools, community events, etc.

(147) "Split Samples" are proportioned into two or more containers from a single sample container. Proportioning assumes adequate mixing to assure "split samples" are identical. Usually used so that the industry will have an identical sample for its own analysis.

(148) "State" means the State of Florida.

(149) “Suspended Solids” means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

(150) “System Development Charge” or “SDC” is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the Authority’s Water, Wastewater or Reclaimed Water Facilities. The SDC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the Authority. To the extent such charges are characterized as impact fees, such charges shall be kept in a separate account and used only to expand facilities as necessary to meet the increased demand.

(151) “System Development Charge Credit” is a credit vested with the Premises for the capacity demand that were previously paid or credited for a Premises prior to an event that increases fixture values for that customer/premises. System Development Charge shall only be due for the additional capacity demand or fixture values based on the SDC dollar amount in effect at the time. In no case shall a recalculation of this basis for assessing the SDC result in a negative assessment of this fee.

(152) “Tampering” means any willful alteration or interference with the water meter, or other Water, Wastewater, or Reclaimed Water system components and facilities owned by the Authority, except for turning the valve associated with the water meter for the purpose of temporary disconnection of service. Tampering includes obtaining unauthorized Service to a Premises or location not subject to an Agreement for Service between the Authority and the present occupants or Owners of said Premises.

(153) “Tapping Fee” means a cost recovery fee based on tap size.

(154) “Tax Collector” means the Tax Collector of the county in which a benefited Premises is located.

(155) “Tax Roll” means the real property tax assessment roll maintained by the Property Appraiser.

(156) “Transmission Main” means a pipe owned by the Authority and used to transmit Water or Reclaimed Water from its source to the Distribution System.

(157) “Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes, authorizing the collection of charges in the form of special assessments, therein characterized as non-ad valorem assessments, on the same bill as ad valorem taxes.

(158) “Unoccupied Property” mean a developed property which is unoccupied by customers or tenants to which a “Point of Available Service” has been established by the Authority.

(159) “Upset” means an exceptional incident in which a User unintentionally and temporarily is in a state of noncompliance with the standards adopted under these rules or established as part of

its Wastewater Discharge Permit, due to factors beyond the reasonable control of the User, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

(160) “User” with regard to Wastewater means any Person responsible for the Discharge of Wastewater into a Wastewater System; with regard to Potable Water or Reclaimed Water, such term means any Person receiving or capable of receiving potable Water or Reclaimed Water.

(161) “Utility Improvement” means a capital improvement constructed or installed by the Authority for the special benefit of a neighborhood, district or other benefited area.

(162) “Wastewater” means liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments or manufacturing facilities, whether treated or untreated, which are Discharged into a Wastewater System.

(163) “Wastewater Collection System” means a system for carrying wastewater including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

(164) “Wastewater Discharge Permit” means a written authorization from the Wastewater System Owner stating the conditions, parameters, or circumstances whereby a User may discharge into the Wastewater Collection System.

(165) “Wastewater Facilities” or “Wastewater System” means the system comprised of all structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent.

(166) “Wastewater Facilities Use Ordinance” means the authority by which Monroe County, a municipality, or any other governmental entity sets forth and enforces uniform requirements for Users of Wastewater Systems in Monroe County, Florida.

(167) “Wastewater Flow Attributes” means those attributes included in the Authority’s Wastewater Attribute Table that are used as a determination of the amount of wastewater flow (in gallons per day) that a property uses based on certain flow assumptions.

(168) “Water Main” means that pipe which is owned or intended to be owned by the Authority to which service lines may be connected.

(169) “Wastewater Flow Charge” means the charge billed customers per hundred gallons of wastewater flow, which is based on metered water consumption, each month as described in Section 48-307, Fees and Charges for Wastewater.

(170) “Water Main Extension” means a pipeline added to an existing water main of the Authority for the purpose of serving one or more Customers.

(171) “Water Restriction Surcharge” means the surcharge billed to customers during mandatory water restrictions as imposed by the SFWMD. The Water Restriction Surcharge is applied as a percentage of the Consumption Charge, based on the declared Water Shortage Phase, and is not applied to the first consumption block of the customer’s meter size or the Base Facility Charge.

#### **48-101.003 AGENCY ORGANIZATION AND OPERATION**

The Authority follows the Uniform Rules of Procedure published in Chapter 28, F.A.C. The Statement of Agency Organization and Operation required by Chapter 28-101, F.A.C., is on file in the main office of the Florida Keys Aqueduct Authority. Portions of the Statement of Agency Organization and Operation are reprinted here, not as part of the Rules, but for the convenience of the reader. Those portions are as follows:

##### **(1) GENERAL PROVISIONS**

(a) The Florida Keys Aqueduct Authority is an independent special district and an autonomous body corporate and political created by the Special Act.

(b) The primary purposes and functions of the Authority are to (1) obtain, supply, and distribute an adequate water supply for the Florida Keys, (2) to collect, treat and dispose of Wastewater in the Florida Keys, and (3) to collect, treat and dispose of Reclaimed Water in the Florida Keys.

(c) The Authority’s Service area for potable and non-potable water service includes all of the lands within Monroe County, but the Authority also has the power to obtain potable water outside of its boundaries and transmit it for sale within its geographic boundaries, and to serve Customers residing within one mile of its existing pipeline from its wellfield at Florida City in Miami-Dade County to the territorial boundary of the Authority in Monroe County. The Authority’s Service area for wastewater Service includes all the area within Monroe County except the City of Key West, the City of Key Colony Beach, the City of Marathon , Islamorada Village of Islands, North Key Largo Utility Corp, and the area of Key Largo served by the Key Largo Wastewater District.

(d) The Authority shall exercise, through the Board, all powers enumerated in the Special Act, including but not limited to the power to adopt rules and regulations relating to the exercise of such powers for the regulation of the use and supply of water systems and sewer systems for the Florida Keys and shall also exercise such other authority as may exist under general or special law.

(e) The Board governs the policymaking and other statutorily prescribed duties and powers of the Authority pursuant to the Special Act. The Board shall consist of five members, appointed by the Governor to terms of office of four years, pursuant to the Special Act.

(f) An Executive Director shall be appointed by the Board to manage the Authority on a day-to-day basis. An administrative staff, including legal and technical staff, and field force shall perform the various functions required for the operation of the Authority under the management of the Director. The Board may retain outside consultants or legal counsel as it deems necessary for the performance of its duties.

(g) The Authority is organized and operated as set forth herein and as further described in “The Florida Keys Aqueduct Authority Chart of Organization”, which is hereby incorporated by reference:

1. The water and Wastewater divisions are, respectively, assigned the duties of obtaining, supplying and distributing an adequate water supply for the Florida Keys and collecting,

treating and disposing of wastewater in the Florida Keys, as further described in the Special Act and other provisions of law governing the subject.

2. The water division is responsible for implementing the provisions of the Special Act, and the rules of the Authority.

(2) **OFFICE ADDRESSES**, Office Hours, Information Requests, Electronic Filing and Copies of Documents can be found by visiting us on the website at [www.FKAA.com](http://www.FKAA.com) or by the call center phone number (305) 296-2454.

(a) The main office of the Authority is located at 1100 Kennedy Drive, Key West, Florida, 33041-1239, which is also the Authority's mailing address. The telephone number is (305) 296-2454.

(b) The Authority also maintains branch offices at 91620 Overseas Highway, Tavernier, Florida, 33070 and 3200 Overseas Highway, Marathon, Florida 33050, (305) 296-2454.

(c) Office hours are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except on official holidays.

(d) Unless otherwise specifically provided in these rules, all comments, correspondence, communications, or requests for information should be made in writing and addressed to the Director, or his or her designee, at the main office in Key West, Florida. Requests for placement on any notice or mailing list should be made in writing and addressed to the Director at the main office.

(e) Retired.

(f) Retired

### **(3) ACCESS TO PUBLIC RECORDS**

#### **Public Records and Public Information Request Policy and Procedures**

##### **Policy:**

It is the policy of the Authority to operate in an open and transparent manner. The State of Florida's Open Government Laws shall at all times be strictly complied with by the Authority.

##### **Purpose:**

The purpose of this policy is to make available public records for public inspection and copying pursuant to Section 119.011(11) of the Florida Statutes, and to provide for the provision of Public Information. The Florida Statutes define public records as:

*All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of business by an agency.*

##### **Public Records Requests:**

- a. Public records may be inspected and/or copies may be obtained under the following procedures:
  1. A request for public records shall be directed to the public records custodian or designee. A request can be received either by telephone, e-mail, fax, verbally or by written means.

2. The public records custodian or designee will then enter the request in a log with a clear description of record(s) requested, date and time requested, date and time record(s) presented to requester, and the requester's name if available.
3. The custodian will then process the request then or within a reasonable time given the nature of records requested:
  - a. The custodian will prepare an invoice charging fees of 15 cents per one sided copy for copies that are 14 inches by 8 ½ inches or less, and 20 cents for each two-sided duplicated copy. The first ten (10) copies will be provided free of charge.
  - b. Or if the nature or volume of public records to be inspected or copied requires extensive use, i.e., more than one (1) hour of staff's time to compile using information technology resources, i.e., computers, scanners, etc., or extensive clerical or supervisory assistance, or both, a charge based on the cost actually incurred by the Florida Keys Aqueduct Authority for such extensive use of information technology resources or personnel will be assessed.

**Public Information Requests:**

A Public Information Request is a request that does not entail the inspection or copying of an existing record but requires an employee of the Authority to compile information, data, etc., from records or provide for the production of a new public record. A Public Information Request which requires extensive research, extended analysis of the Authority's records or specialized expertise to prepare a response, must be approved by the Executive Director or his designee and if more than one (1) hour of staff's time is required to compile such information a charged based on the cost actually incurred will be assessed.

**(4) PROCEDURES FOR MEETINGS, WORKSHOPS, PUBLIC HEARINGS AND PUBLIC FORUMS**

- (a) Public Meetings are meetings of the Board for the purpose of conducting public business, and shall be conducted in accordance with section 286.011, Florida Statutes, including the maintenance and recordation of official minutes.
- (b) Workshops are gatherings of members of the Board or its staff as designated by the Board for the purposes of discussion of Authority business and projects, at which time rule drafting may occur but no official vote may be taken nor policy adopted. Such workshops shall be open to the public, but it shall be within the sole discretion of the presiding officer whether or not to permit public comment, and such meetings shall be held and recorded.
- (c) Public Hearings are public gatherings of the Authority's Board and/or designated Hearing Officer for the sole purpose of obtaining information and receiving public comment on activities proposed by the Board, but at which no official action shall be taken, nor policy adopted. Such public hearings shall be electronically recorded, and a record of any exhibits maintained in the main office of the Authority.
- (d) Whenever the Authority has scheduled a meeting at which official acts are to be taken and has received, at least forty-eight (48) hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, there shall be provided a manner by which such person may attend the meeting or the meeting shall be rescheduled to a site accessible to such person. If a physically handicapped person objects in writing to the use of human physical

assistance in lieu of the construction or use of ramps or other mechanical devices, such human physical assistance shall not be used in lieu of ramps or mechanical devices.

(e) Emergency Meetings are meetings of the Board for the purpose of conducting emergency business and shall be conducted in accordance with section 286.011, Florida Statutes, and Florida Administrative Code, including the maintenance and recordation of official minutes.

(f) Public Forums or Community Meetings are public gatherings of the Authority's Board and/or designated representatives for the sole purpose of exchanging information and receiving public comment on activities relative to the Authority, but at which no official action shall be taken, nor policy adopted. Such Public Forums may be electronically recorded, and a record of any exhibits shall be maintained in the main office of the Authority.

#### **(5) AUTHORITY CLERK AND OFFICIAL REPORTER**

(a) The Authority Clerk, whose name, address and telephone number is the Director of Executive Office or designee, 1100 Kennedy Drive, Key West, Florida, 33041-1239, (305) 296-2454, shall perform the following duties:

1. Date and file all orders entered by the Board or the Director.
2. Forward to the Authority's official reporter a copy of all orders rendered after a proceeding affecting substantial interests has been held.
3. Act as the "clerk of the lower tribunal" for purposes of the Florida Rules of Appellate Procedure.
4. Receive and file the original of any pleading received by the Authority pursuant to these rules.
5. Appoint such Deputy Clerks as are necessary to perform any of the duties of the Authority Clerk.
6. Perform such other duties as may be authorized or required in this chapter.
7. The Authority designates the Authority Clerk for the purposes enumerated in subsection (1) above.
8. The Authority designates the Authority Clerk as its official reporter for the purpose of making available and indexing by subject all rules and orders rendered after a proceeding which affects substantial interests has been held.

#### **48-101.004 AVAILABILITY OF SERVICE**

(1) The existence of a Transmission Main or Force Main adjacent to or near the Premises of an applicant for Water, Wastewater, or Reclaimed Water Service does not necessarily mean that such service is available to that location. Service in areas where only Transmission Mains or Force Mains exist will normally require the installation of a Distribution System or Wastewater Collection System. The availability of service shall be determined by the Authority. That decision shall constitute an Agency Decision. Those properties that are determined by the Authority to have Service available shall pay the appropriate availability charges.

(2) In order to avoid economic waste, advance coordination and cooperation with other governmental agencies, and protect the public health, safety and welfare by preserving the integrity of the Authority's facilities and systems, it shall be the responsibility of each Owner to obtain all necessary or applicable permits or other approvals required by other governmental agencies.

**48-101.005 SERVICE INTERRUPTIONS**

The Director shall have the Authority to establish schedules which restrict the use of the water and Reclaimed Water systems at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited availability.

**48.101.06 RIGHT TO REFUSE SERVICE**

No payment of costs, submittal of an application, or other act to receive Water, Wastewater, or Reclaimed Water Service shall guarantee such service. The Authority shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of water or Reclaimed Water, lack of treatment capacity, lack of payment of required fees or charges, or for any other reason which, in the judgment of the Director, applying sound engineering principles, will cause the extension not to be of benefit to the Authority. Such action shall be an Agency Decision and the provisions of Section 48-101.008 shall apply.

**48.101.07 DISCONTINUANCE OR TERMINATION OF SERVICE**

The Authority has the power to require and enforce the use of its facilities whenever and wherever they are accessible. The Authority has the power to require use of its Wastewater Facilities and is authorized to prescribe the specific type of measures required in order to manage effluent and Wastewater matters. Accordingly, the Authority may discontinue or terminate Water, Wastewater, or Reclaimed Water Service to any Customer who violates the provisions of these rules, including, but not limited to, Delinquency of any amounts owed the Authority. Any means of Enforcement available to the Authority to require and enforce the use of its facilities shall be alternative and supplemental to any other means available to the Authority. The procedure for termination shall be as described in Section 48-101.008. The action shall be an Agency Decision.

**48-101.008 NOTICE OF AGENCY DECISION**

The Authority shall notify the Customer of delinquency and the intent to terminate service for failure to make payment.

- (a) The Customer shall have the right to request an informal hearing before a designated Authority representative to be held within three (3) days of the notice to disconnect.
- (b) The Authority shall post notice, in a newspaper of general circulation or other postings sites of public access of any other Agency Decisions which would substantially affect a customer group.

**48-101.009 RESERVATION OF RIGHTS**

- (1) The Authority reserves the right to change its rates for Service and other fees and charges or otherwise vary the terms and conditions of the Agreement for Service, as those terms and conditions are defined in Chapter 48-102, as may be required to reflect changing costs or otherwise facilitate the successful operation of the Authority.

(2) The Authority shall deliver water which meets the minimum quality standards required by law and by applicable federal and state regulations. The Authority shall endeavor to supply a sufficient quantity of water to meet the system demands, however, the Authority has no obligation to deliver water if delivery would violate restrictions imposed by law or by the regulatory agency or agencies having jurisdiction including, but not limited to, the South Florida Water Management District.

(3) In the event that the Authority is subjected to water restrictions imposed by state or federal authorities, the Authority shall automatically and proportionately increase its applicable Base Water Rate or Base User Fee to cover all capital and operating expenses of the Authority. Such an increase shall commence as soon as practicable after each such imposition, notwithstanding a reduced amount of water or availability to any Customer and shall cease or be adjusted no later than the Authority's next full billing cycle, beginning not less than fifteen (15) days after the Authority has received formal notice that such restrictions have been modified or lifted.

(4) In the event that any fees, rates or charges for the services and facilities of any Water, Wastewater or Reclaimed Water system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby. Such liens shall be superior and paramount to the interest on such parcel or property of any Owner, lessee, tenant, mortgagee or other Person except the lien of county taxes and shall be on a parity with the lien of any such county taxes. In the event that any such fees, rates or charges shall not be paid as and when due and shall be in default for thirty days or more the unpaid balance thereof and all interest accrued thereon, together with attorneys fees and costs, may be recovered by the Authority in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the Authority by action or suit in equity as for the foreclosure of a mortgage on real property. A lien processing fee will be charged for each placement or removal of a lien in the amount defined in the miscellaneous fee section.

(5) Any and all power or authority available to the Authority to enforce the use of its facilities whenever and wherever they are available and enforce, recover or collect any rates, fees or charges imposed by the Authority, or the lien resulting therefrom, shall be cumulative, supplemental and alternative. The Authority shall not be constrained to select a single approach, nor shall it be constrained to seek a single remedy in enforcing any power or authority available to it.

(6) Limitation of Liability.

(a) The Authority shall at all time use reasonable diligence to provide continuous service, but shall not be liable to the customer for any damages or loss caused by system failure or interruption of service.

(b) The Authority assumes no liability whatsoever for damages or injury resulting from the transmission of water on the customer's side of the point of delivery. In the event of any lawsuit against the Authority for such damages or injury, it shall be the duty of the customer to intervene as a party defendant, defend against such suit, and save and hold the Authority harmless from any judgment for money damages which might result therefrom.

(c) Where a fire protection system exists, the Authority represents that it may not have a sufficient water supply for furnishings fire protection. The Authority shall in no case be held liable for its failure to provide adequate water for fire protection purpose.

#### **48-101.010 RULE DEVELOPMENT AND ADOPTION**

(1) **STATEMENT:** The Florida Keys Aqueduct Authority (The Authority) is a political subdivision of the State of Florida created by Special Legislation 76-441, as amended. Pursuant to that legislation, the Authority is charged with supplying potable water and wastewater services to Monroe County. To accomplish this objective, the Authority operates under Rules which are approved by the Board of Directors following public presentation and review.

(2) **HISTORY:** In 1976, the FKAA Enabling Legislation, 76-441, placed The Authority under the provisions of Chapter 120 for purposes of Rulemaking and The Authority remained under Chapter 120 until June 3, 2003 when an amendment to The Authority's legislation was signed into law. The Authority's Rules previously adopted pursuant to Chapter 120 remain in effect. As revisions, amendments, additions or deletions are developed, they will be adopted pursuant to this method.

(3) **PURPOSE:** The purpose of this Resolution is to define the Rulemaking process by which the Authority will develop and adopt Rules (inclusive of rates, fees and charges).

#### **(4) RULE MAKING**

(a) **Initiating Rulemaking.** When it becomes necessary to consider new, revised or obsolete Rules, Staff will prepare a Summary Overview of the proposed rule and include preliminary text, if available.

(b) **Authorization to enter into Rulemaking.** The Summary Overview will be presented to the Authority Board of Directors for authorization, at a public meeting duly advertised, to enter into Rulemaking process.

(c) **Public Notification.** The Authority will provide public notification of Rulemaking by publishing a notice in a newspaper of general circulation within Monroe County. This notice shall contain a short explanation of the purpose of the proposed rule, the date, time and location of the Board meetings, and instructions on how to obtain copies of the proposed rule. The notice will be published a minimum of 7 days in advance of the public meeting at which the proposed rules will be considered for Rulemaking.

(d) **Public Hearings (when required)**

1. **Water Rules (exclusive of rates):** The Authority shall hold at least (1) one Public Hearing, at a location within the Authority's jurisdiction, on proposed rules which have no affect on rates, fees or charges.

2. **Rules for Water Rates, Fees and Charges:** The Authority will hold Public Hearings on any proposed rules which affect water rates, fees and/or charges. Said Public Hearings will be held in the City of Key West and in the Marathon and the Upper Keys areas.

3. **Rules for Wastewater:** If the proposed rule affects wastewater in a single district and affects rates, fees or charges, the Authority will hold two Public Hearings in the

affected wastewater district area. These two public hearings shall not occur within 15 days of each other.

(e) **Public Input.** The Authority will receive and maintain all public input relative to proposed rulemaking as part of the permanent record. The permanent record will include any written comments from the public, telephone conversations documented by conversation records, and comments of speakers made at public meetings.

(f) **Recordkeeping.** The permanent records of rulemaking shall be maintained by the Records Clerk.

**(5) RULE ADOPTION**

(a) **Final Documentation for Consideration.** The Authority will prepare a finalized copy of the proposed rules for public inspection seven (7) days prior to it being presented for adoption. The final documentation will include the following: a statement of facts and circumstances justifying new, revised or repealed Rule; a copy of the Rules; a summary of the Rules and their affect; a summary of any hearings held on the Rules; copies of any draft language of the Rules as they developed into final form; copies of any written or recorded comments submitted by the public; and copies of public notification of any meetings relative to rule development and adoption.

(b) **Public Notification of Rule Adoption.** The Authority will provide public notification of its intent to adopt Rules by publishing a notice in a newspaper of general circulation within Monroe County. This notice shall contain a short explanation of the purpose of the proposed rule, the date, time and location of the Board meetings, and instruction on how to obtain copies of the proposed rule. The notice will be published a minimum of seven (7) days in advance of the public meeting at which the proposed rules will be considered for adoption.

(c) **Rule Adoption.** The Board of Directors, in a public meeting duly advertised, shall adopt the revised Rules by majority vote. Any members of the public who wish to address the Board regarding the proposed rules will be allotted time to do so during presentation of the proposed rules to the Board.

(d) **Effective Date.** Upon adoption, the Board of Directors shall establish the effective date of the new, revised or repealed Rules.

(e) **Recordkeeping.** The permanent records of rulemaking shall be maintained by the Records Clerk. The permanent record shall contain copies of all documents prepared and presented to, or received by, the public.

**48-101.011 BID PROTEST**

**(1) PURPOSE AND SCOPE.**

The purpose of this policy is to establish the requirements to be followed by interested vendors or contractors who are adversely affected by the public bid process.

**(2) NOTICE OF PROTEST.**

(a) A notice of protest shall be addressed to the Authority regarding any contract award or bid rejection that is intended to be protested. The notice shall identify the bid title and the bid number. The notice shall be addressed to the Authority's Executive Director, FCAA Administration Building, 1100 Kennedy Drive, Key West, Fl. 33040.

- (b) The notice must be received by the Authority within 72 hours of the Authority's issuance of a Notice of Intent to take action to award the bid.
- (c) The 72-hour period shall not include weekends, holidays or days in which the Authority is closed for business. The 72-hour period shall not be extended by service of the protest by mail.
- (d) The notice of protest must be filed by a contractor or vendor who was adversely affected by the Authority's decision or intended decision on a bid submitted by this contractor or vendor.

(3) **FORMAL WRITTEN PROTEST**

- (a) The "formal written protest (petition)" must be filed with the Notice of Protest or no later than 5 business days from the Authority's receipt of the Notice of Protest. The formal written protest may substitute for the notice of protest when received within 72 hours of the Authority's Notice of Intent to take action.
- (b) The "formal written protest" shall contain:
  - 1. A concise statement of the ultimate facts alleged, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact the petition must be so indicated;
  - 2. The rules, statutes, contract documents, specifications, and constitutional provision which entitle the petitioner to relief;
  - 3. A statement describing clearly and with reasonable particularity how the Authority action will affect the petitioner's substantial interest;
  - 4. A demand for the relief to which the petitioner deems himself entitled;
  - 5. Such other information which the petitioner contends is material.
- (c) Failure to file a formal written protest will constitute abandonment and cancellation of the notice of protest.

(4) **AGENCY ACTION**

- (a) Upon receipt of a notice of protest that has been timely filed, the Authority shall delay the contract award process unless the Executive Director sets forth in writing particular facts and circumstances which require the continuation of the bid solicitation process or it is determined by him that the contract award process should proceed without delay to avoid immediate and serious danger to the public health, safety or welfare or that such is in the best interest of the Authority; provided, however, that if the petition is not filed within the time stated above, the contract award process may continue as if the notice of protest had not been filed.
- (b) Upon receipt of the formal written protest petition which has been timely filed, the Authority shall attempt to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturday, Sunday and legal holidays.
- (c) In the event the protest is not resolved by mutual agreement, the Executive Director of the Authority will review all evidence relative to the bid and the information contained within the formal written bid protest and will render a written decision on the bid protest within 10 business days of receipt of the formal written protest. The decision of the Executive Director shall be the final decision of the Authority.
- (d) The decision on the bid protest will be provided to all contractors or vendors who submitted a bid.

## **48-101.012 FCAA WASTEWATER SERVICE DISTRICTS**

### **(1) Conch Key/Duck Key Wastewater Service District**

The Conch Key/Duck Key Wastewater Service District is described as the geographic area generally bounded on the west by Tom's Harbor Channel, on the east by the Long Key Channel, on the Long Key Channel, on the north by Florida Bay and the south by the Atlantic Ocean (generally between Mile Marker 61 and Mile Marker 63), Monroe County, Florida.

(a) Pending completion and connection of all of the Conch Key/Duck Key Wastewater Service District, the Conch Key/Duck Key Wastewater District will be divided into sub-districts based upon construction within defined areas:

1. The Conch Key sub-district of the Conch Key/Duck Key Wastewater Service District is described as a part of the geographic area bounded on the west by Tom's Harbor Channel, on the east by the Long Key Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Markers 61 and 63) less and except the Island known as Duck Key, Monroe County, Florida.

2. The Hawk's Cay Sub-District of the Conch Key/Duck Key Wastewater Service District is described as a part of the geographic area generally bounded on the west by Tom's Harbor, on the east by Tom's Harbor Cut, on the north by US Highway #1, and on the South by the Lake Lucile and area commonly known as "Duck Key"; including the areas commonly known Indies Island and Parcel 1 of RE #37830 but excluding the area commonly known as "Duck Key", within the geographic boundaries of Monroe County, Florida.

3. The Duck Key Sub-District of the Conch Key/Duck Key Wastewater Service District is described as the geographic area generally bounded on the west by Tom's Harbor, on the east by Tom's Harbor Cut, on the north by US Highway #1 and on the south by Hawk's Channel; including islands known as Center Island, Harbor Island, Plantation Island, and Yacht Club Island, but excluding Indies Island and Parcel 1 of RE #37830, within the geographic boundaries of Monroe County, Florida.

### **(2) Baypoint Wastewater Service District**

The Baypoint Wastewater Service District is described as the geographic area on the south (Ocean) side of U.S. Highway One, generally bounded on the west by Saddlebunch No. 3 Channel and on the east by Lower Sugarloaf Channel (generally between Mile Marker 14 to Mile Marker 16), Monroe County, Florida.

### **(3) Big Coppitt Wastewater Service District**

The Big Coppitt Wastewater Service District is described as the geographic area generally bounded on the west by Boca Chica Channel and on the east by Shark Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean, (generally between Mile Marker 6 and Mile Marker 12) Monroe County, Florida.

**(4) Layton Wastewater Service District**

The Layton Wastewater Service District is described as the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71), Monroe County, Florida.

(a) Pending completion and connection of all the Layton Wastewater Service District, Layton Wastewater Service District will be divided into Sub-districts based upon construction within defined areas:

1. The City of Layton Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of the City of Layton, Monroe County, Florida
2. The Long Key State Recreation Area Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of the Long Key State Recreation Area, Monroe County, Florida.
3. The Monroe County Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of unincorporated Monroe County, less and except the areas known as the City of Layton and Long Key State Recreation Area, Monroe County, Florida.

**(5) Key Haven Wastewater Service District** *(On September 17, 2009, the FCAA acquired the Key Haven Wastewater District through an Acquisition Agreement with Key Haven Utility Corporation approved on June 25, 2009 and Amended on August 25, 2009. Pursuant to that Agreement the FCAA maintained the Fees and Charges for Key Haven Wastewater District as were approved by the Public Service Commission.)*

The Key Haven Wastewater Service District is described as the geographic area generally known as “Key Haven” and “Enchanted Island”; located in all that portion located in Township 67S, Range 25E, all that portion of said Section 25 lying Northwesterly of State Road 5 and Southeasterly of Boca Chica Channel; and all that portion of Section 26 lying Northwesterly of State Road 5, Northeasterly of Key Haven Channel, and Southwesterly of Boca Chica Channel and Southeasterly of the Southwest extension of Driftwood Drive (generally between Mile Marker 5 and Mile Marker 6), Monroe County, Florida.

**(6) Cudjoe Regional Wastewater Service District**

The Cudjoe Regional Wastewater Service District is described as the geographic area on the north and south side of U.S. Highway One that includes: Lower Sugarloaf Key, Upper Sugarloaf Key, Cudjoe Key, Summerland Key, Ramrod Key, Big Torch Key, Middle Torch Key, Little Torch

Key, Big Pine Key and No Name Key. The district is generally bounded on the west by Harris Channel and on the east by Spanish Harbor Channel (generally between Mile Marker 16.5 to Mile Marker 33), Monroe County, Florida.

**(7) Cross Key Wastewater Service District**

The Cross Key Wastewater Service District is described as the geographic area on the east side of U.S. Highway One that includes Cross Key, generally bounded on the south by Manatee Bay and on the north by Manatee Creek (generally between Mile Marker 112.5 to Mile Marker 113), Monroe County, Florida.

**(8) Onsite Wastewater Service District**

The Onsite Wastewater Service District is described as the geographic area within Monroe County, Florida, serviced by individualized FKAA wastewater systems.

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**CHAPTER 48-102**  
**AGREEMENT FOR SERVICE**

|            |  |
|------------|--|
| 48-102.001 | AGREEMENTS FOR SERVICE; GENERAL CONDITIONS             |
| 48-102.002 | NUMBER RETIRED   |
| 48-102.003 | NUMBER RETIRED   |
| 48-102.004 | SERVICE TEMPORARILY PROVIDED BY ALTERNATIVE FACILITIES |
| 48-102.005 | FORMS AND APPLICATIONS                                 |
| 48-102.006 | WATER CONNECTION SUSPENSION                            |

**48-102.001 AGREEMENTS FOR SERVICE; GENERAL CONDITIONS**

(1) The Authority shall enter into an Agreement for Service with each Customer, and that Agreement shall define the contractual obligations of the Customer and the Authority. In the event an Agreement for Service has not been entered into between the Authority and the Customer, service availability, acceptance and use of any Service shall constitute ratification and acceptance of the terms and conditions of Water, Wastewater and Reclaimed Water Service applicable to all Customers similarly situated who have entered into an Agreement for Service, or are otherwise similarly required to enter into an Agreement for Service.

(2) In order to avoid economic waste, advance coordination and cooperation with other governmental agencies, and protect the public health, safety and welfare by preserving the integrity of the Authority's facilities and systems, it shall be the responsibility of each Owner to obtain all necessary or applicable permits or other approvals required by other governmental agencies.

(3) The following general conditions shall apply to all AGREEMENTS FOR SERVICE:

- (a) Assignment or Transfer. The Agreement for Service shall not be assigned or transferred.
- (b) Duration of Agreement. The Agreement for Service shall remain in effect until the Customer making the Agreement, paying the required System Development Charge, and making the required Guaranteed Payment Deposit requests that Service be discontinued and the account final billed. However, entering into an Agreement for Service and paying currently required fees and deposits, shall result in:
  - 1. The final billing of the said account to the previous account holder; and
  - 2. The establishment of a new Service account.

(4) GUARANTEED PAYMENT DEPOSIT.

The Authority shall require each Customer entering into an Agreement for Service to pay a "Guaranteed Payment Deposit" prior to the commencement of Service for the purpose of securing payment for such service unless the customer has previously qualified for a Good Credit Refund.

(5) METERS.

Meters shall be furnished by the Authority and remain the property of the Authority. They shall be placed in a convenient location in a dedicated public right of way, Easement or license area designated for utility use adjacent to the Premises. If a meter malfunctions or fails to register,

the Customer will be charged for Service based on 100% of the Customer's consumption for the same time period of the previous year. If the Authority is unable to obtain access to a meter, the Customer will be charged for Service based on 100% of the Customer's consumption for the same time period of the previous year. All meters shall be installed, or the installation shall be inspected and approved, by an employee or agent of the Authority and shall not be removed or disturbed, except by an employee or agent of the Authority. All flow through the meter will be charged to the Customer unless otherwise provided herein. The Customer shall take reasonable precautions to protect the meter from damage and shall be liable for the loss or damage of the meter, normal wear and tear excepted. Meter size shall be based on the peak probable demand which shall be calculated by the Authority based on capacity demand or using fixture values. Customers may install shut off valves on their Premises for the purposes of turning said valve off and on as needed, but without interfering with the meter or the Authority's Service to Customers served through said meter. Customers may turn-off the water at the meter in the event of hurricane evacuation, or other like emergency.

(6) CONNECTIONS.

(a) **Water**

Except as provided herein, the Authority or its authorized agent shall make all connections to mains or distribution lines and shall furnish all materials therefore. However, whenever water Service is required, the Owner of the property shall have the option of retaining authority over the installation on the affected property except only as specifically limited by the Authority's Minimum Design and Construction Standards and Specifications for Potable Water Systems, Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Construction Standards and Specifications"), and applicable growth management, plumbing, and building regulations and codes. Specifically, each Customer shall have the option of (1) authorizing the Authority to perform the installation and connection, or (2) immediately causing the installation and connection by a qualified contractor. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. The installation and connection process shall provide the Owner of the property with the right to control the placement, manner, use and disposition of the installation, subject to the engineering standards and practices of the Authority reasonably necessary to protect the efficiency and integrity of the Authority's water system. Such control is afforded to the Owner in order to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Moreover, unless the Owner has authorized otherwise, the Owner shall be deemed to own such installation located on the affected property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Potable Water Systems, and applicable growth management, plumbing, and building regulations and codes.

(b) **Reclaimed Water**

Except as provided herein, the Authority or its authorized agent shall make all connections to Reclaimed Water mains or distribution lines and shall furnish all materials therefore. The Owner

shall be responsible for the installation of Reclaimed Water facilities, subject to the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems, (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), and applicable growth management, plumbing, and building regulations and codes. The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum design and construction standards of the Authority reasonably necessary to protect the efficiency and integrity of the Authority's Reclaimed Water system. Such control being afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on private property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems, and applicable growth management, plumbing, and building regulations and codes.

(c) **Wastewater**

1. Whenever and wherever the Authority's Wastewater Facilities are available, each Owner shall, upon notice, be obligated to connect to the Authority's Wastewater System and shall become responsible for charges related to connection.
2. Connections by Owner. Whenever Wastewater Service is required, the Owner shall retain a qualified contractor to install the required facilities extension(s) and connections. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. All facilities shall conform to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems, (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater") and applicable growth management, plumbing, and building regulations and codes. The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum design and construction standards of the Authority and as is reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Such control is afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems, and applicable growth management, plumbing, and building regulations and codes.

(7) CROSS-CONNECTIONS

Any physical arrangement or connection of pipes, fixture or other water facility between a system containing potable water and a system containing Reclaimed Water or Wastewater or any other substance is strictly prohibited. Should such a connection be determined to exist, Service shall be terminated until such time as the connection or arrangement of systems has been reconnected to the Authority's satisfaction. In such event the Customer may reapply for Service, subject to all applicable fees and charges.

(8) VACUUM VALVE CHAMBERS

When applicable, Vacuum Valve Chambers shall be furnished by the Authority and remain the property of the Authority. Vacuum valve chambers shall be placed in a convenient location in a dedicated right-of-way, Easement or license area designated for utility use adjacent to the Premises. Vacuum valve chambers, if required, shall be installed by a licensed underground contractor working for the Owner. The installation(s) shall be inspected and approved by the Authority and shall not be tampered with or removed or disturbed, except after advance written notice to the Authority.

(9) DUTY TO PROVIDE ACCESS

(a) The Owner shall provide access to the Premises served during reasonable times to duly authorized and identified agents of the Authority for the purpose of installing, servicing, repairing, maintaining, inspecting or removing the Authority's property and for other purposes incidental to performance or termination of the Agreement for Service. The Owner shall not install any lock on any meter or otherwise impede free access to any Authority facilities or other infrastructure connected to or served by Authority facilities.

(b) The Authority shall charge a Non-Access Charge for each billing period during which it is unable to obtain access to the Premises for the purposes described above.

(c) In the event the Authority is unable to obtain access, water Service shall be terminated, and the Owner required to make a new application for Agreement for Service. Service shall be restored upon payment of all outstanding amounts due, including the Non-Access Charge.

(d) The Authority shall at all times have the right, but not the duty, to make on-site inspections.

(10) TAMPERING

(a) Tampering with the Authority's Water, Wastewater, or Reclaimed Water system components or facilities, including but not limited to, water and Transmission Mains, distribution lines, meters, gravity collection mains, manholes, vacuum collection mains, Force Mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, registering devices, MIUs or enclosures is prohibited by section 812.14, Florida Statutes.

(b) Tampering is a crime under section 812.14, Florida Statutes. Any Person who willfully violates section 812.14, shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.

(c) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any person found in a civil action to have violated the provisions of section 812.14, Florida Statutes, shall be liable to the Authority in an amount defined in this statute at the time of occurrence. As of September 2025, the amount is equal to 3 times the amount of services unlawfully obtained or \$3,000.00, whichever is greater.

(d) The Owner shall promptly report any Tampering to the Authority and shall be responsible for any Tampering caused by its agents or other Persons using the Premises with or without the Owner's consent.

(e) Tampering will be presumed to have been caused by the Customer or Owner that receives a monetary or other economic benefit therefrom.

(f) Tampering that results in a substantial reduction in the cost of services received by a Customer will be presumed to have been known to the Customer if not reported to the Authority within one billing period after the reduction in the cost of the Service received becomes evident. In such event it will be presumed that the Tampering was willfully allowed to persist by the Customer.

(g) The Authority shall, without prior written authorization, confiscate any materials or facilities that are connected to the Authority's Water, Wastewater, or Reclaimed Water systems for use as evidence in further legal proceedings.

(11) AVAILABILITY OF SERVICE; RATIFICATION OF AGREEMENT FOR SERVICE

When Water, Wastewater, or Reclaimed Water Service is rendered under an Agreement for Service entered into between the Authority and the Owner, or authorized agent thereof, the availability of such Service by the Customer shall constitute ratification of the Agreement for Service.

(12) INDEBTEDNESS

An Agreement for Service shall not be entered into with a Person, which is in any way indebted to the Authority until such debt is made current or has been satisfied.

(13) (NUMBER RETIRED)

(14) CHANGE OF OCCUPANCY

When change of occupancy of any Premises occurs, the outgoing Customer shall be responsible for all Service rendered to the Premises up to the date of change of occupancy.

(15) TEMPORARY SHUT-OFF OF SERVICE

Temporary disconnection of Water, Wastewater, or Reclaimed Water Service by the Authority for emergency maintenance, repair or replacement shall be exempt from payment of a Service charge for reconnection. Such temporary disconnection of Service shall not affect the Agreement for Service.

(16) LIMITATIONS ON USE OF SERVICE

(a) Service shall be used by the Customer only for the purposes specified in the Agreement for Service.

(b) No Customer shall extend Water, Wastewater, or Reclaimed Water lines across a public street, alley, or other public or private highway or property line not included in the Agreement for Service to furnish Service to adjacent Premises through a single water meter, even if such adjacent Premises, are owned by the Customer. All lands constituting the Premises contained within the Agreement for Service must be contiguous.

(17) DUTY TO MAKE PAYMENT

- (a) The Customer that enters into the Agreement for Service shall be responsible for all Water, Wastewater and Reclaimed Water Service provided to the Premises and all fees and charges incurred in connection with the rendering of service. Failure to pay amounts due the Authority within the time designated for payment shall result in the disconnection of potable water Service until all amounts due the Authority, including delinquent fees and accrued interest, have been paid in full. The property owner for whom availability of service was established shall be responsible for all charges incurred at the property when said property is not occupied by a customer or tenant.
- (b) The Owner that fails or refuses to connect its Premises to the Authority Wastewater Facilities within the time specified after receipt of written notification of the availability of Service, shall then be responsible for the payment of all fees and charges imposed by the Authority in connection with the provision of Wastewater Service availability. Failure to pay amounts due the Authority within the time designated for payment shall result in an Agency Decision causing disconnection of potable and non-potable water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The Authority shall notify the Customer of delinquency and the intent to disconnect service for failure to make payment. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.
- (c) Customers shall be responsible to make payment for all services available. In the event that any fees, rates or charges from any water Service, Wastewater Service or Reclaimed Water Service provided the Premises covered by this agreement are not paid when due, said unpaid balance thereof and all interest accruing thereon shall be a lien on the Premises.

(18) DUTY TO PROTECT AUTHORITY'S PROPERTY

- (a) The Customer shall be under a duty to exercise due care to protect any Water, Wastewater and Reclaimed Water facilities that are located on the property.
- (b) The Customer shall not allow anyone access to such facilities, except the Authority's agents or Persons otherwise authorized by law, each of whom shall first display to the Customer identification and evidence of authorization for entry.
- (c) When the Authority's facilities are damaged by contractors, governmental agencies, or others, such damage shall be repaired by the Authority and the total cost thereof charged to the Persons causing the damage.
- (d) In the event of any loss or damage to the Authority's property or any Water, Wastewater or Reclaimed Water facilities arising from the negligence or intentional misuse by the Customer, its agents, invitees, or assignees, the total cost of replacing such loss or repairing such damage shall be charged to the Owner, and shall be subject to payment in accordance with these rules.

(19) CUSTOMER'S INSTALLATION; DUTY TO MAINTAIN

- (a) Water and Reclaimed Water. The Customer's water or Reclaimed Water installation shall extend to the Authority's meter assembly, which is ordinarily located on the front property line at one side of the lot. The Authority owned water and Reclaimed Water facilities may be installed in other locations subject to a license granted as a result of an Agreement for Service determined by the Authority's Engineering Department, after consultation with the Owner.

(b) Wastewater. Owner's Building Service Lateral shall extend to the Authority's Wastewater Collection System that is ordinarily located in the public road right-of-way or utility Easement in the front of the property. The Authority owned Wastewater Facilities may be installed in other locations subject to a license granted as a result of an Agreement for Service determined by the Authority's Engineering Department, after consultation with the Owner.

(c) The Customer shall not utilize any appliance or device which may adversely affect water Service. The Authority reserves the right to withhold or to discontinue water Service whenever any such apparatus or device is being used.

(d) The Customer's water pipes, apparatus and equipment shall be maintained in sound operating condition in accordance with standard practice, the rules of the Authority, and all other governmental regulations applicable thereto.

(e) No changes in the Owner's installation that will materially affect the proper operation of the Authority's water, Wastewater or Reclaimed Water Facilities shall be made without the prior written consent of the Authority. The Customer shall be liable for any damage resulting from a violation of this provision.

(f) Any violation of this subsection may result in termination of service or any other action available to the Authority by law. Petitions for Enforcement may request declaratory relief; temporary or permanent equitable relief; any fine, forfeiture, penalty or other remedy provided by statute; any combination of the foregoing; or, in the absence of any other specific statutory authority, a fine not to exceed \$1,000.00.

(20) INSPECTION OF CUSTOMER INSTALLATION

(a) All installations of Water, Wastewater, and Reclaimed Water facilities or changes therein shall be inspected by the Authority to ensure that piping, equipment and other facilities have been installed in accordance with the Authority's Minimum Design and Construction Standards and Specifications.

(b) The Authority shall have the right, but not the duty, to inspect the Customer's installation prior to rendering Service and from time to time thereafter to ascertain the Owner's/Customer's compliance with the Agreement for Service and the provisions of Service policies, but assumes no responsibility whatsoever for any defects that are not detected by any such inspection.

(21) DUTY TO CONVEY PROPERTY RIGHTS

(a) It shall be the duty of the Owner to convey, or cause to be conveyed, to the Authority without charge all Easements, permits, licenses, or other property rights reasonably necessary for rendering and maintaining Service.

(b) The Authority has the right, through an Agency Decision, to refuse to provide Service or discontinue Service. Failure to comply with the requirements of this subsection may result in an enforcement action, disconnection of service through an Agency Decision, or both. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(22) TRANSFER OF DEBT.

The Authority reserves the right to transfer debts owed by a Owner/Customer for Service provided to a given Premises to any other Active Account for which that Customer has an existing Agreement for Service, and to take appropriate measures for securing payment of such debt; including the discontinuance of water Service.

(23) COMPLIANCE WITH RULES AND REGULATIONS

(a) The Owner/Customer shall be under a duty at all times to comply with the rules and regulations of the Authority as they exist at the time of execution of the Agreement for Service, or as may subsequently be revised, amended, or adopted.

(b) The Authority has the right, through an Agency Decision, to refuse to provide Service or discontinue Service. Failure to comply with the requirements of this subsection may result in enforcement, disconnection of service through an Agency Decision, or both. In the case of Agency Decision, The Authority shall give forty-eight (48) hours notice by hand delivery, use of a door hanger, notice by mail or telephone of proposed disconnection to the Customer. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

**48-102.002 NUMBER RETIRED**

**48-102.003 NUMBER RETIRED**

**48-102.004 SERVICE TEMPORARILY PROVIDED BY ALTERNATIVE FACILITIES**

Circumstances occasionally may merit the consideration of temporary provision of water and Wastewater Service to a property by facilities other than those that will be the Authority's future Permanent facilities. The following policies shall govern consideration and implementation of such requests:

(1) The Authority and the Owner shall covenant that temporary water or Wastewater Service shall be provided until such time as Authority Wastewater Facilities are available to furnish Service to the Premises or affected property. Within thirty (30) calendar days of the availability of Service from such Authority facilities, the temporary water or Wastewater Facilities shall be decommissioned, and the property connected to the Authority Wastewater Facilities at the Owner's expense. All System Development Charges, decommissioning costs, and abandonment costs shall be borne by the Owner.

(2) The Authority and the benefiting Owner shall enter into an agreement outlining the terms of the temporary service arrangement.

(3) Any installation of temporary or alternative facilities shall conform to the design and construction standards of the Authority.

- (4) Approved construction plans shall facilitate the eventual transfer of Service to the Authority.
- (5) The benefiting Owner shall pay all applicable fees for plan review and inspection. There shall be no credits granted to the Owner for the costs incurred to provide temporary or Alternative Wastewater Facilities or Service.
- (6) Any such agreement shall expressly provide the basis for concluding the temporary or alternative Service arrangement at the designated time and at no cost to the Authority.
- (7) No temporary or alternative Service agreement shall be approved if it would serve the purpose of delaying the extension of Authority Wastewater Facilities to an area. Temporary or alternative facilities shall only be approved if such facilities timely facilitate the initiation of Wastewater Service to a Premises or affected property.

#### **48-102.005 FORMS AND APPLICATIONS**

- (1) The following forms and applications relate to the subject matter of this Chapter. They are hereby incorporated by reference and available in the main office of the Authority (see Section 48-101.003).
  - (a) Wastewater Service Pre-Payment Agreement.
  - (b) Application for Deferred Payment Plan.
  - (c) Deferred Payment Plan Lien Certificate of Indebtedness.
  - (d) Satisfaction of Lien System Development Charges and Service Installation Fees.
- (2) A complete list of all documents, forms, and applications referred to in these rules can be found in Section 48-101.003.

#### **48-102.006 WATER CONNECTION SUSPENSION**

- (1) To the extent that the actual consumption or, using sound financial planning and engineering judgment, anticipated consumption expressed on an annual average daily flow and/or maximum daily flow basis will exceed the permitted water withdrawal capacity as defined in the water use permit issued by the South Florida Water Management District or the design capacity of the Authority water supply and treatment facilities located at Florida City, the Director shall notify each local government responsible for issuing Building Permits and shall suspend approval of all new connections to the water system. All then valid Building Permits, approved and issued prior to such notice will be allowed to be completed and connected to the water system. All applicants who do not have a valid Building Permit or have a Building Permit which was issued subsequent to the foregoing notice of suspension shall not be allowed to connect to the water system.
- (2) No water connection suspension shall continue for more than ninety (90) days after notice of a water connection suspension to local governments responsible for issuing Building Permits, without a public hearing to consider comments from the public, regulatory bodies or other interested parties.

(3) During the period of water connection suspension, the Authority shall not issue a letter of water main inquiry, water availability, or any other notification of water availability to any applicant requesting additional water capacity which is required for the issuance of a Building Permit. The Authority shall not charge or receive any System Development Charge from any new applicant during any water suspension period nor shall any receipt of such charges be deemed to vest any new applicant with any right to connect to the water system.

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**CHAPTER 48-103**  
**SUPPLEMENTAL AND ALTERNATIVE ASSESSMENT PROCEDURE**

- 48-103.001 AUTHORITY
- 48-103.002 INITIAL ASSESSMENT RESOLUTION
- 48-103.003 ASSESSMENT ROLL
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- 48-103.015 RESPONSIBILITY FOR ENFORCEMENT
- 48-103.016 ALTERNATIVE METHOD

**48-103.001 AUTHORITY**

The Authority is expressly authorized to prescribe, fix, establish and collect rates, fees and charges which shall be a lien upon any parcel of property except the lien of county or municipal taxes, and which shall be on parity with such taxes. The Authority is also expressly authorized to adopt by reference and utilize and take advantage of any relevant provisions of Chapters 100, 153, 159, and 170, Florida Statutes. The foregoing provisions provide for the imposition and collection of charges in the form of special assessments; such impositions are also sometimes characterized as non-ad valorem assessments. Section 197.3631, Florida Statutes, provides that the Uniform Assessment Collection Act is additional authority for local governments to impose and collect non-ad valorem assessments supplemental to other laws. The provisions of this rule shall be deemed to provide supplemental and alternative procedures to impose and collect charges in the form of non-ad valorem assessments in conformance with the Special Act and the Uniform Assessment Collection Act. Nothing herein shall preclude or otherwise constrain the Authority from using any other procedure available or authorized by law. The Board may impose Assessments against property located within an Assessment Area to fund the Capital Cost and Related Services of Utility Improvements. Any such Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Cost among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units.

**48-103.002 INITIAL ASSESSMENT RESOLUTION**

The initial proceeding for imposition of an Assessment, pursuant to this rule, shall be the Authority's adoption of an Initial Assessment Resolution. The Authority shall identify a specific Assessment Area or district that encompasses only that property specially benefited by the Utility Improvements proposed for funding from the proceeds of Assessments to be imposed

pursuant to the procedures in this rule. The Initial Assessment Resolution shall (1) describe the Utility Improvement proposed for funding from proceeds of the Assessments; (2) estimate the Capital Cost; (3) describe with particularity the proposed method of apportioning the Capital Cost among the parcels of property located within the Assessment Area, such that the Owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and (4) include specific findings that recognize the equity provided by the apportionment methodology.

#### **48-103.003 ASSESSMENT ROLL**

- (1) The Director shall prepare a preliminary Assessment Roll that contains the following information:
  - (a) A summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
  - (b) The name of the Owner of record of each parcel, as shown on the Tax Roll;
  - (c) The number of Assessment Units attributable to each parcel;
  - (d) The estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and
  - (e) The estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.
- (2) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Director and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

#### **48-103.004 NOTICE BY PUBLICATION**

After filing the Assessment Roll in the office of the Director, as required by this rule, the Director shall publish once in a newspaper of general circulation within the Monroe County a notice stating that at a meeting of the Board on a certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Board will hear objections of all interested Persons to the Final Assessment Resolution and approve the aforementioned initial Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

#### **48-103.005 NOTICE BY MAIL**

In addition to the published notice required by this rule, the Director shall provide notice of the proposed Assessment by first class mail to the Owner of each parcel of property subject to the Assessment. The mailed 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 Owner at such address as is shown on the Tax Roll on the twentieth 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 Director 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 Assessment Roll nor release or discharge any obligation for the payment of an Assessment imposed by the Board pursuant to this rule.

#### **48-103.006 ADOPTION OF FINAL 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, or at any subsequent meeting of the Board, adopt the Final Assessment Resolution which shall (1) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (2) establish the maximum amount of the Assessment for each Assessment Unit; (3) approve the Assessment Roll, with such amendments as it deems just and right; and (4) determine the method of collection.

#### **48-103.007 ANNUAL ASSESSMENT RESOLUTION**

During its budget adoption process, the Board shall adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be prepared in accordance with the Initial Assessment Resolution, as confirmed or amended by the Final Assessment Resolution. If the proposed Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant this rule or if an Assessment is imposed against property not previously subject thereto, the Board shall provide notice to the Owner of such property in accordance with Sections 48-103.004 and 48-103.005 and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time. Adoption of the Resolution shall constitute an Agency Decision.

#### **48-103.008 EFFECT OF ASSESSMENT RESOLUTIONS**

The adoption of the Final 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 Assessment Roll and the levy and lien of the Assessments), unless proper steps are timely initiated as provided by law, to secure relief. The Assessments for each Fiscal Year thereafter shall be established upon adoption of the Annual Assessment Resolution. The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such other official as the Board by resolution deems appropriate.

#### **48-103.009 LIEN OF ASSESSMENTS**

(1) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, 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 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.

(2) Upon adoption of the Final Assessment Resolution, Assessments to be collected under any alternative method of collection provided in Section 48-103.014 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 Monroe County, Florida.

#### **48-103.010 REVISIONS TO ASSESSMENTS**

If any Assessment made under the provisions of this rule 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 Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include any property on the Assessment Roll which property should have been so included, the Board may take all necessary steps to impose a new Assessment against any property benefited by the Utility Improvement or Related Service, following as nearly as may be practicable, the provisions of this rule and in case such second Assessment is annulled, the Board may obtain and impose other charges until a valid special assessment is imposed.

#### **48-103.011 PROCEDURAL IRREGULARITIES**

Any irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this rule shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were duly had, taken and performed as required by this rule; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

#### **48-103.012 CORRECTION OF ERRORS AND OMISSIONS**

(1) No act of error or omission on the part of the Board, Director, Property Appraiser, Tax Collector, or their respective deputies, employees or agents, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Board under the provisions of this rule.

(2) The Assessments imposed pursuant to this rule will be 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 rule shall be construed solely as ministerial.

(3) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Director. Any such correction which reduces an Assessment shall be considered

valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this rule. Any such correction which increases an Assessment or imposes an Assessment on omitted property shall first require notice to the affected Owner in the manner described in Section 48-103.005, providing the date, time and place that the Board will consider confirming the correction and offering the Owner an opportunity to be heard.

(4) After the 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.

#### **48-103.013 METHOD OF COLLECTION**

Unless directed otherwise by the Board, Assessments (other than Assessments imposed against government property) shall be collected pursuant to the Uniform Assessment Collection Act, and the Authority shall comply with all applicable provisions thereof. The Resolution of Intent required by the Uniform Assessment Collection Act may be adopted either prior to or following the Initial 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 Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this rule, the Special Act, or any other law, rule or regulation applicable to the Authority, may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

#### **48-103.014 ALTERNATIVE METHOD OF COLLECTION**

In lieu of using the Uniform Assessment Collection Act, the Authority may elect to collect the Assessment by any other method which is authorized by law or as provided by this rule as follows:

(1) The Authority shall provide assessment bills by first class mail to the Owner of each affected parcel of property. Such bills may be combined with any other mailing of the Authority. The bill or accompanying explanatory material shall include (a) a brief explanation of the Assessment; (b) a description of the Assessment Units used to determine the amount of the Assessment; (c) the number of Assessment Units attributable to the parcel; (d) the total amount of the parcel's Assessment for the appropriate period; (e) the location at which payment will be accepted, (f) the date on which the Assessment is due; and (g) a statement that the 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.

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

(3) The Authority shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The Authority or its agent shall notify any Owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the Authority or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law. In the case of government property, such notice may state in effect that the Authority will initiate a mandamus or other appropriate judicial action to compel payment. Provided, however, that the failure to timely provide such notice shall not serve as a bar to later enforcement.

(4) 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 Authority may be the purchaser to the same extent as an individual Person or corporation. The Authority may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent Owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Authority and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the Authority as a result of such delinquent 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.

(5) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (a) notice is provided to the Owner in the manner required by law and this rule; and (b) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

(6) Assessments imposed against governmental property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

(7) As an alternative to the foregoing, an Assessment imposed against any property may be collected on the bill for any utility service provided to such property. The Board may contract for such billing services with any utility or service provider.

#### **48-103.015 RESPONSIBILITY FOR ENFORCEMENT**

The Authority and its agent, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of 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.

**48-103.016 ALTERNATIVE METHOD**

This rule shall be deemed to provide an additional and alternative method for the imposition and collection of charges authorized by Special Act and the Uniform Assessment Collection Act 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.

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**CHAPTER 48-104  
PROVISION OF SERVICE**

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**48-104.001 CLASSES OF SERVICE**

The Authority renders Service to the following general classes:

- (1) RESIDENTIAL (SINGLE UNIT)
  - (a) Water Service by Agreement for Service to any one (1) single family dwelling including permanently located mobile homes served by a 5/8" or larger connection, whether individually metered or not.
  - (b) Wastewater Service by Agreement for Service to any one (1) single family dwelling including permanently located mobile homes.
  - (c) Reclaimed Water Service is defined as service intended strictly for irrigation of residential lawns and landscaped areas.

(2) RESIDENTIAL (MULTIPLE UNIT)

- (a) Water Service by Agreement for Service to any multi-unit residential Premises through a meter of 5/8" or larger serving two or three units whether individually metered or not.
- (b) Water Service by Agreement for Service to any multi-unit residential Premises through a master meter of 5/8" or larger serving four or more units whether individually metered or not.
- (c) Wastewater Service by Agreement for Service to any multi-unit residential Premises with two (2) or more units.

(3) RESIDENTIAL (SENIOR CITIZEN/DISABLED AMERICAN VETERAN)

Water or Wastewater Service by Agreement for Service to any individual Premises for an account held by a Person sixty (60) years of age or older, or a totally and permanently disabled veteran of the Armed Forces of the United States, for domestic and related purposes, excluding residential multi-unit, commercial, industrial, institutional, and other non-residential domestic purposes.

(4) COMMERCIAL (SINGLE UNIT)

- (a) Commercial Single Unit. Water or Wastewater Service by Agreement for Service to any Premises used for commercial purposes consisting of one (1) business entity or operation and served by a 5/8" or larger connection.
- (b) Commercial Multiple Unit. Water or Wastewater Service by Agreement for Service to any Premises used for commercial purposes consisting of more than one (1) business entity or operation and served by a 5/8" or larger connection.

(5) MIXED USE (COMMERCIAL/RESIDENTIAL)

- (a) Water Service to any multi-unit commercial and mixed commercial/residential use Premises through a 5/8" meter or larger serving two (2) or more commercial and/or residential units, without each Service Unit having individual meters.
- (b) Wastewater Service to any multi-unit commercial and mixed commercial/residential use Premises with two (2) or more commercial or commercial/residential units.

(6) NON-RESIDENTIAL SERVICE (RECLAIMED WATER)

For Reclaimed Water, Non-Residential Service is defined as service intended for irrigation of non-residential lawns, golf courses, cemeteries, parks, landscaped areas, crops, highway medians, dust Control on construction sites, mixing of concrete, and other permitted uses as set forth in Chapter 62-610, F.A.C.

(7) NUMBER RETIRED

(8) COMMON AREAS

- (a) Water Service to an area, Building, facility or module subject to common usage or ownership, served by a 5/8" or larger connection. Water Service to Common Areas shall be provided under a separate Agreement for Service.
- (b) Wastewater Service to an area, building, facility or module subject to common usage or ownership. Wastewater Service to Common Areas shall be provided under a separate Agreement for Service.

(9) CAMPSITE/RECREATIONAL VEHICLES

(a) Water Service to any Premises used as or equipped for use as rental spaces or sites for recreational vehicles (RV) including spaces with water Service set aside for tents only, but excluding such tent camp sites having no water Service, and otherwise designated as “primitive camp sites.” Each space equipped shall be assessed SDC on a basis of twenty-five (25) Fixture Values.

(b) Wastewater Service to any Premises used as or equipped for use as rental spaces or sites for recreational vehicles (RVs).

(10) FIRE PROTECTION SYSTEM SERVICE

Water Service by Agreement for Service to any publicly or privately-owned fire protection facility or system, including standpipes, sprinkler systems and hydrants, provided through a separate 5/8” or larger connection. (Note: Fire FLOW cannot be provided in most parts of the geographic area served by the Authority.)

(11) GOVERNMENT/OTHER

Water, Wastewater or Reclaimed Water Service to facilities owned and operated by governmental agencies and other entities of local, state, or federal government, excluding Navy/DOD, Municipal/Key West.

(12) MUNICIPAL/KEY WEST

Water Service to any municipal facilities and operations owned and operated for general government purposes by the City of Key West, but excluding city owned properties used for residential, commercial or industrial purposes, as defined by Agreement.

(13) MARINA SERVICE

Water or Wastewater Service to any Premises or facility used for various maritime and related activities. Commercial maritime activities shall be provided Service as commercial Service; boat slips, berths and dock spaces shall be assessed fees and charges as individual or multiple-unit Services as appropriate, in accordance with the location of points of Service and Agreements for Service.

(14) NAVY/DOD

Water, Wastewater or Reclaimed Water Service to Department of Defense facilities and operations, owned and operated by the United States Government, as defined by the Utilities Service Agreement between the Authority and the Naval Facilities Command (NAVFAC).

Note: *(Removed Non-Profit Class of Service 4/08)*

(15) IRRIGATION SERVICE

Water Service or Reclaimed Water Service limited to irrigation, provided through irrigation systems or hose bibs which will not return back into the wastewater system.

(16) SPECIAL WATER OR WASTEWATER SERVICE

Water or Wastewater Service provided under a special agreement for Service for a limited time only. Service from designated Authority equipment or facilities only.

(17) INTERLOCAL WATER SERVICE

Water Service through an interlocal agreement, provided and metered directly from the J. Robert Dean's Water Treatment Plant only, and not connected to the Authority's transmission or distribution systems. Requests for such Service must be individually negotiated and approved by the Board.

(18) EMERGENCY NON-POTABLE WATER SERVICE

Non-Potable Water delivery service provided under a Special Agreement. Delivery of water is provided by FKAA personnel through the use of a portable delivery tank.

**48-104.002 RESIDENTIAL SERVICE**

(1) To obtain residential Water, Wastewater or Reclaimed Water Service, including Service to a permanently located mobile home, from an existing distribution or collection line with existing Service Laterals, application shall be made. The applicant must enter into an Agreement for Service which shall include a valid Driver's License number and/or other valid identification to provide the Customer's name, the street address and accurate description of the property and its use, and other required information. Upon payment of all required fees and charges, service will be rendered.

(2) If the property to be served is one where no previous service existed, the Owner will be required to provide the following:

(a) WATER: If the property to be served is one where no previous Service existed, or where modifications are made to the Premises where Service is provided, the Owner will be required to pay all applicable fees, charges, and insure availability of an adequately sized water main in accordance with subsection (4) below.

(b) WASTEWATER: If the property to be served is one where no Wastewater Service is currently available, or where modifications are made to the Premises where Service is provided, the Owner will be required to present acceptable evidence of building and zoning approval by all appropriate governmental agencies for any Building constructed or to be constructed, modified or to be modified, on the Premises, provide a survey of the property to be served and pay all applicable fees and charges, and insure availability of an adequately sized Wastewater Collection Main in accordance with subsection (4) below.

(c) RECLAIMED WATER: If the property to be served is one where no Reclaimed Water Service is currently available, provide a signed and sealed boundary survey and a legal description of the property to be served and pay all applicable fees and charges, and insure the availability of an adequately sized Reclaimed Water distribution main in accordance with subsection (4) below.

(3) The Authority shall provide Water, Wastewater or Reclaimed Water Service to the Customer owning a parcel located within an improved subdivision or a subdivision designated single family residential, without the Customer having constructed a Building on the Premises, upon the Customer's payment of all appropriate fees and charges, including SDC.

(4) Prior to entering into an Agreement for Service, the Applicant shall:

(a) WATER: Prior to entering into an Agreement for Service, the applicant shall determine by inquiry to the Authority's Engineering Department whether the property to be served is adjacent to an adequately sized water main of the Authority's Distribution System. In the event that it is not, the applicant shall cause to be constructed an adequate sized Water Main Extension at the applicant's expense from the nearest adequately sized water main, as determined by the Authority, across the full Frontage of the Premises to be served, in accordance with Minimum Design and Construction Standards and Specifications for Potable Water Systems.

(b) WASTEWATER: Prior to entering into an Agreement for Service, the applicant shall determine by inquiry to the Authority's Engineering Department whether the property to be served is adjacent to an adequately sized Wastewater Collection Main of the Authority's Wastewater Collection System. In the event that it is not, the applicant shall cause to be constructed an adequate sized Wastewater Main Extension at the applicant's expense from the nearest adequately sized Wastewater Collection Main, as determined by the Authority, in accordance with Minimum Design and Construction Standards and Specifications for Wastewater Systems.

(c) RECLAIMED WATER: Prior to entering into an Agreement for Service, the applicant shall determine by inquiry to the Authority's Engineering Department whether the property to be served is adjacent to an adequately sized Reclaimed Water main of the Authority's Reclaimed Water Distribution System. In the event that it is not, the applicant shall cause to be constructed an adequately sized Reclaimed Water main extension at the applicant's expense from the nearest existing adequately sized Reclaimed Water distribution main, as determined by the Authority, in accordance with the Authority's Reclaimed Water facilities and Extensions requirements and the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems.

(5) The Owner will provide plans and specifications as follows:

(a) WATER: For residential multiple unit service, the Owner will be required to present plans and specifications which have been approved by the appropriate local government entities for review by the Authority's Engineering Department prior to the acceptance of any fees or deposits, or the entering into of an Agreement for Service. Said plans and specifications shall be in conformity with the Minimum Design and Construction Standards and Specifications for Potable Water Systems.

(b) WASTEWATER OR RECLAIMED WATER: The Owner/Developer will be required to present plans and specifications which have been approved by the appropriate local government entities for review by the Authority's Engineering Department prior to the acceptance of any fees or deposits, or the entering into of an Agreement for Service. Said plans and specifications shall be in conformity with the Minimum Design and Construction Standards and Specifications for Wastewater Systems.

**48-104.003 SENIOR CITIZENS/DISABLED AMERICAN VETERAN WATER, WASTEWATER AND RECLAIMED WATER SERVICE**

(1) To be eligible for Senior Citizens/Disabled American Veterans Water, Wastewater or Reclaimed Water Service, the applicant must meet all requirements for residential single unit Service and execute an Application for Senior Citizens/Disabled American Veterans Water Service in the time frame established per FKAA Enabling Legislation each year in which the

applicant is to apply for said Senior Citizens Service. The Senior Citizen/Disabled American Veteran Certificate Affidavit Application is available through any of the Authority's offices or on-line. The application shall include the submission of an affidavit stating that the applicant is either:

- (a) Sixty (60) years of age or older; or
- (b) A totally and permanently disabled veteran of the Armed Forces of the United States as determined by the Veterans Administration.

(2) In order to qualify for Senior Citizens/Disabled American Veterans Service, the total annual income of the applicant's household must not exceed the maximum annual Social Security retirement benefit for one (1) person for the current year, or if the spouse or significant other resides at the same residence, the maximum annual Social Security Retirement Benefit must not exceed the maximum benefit for 'one (1) person with spouse' for the current year. This discount will only be applicable on your single family primary residence at which you reside the full calendar year. Applicants cannot exceed an average of 5,300 gallon of consumption per month which is based on the previous calendar year.

(3) There shall be no Base Facility Charge for customers who are eligible for Senior Citizens/Disabled American Veterans Service.

(4) The applicant must execute the Senior Citizen/Disabled American Veteran Certificate Affidavit Application on a yearly basis certifying that the information provided, including the total annual household income, are true and correct.

(5) An Application for Senior Citizens/Disabled American Veterans Service must be submitted for each year in which the Senior Citizens/Disabled American Veterans Rate is to be granted.

(6) New applicants are accepted throughout the calendar year. All qualified applicants will be required to re-apply for re-certification from January 1<sup>st</sup> through March 31<sup>st</sup> on a yearly basis.

#### **48-104.004 COMMERCIAL (SINGLE UNIT) OR NON-RESIDENTIAL SERVICE**

To obtain commercial, application shall be made in the same manner as for residential Water, Wastewater or Reclaimed Water Service, with the following additional requirements:

(1) In the case of new commercial Water or Wastewater Service, Non-Residential Reclaimed Water Service, or when a modification is made to a Premises such that a commercial operation of any type will be located in a formerly residential facility, the Owner will be required to present plans and specifications which have been approved by the appropriate local governmental entities for review by the Authority's Engineering Department prior to the acceptance of any fees or deposits, or the entering into an Agreement for Service. Said plans and specifications shall be in conformity with the Authority's Minimum Design and Construction Standards and Specifications.

(2) An Agreement for Service for a corporation shall be entered into by an authorized officer of the corporation. Confirmation of authorized officer status is required, and may be provided in the form of articles of incorporation, minutes, by-laws, letter of introduction on corporation letterhead and signed by a designated officer, or the like). If such Person's representative

capacity is not indicated on the Agreement for Service, such Person shall be personally responsible for the account.

(3) The Authority shall provide Service to the Customer owning a parcel located within an improved commercial subdivision or a designated commercial development, without the Customer having constructed a Building on the Premises, upon the Customer's entering into an Agreement for Service and payment of all appropriate fees and charges, including System Development Charges. Application for Service by any commercial entity other than a corporation shall be signed by an individual, or individuals, who shall be personally responsible for the account. For Commercial Mixed Use Service, see Section 48-104.005 for additional requirements.

#### **48-104.005 MIXED USE (COMMERCIAL/RESIDENTIAL) SERVICE**

Application for mixed use Water or Wastewater Service shall be made in the same manner as for commercial Service, with the following additional requirements:

(1) The Owner shall be required by the Authority's Engineering Department to upgrade off-site Water or Wastewater mains to adequately serve the proposed development, and to construct all on-site distribution or collection systems in accordance with the Minimum Design and Construction Standards and Specifications for Potable Water Systems or Wastewater Systems.

(2) Assessment of System Development Charges (SDC):

(a) Water: The meter to serve the Premises shall be sized by the Authority and SDC shall be assessed in accordance with Section 48-208.001(2). The number of Service Units, whether residential, commercial or industrial, will be determined according to procedures set forth in Section 48-208.001(2), employing plans and specifications and on-site inspections for the subject structure or other permitted use.

(b) Wastewater: The SDC shall be charged in accordance with calculation method as established in Section 48-307.004. The number of Service Units, whether residential, commercial or industrial, will be determined according to procedures set forth in Section 48-307.004, employing applicable city or county occupational licenses, Building Permits, or plans and specifications and on-site inspections for the subject structure or other permitted use. In cases of discrepancy or inconsistency in definition, or interpretation, the Authority's Service Unit definition as specified under Section 48-101.002 will control.

(3) The Agreement for Service shall be entered into by the Owner and shall specify the number of Service Units to be served. Additional Service Units or Fixture Values shall not be served unless approved by the Authority and current SDC paid accordingly.

(4) New Service Units shall be subject to the currently valid fees, charges, and conditions as are applicable at the time of Service application to comparable classes of Service, including SDC, which shall be assessed in accordance with Section 48-208.001 for Water or Section 48-307.004 for Wastewater.

(5) Final approval shall be contingent upon the applicant providing to the Authority for review approved plans and specifications for such Premises development or such modifications of the Premises to which Service is currently provided.

#### **48-104.006 GOVERNMENT/OTHER SERVICE**

Application for Government/Other Water or Wastewater Service shall be made in the same manner as for single unit Service, with the additional requirement that the governmental entity to be served shall upgrade Off-Site Water or Wastewater Mains to adequately serve the proposed facility and to construct on-site Distribution Systems in accordance with the Minimum Design and Construction Standards and Specifications for Potable Water Systems.

*(CLASS OF SERVICE FOR NON-PROFIT SERVICE ; RETIRED 4/08)*

#### **48-104.007 FIRE PROTECTION SYSTEM SERVICE**

(1) Application for fire protection system Service shall be made in the same manner as for commercial Service (see Section 48-104.004). (Note: fire flow cannot be provided in most parts of the geographic area served by the Authority.)

(2) Water Service for fire protection purposes is intended to stand ready to provide a supply of water exclusively for fire protection purposes and no water shall be used from the fire protection system facilities for any other purpose unless said system is an existing Authority approved fire/domestic dual Service, and all applicable fees paid.

(3) The Customer's fire protection apparatus, facilities or system installation (plumbing) to which the water Service is rendered must be entirely separate and apart from the Customer's domestic water Service. Those existing fire protection facilities and installations which do not conform to this requirement will be reviewed by the Authority's Engineering Department on a case-by-case basis to determine actions required to conform to the aforementioned requirements including the determination and assessment of applicable fees.

(4) No disconnection of fire protection apparatus, facilities, or systems in whole or in part, from water Service provided by the Authority is permissible unless the Customer can provide proof of demolition of the existing structure, or can provide a letter from the Fire Marshall authorizing the disconnection of the fire protection facilities or system, clearly designating the portion authorized for such disconnection.

(5) When an existing fire protection system meter serves as dual service to supplement the domestic/commercial service meter to provide both fire protection and potable water for use by the premises (dual service meter), the customer will be billed the Fire Service Monthly Charge, which is prescribed by the size of the fire device for the fire protection meter. When consumption is recorded on the Fire Protection meter for potable purposes or other purposes (except fire fighting activities), the customer will be billed the Consumption Charge for such water consumed as a single account for the combined consumption of both the domestic/commercial service meter and the fire protection system meter.

#### **48-104.008 COMMON AREA SERVICE**

Application for Water, Wastewater or Reclaimed Water Service to a common area Service Unit, which includes Common and Wastewater Facilities, shall be made in the same manner as for commercial service, with the following additional requirements:

- (1) The common area Owner shall be required to upgrade Off-Site Water or Wastewater Mains to adequately serve the proposed development and to construct all on-site Distribution Systems or Wastewater Collection Systems in accordance with the Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Construction Standards and Specifications").
- (2) Service used for a common area purpose consisting of one (1) common area Service Unit shall be assessed SDC for these facilities based on Fixture Values served in accordance with Sections 48-101.002(63) and 48-101.002(124). Service for Mixed Use or Multiple Service Unit Common Area Use shall be assessed SDC for the number of Fixture Values to be served through a master meter, with the size of the meter being determined by the appliances and fixtures to be provided water, in accordance with the Authority's current Engineering practices and procedures. SDC shall be assessed for each common use area in accordance with the calculation of the number of Fixture Values served in each such area (see Section 48-101.002(63)).
- (3) Common Area Service may be provided to a Premises which is also served by another class of Service.
- (4) The Authority may in some instances provide common area Service to a Premises receiving another class of Service through a master meter.

#### **48-104.009 MARINA SERVICE**

Application for Marina Water or Wastewater Service shall be made in the same manner as for residential multiple unit, commercial multiple unit, mixed use or industrial Service, with the following additional requirements:

- (1) SDC shall be assessed based upon the number of Fixture Values determined from the fixture count of the water using appliances and water or wastewater fixtures installed on the Premises.

#### **48-104.010 CAMPSITE/RECREATIONAL VEHICLE**

Campsites/Recreational Vehicle: Water Service shall be assessed SDC on a basis of twenty-five (25) Fixture Values for each space to be used for recreational vehicle overnight parking. Wastewater Service shall be assessed SDC on a basis of Fixture Values for each space to be used for recreational vehicle overnight parking. Storage areas not used for habitation shall not be assessed an SDC. Application for this class of Service shall be made with the following additional requirements:

(1) The Owner shall upgrade Off-Site Water or Wastewater Mains to adequately serve the proposed development and to construct all on-site distribution systems in accordance with the Minimum Design and Construction Standards and Specifications for Potable Water Systems or Wastewater Systems (also referred to in the Authority’s Referenced Documents Notebook as “Minimum Construction Standards and Specifications”).

(2) Meters to serve the Premises shall be sized by the Authority’s Engineering Department. The number of spaces will normally be determined in accordance with applicable city or county certificates of occupancy, Building Permits, or plans and specifications for the subject Premises or facility. In cases of discrepancy or inconsistency in definition, or interpretation, the Authority’s Fixture Value and Service Unit definitions as specified in Sections 48-101.002(63) and 48-101.002(124) will control.

(3) NUMBER RETIRED

(4) Campsite/Recreational Vehicle Park Water or Wastewater Service shall be the only type of Service available to a campsite/recreational vehicle park. If a Customer provided another class of Service at a Premises also operates a campsite/recreational vehicle park, said Customer shall obtain separate campsite/recreational vehicle park Agreement for Service for that portion of the Premises which is a campsite/recreational vehicle park.

**48-104.011 NUMBER RETIRED**

**48-104.012 NUMBER RETIRED**

**48-104.013 CROSS-CONNECTION CONTROL (WATER)**

No Cross-Connections are allowed between the Authority’s potable water supply and any other system containing water or any other substance which may be capable of imparting contamination or pollution which would change the quality of water conveyed by the Authority’s system. To protect the public water supply system from pollution or contamination, or other quality change, due to Cross-Connection, the following restrictions apply:

(1) No installation of potable water supply piping or part thereof shall be made in such a manner at any Premises so as to violate plumbing code whereby a public water supply is connected directly or indirectly with any other water supply system, Sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste, or gas, liquid or solid which may be capable of imparting contamination to the public water as the result of backflow.

(2) No Person shall make or allow a connection to exist at any Premises between pipes or conduits carrying potable water supplied by the Authority or private water Service system and any pipes, conduits, or fixtures containing or carrying liquids, gas, or other substances from any other source.

(3) No plumbing fixture, appliance, water using apparatus or device, or construction shall be installed or maintained or shall be connected to any public or private potable water supply, when such installation or connection may provide a possibility of polluting such water supply, or may provide a Cross-Connection between a Distribution System of potable water used for drinking and other domestic purposes and water which may become contaminated by such plumbing fixture, appliance, device or construction.

(4) No water Service piping supplied by any auxiliary water supply source (i.e. well, cistern, swimming pool, etc.) or industrial process or water piping system owned by any Person shall be connected to the public potable water system owned and operated by the Authority.

(5) The Authority shall require the installation of an approved backflow prevention assembly which complies with the Manual of Cross-Connection Control and available for inspection in the Authority's Engineering Department, Water Quality Division.

(6) The testing, maintenance, and repair on backflow prevention assemblies installed for containment of domestic water Service Connections and conveyed to the Authority for such purposes shall be performed in accordance with the Manual of Cross-Connection Control. The Authority shall require Customers to be responsible for testing, maintenance, and repair of backflow prevention assemblies installed on fire protection systems.

(7) Service of water to any Premises shall be disconnected by the Authority if a backflow prevention assembly required by the Authority is not installed, tested and maintained; or if it is found that a backflow prevention assembly has been removed or by-passed, or if unprotected Cross-Connections exist on the Premises; or there is inadequate backflow prevention at the Service Connection. Water Service will not be restored until such conditions or defects are corrected and evidence thereof is provided to the Authority. All current turn-off, turn-on, and Past-Due Backflow Testing Service charges shall be paid by the Customer.

(8) In the event that a Customer fails to test the backflow prevention assembly required on a separate fire protection Service line, or fire/domestic dual Service line as scheduled, the Authority reserves the right to disconnect the domestic water Service until the assembly is tested and evidence thereof is provided to the Authority.

(9) If any Customer should have any questions regarding Cross-Connection, that Customer should contact the Authority's Engineering Department, Water Quality Division.

#### **48-104.014 OFF-SHORE ISLANDS**

Water Service for an Off-Shore Island shall be provided by the Authority at a single Service delivery point on the mainland in a dedicated easement or public right-of-way. The single Service delivery point for the Off-Shore Island will be metered by a meter of size appropriate to facilitate the successful operation of the Off-Shore Island as determined by the Authority's Engineering Department from plans and specifications for the Off-Shore Island provided by the applicant. The Off-Shore Island shall be required, at his own expense to install, operate, test and maintain an approved Reduced Pressure Zone (RPZ) backflow prevention assembly as directed

by the Authority. The fees and charges for such Service shall be calculated by employment of the capacity demand or Fixture Value basis for assessing the SDC, in accordance with Section 48-208.001(2).

**48-104.015 IRRIGATION SERVICE**

Application shall be made in the same manner as for residential Service.

Commercial: Application shall be made to the Engineering Department where Meter size is determined, and fees are calculated.

**48-104.016 SPECIAL SERVICE**

Service provided under special agreement for a limited time only. Such Service shall be temporary and obtained from designated Authority facilities and equipment, subject to the following requirements:

- (1) Letter of request indicating reason and time frame for special service, and estimated water consumption to be used.
- (2) An Agreement for Service shall be executed prior to the providing Service including prepayment of drop-in fee, estimated water to be used, Minimum Guaranteed Payment Deposit of \$500.00 or an amount equal to the estimated water usage and service charge.
- (3) Customer invoice will include Consumption Charge, Base Facility Charge, service charge and other applicable charges.

**48-104.017 INTER-LOCAL SERVICE**

Request for inter-local Water, Wastewater or Reclaimed Water Service must be individually negotiated and approved by the Board.

**48-104.018 MUNICIPAL KEY WEST WATER SERVICE**

Application for Municipal Key West Water Service shall be made by agreement.

**48-104.019 NAVY DOD SERVICE**

Application for Navy DOD Water or Wastewater Service shall be made as defined by the Utilities Service Agreement between the Authority and the Naval Facilities Command (NAVFAC). This class of Service must be coordinated through the Director and Customer Service.

**48-104.020 NUMBER RETIRED**

**48-104.021 MANDATORY WATER CONSERVATION PROGRAMS**

The Authority may provide for mandatory water conservation programs (reference Water Conservation Program Document) when conditions arise which cause the supply of water to the Authority to be restricted or when consumption exceeds the permitted allocation to the Authority as provided below:

(1) A Water Restriction Surcharge may be billed during emergency water restrictions as imposed by the South Florida Water Management District (SFWMD). The Water Restriction Surcharge is applied at a percentage of the Consumption Charge based on the mandatory water restriction phase

(2) Other than SFWMD imposed drought restrictions, the Authority shall impose by rule the implementation of additional water conservation measures, programs or Surcharge in order to reduce the amount of water consumption. The additional water conservation programs shall include conservation programs identified by the South Florida Water Management District and other actions that may be imposed by the Authority from time to time by rule.

#### **48-104.022 PROVISION OF WATER SERVICE WITHIN MIAMI-DADE COUNTY**

The Authority shall not provide water service for properties located outside of Monroe County except properties in Miami-Dade County which are located within one (1) mile of the Authority's pipeline, from its wellfield at Florida City in Dade County to the territorial boundary of the Authority as established by the Authority's Enabling Legislation., which qualify as follows:

(1) **Existing Customers**

Customers with established water service prior to October 24, 2003.

(2) **New Development**

Customers who obtain service after October 24, 2003 provided they meet the following requirements:

(a) Are located within one (1) mile of the Authority's pipeline, from its wellfield at Florida City in Dade County to the territorial boundary of the Authority as established by its Enabling Legislation.

(b) Finance and construct a dedicated service transmission line and related pumping infrastructures from the Authority's water treatment plant for delivery of potable water to their property. The Authority may agree to accept the service transmission line for ownership and maintenance pursuant to Section 48-106.006.

(c) Reimburse the FKAA for any costs to obtain a permanent transfer of water allocation from another utility which is permitted by the South Florida Water Management District,

(d) The FKAA receives verification of an approved modification to the Authority's water use permit from the South Florida Water Management District for the additional water allocation required.

(3) **Change of Use**

Existing customers, with service established prior to October 24, 2003, that change the use of their property, or otherwise require an upgrade in water service, must follow the requirements of Section 48-104.024 (2).

#### **48-104.023 EMERGENCY NON-POTABLE WATER SERVICE**

Non-Potable water delivery service is service which is provided under special agreement for a limited time only. Such delivery service shall be based on emergency conditions and provided by designated Authority personnel through the use of tank and truck, subject to the following requirements:

- (1) The emergency conditions shall include lack of rainfall during the Dry Season, severe weather conditions or other emergencies in which individual's wells or cisterns fail to provide the individual with adequate water source.
- (2) Delivery of Emergency Non-Potable Water will be only for the purposes of filling individual cisterns or water storage facilities and will exclude water delivery for filling of pools or any other non-essential use.
- (3) The customer will complete an Agreement for Emergency Non-Potable Water Service in which the customer will acknowledge that the delivered water is non-potable due to water being delivered by truck rather than directly from the FKAA transmission or distribution system and that, for precautionary purposes, the water must be boiled prior to consumption.
- (4) An Agreement for Emergency Non-Potable Water Service shall be executed prior to each delivery of water including pre-payment of Emergency Non-Potable Water Delivery Fees, which includes all costs associated with this service such as the cost of water, FKAA manpower and equipment.
- (5) The quantity of water delivered will be in 1,000 gallon increments based on the capacity of the available FKAA delivery equipment. Multiple deliveries can be arranged at the time of the initial request.
- (6) Delivery of Non-Potable Water will be accomplished once the above conditions are met and based upon the availability of FKAA manpower and equipment.

#### **48-104.024 MANDATORY CONNECTION TO WASTEWATER SYSTEM**

- (1) In adopting this rule, the Authority has ascertained, determined and declared that:
  - (a) The Florida Legislature has identified the Florida Keys as an area of critical state concern; pollution and questionable water quality resulting from the absence of adequate Wastewater Treatment throughout the Florida Keys is a threat to the environment and the health, safety and welfare of landowners and persons inhabiting the Florida Keys.
  - (b) The Florida Legislature has charged the Authority with the responsibility to plan and provide for water and sewer systems within the Florida Keys and to enforce the use of its Wastewater Facilities whenever and wherever they are accessible.

(c) The Florida Legislature has empowered the Authority to both prohibit the use of and mandate the use of Wastewater Facilities within the Florida Keys.

(d) The Florida Legislature has authorized, and Monroe County has enacted, local legislation that:

1. Requires connection to a central sewage system within specified time periods; and
2. Provides a definition of on-site sewage treatment and disposal systems that does not exclude package sewage treatment facilities even if facilities are in full compliance with all regulatory requirements and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.

(e) The Authority has embarked upon the creation of Wastewater System to equitably, ecologically and economically manage Wastewater and improve the water quality in the Florida Keys. The presence of the Authority's Wastewater Facilities will enhance and benefit the environment and the health, safety and general welfare of landowners and persons inhabiting the Florida Keys.

(f) Mandatory connection to the Authority's Wastewater System is fundamental to the successful financing, creation and operation of the Authority's Wastewater System. Mandatory connections to a governmental utility system and the subsequent charges flowing therefrom have long been held to be a proper exercise of a governmental power to regulate and protect the welfare of the public.

(2) The Owner of a premises or other improved parcels of land shall, at the Owner's expense, connect any On-Site Disposal System (including decommissioning any such On-site Disposal system and connection of the collection facilities served thereby to the Authority's Wastewater System) and or a building's plumbing to the Authority's Wastewater System upon written notification that the Authority's Wastewater Facilities are available for connection. For purposes of this rule, "available" means that the Authority Wastewater Collection Facilities exist within a public easement or right-of-way that abuts or is within two hundred and fifty (250) feet of the property line of the lot, residence, establishment, building, premises, or On-site Disposal System or within such greater distance therefrom as provided for by applicable local ordinance. Connection shall occur within thirty (30) days, or as otherwise provided by law.

(3) No less than one (1) year prior to the date the Authority's Wastewater System is expected to become available, the Authority shall notify the affected Owners of the anticipated availability of such Wastewater Facilities and that such Owners will be required to connect, at their expense, to the Authority's Wastewater Facilities within thirty (30) days of actual availability, or as otherwise may be provided by law. Failure to timely provide such notice or failure of any individual Owner to timely receive such notice shall not serve as a bar to enforcement of mandatory connection by the Authority.

(4) Where the Authority's Wastewater System is available to a premises with an existing On-site Disposal System, the Owner shall decommission, abandon, or otherwise disconnect from the existing On-Site Disposal System in accordance with the requirements of the Florida Department of Health and the Florida Department of Environmental Protection, and shall connect the buildings on the property or premises to the Authority's Wastewater System.

(5) All connections shall be consistent with and governed by the Authority's Agreement for Service provisions and other rules relating to Water and Wastewater and the provision thereof.

(a) Whenever Wastewater Service is required, the Owner shall retain a qualified contractor to install the required facilities' extension(s) and connections. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. All facilities shall conform to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems. The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum design and construction standards of the Authority and as is reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Such control is being afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems.

(b) In the event an Owner fails or refuses to timely connect the premises, any On-Site Disposal System or a building to the Authority's Wastewater Facilities within the time prescribed herein, the Authority shall:

1. Render an Agency Decision to discontinue Water Service after proceeding in the manner provided in Section 48-101.007, until such time as the Owner properly connects to the Authority's Wastewater System; or alternatively or concurrently,
2. Seek to otherwise compel connection by any other available means, including judicial process.

(c) In the event the Authority is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the Authority including attorney fees and court costs shall be assessed to the Owner.

#### **48-104.025 CONSTRUCTION AND CONNECTION OF WASTEWATER SYSTEMS ON PRIVATE PROPERTY**

As part of the construction of new wastewater systems, the Authority will, in certain cases and only through an Agreement with the property owner, construct wastewater collection and transmission systems and water distribution systems on private property when it is determined to be in the best interest of the Authority and the users of the new system. This policy applies only to the construction of wastewater systems in areas receiving wastewater service from the Authority for the first time.

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**CHAPTER 48-105  
BILLING AND PAYMENT FOR SERVICE**

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**48-105.001 BILLING PERIOD; DUE DATE**

- (1) Water meters shall be read, and Customers billed on a monthly basis for water and wastewater service. Billing will commence upon initiation of Service or the Mandatory Connection Date, whichever is earlier.
- (2) Payments for services are due upon receipt of the bill and must be paid no later than the due date as stated on the bill to avoid incurring delinquent charges. Non-receipt of a bill by the Customer shall not release the Customer from the duty to make reasonable inquiry as to the amount of the bill and prompt payment thereof.

**48-105.002 USE OF MASTER METERS**

- (1) Effective October 1, 1997, the Authority will no longer set up master meters with deducts, only those master meters with deducts existing as of October 1, 1997 will be grandfathered.
- (2) Where Service is provided to more than one (1) Customer through a master meter, Authority owned and supplied meters referred to as deduct meters, shall be used in conjunction with the master meter to determine the amount of Service provided to each individual Customer. In such instance the Customer signing the Agreement for Service to the master meter shall be billed for the difference between the total amount of water passing through such master meter and the total amount billed to those individual Customers using the Authority's individual deduct meters.
- (3) A System Development Charge shall be assessed for the total number of units serving water, or Fixture Values collecting wastewater, serving water on each additional Premises provided service through a master meter in accordance with Section 48-208.001(2).

- (4) Where more than one (1) Class of Service is provided through a master meter, individual Authority owned and supplied meters, deduct meters, shall be used in conjunction with the master meter to determine the amount of service provided to each Service Unit of each Service Class.
- (5) A Customer of the Authority may not charge a rate for service provided through a master meter to other Customers of the Authority that is higher than the rate charged by the Authority.
- (6) The Authority emphasizes that the Point of Service is the master meter and any deduct or individual services that may exist beyond the master meter are subject to disconnection of Service through the master meter if the master meter account is not in a current payment status, notwithstanding the current payment status of the individual deduct account(s).
- (7) The master meter account holder shall be responsible for replacement of meter boxes, lids and all other parts, components, and connections associated with existing Authority deduct meters. All other parts are defined as all meters, valves, check valves, fittings, and any and every component utilized in the delivery water and recording of usage that is in place behind the master meter or demarcation point of FKAA ownership.
- (8) In the event of use of private deduct meters, the Authority assumes no responsibilities beyond the master meter.
- (9) The master meter account holder will be billed the monthly Base Facility Charge based on a 5/8" meter when there are deduct meters served by the master meter.
- (10) The master meter account holder will be billed the monthly Consumption Charge or Wastewater Flow Charge based on a 5/8" meter when there are deduct meters served by the master meter.

#### **48-105.003 DESCRIPTION OF MONTHLY BILLING CHARGES**

The Authority will bill all metered properties for applicable monthly billing charges each month including the billing of property owners in the absence of tenants at rental properties.

- (1) The monthly billing charges of the Authority consist of the Base Facility Charge, Consumption Charge and Wastewater Flow Charges where service is provided, which are described as follows:
  - (a) **“Base Facility Charge.”** The Base Facility Charge is a fixed monthly charge for water and wastewater (as available) based on the customer’s meter size as shown in Fees and Charges, 48-208.004 and 48-307.008, and does not include charges for water consumption or wastewater flow. Qualified Senior Citizens/Disabled American Veterans Service are not assessed the Base Facility Charge.
  - (b) **“Consumption Charge.”** The Consumption Charge is a charge per thousand gallons billed based on consumption of metered water use. The Consumption Charge is based on meter size and monthly consumption block as shown in Fees and Charges, 48-208.004.

(c) **“Wastewater Flow Charge”**. The Wastewater Flow Charge is a charge per thousand gallons, billed based on consumption of metered water use as described in Section 48-307.008.

(2) In the event the Authority is unable to determine the amount consumed, the Authority shall estimate such amount based upon 100% of the customer’s consumption for the same time period of the previous year.

(3) The Authority shall apply the Senior Citizens Rate for persons eligible for Senior Citizens/Disabled American Veterans Service in accordance with the provisions of Section 48-104.003.

#### **48-105.004 FIRE PROTECTION SYSTEM**

(1) All Customers with a Fire Protection Service System (as described in Section 48-201.008) shall be charged a Fire Service Monthly Charge, which shall be:

(a) Based on the size of fire device connected to the Authority’s distribution system pipe serving the Fire Protection Service System; and,

(b) Considered as a charge by the Authority for maintaining the capacity to serve the Fire Protection System.

(2) All Customers with a Fire Protection Service System that have a meter installation which measures for Fire/domestic/commercial dual Service shall be charged for the Fire Protection Service as follows:

(a) The Fire Service Monthly Charge based on the size of the fire device; and

(b) The Consumption Charge measured by the Fire Protection System meter which is for potable purposes or other purposes, except actual fire fighting activities, will be billed as additional consumption inclusive of the consumption registered by their premise service meter.

(c) When consumption on the Fire Protection Service System meter is due to actual fire fighting activities, the Customer will be billed based on Block One (1) Consumption Charges.

(d) When consumption measured by a Fire/domestic/commercial dual meter is not related to actual fire fighting activities, the customer will be billed a monthly Base Facility Charge and a Consumption Charge based on the Meter size that would have been required to serve the property if it had been served by a single meter as determined by the Authority.

(3) Anyone found tampering with a Fire Protection System shall be treated in accordance with the provisions of Rule 48-205.010.

#### **48-105.005 GUARANTEED PAYMENT DEPOSIT**

(1) Each Customer shall be required to place on deposit with the Authority, a Guaranteed Payment Deposit. The deposit amount shall be calculated in accordance with provisions of this section. The Guaranteed Payment Deposit shall be for the purpose of providing security for payment of amounts due the Authority.

(2) Auto Pay Customers may not be required to pay a deposit; however, should Auto Pay be discontinued for any reason, the Customer shall be required to provide a Guaranteed Payment Deposit.

- (3) Interest on the Guaranteed Payment Deposit shall be credited as required by State Statute.
- (4) Guaranteed Payment Deposits shall not be required for:
  - (a) All municipal, county, state, and federal agencies;
  - (b) Authority employee residential accounts; and
  - (c) Owners of rental property between rentals provided the property owner is not delinquent on this account.
- (5) The Authority may issue a Good Credit refund to accounts which provide residential service under conditions that the residential Customer:
  - (a) Has been a Customer one (1) year or greater;
  - (b) Has not been assessed with a Delinquent Account charge (penalty) on two (2) or more occasions within the past one (1) year;
  - (c) Has not been turned-off for non-pay (delinquent status); and
  - (d) Has not had any record of having presented dishonored payments to the Authority.

(6) The Guaranteed Payment Deposit is based on meter size as follows:

| <u>Meter Size</u> | <u>Deposit Fee</u> |
|-------------------|--------------------|
| 5/8"              | \$ 150.00          |
| 1"                | \$ 250.00          |
| 1.5"              | \$ 500.00          |
| 2"                | \$ 1,000.00        |
| 2.5"              | \$ 1,400.00        |
| 3"                | \$ 1,800.00        |
| 4"                | \$ 5,500.00        |

- (7) The Guaranteed Payment Deposit for a hydrant will be equivalent to the requirement for a 2" meter.
- (8) The Guaranteed Payment Deposit (Residential) shall be increased under the following circumstances:
  - (a) Repeated Delinquency or dishonored payment 2x..... \$250.00  
greater than 2x..... \$350.00
  - (b) Tampering – Residential..... \$411.00
  - (c) Tampering – Commercial .....three times (3X) the existing Deposit.

**48-105.006 AUTOMATIC PAYMENT OPTIONS**

- (1) Automatic payment options shall be for the purpose of providing automatic direct payment to the Authority through a bank or charge to their credit cards. The applicant will be subject to the following criteria:
  - (a) The applicant’s financial institution must participate in the Automated Clearing House (ACH) System or other electronic system which is acceptable to the Authority;
  - (2) Authorized account(s) will be drafted monthly for the net amount due shown on the bill(s).
- (3) A return bank draft charge will be billed to the account and the account may be subject to

disconnection of Water Service.

(4) Automatic Payment Authorization Agreement will remain in effect until cancellation is provided by either the Customer, the participating financial institution or by the Authority.

#### **48-105.007 DELINQUENT ACCOUNTS**

(1) An account shall be considered delinquent if payment for service is not received by the Authority within twenty (20) days of the bill date.

(a) If the due date falls on a weekend or legal holiday, it shall be extended to the next business day. In the event partial payment of a bill is made, that portion of the bill not paid within twenty (20) days of billing shall be considered delinquent. If the due date falls on a weekend or legal holiday, it shall be extended to the next business day.

(b) If the customer uses any form of electronic payment method, it is the customer's responsibility to ensure that the payment is received by the Authority on or before the due date.

(c) The Executive Director is authorized to approve waiver of the Delinquent Account Charge for a two-month billing period following mandatory or voluntary Evacuation Orders due to Hurricane.

(2) Delinquent Accounts shall be charged a Delinquent Account Charge in the amount greater of \$10.00 or ten percent (10%) of the total amount that is the delinquent outstanding balance unless the outstanding balance is less than \$10.00, in which instance no Delinquent Account Charge will be imposed.

(3) Where service is provided to a Fire Protection System (as described in Section 48-104.008), the Authority reserves the right to discontinue the domestic, or other non-fire related Water Service for delinquent fire line accounts, according to all procedures applicable to the collection of any Delinquent Account.

(4) Service shall be subject to disconnect if the total delinquent amount that is past due is not received by the Authority within twenty (20) days of the current bill date shown on the bill. Failure to pay amounts due the Authority within the time designated for payment shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The Authority shall notify the Customer of delinquency and the intent to disconnect service for failure to make payments. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(5) Discontinuance of Service will be affected in accordance with Sections 48-101.007 and 48-101.008. Failure to pay amounts due the Authority within the time designated for payment

shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The Authority shall give notice of proposed disconnection. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(6) For service to be restored, the Customer must request restoration of service and pay all amounts due, including the applicable Non-Payment Turn On service charge, and a Guaranteed Payment Deposit.

(7) In the event the account has been final billed as a result of account delinquency, service shall not be restored until the Customer has paid all applicable fees, outstanding balances due, service charges, and a Guaranteed Payment Deposit.

(8) In the event service is suspended twice as a result of account delinquency, service shall not be restored until the Customer has paid a Guaranteed Payment Deposit pursuant to Section 48-105.005.

(9) Notwithstanding any other provision of these rules, when Water Service is subject to discontinuance (disconnection) or has been discontinued due to account delinquency, the Authority may restore such Service prior to payment of all amounts due, provided the Customer has entered into a negotiated payment agreement.

(10) Failure to pay amounts due the Authority within the time designated for payment shall result in the Authority exercising all reasonable business efforts to collect such unpaid amount, including but not limited to placing a lien on the property for all amounts due, including delinquent fees, interest, attorney fees and filing charges.

#### **48-105.008 BILLING DISPUTES; ERRORS**

(1) In the event of a billing dispute, the Customer shall contact any of the Authority's Customer Service Offices and request an investigation of the account. The account number, description of premises served, nature of the dispute or alleged mistake and date of contact shall be recorded by the Authority.

(2) The Authority will investigate the billing and respond. If the response is not satisfactory to the Customer, the Customer may request further review by the Director or his designee.

(3) The Authority shall not disconnect service or impose any charges pursuant to Section 48-105.008 for non-payment of the disputed amount while the dispute is under review pursuant to this Section, provided that such review has been commenced prior to the Account becoming delinquent. In the event the dispute is resolved against the Customer, the Customer the charges become due and payable, and shall thereafter be subject to Disconnection of Service and other charges pursuant to Section 48-105.008. Failure to pay amounts due the Authority within the time

designated for payment shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(4) The Customer may request a hearing on billing disputes.

#### **48-105.009 ABATEMENT OF WATER AND WASTEWATER BILLS**

(1) The Authority shall abate a portion of a bill for Water and Wastewater Service, under the following conditions:

**(a) Courtesy Credit Adjustment Due to Leak in the Customer's Potable Water System**

1. The leak must be underground, within a foundation, or inside a wall and not caused by the negligence of the Customer or any other person, such as but not limited to: bulldozing, digging, lack of maintenance or vehicle running over the line, except when the outside action is on the public right-of-way beyond the customer's control for which there is no indication that the customer was negligent.

2. The Customer must present a plumber's report verifying that the leak satisfied the criteria in (1)(a)(1) and the leak has been repaired.

3. The Customer must request in writing that the Authority abate the charges and include the above information in the request within ninety (90) days after discovering the leak. Failure to make a timely request shall be a waiver of the Customer's right to seek abatement.

4. If abatement is granted, the Customer will be required to pay an amount equal to twice the monthly water consumption based upon the Active Account for the corresponding month during the previous year. When previous consumption history is unavailable, the Authority will use 5,300 gallons as a monthly average for a Residential User. For all other Users, the Authority will use an average derived from historical consumption from the prior calendar year. When previous consumption history is unavailable for Non-Residential Users, the Authority will use an average derived from similar Users in its service area.

5. When the Authority determines that unexplained consumption is occurring at a premises, it will make a reasonable attempt to notify the Customer of such increased consumption as soon as practicable and will inform the Customer of its abatement procedure at the time of such notification. Under no circumstances shall failure to provide such notice constitute a basis for imputing liability to the Authority for any such increased water consumption.

6. Customer is limited to one (1) abatement in excess of \$75.00 within a two (2) year period.

#### **48-105.010 TAMPERING WITH FACILITIES**

(1) Tampering with the Authority's Water, Wastewater, or Reclaimed Water system components or facilities, including but not limited to, Water and Transmission Mains, distribution

lines, meters, gravity collection mains, manholes, vacuum collection mains, Force Mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, registering devices, MIUs, or enclosures is prohibited by Section 812.14, Florida Statutes.

(2) Tampering is a crime under Section 812.14, Florida Statutes. Any person who willfully violates Section 812.14, shall be guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

(c) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any person found in a civil action to have violated the provisions of Section 812.14, Florida Statutes, shall be liable to the Authority in an defined in this statute at the time of the occurrence. As of September 2025, the amount is equal to 3 times the amount of services unlawfully obtained or \$3,000.00, whichever is greater.

(3) When Tampering is discovered, the Authority will commence termination of service proceedings in accordance with Section 48-101.007.

(4) Law enforcement authorities may be notified so that a law enforcement officer may accompany an employee of the Authority to the Premises for the removal of any devices used, and to prepare for possible criminal or civil prosecution. Pictures may be taken and any unauthorized devices removed.

(a) When Tampering has occurred, the Authority shall sever Service from the main water line to prevent a possible recurrence. Prior to disconnection of service, the Authority shall inform whatever person may be present at the Premises at the time of such disconnection of its intended action and the reason therefore. If no one is present the Authority shall place a door hanger at the Premises, which shall inform the Customer of the action taken and the hearing provisions of this rule.

(b) In cases when the meter lock has been broken, (unauthorized turn-on) the Customer shall be billed based on actual meter readings.

(c) In cases of meter by-pass, or meter reversal, straight connection or other form of Tampering that results in a substantial reduction in the cost of service, the account of the Customer shall be back billed for the estimated amount of water consumed and not paid for. This estimate shall be based upon:

1. One hundred and fifty percent (150%) of the average water consumption during the previous six (6) Active Account months prior to the time such meter Tampering is estimated to have occurred, or in the event the Customer does not have a history of six (6) Active Account months, one hundred and fifty percent (150%) of the average water consumption for a Customer served by the Authority with a similar Class of Service during the most recent one (1) year period for which such figures are available;
2. In the event a swimming pool is located on the Premises, it will be presumed by the Authority that said pool was filled with water diverted from the meter, and such amount shall be added to item 1. above. This presumption may be overcome by evidence of prior billed consumption of water necessary to fill the swimming pool during one billing period;

(d) When the meter has not been disturbed, the Customer shall be back billed for the amount of water consumed, as indicated by the meter, for which payment has not been received by the Authority.

(e) The Guaranteed Payment Deposit shall be increased for the Customer to an amount in pursuant to Section 48-105.005. For Customers receiving Commercial Service, the

Guaranteed Payment Deposit shall be increased to three times (3X) the existing deposit.

(5) The Authority shall restore Service upon payment of all applicable service charges, investigation charges, back billing charges, the Guaranteed Payment Deposit and other amounts due.

(6) When Tampering has occurred, the Authority shall assess the Customer an Investigation Charge or Tampering Charges as shown in Section 48-208.001

**48-105.011 NUMBER RETIRED**

**48-105.012 CREDIT CARD PAYMENTS**

(1) Credit Card payments shall be for the purpose of providing payment to the Authority through a financial institution.

(a) Credit cards presented for payment transaction must have a valid expiration date and must be authorized for payment by the credit card company.

(b) For automatic credit card payment, the customer shall notify each account to be processed from their credit card.

(2) Authorized credit card account(s) will be processed monthly for the net amount due shown on the bill(s).

(3) The account(s) shall be cancelled from automatic credit card payment if a credit card request is returned as uncollectible. A return credit card payment charge may be billed to the account and the account may be subject to disconnection of water or wastewater services.

(4) Credit card payment authorization agreement will remain in effect until notification of cancellation is provided by either the customer, the participating financial institution of the credit card, or by the Authority.

**48-105.013 EMERGENCY NON-POTABLE WATER SERVICE**

Application for Emergency Non-Potable Water Service shall be made in the same manner as for residential or commercial water Service. When Emergency Non-Potable Water Service is provided, the Customer will pre-pay the Emergency Non-Potable Water Delivery Fee.

(1) The quantity of water delivered will be in 1,000 gallon increments based on the capacity of the available FKAA delivery equipment.

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**CHAPTER 48-106**  
**WATER MAIN EXTENSIONS, WASTEWATER FACILITIES AND RECLAIMED**  
**WATER FACILITIES AND EXTENSIONS**

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**48-106.001 GENERAL**

This Chapter provides information regarding the requirements and procedures for obtaining a commitment for water, wastewater or reclaimed water service. A customer seeking to obtain services should contact the Authority to determine whether the requested service is available, the amount of the required fees and the nature of the facilities required.

**48-106.002 WATER, WASTEWATER OR RECLAIMED WATER PIPELINE EXTENSIONS, BY THE AUTHORITY**

**(1) Pipeline Extensions; By the Authority.**

The Board of Directors of the Florida Keys Aqueduct Authority may authorize the construction of extensions of water, wastewater or reclaimed pipeline, at the expense of the Authority, when it is determined that the extensions are in the best interest of the Authority and funding is available. The Authority may receive reimbursement from future Customers pursuant to the Front Footage Assessment as detailed in this Chapter. In determining when pipeline extensions shall be authorized the Board shall consider the following criteria:

- Extensions that address matters of health and safety
- Extensions that will abate water loss
- Extensions that address improvements in water quality other than health issues
- Extensions that respond to mandates in state and federal law, codes or directives
- Extensions that respond to water, wastewater or reclaimed water master plan needs
- Extensions that show an economic benefit determined by a cost analysis of the project

Upon approval of the Board, a pipeline extension project shall be scheduled in the Capital Improvement Plan.

**48-106.003 WATER, WASTEWATER OR RECLAIMED WATER PIPELINE EXTENSIONS, BY THE CUSTOMER**

**(1) Pipeline Extensions.**

(a) Should a pipeline extension, which is not included in the Capital Improvement Plan, be necessary to supply water, wastewater or reclaimed water to a Customer, the Customer shall be required to enter into an agreement for pipe extension with the Authority and the Customer shall be required to pay all costs associated with the pipeline extension.

(b) The Customer shall be advised during the initial coordination meeting with the Authority as to whether Service is available and whether a pipeline extension shall be required, which shall be evidenced by a "Coordination Letter" from the Authority. The issuance of a coordination letter by the Authority shall not constitute an absolute assurance of Service, which shall be conditioned upon compliance with the rules of the Authority and the terms and conditions of any contract which may be entered into between the Customer and the Authority, and the availability of a water wastewater or reclaimed service availability pursuant to the requirements of federal, state and local agencies.

(c) Pipeline Extensions shall be required when there are no existing mains to a development or when the Engineering Department has determined that existing mains are not of adequate size to provide Service to the Customer. When the Authority's Engineering Department has determined that a pipeline Extension is required, the Engineering Department will further stipulate the location, length, type and size of pipeline to be installed, availability of water, wastewater or reclaimed water supply as well as the meter requirements of the project to be served, in accordance with accepted, standard and sound engineering practices, including those of the American Water Works Association (AWWA).

**(2) Water, Wastewater and Reclaimed Water**

(a) The Owner shall provide Water, Wastewater and Reclaimed Water Facilities at no cost to the Authority. All Water, Wastewater and Reclaimed Water Facilities shall be designed and constructed in accordance with the minimum standards of the Authority. Water, Wastewater or Reclaimed Water Facilities up to the Point of Service shall be conveyed to the Authority by a coordination letter, free and clear of all encumbrances, with related cost documentation, perpetual right-of-way and Easements for appropriate access, and completed record drawings for all such facilities prior to acceptance and initiation of service.

(b) To facilitate Water, Wastewater or Reclaimed Water Service to all properties in the Authority's Service area, Water, Wastewater Mains or Reclaimed Water mains shall be extended along the full length of the road frontage for properties obtaining service. The Authority may require Water, Wastewater Mains or Reclaimed Water Main Extensions through said property if an adjacent property is to be served in the future.

A Water, Wastewater Main or Reclaimed Water Main Extension can be exempt when there is no possibility of future development beyond the property requesting service. In those cases where the property is at the end of a line, the Customer shall extend the Water, Wastewater or Reclaimed Water Main at least ten (10) feet beyond the property line.

**48-106.004 WATER MAIN EXTENSIONS, WASTEWATER FACILITIES AND RECLAIMED WATER FACILITIES; APPLICATION PROCEDURE**

(1) An Application for Water Main Extension, Wastewater Facilities and/or Reclaimed Water Facilities shall be submitted and signed by the Customer desiring and include the appropriate application fees and the following information:

- (a) Name, address and signature of the Customer.
- (b) Adequate legal description of the premises for which Service is desired.
- (c) Building Permit from the appropriate county or municipal authorities.
- (d) For recorded subdivision, a copy of the recorded plat.
- (e) For new subdivisions, an approved tentative plat, or if available, a master tentative plat or large scale development plan; a preliminary plan indicating the location of the proposed Water Main Extensions within right-of-ways or utility easements, and proof of zoning.
- (f) For all projects, except an individual Owner constructing a single family residence, a complete set of drawings, which shall include site plans, building layouts and plumbing plans, and shall indicate all proposed on-site Water Main Extensions, Wastewater Facilities and Reclaimed Water Facilities if applicable.
- (g) A statement indicating whether the applicant wishes to convey to the Authority the water mains, Wastewater Facilities and Reclaimed Water Facilities within the non-dedicated areas of the development.

(2) The Authority will review and approve the plans and specifications for all Watermain extensions, Wastewater Facilities and Reclaimed Water Facilities to be installed by the Owner or the Owner's contractors. The Authority shall charge a Plan Review Fee and inspection fee based upon the magnitude of the project. The fees for plan review and inspection services are established to defray the cost of providing such services.

(3) The Authority will provide, prepare and transmit the necessary DOT permit applications and will transmit the necessary DEP permit applications to the aforementioned agencies for all required service facilities, including those to be constructed within dedicated Easements. An application shall not be considered as complete until such permits have been received by the Authority.

(4) The submittal of an Application to construct a Water Main Extension, Wastewater Facilities and Reclaimed Water Facilities by a Customer shall include a ratification and acceptance by the Customer of all of the provisions of the Authority's Rules as terms and conditions applicable to the provision of Service.

(5) The Authority shall have the right, but not the duty, to conduct periodic inspections during construction to insure that the Facilities are installed in accordance with the approved design, are consistent with the criteria and specifications governing the kind and quality of such

installations, and constitute the documentation indicating construction and testing in accordance with the minimum standards of the Authority. The Authority will be present at tests of component parts of the System for the purpose of determining that the system, as constructed, conforms to the Authority's criteria for performance measures such as pressure testing, line, grade, infiltration, inflow, operation, maintenance, repair and replacement. Testing will be performed by the Owner's contractor but only under the direct observation of the Authority's construction coordinator and the Owner's engineer. No connection to an existing Authority facility shall be made except in the presence of the Authority's construction coordinator.

(6) Prior to Service Initiation and prior to transferring ownership of Water, Wastewater or Reclaimed Water Facilities to the Authority, the Owner shall obtain and provide to the Authority all required Certificates from Federal, State or Local agencies.

(7) Upon final inspection and acceptance, the Authority will assume operation and maintenance responsibility of said facilities.

**48-106.005 WATER MAIN EXTENSIONS, WASTEWATER FACILITIES AND RECLAIMED WATER FACILITIES; PROVISION OF SERVICE**

(1) Service shall be provided upon satisfactory completion of all engineering requirements, acceptance by the Authority of any off-site Water Main Extensions, Wastewater Facilities and/or Reclaimed Water Facilities and execution of an Agreement for Service in accordance with Section 48-102.001.

**48-106.006 ACCEPTANCE OF WATER MAIN EXTENSIONS, WASTEWATER FACILITIES AND RECLAIMED WATER FACILITIES; SERVICE INITIATION**

(1) The Authority may agree to accept Water Main Extensions, Wastewater Facilities and/or Reclaimed Water Facilities for ownership, operation, and maintenance subject to the conditions and standards described in this Section.

(2) No Water Main Extension, Wastewater or Reclaimed Water Facilities shall be accepted by the Authority for ownership, operation and maintenance, unless the applicant demonstrates that:

(a) The facilities are located in a public right-of-way or within an easement with a minimum width of twenty (20) feet.

(b) The facility has not been installed under any building or appurtenance thereto.

(c) There exists clear access to all easement areas, with adequate legal rights in the Owner or Developer to assure that such access shall be maintained.

(d) All necessary easements have been conveyed to the Authority by a separate, adequate legal instrument in recordable form.

(e) All construction has been performed under the observance of the Authority.

(f) The Owner or Developer warrants that the facilities have been constructed and tested in accordance with the Authority's Minimum Design and Construction Standards and Specifications and is free from any and all defects in materials and workmanship. When the owner/developer has installed a water main extension, the applicant must provide satisfactory bacteriological results from a state certified laboratory.

- (g) All materials and labor meet the current specifications of the Authority.
- (h) All necessary permits have been received from the Authority, County, municipality, DEP and DOT, federal, state and local regulatory agencies.

(3) The Authority may accept a pipeline extension located within a private right-of-way or within an Easement upon appropriate review. Acceptance of facilities located within an easement available to the Authority shall be subject to the exercise of sound engineering judgment taking into consideration the size of the facilities, topography, and maintenance and operating constraints. Generally Right-of-ways or Easements located along rear or side-lots lines are not acceptable to the Authority.

(4) Prior to acceptance by the Authority, a written warranty (in a format approved by the Authority) will be required on all Water Main Extensions, Wastewater Facilities and Reclaimed Water Facilities, wherein the contractor guarantees correction of any defects in the work for a period of one (1) year (or five (5) years in the case of lift station and vacuum station pump and motor assemblies) from the date of final DEP certification or after the Authority accepts the facilities. Any contractor who fails to correct any such defect(s) may be required to provide the Authority a Maintenance Bond or Irrevocable Letter of Credit, up to the amount of one hundred percent (100%) of actual construction cost, for any subsequent potable water facilities or up to the amount of one hundred percent (110%) of actual construction cost, for any subsequent potable Wastewater or Reclaimed Water facilities.

(5) All Water Main Extensions, Wastewater Facilities and Reclaimed Water Facilities or other facilities to be accepted for ownership, operation and maintenance by the Authority shall be conveyed by adequate legal instrument in a form acceptable to the Authority. Prior of conveyances to Developer, the Owner shall provide the Authority with:

- (a) A breakdown of the actual construction cost of said facilities.
- (b) Copies of paid bills and lien waivers, releases or satisfactions, sufficient to indicate that all contractors, subcontractors and material men have been paid in full. In lieu of such bills, waivers, releases, or satisfactions, a payment bond and a transfer of liens to security may be substituted as deemed appropriate by the counsel for the Authority.
- (c) One set of “as-built” drawings indicating the specific location, depths and other dimensions of all water main facilities and appurtenances as actually constructed and installed.

(6) **Water**

The Authority shall not permit tie-in to a tested system until the Owner/Developer can supply proof of adequate flow of water on the extended system to maintain chlorine residuals.

**48-106.007 SYSTEM DESIGN; GENERAL CRITERIA**

(1) **Water System Design; General Criteria**

- (a) Water Main Extension designs shall be first approved by the Authority’s Engineering Department so as to provide adequate flow and pressure to all service points along the Distribution System.

(b) Water mains shall be of adequate size and pressure for fire protection purposes, even though sufficient water supply for those purposes may not exist at the time of construction. In these areas, generally the minimum acceptable size for a Water Main Extension shall be six (6) inches for residential developments; eight (8) inches for commercial and public buildings; and twelve (12) inches for industrial development, except that smaller mains may be acceptable where future upgrades are planned or where fire protection is not a consideration.

**(2) Wastewater System and Reclaimed Water System Design; General Criteria**

(a) The Minimum Design and Construction Standards and Specifications for Wastewater Systems and Reclaimed Water Systems include:

1. General Criteria
2. Design Guidelines
3. Approved Materials and Specifications
4. Wastewater Collection and Transmission Main Design and Construction.
5. Wastewater Lift Station and Vacuum/Pump Station Design and Construction.
6. Reclaimed Water System Design and Construction
7. Inspections and Authority of Construction Coordinators
8. Authority of Non-Resident Construction Coordinators
9. Record Information

**48-106.008 FRONT FOOTAGE ASSESSMENTS AND REIMBURSEMENTS; WATER MAIN, WASTEWATER MAIN AND RECLAIMED WATER MAIN EXTENSIONS**

**(1) Front Footage Assessment shall apply as follows:**

(a) Water.

1. When a water main that is directly serving or is immediately available to serve adjacent lots, with no existing service, and such lots are not owned by said Customer, a Front Footage Assessment shall be collected by the Authority for these lots from the Owner at the time when Water Service is provided. The Authority shall refund the full Front Footage Assessment collected in accordance with the written agreement between the Authority and the Customer responsible for the installation of the Water Main Extension.

(b) Wastewater and Reclaimed Water.

1. The Authority will not charge for the cost of the Wastewater main or Reclaimed Water main crossing a property when those mains were funded by grants from Federal, State and local government during the initial construction of the project,
2. When an Owner or the Authority extends a Gravity Wastewater Collection Main, a Vacuum Wastewater Collection Main or a Reclaimed Water Main that is immediately available to serve adjacent lots with no existing service, and such lots are not owned by said Owner, an equitable reimbursement shall be collected by the Authority for these lots from the Owner(s) at the time when Wastewater or Reclaimed Water Service is provided. The Authority shall refund the amount collected in accordance with the Agreement between the Authority and the Owner responsible for the Wastewater Main Extension or the Reclaimed Water Main Extension.

**(2) Front Footage Assessments and Reimbursements:**

(a) Water. The Front Footage Assessment shall be based upon the Frontage of the lot and the installed value of the Water Main Extension.

(b) Wastewater and Reclaimed Water. Reimbursements shall be based upon the front footage of the lot(s), or by such other method determined by the Authority to be most equitable to all impacted properties, and the installed value of the Wastewater or Reclaimed Water Main Extension.

**(3) Installed Value**

(a) Water. The installed value of a Water Main Extension shall be the actual construction cost, as certified by the contractor, or the cost based on the Authority's water main unit cost standard as specified in FKAA Rules and Regulations, Fees and Charges, in effect at the time the extension is accepted by the Authority, whichever is the lesser. However, the Front Footage Assessment for the Owner of a detached, residential, single family Dwelling Unit shall be based on the Authority's water main unit cost standard for four (4) inch diameter pipe notwithstanding that the extension may consist of smaller or larger pipes.

(b) Wastewater and Reclaimed Water. The installed value of a Wastewater Main Extension shall be the actual construction cost, as certified by the contractor.

**(4) Term of Front Footage Assessment**

(a) Water. The Authority shall collect the Front Footage Assessment for the original Customer of the Authority for a period of twenty (20) years from the date Water Service is first provided through the water main extension. The amount of Front Footage Assessment collected during the term of the front footage agreement shall be based on the water main unit cost standard in effect at the time the Assessment is collected by the Authority. This policy shall apply to water mains two (2) inches or larger in diameter, accepted by the Authority after June 1982.

(b) Wastewater and Reclaimed Water. The Authority shall collect the reimbursement amounts for the original Customer of the Authority for a period of twenty (20) years from the date Wastewater Service is first provided through the Wastewater Main Extension. The amount of reimbursement collected during the term of the Agreement shall be based on the method of reimbursement specified in the Agreement. This policy shall apply to Wastewater Gravity Collection Mains eight (8) inches or larger in diameter, Vacuum Wastewater Collection Mains four (4) inches or larger in diameter, and Reclaimed Water Mains four (4) inches or larger in diameter, accepted for ownership by the Authority.

**48-106.009 SPECIAL ASSESSMENTS; WASTEWATER AND RECLAIMED WATER**

(1) If either the Authority or any Property Owner desire to acquire, construct, install or extend any aspect of Authority's Wastewater or Reclaimed System to serve any unimproved property or existing development, the Authority may do so in accordance with the rules providing for special assessments (also sometimes referred to as non-ad valorem assessments) adopted by the Authority. The cost of such improvements shall be shared among all benefited Owners.

(2) All such Wastewater System Improvement Projects and Reclaimed Water System Improvement Projects coordinated through the Authority will be processed from initiation of the

project through final completion and recovery of funds expended in accordance with relevant laws, ordinances or resolutions and any amendments thereto. All Wastewater and Reclaimed Water Facilities shall be designed and constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems or Reclaimed Water Systems. All costs relating to the project, including but not limited to legal, surveying, drafting, engineering, construction, inspection fees, and administration and other related project costs shall be included in the project.

(3) Unless expressly provided otherwise, Owners are responsible for all improvements on their side of the Point of Service, including all permits and fees.

**48-106.010 CONSTRUCTION AND CONNECTION OF WASTEWATER SYSTEMS ON PRIVATE PROPERTY**

(1) As part of the construction of new wastewater systems, the Authority will, in certain cases and only through an Agreement with the property owner, construct wastewater collection and transmission systems and water distribution systems on private property when it is determined to be in the best interest of the Authority and the users of the new system. This policy applies only to the construction of wastewater systems in areas receiving wastewater service from the Authority for the first time (as specified under herein).

(2) This policy is applicable only to privately-owned multi-family residential properties that meet the criteria below:

(a) The property must have a minimum of five (5) dwelling units, as defined in Chapter 48-101.002 (51) of the Authority's Rules and Regulations.

(b) The property must have sufficient ingress and egress for construction equipment. The decision as to whether the property meets this criteria is solely within the discretion of the Authority.

(c) The property must meet the definition for residential service. For mixed use properties that include both commercial and residential service, the residential service portion of the property must be at least 50% or more of the total EDUs served, as determined by the Authority based on Property Appraiser records, other State and local laws and regulations, and other available information, to be considered as residential use

(3) To qualify under this policy, the property owner must agree to the following conditions:

(a) The units within the property must be individually metered for potable water service and the corresponding wastewater charges for monthly service must also be based on individual meters.

(b) The property owner must grant all necessary easements and rights-of-way as necessary to allow for the installation of the potable water lines and wastewater collection system (the FCAA Facilities).

(c) The property owner must execute an Agreement with the Authority authorizing the construction of water distribution systems and wastewater collection systems within the easements granted.

(d) If the property owner elects not to enter into Agreement with the Authority for water distribution systems and/or wastewater collection systems, then the property owner will be required to comply with Mandatory Connection to Wastewater System (Section 48-104.024).

(e) The property owner will be responsible for the cost of constructing the connection from the dwelling units and/or structures to the FKAA Facilities (i.e., construct the water service lines to the metering point and the wastewater lateral to the stub-out, vacuum pit, or other point of connection to the FKAA Facilities) and the cost of abandoning on-site wastewater systems, including cesspits.

(f) If there is an existing water distribution or wastewater collection system on the property, and the systems comply with FKAA specifications, the owner shall convey the systems, at no cost, to the Authority. It will be the responsibility of the property owner to decommission or otherwise dispose of an existing wastewater treatment facility. The Authority may utilize the existing systems or replace them, solely at the discretion of the Authority.

(4) As a result of this policy, the Authority will perform the following:

(a) The Authority may install a water distribution system, service lines and individual meters within the easement, excluding lateral service lines from the easement to the dwelling unit as a condition of providing service. If the property is already served by a potable water distribution system owned by the Authority, the Authority may elect not to install a new system if the existing system is considered to be usable and not required to be relocated due to the installation of the wastewater collection system. If the existing water distribution system is conveyed to the Authority, the Authority shall operate and maintain the system or replace it at no cost to the owner.

(b) The Authority agrees to install a wastewater collection system within the property as a condition of providing service. If the existing wastewater system is conveyed to the Authority, the Authority shall operate and maintain the system or replace it at no cost to the owner.

(c) After construction of the FKAA Facilities, the FKAA will own, operate and maintain the FKAA Facilities and have the right to enter the property to ensure the continuance of service.

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**CHAPTER 48-107**  
**ALTERNATIVE WATER SUPPLIES AND WASTEWATER FACILITIES**

- 48-107.001 POLICY AND PURPOSE
- 48-107.002 APPLICATION AND SCOPE
- 48-107.003 APPROVAL REQUIRED; CONDITIONS FOR APPROVAL
- 48-107.004 EXEMPTIONS
- 48-107.005 CONTENT OF APPLICATION FOR APPROVAL OF ALTERNATIVE WATER SUPPLY OR ALTERNATIVE WASTEWATER FACILITIES
- 48-107.006 AGREEMENTS FOR USE OF ALTERNATIVE WATER SUPPLIES AND ALTERNATIVE WASTEWATER FACILITIES
- 48-107.007 WASTEWATER SERVICE FOR USERS OF ALTERNATIVE WATER SUPPLIES

**48-107.001 POLICY AND PURPOSE**

(1) Responsibility.

The Authority has the primary responsibility for the supply of potable water to the Florida Keys and for providing Wastewater Service to certain unincorporated areas of Monroe County and designated incorporated municipalities, including the authority to regulate all potable water supplies within its boundaries.

(2) Jurisdiction.

The rules in this Chapter implement the Authority's jurisdiction over the use of alternative potable water supplies or alternative wastewater facilities within its boundaries.

**48-107.002 APPLICATION AND SCOPE**

These rules shall apply to all Alternative Water supplies or systems and Alternative Wastewater Facilities which are now, or may hereafter be, constructed and operated within the service area, exclusive of those areas within Dade County, of the Authority. They are intended to:

(1) Water. Define and promote good utility practices, adequate, and efficient service to the public, and to establish the rights and responsibilities of the Authority and the rights and obligations of alternative water suppliers to ensure the continuing supply of water adequate for the needs of the Florida Keys and its citizens.

(2) Wastewater. Define and promote good utility practices, adequate, and efficient service to the public, and to establish the rights and responsibilities of the Authority and the rights and obligations of Alternative Wastewater providers to ensure the adequate Wastewater Service for the Florida Keys and its citizens.

**48-107.003 APPROVAL REQUIRED; CONDITIONS FOR APPROVAL**

(1) Unless expressly exempt by law or Authority rule, prior approval for the use, construction, installation, or operation of an Alternative Water Supply or of new or expanded Alternative Wastewater Facilities must be obtained from the Authority. The Authority may require and enforce the use of its own facilities, water supply and wastewater facilities whenever

and wherever they are accessible. For purposes of this rule only, the Authority's facilities are considered accessible in its service area except as limited herein.

(2) To obtain approval to construct, use, or operate an Alternative Water Supply under this chapter; or to obtain approval to construct, install or operate any new or expanded Alternative Wastewater Facilities, an applicant must demonstrate that such service from the Authority is unavailable due to:

- (a) Restrictions placed on the supply of water by state or federal governmental agencies;
- (b) Restrictions contained in the Authority's rules;
- (c) Restrictions contained within applicable bond covenants or other agreements or understandings;
- (d) A determination of the Authority Board not to provide service to the applicable area due to its remoteness from present water lines or remoteness from existing or proposed Wastewater Facilities because of land use restrictions or health considerations, which make it impracticable to require or enforce the use of the Authority's facilities, provided that the applicant shall agree and shall be required to discontinue using its Alternative Service at any future date that service becomes available to the applicable area;
- (e) Physical limitations of the Authority's transmission, supply, and treatment capacity. The term "Authority's transmission, supply and treatment capacity" shall mean the Authority's mainland supply system consisting of wells, treatment plant, pumping stations, and storage facilities and the main pipeline and storage facilities from Florida City to Key West. Physical limitations of the Authority's Distribution System shall be based upon a determination that the applicant's project is located on an island without vehicular access to U.S. Highway 1 and is located in an area to which the Board has determined not to provide Service;
- (f) Unique or unusual physical limitations of the Authority's collection, transmission, treatment, and disposal capacity. The term "Authority's collection, transmission, treatment, and disposal capacity" shall mean the Authority's Wastewater Facilities consisting of gravity collection mains, vacuum collection mains, pumping stations, Force Mains, and treatment plants; physical limitations of the Authority's Wastewater Facilities shall not be a basis for approval of Alternative Wastewater Facilities unless so authorized by the Board; and, any such authorization shall be based on a determination that the applicant's project is located in an area to which the Board has determined not to provide service; and
- (g) The proposed Alternative Water Supply system or Alternative Wastewater Facilities must provide adequate and sufficient service to the projected territory or development.

(3) The Authority shall not authorize the use of Alternative Water Supplies or Alternative Wastewater Facilities if such authorization or use will conflict with or violate the terms of any agreements or bond covenants binding the Authority. Prior to the issue of any permit, it shall be the responsibility of the Authority to make any such determination based on the unequivocal language of applicable agreements or bond covenants binding the Authority. The determination of the Authority shall be an Agency Decision.

#### **48-107.004 EXEMPTIONS**

- (1) Water. The following potable water facilities shall be exempt from this Chapter:
  - (a) A water supply system producing potable water strictly for domestic use installed in and used by an individual Owner residing in a single family or duplex residence.

(b) A water supply system producing water solely for non-potable purposes, including but not limited to home lawn irrigation, car washing, fire protection, cooling and other incidental purposes, shall not be connected to any potable water system.

(c) Facilities which use or distribute bottled potable water. This exemption shall not apply to Alternative Water Supply facilities which produce potable water for bottling and distribution.

(2) Wastewater. Wastewater Facilities strictly for Domestic Service installed in and used by an individual Owner residing in a single-family dwelling or duplex residence shall be exempted by the Authority from this rule.

#### **48-107.005 CONTENT OF APPLICATION FOR APPROVAL OF ALTERNATIVE WATER SUPPLY OR ALTERNATIVE WASTEWATER FACILITIES**

(1) The Application for Use, Construction, or Installation of Alternative Water Supply or Alternative Wastewater Facilities is available at the Authority's main office (see Section 48-101.003). The application shall be submitted with a minimum of four complete copies. The application shall be in substantially the form specified in (3) below.

(2) Each application shall be subscribed and sworn before a notary public or other officer authorized to administer oaths by the Owner or an authorized representative of the corporation, partnership, or other organization making application.

(3) Each application shall specify therein, or show by exhibit attached thereto, the following:

(a) Full and accurate name and address of the applicant.

(b) Character of the organization, e.g., corporation, partnership, individual proprietorship, association.

(c) Names and addresses of any officers and directors and names and addresses of any persons owning an interest of five percent (5%) or more in any entity.

(d) Legal description of the territory to be served, using metes and bounds with township, range, and section references.

(e) A boundary drawing of the property.

(f) Plat map.

(g) Copies of required development approvals and permits from local, regional, state and federal agencies.

(h) The present zoning classification of the property to be served.

(i) The intended land use of the property to be served, including densities, types, etc.

(j) A statement of the nature of title or interest held by the applicant in the described property.

(k) A description of the proposed development and the estimated date service will commence.

(l) An estimate of average day, Maximum day and peak daily water demands or wastewater flows for the proposed project.

(m) Justifications for use of an Alternative Water Supply source or Alternative Wastewater Facilities rather than the Authority's system.

(n) Proposed annual budget plan for the proposed alternative system showing source of funding and operating budget, which must provide reasonable assurances that proposed financing

and operations will ensure adequate funds to construct, maintain, and operate the Alternative System. Projected Water Rates and/or Wastewater Rates to system consumers and operating plans to ensure continuity of service under current and future Owners of the system must be included.

(o) A statement of facts showing that the Alternative System is in the public interest, including a summary of the applicant's experience in water or wastewater utility management and operation.

(p) If applicable, a copy of Consumptive Use Permit from South Florida Water Management District.

(q) Description of anticipated source of raw water, including information on the quantity and quality of raw water available, how the raw water will be treated to meet potable drinking water standards, and forecast long term adequacy of the source.

(r) Construction plans and engineering specifications for the Alternative Water Supply System or Alternative Wastewater Facilities, including:

1. Preliminary design plans and specifications for the supply and distribution systems or for the collection, transmission treatment and disposal systems. The alternative supply system will conform to the Authority's Minimum Design and Construction Standards and Specifications for Potable Water Systems or Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Construction Standards and Specifications").

2. Detailed description of the water treatment process or of the processes for the conditioning, treatment, storage, and handling of residual solids.

3. Expected operating life of the Alternative System and its major components.

4. Description of the maintainability and reliability of the system, including level of technical expertise required to operate and maintain system.

5. Description of back-up system to ensure continuity of operations during system failures.

6. A detailed summary of how any water discharge or effluent from the Alternative System will conform with the requirements of the Florida Department of Environmental Protection.

7. For Alternative Water Supply Systems, a detailed description of how the applicant will comply with the conditions set forth in Section 48-107.003 and with Chapters 17-16 and 17-22, F.A.C.

8. For Alternative Wastewater Facilities, a detailed description of how the applicant will comply with all of the conditions set forth in Chapter 62, F.A.C.

(4) The Authority shall provide notice of intent to disapprove or approve of an application for Use, Construction, or Installation of Alternative Supply, which notice shall be notice of Agency Decision.

#### **48-107.006 AGREEMENTS FOR USE OF ALTERNATIVE WATER SUPPLIES AND ALTERNATIVE WASTEWATER FACILITIES**

(1) Upon satisfaction of the conditions set forth in Section 48-107.003 and upon approval by the Authority of the preliminary plans and specifications for the proposed Alternative Water Supply or Alternative Wastewater Facilities, the Board shall authorize the Authority to enter into

an agreement or contract with the applicant regarding the construction and use of the Alternative System.

(2) Such agreements shall not become effective until the applicant has received all necessary land use and environmental permits.

(3) The agreement shall at a minimum provide for:

(a) Approval by the Authority and the Florida Department of Environmental Protection of the final construction plans for the proposed system.

(b) The right, but not the duty, for the Authority to conduct periodic inspection of construction of the Alternative facility to ensure it is built in compliance with approved plans and specifications.

(c) Inspection and verification by the Authority in conjunction with the Department of Environmental Protection and other state and federal agencies having jurisdiction during “start-up” and initial operation of the system to ensure that the Alternative Water or Wastewater facilities meets the approved design parameters including Florida Department of Environmental Protection potable water standards and air and water permitted emission requirements.

(d) Submission of a complete set of “as-built” drawings for the Alternative System to the Authority.

(e) Execution of a covenant, binding all subsequent Owners or Users of such Alternative facilities, requiring utilization of the Authority’s Water System and Service if and when the Authority’s Service becomes available, and compliance with all applicable rules and regulations of the Authority.

(f) The right to conduct periodic monitoring by the Authority of the quality of maintenance and operation being provided to the Alternative System.

(g) Execution of a performance bond for a term of ten (10) years in a total amount equal to the total estimated cost for maintenance and operation of the Alternative System for such 10 year period to ensure compliance with the terms of such agreement.

(h) Requirements that the applicant commence construction no later than one (1) year from the effective date of the agreement and that the Service Area of the proposed system not be expanded without prior written approval from the Authority.

(i) For an expansion of existing Alternative Wastewater Facilities, requirements that the applicant commence construction no later than one (1) year from the effective date of the agreement and that the Service Area of the system not be further expanded without prior written approval from the Authority.

(j) Submission of an annual report to the Authority setting forth such information concerning operation of the facility as the Authority may reasonably require.

(k) Such other reasonable conditions as the Board deems necessary to assure that the utilization, construction, installation, operation, or maintenance of an Alternative Water Supply or Alternative Wastewater Facility will be consistent with the overall objectives of the Authority and will not be harmful to the water resources and environment of the Florida Keys.

(k) The payment of reasonable fees to cover the cost of processing, consummating, and administering this agreement. Such cost for Alternative Wastewater Facilities shall not be estimated to be less than \$2,500.

(4) Notwithstanding any of the requirements of this Section, any Alternative Water Supply and Distribution System shall be designed, constructed, operated, maintained and monitored in full compliance with Chapters 62-550 and 62-555, F.A.C.

**48-107.007 WASTEWATER SERVICE FOR USERS OF ALTERNATIVE WATER SUPPLIES**

When customers who utilize an alternative water supply are provided with wastewater service, the Wastewater Flow Charge will be based on 5,300 gallons as a monthly average for a Residential User.

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**CHAPTER 48-206**  
**WATER CONNECTION IN WILDLIFE REFUGES**

**RETIRED:** July 22, 2010

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**CHAPTER 48-207  
ENGINEERING REQUIREMENTS**

48-207.001 POTABLE WATER MINIMUM DESIGN AND CONSTRUCTION STANDARDS

**48-207.001 POTABLE WATER MINIMUM DESIGN AND CONSTRUCTION STANDARDS**

(1) The Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the Authority’s Referenced Documents Notebook as “Minimum Construction Standards and Specifications”) include:

- (a) General Design Criteria.
- (b) Drawing Format and Data.
- (c) Pipe, Pipe Fittings, Valves, Miscellaneous Materials and Fire Hydrant Specifications.
- (d) Construction, Backfilling, Traffic Maintenance, Testing, and Disinfection Requirements.
- (e) Standard Design Details.

(2) A copy of the Minimum Design and Construction Standards and Specifications for Potable Water Systems is on file in the Authority’s Engineering Section, located at the Authority’s main office, 1100 Kennedy Drive, Key West, Florida, (305) 296-2454 or online at [www.fkaa.com](http://www.fkaa.com).

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**CHAPTER 48-208  
WATER FEES AND CHARGES**

|            |   |
|------------|---|
| 48-208.001 | SERVICE CONNECTION FEES AND CHARGES             |
| 48-208.002 | GUARANTEED PAYMENT DEPOSIT (SECURITY DEPOSIT)   |
| 48-208.003 | WATER MAIN UNIT COST STANDARD (PER LINEAL FOOT) |
| 48-208.004 | MONTHLY FEES AND CHARGES                        |
| 48-208.005 | MISCELLANEOUS FEES AND CHARGES                  |
| 48-208.006 | WATER RESTRICTION SURCHARGE                     |
| 48-208.007 | ANNUAL WATER RATE INDEX                         |

**48-208.001 SERVICE CONNECTION FEES AND CHARGES**

**(1) General**

Rates, charges and fees for water services provided by the Authority shall be established by rule. Rates, fees and charges delineated in the rules may be modified from time to time by subsequent rule. Except as modified by these rules, the existing Authority fees and charges remain in effect.

**(2) System Development Charges**

(a) The System Development Charge (hereinafter referred to as SDC) is an impact fee charged to new and existing Customers who modify, add or construct facilities which impose a potential increased demand on the water system. This fee is charged to equitably adjust the fiscal burden of capital facilities between existing Customers and new water users. All revenues from SDC are allocated to the direct and indirect costs of capital improvements made necessary by actual and expected increased demand on the water system. Refer to Summary of Water Rates, Fees, and Charges section for rate amounts.

(b) SDC shall be based on the following:

**Residential (Single Family-Standalone dwelling)**

- 1) When the premises is served by a single meter the SDC will be charged based on the size of the meter to serve the premise
- 2) When the premises is served by a Master Meter with individual units behind the Master Meter, SDC will be charged per unit based on the meter size which would be required to serve each residential unit
- 3) Irrigation-Residential (Single Family). For residential single family property, which has not been developed and is not otherwise metered, the SDC for irrigation service will be based on the size of the meter

**Residential (Multiple unit)**

When the premises is a Residential (Multiple unit), the SDC will be charged per unit basis:

- 1) Residential (Multiple unit) – 3 units or less
- 2) Common Area facilities (including irrigation) for Residential

Multi-Unit shall be based on Fixture Values as established for Commercial Accounts.

## **Commercial**

- 1) Fixture Values on the total number of Fixture Values at a premises or water service location (including irrigation), at a charge for each Fixture Value
- 2) Where Fixture Values cannot be determined, the meter-based SDC shall be charged

The SDC is in addition to any amount which might be expended by the Customer for water system improvements and other fees required by the Authority, and is not refundable except when the intended use is abandoned and the service is terminated within ninety (90) days from execution of the Agreement for Service. Applicable refunds will be made minus the cost for terminating the service.

(c) A System Development Charge is vested with the premises for the capacity demand as defined in 48-208.001 (2) (b) that existed at a premises prior to an event that increases capacity demand for that Premises as determined by the Authority. SDC shall only be due for the additional capacity demand based on the SDC dollar amount in effect at that time. In no case shall a recalculation of this basis for assessing the SDC result in a negative assessment of this charge.

(d) In situations where the Customer's property is effected by a transfer to a government agency or a government regulation that renders the property non-habitable (where no water use or service is ever anticipated to be utilized on the property), the Customer has the right to move System Development Charge credits from that location to another location within the Authority's system, subject to capacity availability.

(e) At the time of Application for Service and establishment of an Agreement for Service, the SDC shall be calculated from review of approved plans and specifications presented by the applicant to the Authority or from an on-site inspection, by the Authority, and shall be noted on the Agreement for Service.

(f) The Authority reserves the right through an Agency Decision to refuse to establish Service or to Discontinue Service to a premise for non-payment of applicable SDC.

(g) The assessment of the SDC for Non-residential, Common Area or Commercial purposes shall be based on the number of Fixture Values in each Service Unit, calculated by the Fixture Value formula from the number of water using appliances, Fixture Values determined from the plans and specifications presented by the applicant or on-site fixture count. In those cases where the single or multiple residential facility has recreational/supporting facilities (such as pools, marinas, restaurants) the SDC shall be assessed for these facilities individually based on the total number of Fixture Values calculated from the fixture count from the plans and specifications or an on-site fixture count for each of the individual recreational/supporting facilities; whether individually metered or not. Where the premises served consists of marina facilities, the SDC shall be assessed based on the total number of Fixture Values calculated from the total number fixture count from the plans and specifications for the marina facility presented by the applicant or an on-site fixture count. When a residential, commercial, industrial or other identifiable use of the Premises is included within the Marina premises, the SDC shall be assessed on each individual use of the premises or each individual Service Unit whether individually metered or not.

(h) Campsite/Recreational Vehicle Water Service shall include service to any premises used as or equipped for use as rental spaces or sites for recreational vehicles (RV) or including spaces with Water Service set aside for tents only, but excluding such tent sites having no Water Service, and otherwise designated as “primitive camp sites.” Spaces equipped shall be assessed SDC on a basis of twenty-five (25) Fixture Values.

(i) The right to Water Service, as applicable to the SDC, is assigned to the premises served and is not transferable except when previously separate contiguous properties are combined under the same ownership, the combined SDC of the individual properties will be vested with the newly combined property.

(j) A separate record shall be maintained for all SDC’s, and the revenues so realized shall be restricted in their application as provided by paragraph (2)(a) hereof.

(k) Effective April 1, 2008, the Authority shall no longer provide for the waiver of System Development Charges for governmental entities, charitable, educational, religious and similar organizations which are exempt under the provisions of the Internal Revenue Code. These entities and organization shall be assessed System Development Charges in accordance with FCAA Rules and Regulations, Chapter 48-208.001(2).

Any agency or organization for which a waiver had been granted in accordance with FCAA Rules and Regulations in effect prior to April 1, 2008, shall be assessed System Development Charges when they modify, add or construct facilities as follows:

1. System Development Charges to governmental entities, charitable, educational, religious and similar organizations which are exempt under the provisions of the Internal Revenue Code will be assessed for all new construction, modifications, additions, or reconstruction in accordance with FCAA Rules and Regulations 48-208.001(2) and the value of the previously waived System Development Charges shall be calculated and serve as a credit against new System Development Charges.
2. If the agency, entity or organization sells, leases, rents or assigns use of the premises for which System Development Charges had been previously waived, System Development Charges will be calculated, assessed and due the Authority from the property owner pursuant to Chapter 48-208.001(2).
3. If an agency, entity or organization for which a waiver had been previously approved should relocate to another property, applicable System Development Charges for the new premises shall be calculated, assessed and due the Authority pursuant to Chapter 48-208.001(2)(j).

Any agency, entity or organization for which the Authority has completed preliminary review of a project prior to April 1, 2008, shall be eligible for waiver of System Development Charges for that project.

(l) A “worksheet” showing examples of the above is available upon request.

(m) System Development Charge (SDC) shall be calculated as follows:

1. Residential (Single Family):

- a. When the premises is served by a single meter the SDC will be charged based on the size of meter to serve the premise as follows:

| <u>Meter Size</u> | <u>SDC</u>   |
|-------------------|--------------|
| 5/8"              | \$ 5,279.00  |
| 1"                | \$ 13,196.00 |

- b. Residential (Single Family) served by a Master Meter:

When the premises is served by a Master Meter with individual units behind the Master Meter, SDC will be charged per unit based on the meter size which would be required to serve each residential unit as follows:

| <u>Meter Size</u> | <u>SDC</u>   |
|-------------------|--------------|
| 5/8"              | \$ 5,279.00  |
| 1"                | \$ 13,196.00 |

- c. Irrigation-Residential(Single Family)

For residential Single Family property, which has not been developed and is not otherwise metered, the SDC for irrigation service will be charged based on the size of meter to serve the premise as follows:

| <u>Meter Size</u> | <u>SDC</u>   |
|-------------------|--------------|
| 5/8"              | \$ 5,279.00  |
| 1"                | \$ 13,196.00 |

2. Residential (Multiple Unit):

When the premise is a Residential (Multiple Unit), the SDC will be charged per unit based on the following:

- a. Residential - Multiple Unit – 3 units or Less ..... \$5,279.00 per unit
- b. Residential - Multiple Unit - Four Units or More....\$106.00 per fixture unit
- c. Common Area (including Irrigation) facilities for Residential Multi-Unit shall be based on Fixture Values as established for Commercial Accounts.

3. Commercial:

- a. Fixture Values on the total number of Fixture Values at a Premises or Water Service location (including Irrigation), at a charge of \$106.00 for each Fixture Value

- b. Where Fixture Values cannot be determined, the meter-based SDC shall be charged as follows:

| <u>Meter Size</u> | <u>SDC</u>   |
|-------------------|--------------|
| 5/8"              | \$5,279.00   |
| 1"                | \$13,196.00  |
| 1.5"              | \$26,390.00  |
| 2"                | \$42,224.00  |
| 3"                | \$79,170.00  |
| 4"                | \$131,950.00 |
| 6"                | \$263,899.00 |
| 8"                | \$422,239.00 |

**(3) Tapping Fee**

- (a) The Authority shall charge a Tapping Fee for recovery of direct and allocated costs incurred by the Authority in the connection of the Customer’s Premises to the Authority’s Water Distribution System. The Tapping Fee will vary with the size of the meter installed.
- (b) The Tapping Fee shall be charged for each change in the size or type of meter, and includes an initial service charge and the cost of labor and materials, and use of equipment for the installation of the meter, related fittings and appurtenances and replacement of pavement, sidewalk, curbs, gutters, sod and plantings.
- (c) The Tapping Fee is refundable, provided no on-site work has been done by the Authority.
- (d) The Tapping Fees are as follows:

| <u>Meter Size</u>            | <u>Tap Fee</u>               |
|------------------------------|------------------------------|
| 5/8” x 3/4-inch              | \$1,760.00                   |
| 5/8” x 3/4-inch (w/Backflow) | \$1,877.00                   |
| 1”                           | \$2,346.00                   |
| 1.5”                         | \$3,988.00                   |
| 2”                           | \$4,692.00                   |
| 2” Compound, 3” or larger    | At Cost (minimum \$4,692.00) |

A 3” or larger meter installation shall be “At Cost” and must be performed by Owner/Developer, using the Authority Meter subject to the Authority specifications and approvals under the Authority supervision.

**(4) Drop In Fee**

The Authority shall charge a Drop-In Fee for each new tap and service line installed by a contractor. The Authority will drop and connect the new meter at the Premises only. Drop In Fees are as follows:

| <u>Meter Size</u>          | <u>Drop In Fee</u>                   |
|----------------------------|--------------------------------------|
| 5/8” x 3/4                 | \$880.00                             |
| 5/8 x 3/4 (w/Backflow)     | \$880.00                             |
| 1”                         | \$998.00                             |
| 1-1/2 inch                 | \$1,115.00                           |
| 2”                         | \$1,584.00                           |
| 2” Compound, 3” and larger | At Cost (minimum \$1,584.00)         |
| Hydrant                    | Equivalent to 5/8” meter drop in fee |

**(5) Tampering**

- (a) Upon receipt of notification by either an individual or employee of the Authority that there is reasonable cause to suspect that Tampering with Authority’s property or facilities has occurred at any premises served by the Authority, the Authority shall cause an investigation to be made of those premises.

If an on-site inspection verifies that a meter lock has been broken for an unauthorized turn-on by an individual, the Authority shall charge a Tampering investigation charge to cover its expenses in conducting said investigation and take measures to deter further Tampering. Any Tampering that results in a substantial reduction in the cost of services received by a person (meter by-pass,

meter reversal, straight connection etc.), the Authority shall charge a Tampering Charge. Any repeat occurrence(s) of Tampering with Authority facilities will result in the application of a repeat Tampering Charge and the termination at the main of all service(s) to the Premises, for which restoration of service would include the payment of Tapping Fees.

(b) If it is reasonably established that the person who has tampered with Authority facilities is the same person who occupied or resided at the site at the time of the Tampering, then that person will be responsible for the Tampering Charge and all other appropriate charges. However, if that Person can demonstrate convincingly that another party is responsible for the Tampering, the Authority shall use such demonstration as its basis to pursue appropriate and adequate restitution for said Tampering from the other party demonstrated to have been the one doing the Tampering.

- (c) The charges for Tampering are as follows:
- |  |          |
|--|----------|
| 1. Investigation Charge (Unauthorized Turn-On) | \$411.00 |
| 2. Tampering Charge                            | \$294.00 |
| 3. Repeat Occurrence                           | \$587.00 |

(d) The Guaranteed Payment Deposit shall be increased pursuant to section 48-105.005. For Customers receiving Commercial Service, the Guaranteed Payment Deposit shall be increased to three times (3X) the existing deposit.

**(6) Service Charge**

(a) The Authority shall charge a Service Charge for each instance in which water Service is connected or terminated, except for cases in which the Authority is called to disconnect service as a result of a sudden water leak or when an account is final billed at the Customer's request.

(b) A Service Charge shall also be charged for each instance in which the Authority is required to travel to the premises of the Customer to investigate or respond to what is ultimately determined to be a violation of the terms of the Agreement for Service.

(c) Non-delinquent services provided between the hours of 8:00 A.M. and 4:00 P.M. during business days shall be at the regular Business Hour Service Charge \$41.00. Service provided at Customer's request between the hours of 4:00 P.M. and 8:00 A.M., or on weekends and holidays, shall be at the After Hours Service Charge of \$171.00. To restore services due to non-payment between the hours of 8:00 A.M. and 4:00 P.M. during business days, the customer shall be charged at the Non-Payment Turn-On Charge amount of \$71.00.

(d) Service orders received after 4:00 P.M. on business days shall be deemed received on the following business day and processed at the regular service rate, unless emergency service is specifically requested by the Customer.

(e) All new and re-established accounts are subject to a Service Charge.

**(7) Delinquent Account Charge**

The Authority shall impose a Delinquent Account Charge which will be the greater of \$10.00 or ten percent (10%) of the delinquent amount unless the outstanding balance is less than \$10.00, in which instance no Delinquent Account Charge will be imposed.

**(8) Non-Access Charge**

- (a) The Authority shall charge a Non-Access Charge for each billing period during which it is unable to obtain access to the premises for the purpose of reading the water meter or testing and maintenance of the backflow prevention assembly.
- (b) The Non-Access Charge is \$188.00 per meter, per event.

**(9) Meter Relocation Fee**

- (a) The Authority shall charge a Meter Relocation Fee for recovery of costs incurred by the Authority for relocating a Customer's meter.
- (b) When a Meter Relocation request is made by the property owner or the Authority, the Authority shall conduct an investigation to determine the availability of distribution main where the meter is to be relocated and confirm if the existing meter location is or is not a private property.
- (c) When the existing meter is located on private property, it shall be relocated for the common benefit of the owner and the Authority, and in such cases, shall be exempt from meter relocation and tapping fees. The Authority shall be responsible for connecting to the pipe on the customer's side of the meter.
- (d) When the existing meter is not located on private property; however, the relocation of the meter is to the benefit of the Authority, meter relocation and tapping fees will not be assessed.
- (e) When the existing meter is not located on private property and the Customer requests relocation, the Meter Relocation Fee will be applicable and shall be charged whether or not a new tap is required.
- (f) When the existing meter is not on private property and a new tap is required, the Authority shall assess the tapping fee and a meter relocation fee to the customer.
- (g) When the existing meter is not on private property, the customer shall be responsible for the plumbing cost of connecting their pipe to the new meter location.
- (h) The Meter Relocation Fee will be charged At Cost.

**(10) Hydrant Maintenance Fee**

The fee for hydrant maintenance will be assessed annually at \$81.00.

**(11) Past-Due Backflow Testing Fee**

A fee of \$108.00 will be charged to locations for non compliance of required backflow testing.

**48-208.002 RENUMBERED AS PART OF SECTION 48-105.005**

**48-208.003 WATER MAIN UNIT COST STANDARD (PER LINEAL FOOT)**

| <u>Water Main size</u> | <u>Cost Standard</u>    |
|------------------------|-------------------------|
| 2"                     | \$25.00 per lineal foot |
| 4"                     | \$36.00 per lineal foot |
| 6"                     | \$44.00 per lineal foot |
| 8"                     | \$75.00 per lineal foot |
| 10"                    | \$79.00 per lineal foot |
| 12"                    | \$94.00 per lineal foot |

**48-208.004 MONTHLY FEES AND CHARGES**

(1) **Base Facility Charge** (not billed to qualified Senior Citizens/100% Disabled American Veterans)

| <u>Meter Size</u> | <u>Monthly Charge</u> |
|-------------------|-----------------------|
| 5/8" x 3/4"       | \$ 24.74              |
| 1"                | \$ 61.89              |
| 1 1/2"            | \$ 123.73             |
| 2"                | \$ 197.99             |
| 3"                | \$ 371.22             |
| 4"                | \$ 614.22             |
| 6"                | \$ 1,239.72           |
| 8"                | \$ 1,979.74           |

(2) Number Retired

(3) **Fire Service Monthly Charge** (Private Fire Protection Systems and fixtures)

Fire Service Monthly Charge

| <u>Line Size</u> | <u>Minimum Charge Per Month</u> |
|------------------|---------------------------------|
| 2"               | \$ 24.74                        |
| 3"               | \$ 34.12                        |
| 4"               | \$ 56.80                        |
| 6"               | \$ 113.74                       |
| 8"               | \$ 181.95                       |
| 10"              | \$ 261.52                       |
| 12"              | \$ 352.50                       |

(c) Consumption Charges.

1. The Consumption Charge for potable purposes or other purposes, except actual fire fighting activities, as supplemental consumption to their premise service meter. When consumption on the Fire Protection Service System meter is due to actual fire fighting activities, the Customer will be billed based on Block One (1) Consumption Charges.

2. When consumption measured by a dual meter is not related to actual fire fighting activities, the customer will be billed a Base Facility Charge and a Consumption Charge based on the Meter size that would have been required to serve the property if it had been served by a single meter as determined by the Authority.

(4) **Consumption Charge**

The monthly per thousand gallons charge for metered water consumption will be billed based on meter size at Tier Rates:

**Tier Rates**

|        |             |
|--------|-------------|
| Tier 1 | \$10.39 ptg |
| Tier 2 | \$15.19 ptg |
| Tier 3 | \$17.03 ptg |
| Tier 4 | \$18.99 ptg |
| Tier 5 | \$20.84 ptg |

| <u>METER SIZE</u> | <u>CONSUMPTION BLOCK</u> |                               | <u>CONSUMPTION CHARGE</u> |     |
|-------------------|--------------------------|-------------------------------|---------------------------|-----|
| 5/8" x 3/4"       | 1                        | 0 - 6,000/gallons             | Tier 1 rate               | ptg |
|                   | 2                        | 6,001 - 12,000/gallons        | Tier 2 rate               | ptg |
|                   | 3                        | 12,001 - 30,000/gallons       | Tier 3 rate               | ptg |
|                   | 4                        | 30,001 - 50,000/gallons       | Tier 4 rate               | ptg |
|                   | 5                        | over - 50,000/gallons         | Tier 5 rate               | ptg |
| 1" Meter          | 1                        | 0 - 15,000/gallons            | Tier 1 rate               | ptg |
|                   | 2                        | 15,001 - 30,000/gallons       | Tier 2 rate               | ptg |
|                   | 3                        | 30,001 - 75,000/gallons       | Tier 3 rate               | ptg |
|                   | 4                        | 75,001 - 125,000/gallons      | Tier 4 rate               | ptg |
|                   | 5                        | over - 125,000/gallons        | Tier 5 rate               | ptg |
| 1½" Meter         | 1                        | 0 - 30,000/gallons            | Tier 1 rate               | ptg |
|                   | 2                        | 30,001 - 60,000/gallons       | Tier 2 rate               | ptg |
|                   | 3                        | 60,001 - 150,000/gallons      | Tier 3 rate               | ptg |
|                   | 4                        | 150,001 - 250,000/gallons     | Tier 4 rate               | ptg |
|                   | 5                        | over - 250,000/gallons        | Tier 5 rate               | ptg |
| 2" Meter          | 1                        | 0 - 48,000/gallons            | Tier 1 rate               | ptg |
|                   | 2                        | 48,001 - 96,000/gallons       | Tier 2 rate               | ptg |
|                   | 3                        | 96,001 - 240,000/gallons      | Tier 3 rate               | ptg |
|                   | 4                        | 240,001 - 400,000/gallons     | Tier 4 rate               | ptg |
|                   | 5                        | over - 400,000/gallons        | Tier 5 rate               | ptg |
| 3" Meter          | 1                        | 0 - 90,000/gallons            | Tier 1 rate               | ptg |
|                   | 2                        | 90,001 - 180,000/gallons      | Tier 2 rate               | ptg |
|                   | 3                        | 180,001 - 450,000/gallons     | Tier 3 rate               | ptg |
|                   | 4                        | 450,001 - 750,000/gallons     | Tier 4 rate               | ptg |
|                   | 5                        | over - 750,000/gallons        | Tier 5 rate               | ptg |
| 4" Meter          | 1                        | 0 - 150,000/gallons           | Tier 1 rate               | ptg |
|                   | 2                        | 150,001 - 300,000/gallons     | Tier 2 rate               | ptg |
|                   | 3                        | 300,001 - 750,000/gallons     | Tier 3 rate               | ptg |
|                   | 4                        | 750,001 - 1,250,000/gallons   | Tier 4 rate               | ptg |
|                   | 5                        | over - 1,250,000 gallons      | Tier 5 rate               | ptg |
| 6" Meter          | 1                        | 0 - 300,000/gallons           | Tier 1 rate               | ptg |
|                   | 2                        | 300,001 - 600,000/gallons     | Tier 2 rate               | ptg |
|                   | 3                        | 600,001 - 1,500,000/gallons   | Tier 3 rate               | ptg |
|                   | 4                        | 1,500,001 - 2,500,000/gallons | Tier 4 rate               | ptg |
|                   | 5                        | over - 2,500,000/gallons      | Tier 5 rate               | ptg |

|          |   |           |                     |             |     |
|----------|---|-----------|---------------------|-------------|-----|
| 8" Meter | 1 | 0         | - 480,000/gallons   | Tier 1 rate | ptg |
|          | 2 | 480,001   | - 960,000/gallons   | Tier 2 rate | ptg |
|          | 3 | 960,001   | - 2,400,000/gallons | Tier 3 rate | ptg |
|          | 4 | 2,400,001 | - 4,000,000/gallons | Tier 4 rate | ptg |
|          | 5 | over      | - 4,000,000/gallons | Tier 5 rate | ptg |

**48-208.005 MISCELLANEOUS FEES AND CHARGES**

**(1) Returned Check/Bank Draft or Dishonored Credit Card Payment Charge.**

Returned Check, Bank Draft or Dishonored Credit Card Payment charges will be assessed in accordance with Chapter 832, Florida Statutes.

The Authority shall impose a Returned Check, Bank Draft or Dishonored Credit Card Payment Charge for each dishonored payment that is returned by the bank. Only cash, cashier's check, or money order will be accepted as payment for checks, bank drafts or credit card payments which have been dishonored. The Customer's account will be annotated upon receipt of a dishonored check, bank draft or credit card payment. Issuance of two (2) dishonored checks, bank drafts or dishonored credit card payments within an eighteen (18) month period will preclude the acceptance of another check, bank draft or credit card payment for a period of 12 months from date of settlement of the first dishonored check, bank draft or credit card payment. During this time only cash, cashier's checks or money orders will be accepted for payment. The Authority shall increase the Guaranteed Payment Deposit equal to \$200.00 upon receipt of the second dishonored check, bank draft or credit card payment within an eighteen (18) month period.

**(a) Returned Check, Bank Draft or Credit Card Payment charges will be assessed as follows:**

- \$25.00 if the face value of the returned check/bank draft/credit card payment does not exceed \$50.00;
- \$30.00 if the face value exceeds \$50.00 but does not exceed \$300.00;
- \$40.00 if the face value exceeds \$300.00; or
- 5% of the face value of the returned check/bank draft/credit card payment, whichever is greater.

**(b)** All notices under F.S. 832.07(1) (a) shall be mailed to the address printed on the check, by certified or registered mail, evidenced by return receipt.

**(c)** Damages: If the Authority does not receive payment within 30 days after written demand, the Authority may be entitled to damages of triple the amount owed, plus any court costs and reasonable attorney fees.

**(2) Number Retired**

**(3) Water Main Permit / Plan Review Fee**

\$645.00 minimum, plus \$6.45 per foot of required new water main after the 1<sup>st</sup> 100 feet.

**(4) Fixture Review Fee**

\$118.00

- (5) **Emergency Non-Potable Water Delivery Fee**  
\$998.00
- (6) **Leak Detection**  
\$294.00 per hour
- (7) **Meter Lid Key**  
\$12.00 per key
- (8) **Fire Hydrant Flow Test**  
\$352.00
- (9) **Fire Hydrant/Fire Line Application Fee**  
\$645.00 per hydrant
- (10) All county and municipal governmental agencies shall be excluded from payment of permit fees.
- (11) **Past-Due Backflow Testing Fee**  
A fee of \$108.00 will be charged to locations for non-compliance of required backflow testing.

**48-208.006 WATER RESTRICTION SURCHARGE**

- (1) The Water Restriction Surcharge is billed during mandatory water restrictions as imposed by the South Florida Water Management District (SFWMD) or FCAA.
- (2) The Water Restriction Surcharge for the Authority Conservation Program Implementation is applied as a 15% percentage of the Consumption Charge unless otherwise authorized by the Board of Directors.
- (3) The Water Restriction Surcharge is not applied to the Base Facility Charge or the Consumption Charge for Consumption Block One (1) of the customers meter size since that level of consumption represents average basic use for the meter size.
- (4) The Water Restriction Surcharge shall be applied to the first billing cycle following the imposition of declared mandatory water restrictions. The Water Restriction Surcharge shall be discontinued during the first billing cycle following the lifting of water restrictions or as authorized by the Board of Directors.

**48-208.007 ANNUAL WATER RATE INDEX**

The Annual Water Rate Index is a factor by which the Authority annually adjusts the Base Facility Charge, Consumption Charge, and all other fees and charges to reflect inflationary increases in the cost of providing service. The Water Rate Index is based on the Consumer Price Index for All

Urban Customers (CPI-U) for Miami-Fort Lauderdale, Florida as established for the month of June each year by the Bureau of Labor Statistics. The indexed rates will go into effect on October 1 of each year. Fees and charges, exclusive of base facility and consumption charges, may be rounded to whole dollars.

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**CHAPTER 48-304  
WASTEWATER PRETREATMENT**

|            |   |
|------------|---|
| 48-304.001 | PURPOSE AND POLICY                                    |
| 48-304.002 | NUMBER RETIRED  |
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**48-304.001 PURPOSE AND POLICY**

This Chapter provides for the regulation of direct and indirect Discharge into the Authority's Wastewater Collection System through the issuance of permits and enforcement of general requirements for non-domestic Users (Industrial Users). This Chapter does not apply to Residential Connections as defined herein. The Authority (either on its own or in conjunction with any other governmental entity) is authorized to:

- (1) Implement permitting and monitoring activities, enforcement activities, User reporting, and provide for the setting of fees for the equitable distribution of costs resulting from establishment, implementation and enforcement of the program.
- (2) Regulate Users that might discharge hazardous, toxic or unusually strong discharges into the Wastewater Collection System, regardless of volume.
- (3) Prevent the introduction of pollutants into the collection and treatment system which could interfere with the operation of the system, contaminate the resulting Sludge, or pass through into the receiving waters or the atmosphere.
- (4) Provide uniform requirements for industrial wastewater discharge.
- (5) Protect the Wastewater treatment plant operators, transmission system workers, collection and Wastewater treatment facilities, the public, and the environment from harmful Pollutants in the Wastewater System.

**48-304.002 NUMBER RETIRED**

### **48-304.003 ABBREVIATIONS**

When used in these rules, the abbreviations set forth below have the following meanings:

- (1) C.F.R. - Code of Federal Regulations.
- (2) Number Retired
- (3) F.A.C. - Florida Administrative Code.
- (4) Number Retired
- (5) IMR - Industrial Monitoring Report.
- (6) IU - Industrial User.
- (7) IWWDP - Industrial Wastewater Discharge Permit.
- (8) OGI - Oil/Grease Interceptor.
- (9) Number Retired
- (10) SIU - Significant Industrial User.

### **48-304.004 NUMBER RETIRED**

### **48-304.005 PERMIT REQUIREMENTS**

All existing and proposed IUs shall submit a completed application for Industrial Wastewater Discharge Permit (IWWDP) to the Authority. The IU shall also obtain an IWWDP as required by any other applicable wastewater facilities use ordinance (or similar local government ordinance) prior to discharge. Authority IWWDP permit fees will be billed annually.

- (1) The following IU shall file apply for an IWWDP with the Authority at least ninety (90) calendar days before commencing discharge in the Authority's Wastewater Collection System.
  - (a) IU purchasing an existing facility from which a discharge of industrial wastewater is proposed.
  - (b) IU constructing a new facility from which a discharge of industrial wastewater is proposed.
  - (c) IU proposing to discharge industrial wastewater from a facility which currently does not discharge industrial wastewater.
  - (d) IU planning to alter or change the activity at the IU's facility that will significantly increase or decrease the volume or alter the content of any existing source of wastewater discharge into the Authority Wastewater Collection System. For purposes of this Chapter, a significant increase or decrease is defined as a twenty percent (20%) increase or decrease in the volume or the organic strength/solids loading of industrial wastewater currently being discharged. An alteration is defined as any change in chemicals utilized within a process that will significantly alter the characteristics of the discharge.
  - (e) IU proposing to alter or change the listed or characteristic hazardous wastes for which the IU has submitted notification under 40 C.F.R. 403.12(p).

#### **(2) The Annual Industrial Wastewater Discharge Permit (IWWDP) Review Fee:**

- (a) The IWWDP Fee is an annual permitting fee to be assessed against Industrial Users of the Wastewater System.
- (b) Such permit fee is for the recovery of estimated direct and allocated costs incurred by the Authority in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.

(c) The amounts of the IWWDP Fees are as follows:

Industrial Users (IUs) will be billed on an annual basis for an Industrial Wastewater Pretreatment Fee as defined in the Summary of Wastewater Rates, Fees and Charges. IUs with non-compliant discharges shall be charged a High Strength Sewage Surcharge Fee per gallon each month (as defined in the Summary of Wastewater Rates, Fees and Charges), for deleterious discharges above the maximum allowable concentrations defined in section 48-304.008 (4).

(3) The application shall be completed in its entirety to allow the Authority to evaluate the effect of the proposed discharge on its facilities and operations and to assure compliance with any applicable wastewater facilities use ordinance or similar local government ordinance. The application shall be signed by the IU, a principal executive officer of the IU's company, or an authorized representative. The IU must receive an IWWDP from the Authority before commencing discharge.

(4) The IU shall design, construct, operate, and maintain, at their sole expense, those pretreatment facilities necessary to meet the Authority's standards. A registered professional engineer acting on behalf of the IU shall determine the type, capacity, and location of the pretreatment facilities, subject to review and approval by the Authority. All modifications to or abandonment of pretreatment facilities shall require prior written approval from the Authority.

(5) All domestic wastewater from restrooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewater until the industrial wastewaters have passed through any required pretreatment systems or devices and the sampling or flow measuring point(s).

(6) No person shall connect or cause to connect any roof downspout, exterior foundation drain, areaway drain, or other source of surface runoff or groundwater to a building, wastewater service line or drain which in turn is connected directly or indirectly to the Authority Wastewater System.

(7) **Permit Renewal**

The IWWDP shall be valid for a period of five (5) years from the date of issuance. The IU shall submit renewal documentation to the Authority no later than 30 days prior to IWWDP expiration.

(8) **Permit Modification**

(a) IWWDP's may be modified by the Authority at any time for, but not limited to, the following causes:

1. Substantial alterations to the IU's processes, or Discharge parameters;
2. Correction of errors and omissions in the permit;
3. Reflection of transfer of the facility ownership or operation to a new Owner/Operator; and,
4. Fulfillment of request from the IU, provided such request does not create a violation of any applicable requirement, standard, law, rule, or regulation.

(b) Requests for IWWDP modifications shall be made in writing and include facts or reasons which support the request. If the new or changed conditions are the result of new or changed pretreatment regulations, those regulations will stipulate the compliance period.

(9) **Permit Suspension/Termination**

(c) Failure or refusal to pay any fees or charges in a timely manner shall result in Termination of Service (see Section 48-304.010). In addition, IWWDP's and utility Service may be suspended or terminated for falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow timely access to the facility premises and records, and failure to meet effluent limits, to pay fines, or meet compliance schedules. Permits shall be suspended immediately if the discharge poses immediate serious danger to the public health, safety, or welfare.

(d) Except in the case of immediate suspension under (a) above, written notification of intent to terminate or suspend permit and utility service due to the above violations shall be made by the Authority to the holder of the permit. Failure to pay amounts due the Authority within the time designated for payment shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. Should the Customer request a hearing, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(10) **Permits for Oil/Grease Interceptors (OGI)**

IUs with wastes containing oil or grease that are discharged into the Authority's wastewater collection system are subject to the requirements in this Chapter with the following conditions:

a) IUs with wastes containing oil or grease shall be required to have an OGI.

b) OGIs shall be designed, constructed, and maintained at the IU's expense. A registered professional engineer acting on behalf of the IU shall determine the capacity and location of the OGI.

c) OGIs shall operate only under an IWWDP issued by Authority

d) All permit modifications to, or abandonment of an OGI shall require prior written approval from the Authority.

e) OGIs shall be maintained to meet the Authority's discharge standards and are subject to surcharges for noncompliance with conventional pollutants.

f) OGIs shall be pumped out and cleaned as necessary, but in no instance shall the frequency be less than once per year. IU shall submit pump out receipts to the Authority within thirty (30) days of pump out and cleaning activities.

g) The Authority or its authorized representative may conduct independent sampling of OGIs as deemed necessary. In the event an OGI fails to meet the Authority's discharge standards, the IU will be given thirty (30) calendar days to show proof that the subject OGI has been cleaned or repaired, or an industrial wastewater surcharge will be levied until compliance is demonstrated. Costs for sampling of OGIs shall be borne by the Authority if discharge from the OGI meets the Authority's discharge standards otherwise; sample and analysis costs for investigatory and additional Authority sampling to demonstrate compliance shall be borne by the discharger.

h) Number Retired

## **48-304.006 MONITORING AND REPORTING REQUIREMENTS**

### **(1) Self Monitoring**

Monitoring shall be required as set forth in the specified permit conditions. Monitoring costs shall be borne by the IU unless otherwise stated in Section 48-304. Costs for sampling by the FKAA on behalf of the IU shall include actual sampling costs along with any necessary administrative fees.

(a) IUs that discharge industrial wastewater other than oil and grease will be required to self monitor unless otherwise specified in the permit conditions. IUs that self monitor are required to submit baseline monitoring reports, semi-annual IMR's, and accidental discharge plans as required by the Authority in accordance with DEP Regulations 62-625, F.A.C. and any applicable wastewater facilities use ordinance (or similar local government ordinance). The Authority may require IUs to submit an IMR more frequently than twice a year, if deemed necessary, to have sufficient representative data for compliance assessment. IUs may be required to submit an IMR (or maintenance records), as deemed necessary by the Authority, to ensure compliance with the discharge standards. Costs for sampling required by an IWWDP shall be borne by the IU. If the IU does not comply with sampling and reporting schedules, or other terms and conditions established by the Authority, the Authority may collect samples and analyze for the permit parameters. All expenses incurred by the Authority shall be billed directly to the IU. Laboratory analysis fees shall be billed per the Authority's existing contract schedule at the time of analysis.

(b) Notification of Permit Violations. IUs are required to notify the Authority within 24 hours of becoming aware of a permit violation. The IU is also required to immediately repeat the sampling and pollutant analysis and submit to the Authority, in writing, the results of the second analysis within thirty (30) calendar days of the first violation unless the Authority performs sampling at the IU between the time when the IU performs its initial sampling and the time when the IU receives the results of the sampling.

### **(2) Authority Monitoring**

(a) IWWDP Monitoring. The Authority may periodically conduct independent sampling of Industrial Discharges. State Regulations (Chapter 62-625, F.A.C.) authorize the Authority to conduct at least one inspection and sampling visit annually to all IUs. Samples taken by the Authority during these visits will be analyzed for all pollutants regulated at that IU. Authority monitoring may be conducted more frequently in order to obtain data representative of the nature and volume of the IUs wastewater. Costs for sampling by the Authority shall be borne by the Authority if discharge from the IU meets the Authority's discharge standards; otherwise, sample and analysis costs for investigatory and additional Authority sampling to demonstrate compliance shall be borne by the discharger.

## **48-304.007 SAMPLING REQUIREMENTS**

The type of sample to be collected (Grab, Composite, Split and Duplicate) depends on the purpose of the sampling survey and the nature of the waste stream being sampled. The permit will specify the sample collection method or type of sample(s) for each pollutant to be monitored. Most Samples should be collected as composite samples except for those parameters that must be collected on a grab basis.

(1) **Sample Points**

Sample points shall be identified on the IWWDP, installed at the IUs expense and be readily accessible to the Authority. Sample points shall be located upstream of all domestic wastewater from restrooms, washrooms, showers, and drinking fountains. Sample points shall be located to allow accurate sampling and preparation for samples or analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the IU. Access to the Sample Collection Station shall be available at all times.

(2) **Sample Collection and Analysis.**

(a) Accurate sample collection and analysis are essential to determine compliance status with applicable pretreatment regulations.

(b) State Regulations (see Chapter 62-625, F.A.C.) require all analysis to determine compliance with pretreatment standards be performed in accordance with Rule 62-160.670, F.A.C., “Data Reporting Requirements.” The Authority shall require self monitoring IU to verify that laboratory analyses are performed according to these State requirements. Analytical techniques for additional pollutants not contained in FAC\_62-160 must be performed using validated analytical methods.

(3) **Deleterious Discharges**

If any industrial wastewater is discharged or proposed to be discharged that contains substances in excess of the standard strength for wastewater, the IU shall be subject to sewer surcharge fees equal to the additional cost of receiving, transporting, and treatment of those substances. These surcharges are in addition to standard user Charges. The standard strength for wastewater is defined as follows:

| <u>Parameter</u>            | <u>Standard Strength</u> | <u>Maximum Allowable</u> |
|-----------------------------|--------------------------|--------------------------|
| C.O.D.                      | 500 ppm                  | 1,000 ppm                |
| B.O.D.                      | 250 ppm                  | 400 ppm                  |
| Suspended Solids (SS)       | 250 ppm                  | 400 ppm                  |
| Total Nitrogen              | 50 ppm                   | 75 ppm                   |
| Total Phosphorus            | 10 ppm                   | 15 ppm                   |
| Total Fats, Oil, and Grease | 75 ppm                   | 150 ppm                  |

## 48-304.008 REVIEWING INDUSTRIAL MONITORING REPORTS (IMR'S)

IMR's may be required as a condition of the IWWPD permit.

(1) IMR's provide information on IU flows, analytical data on effluent for specific discharge limits and pretreatment standards, and certification by signature that all conditions of the permit have been met. A log may be maintained for tracking of significant dates due and receipt schedule compliance, report completeness, and authorized signature. Flow data may be included to identify slug discharges and noncompliance of mass discharges. The Authority reserves the right to review and modify the IWWDP in order to control slug discharges. Accidental discharge plans and procedures are detailed in Section 48-304.011.

(2) Any discrepancy found in an IUs IMR shall require clarification and correction. A violation of the permit indicated by IMR, occurring subsequent to clarification and correction, could prompt the Authority to initiate an enforcement action. This information shall serve as a log for the compliance history of the IU and the enforcement responses of the Authority.

(3) The IU shall be subject to surcharges for noncompliance with conventional pollutant limitations. Surcharges shall be calculated based on the reported discharge concentrations and shall be applied to the IUs monthly billing statement.

### (4) Deleterious Discharges

If any industrial wastewater is discharged or proposed to be discharged that contains substances in excess of the standard strength for wastewater, the IU shall be subject to sewer surcharge fees equal to the additional cost of receiving, transporting, and treatment of those substances. These surcharges are in addition to standard user Charges. The standard strength for wastewater is defined as follows:

| <u>Parameter</u>                   | <u>Standard<br/>Strength</u> | <u>Maximum<br/>Allowable</u> |
|------------------------------------|------------------------------|------------------------------|
| C.O.D.                             | 500 ppm                      | 1,000 ppm                    |
| B.O.D.                             | 250 ppm                      | 400 ppm                      |
| Suspended Solids (SS)              | 250 ppm                      | 400 ppm                      |
| <br>                               |                              |                              |
| Total Nitrogen                     | 50 ppm                       | 75 ppm                       |
| Total Phosphorus                   | 10 ppm                       | 15 ppm                       |
| Total Fats, Oil, and Grease (TFOG) | 75 ppm                       | 150 ppm                      |

- (a) Discharges containing quantities of any of the above substances in excess of maximum allowable strength shall be subject to pretreatment guidelines contained herein.
- (b) The average concentration or strength of the discharged wastewater shall be determined. Samples may be taken without advance notice. Test results made and approved shall be final in fixing the applicable rate. However, the IU may request in writing and secure a portion of the sample for independent laboratory testing. The sample split shall be obtained by the testing laboratory personnel with appropriate chain of custody documentation.

#### **48-304.009 INSPECTIONS**

##### **(1) Purpose**

Surveillance and monitoring procedures are necessary to determine, independent of information supplied by IUs, compliance with applicable pretreatment standards and requirements. Inspections that determine an IU to be in noncompliance shall result in enforcement action.

##### **(2) Frequency of Inspections**

The Authority reserves the right to inspect IWWDP facilities at any time.

##### **(3) Access to Facilities and Records**

Entry into the IUs premises shall generally be made during the IUs working hours, unless a concern exists that physical conditions or records may be altered. The contact person shall be notified upon arrival by Authority personnel. As long as Authority personnel are allowed to enter, entry is considered voluntary and consensual. If Authority personnel are denied entry, the Authority shall obtain a probable cause inspection warrant in accordance with Chapter 933, Florida Statutes. All costs of obtaining such a warrant shall be assessed and charged to the Customer, including attorney fees. During the inspection, the Authority may collect and confirm detailed information concerning the facility, the discharge source or treatment system, and the records including, but not limited to, compliance with applicable Pretreatment Standards and requirements.

##### **(4) Number Retired**

#### **48-304.010 ENFORCEMENT**

The Authority shall determine the appropriate enforcement action for non-compliance with the provisions of this program, any applicable wastewater facilities use ordinance, or similar local government ordinance. Enforcement may include, but is not limited to, discontinuance of water service and applicable fees as set forth in section 48-307.009(3).

## **48-304.011 ACCIDENTAL DISCHARGE; UPSET AND BYPASS**

### **(1) Accidental Discharge Plan and Procedure.**

(a) IUs that discharge industrial wastewater other than oil and grease shall provide and maintain at their expense protection from the accidental discharge of prohibited material, slug loads, or other substances regulated by any applicable wastewater facilities use ordinance, or similar local government ordinance.

(b) No IU shall be permitted to discharge pollutants that violate the discharge standards of any applicable wastewater facilities use ordinance, or similar local government ordinance, until an accidental discharge procedure has been approved by the Authority. Detailed plans and operating procedures to provide this protection shall be submitted to the Authority for review and approval. At a minimum, the plan shall include, but is not limited to, a description of discharge practices, including non-routine batch and slug discharges, stored chemicals, containment areas, and necessary procedures to prevent accidental spills. Authority approval shall not relieve the IU from responsibility of modifying the facility, if necessary, to meet any requirements of any applicable wastewater facilities use ordinance, or similar local government ordinance. The following are required elements of an accidental discharge plan:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals and containment areas.
3. Necessary procedures to prevent accidental spills, including:
  - a. Maintenance of storage areas.
  - b. Handling and transfer of materials.
  - c. Loading and unloading operations
  - d. Control of plant site stormwater run-off.
  - e. Worker training.
  - f. Building containment structures for equipment.
  - g. Measures for controlling toxic Pollutants (including solvents).
  - h. Procedures and equipment for emergency response.
  - i. Proposed follow up practices to limit damage to the environment or the Authority's equipment.

### **(2) Upset**

An Upset means an incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof. If unintentional and temporary noncompliance with pretreatment standards occurs because of factors beyond the reasonable control of the IU, the IU must demonstrate, with relevant evidence, that:

- (a) The IU has identified the cause of the Upset; and,
- (b) The IUs facility was being properly operated; and,
- (c) The IU properly notified the Authority of the Upset in accordance with the procedures set forth below.

### **(3) Bypass**

An IU may allow a Bypass to occur which does not cause a violation of the pretreatment standards or requirements but only if it is for essential maintenance of the pretreatment facility to

assure efficient operation. If an IU knows in advance of the need for a Bypass, a notice to the Authority at least ten (10) calendar days before the date of the Bypass shall be submitted. A Bypass that exceeds applicable pretreatment standards is prohibited, and the Authority shall take enforcement action against an IU for a Bypass, unless:

- (a) The Bypass was unavoidable to prevent loss of life, personal injury or severe property damage as defined in Rule 62-625.200, F.A.C.; and
- (b) There were no technically feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The IU properly notifies the Authority of the Bypass in accordance with the procedures set forth below.

**(4) Notification of Accidental Discharge, Upset or Bypass**

(a) Immediate Notification. In the event of an Accidental Discharge, Upset or Bypass, the IU shall take the necessary measures to stop, limit, or control the discharge. The IU shall immediately notify the Authority of the incident. The notification shall include:

- 1. Name and phone number of IU;
- 2. Address of the Discharge;
- 3. Type of Discharge;
- 4. Concentration of Pollutants in the Discharge;
- 5. Volume of Discharge; and
- 6. Corrective measures taken.

(b) Written Notification. Within five (5) calendar days of the Accidental Discharge, Upset or Bypass, the IU shall submit a written report to the Director. The report shall include, but is not limited to:

- 1. Name and address of IU;
- 2. Type of Discharge;
- 3. Concentrations;
- 4. Volume;
- 5. Cause of the event;
- 6. Duration of the event;
- 7. Corrective measures taken; and
- 8. Measures to be employed to prevent future incidents.

(c) In the event further information is requested, the discharger shall provide such information within forty-eight (48) hours of the request.

**48-304.012 NUMBER RETIRED**

**48-304.013 NOTIFICATION OF APPLICABLE STANDARDS AND REQUIREMENTS**

IUs are required to monitor regulatory changes. Regulatory changes related to pretreatment that require alteration of the IUs treatment process or facilities to comply with the regulations must be completed by the IU at the IUs expense. The IU must modify treatment processes or facilities within 90 days of a regulatory change coming into effect.

- (1) If the Authority updates the local discharge limits, IU's will be notified.
- (2) However, the failure of the Authority to provide any notice shall not relieve any IU of the Obligation to abide by any applicable pretreatment requirements.

**48-304.014** NUMBER RETIRED

**48-304.015** NUMBER RETIRED

**48-304.016** NUMBER RETIRED

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**CHAPTER 48-307  
WASTEWATER FEES AND CHARGES**

|            |  |
|------------|--|
| 48-307.001 | GENERAL  |
| 48-307.002 | PLAN REVIEW FEE  |
| 48-307.003 | NUMBER RETIRED   |
| 48-307.004 | SYSTEM DEVELOPMENT CHARGE                                |
| 48-307.005 | NUMBER RETIRED   |
| 48-307.006 | SERVICE INSTALLATION FEES                                |
| 48-307.007 | NUMBER RETIRED   |
| 48-307.008 | MONTHLY CUSTOMER FEES                                    |
| 48-307.009 | PRETREATMENT FEES  |
| 48-307.010 | MISCELLANEOUS FEES                                       |
| 48-307.011 | WASTEWATER PROJECT PLANNING RECOVERY CHARGE              |
| 48-307.012 | WASTEWATER EDU APPEAL PROCESS                            |
| 48-307.013 | ANNUAL WASTEWATER RATE INDEX                             |
| 48-307.014 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.015 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.016 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.017 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.018 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.019 | RESERVED FOR FUTURE RENUMBERING                          |
| 48-307.020 | NUMBER RETIRED   |
| 48-307.021 | NUMBER RETIRED   |
| 48-307.022 | CONCH KEY/DUCK KEY WASTEWATER NON AD VALOREM ASSESSMENT  |
| 48-307.023 | BAY POINT CENTRAL WASTEWATER NON AD VALOREM ASSESSMENT   |
| 48-307.024 | BIG COPPITT CENTRAL WASTEWATER NON AD VALOREM ASSESSMENT |
| 48-307.025 | LAYTON WASTEWATER NON AD VALOREM ASSESSMENT              |

**48-307.001 GENERAL**

Rates, fees and charges for Wastewater Services provided by the Authority shall be established by rule. Rates, fees and charges delineated in these rules may be modified from time to time by subsequent rule.

**48-307.002 PLAN REVIEW FEE**

(1) The Authority shall charge a Plan Review Fee for recovery of direct and allocated costs incurred by the Authority in connection with the review of plans and specifications to verify compliance with the minimum design standards for Wastewater Facilities proposed to be installed by the Owner/Developer.

(2) The Plan Review Fee will vary with the size and type of project, is payable at the time of plan submission for Wastewater projects, and is as follows:

- (a) \$645.00 minimum, plus \$6.45 per foot of required new Wastewater main after the 1<sup>st</sup> 100 feet.
- (b) Fixture Review Fee \$118.00
- (c) Industrial Wastewater Pretreatment Review Fee \$587.00 for new facilities connecting to an existing central wastewater system.

(3) The Plan Review Fee will be assessed only once per project for Customers having both water and Wastewater Service.

**48-307.003 NUMBER RETIRED**

**48-307.004 SYSTEM DEVELOPMENT CHARGE**

(1) The System Development Charge (SDC) is charged to new Customers and existing Customers who modify, add or construct facilities that impose a potential increase in Wastewater flow to the system. This fee is charged to equitably offset the direct and indirect costs of capital improvements made necessary by actual and expected utilization of the capacity of the Wastewater Facilities.

(2) In adopting this rule the Authority has ascertained, determined and declared that:

(a) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities such as Wastewater Systems.

(b) The Authority has the authority to plan for and provide Wastewater Systems within its Service area as defined in Section 48-101.003.

(c) Future demand represented by Sewer System Impact Development should contribute its fair share to the cost of improvements and additions to the Authority's Wastewater Facilities which are required to accommodate the use of the Authority's Wastewater Facilities by such demand.

(d) Implementation of a System Development Charge to require Sewer System Impact Development to contribute its fair share of the cost of improvements and additions to the Authority's Wastewater Facilities is an integral and vital element of the regulatory plan of growth management incorporated into the comprehensive plan of the underlying local governments.

(e) Capital planning is an evolving process and the level of service identified in each applicable comprehensive plan for the Authority's Wastewater Facilities constitutes a projection of anticipated need for Wastewater Treatment and Transmission Facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, and the dynamic nature of population growth, it is the intent of the Authority that the level of service for the Authority's Wastewater Facilities and System Development Charge imposed be reviewed and adjusted periodically, to insure that the System Development Charges are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition. The terms "growth," "growth necessitated improvements," "future growth" and the like shall refer, and be construed as referring to Sewer System Impact Development either occurring or connecting, either directly or indirectly, to the Authority's Wastewater Facilities.

(f) The imposition of a System Development Charge is to provide a source of revenue to fund the construction and improvement of the Authority's Wastewater Facilities either necessitated by the growth or as delineated in the capital improvement element of the applicable comprehensive plan.

(g) The presence of the Authority's Wastewater Facilities enhances and benefits the health, safety and general welfare of all properties within the Authority's Service Area.

(3) All Sewer System Impact Development occurring within the Florida Keys and required to connect to the Authority's Wastewater Facilities shall pay a SDC. The SDC charged to Customers for the initial project costs of a newly constructed wastewater system shall be assessed on the total number of Equivalent Dwelling Units to be served at the existing developed property. Any SDC charged for development after the initial system construction shall be based on the total number of Fixture Values to be served at a Premise.

(4) The SDC is in addition to any amounts expended by the Customer for the installation of Wastewater Facilities improvements and for other fees or charges required by the Authority.

(5) Prior to the issuance of a Building Permit, all Customers or Owners, as the case may be, shall pay the applicable SDC.

(6) The Authority may provide a means by which Customers or Owners within a newly created wastewater service area may pay the System Development Charges over a period not to exceed twenty (20) years provided that funds are available to the Authority for the construction of the improvements to be funded from the System Development Charges without impairing or delaying other Authority projects. Prior to the Authority entering into any agreements to extend payment and from time to time thereafter the Board shall identify a specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses or costs incidental to obtaining or providing same and, the interest rate that the Authority would forego or otherwise be subject to.

(a) The amount of payment, including any title verification expenses, recording fees, and reasonable estimation of the cost and expense associated with providing an extended payment alternative, shall be paid in equal payments of principal and interest. The interest rate charged is representative of the Authority's Cost of Funds, adjusted to defray overhead, administration costs and estimated expenses or costs incidental to obtaining or providing financing.

(b) For an agreement, or an aggregation of related agreements, to extend payment of System Development Charges with a face amount in excess of \$15,000 the Authority may require the procedure and documentation for extending payments to substantially and reasonably conform to generally accepted and reasonably applicable commercial lending practices, including but not limited to the requirement for acceptable personal guarantees from one or all of the Owners or individuals owning a beneficial interest in an entity Owner. At its sole option the Authority may contract with an outside counsel or a servicing agent to prepare such documentation and to advise the Authority relative to conformance with generally accepted commercial lending practices and the cost of same shall be borne by the Owner.

(7) **Number Retired**

(8) The obligation for payment of the System Development Charge and the benefits derived therefrom shall run with the land.

(9) The SDC is not refundable except:

(a) In the event that a valid Building Permit for which a System Development Charge has been paid, expires prior to the initiation of the construction for which it was issued, the applicant may within ninety (90) days of the expiration of the Building Permit apply for a refund of the System Development Charge.

(b) The application for a refund of the System Development Charge shall be filed with the Authority and contain the following:

1. A sworn statement representing that the information contained on the application for refund is true and correct.
2. The name and address of the applicant.
3. The location of the property which was the subject of the Building Permit.
4. The date the System Development Charge was paid.
5. A copy of the receipt of payment for the System Development Charge or such other record as would indicate payment of such fee.
6. The date the Building Permit was issued and the date of expiration.

(c) After verifying that the Building Permit has expired and that the construction has not commenced under the subject Building Permit, the Authority shall cause a refund of the System Development Charge.

(d) The System Development Charges collected shall be returned to the current Owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the Fiscal Year immediately following the seventh anniversary of the date upon which such fees were paid and a timely petition for the refund is made. Such refunds shall be made only in accordance with the following procedure:

1. The then current Owner shall petition the Board for the refund prior to the end of the Fiscal Year immediately following the end of the Fiscal Year in which the date of the seventh anniversary of the date of the payment of the System Development Charge occurs.
2. The application for a refund of the System Development Charge shall be submitted to the Authority and shall contain:
  - a. A sworn statement that the petitioner is the then current legal Owner of the property on behalf of which the SDC was paid;
  - b. A copy of the dated receipt issued for payment of such fee, or such other record as would indicate payment of such fee;
  - c. A certified copy of the latest recorded deed or other instruments evidencing title; a representation that the most recent recorded deed or other instruments evidencing title reflect the exact names of all current legal Owners; a representation that the petitioner will notify the Authority of any changes and the status of legal ownership which occurs prior to any refund from the Authority;
  - d. A copy of the most recent ad valorem tax bill
3. Within ninety (90) days from the date of receipt of a petition for refund, the Director will advise the petitioner and the Board of the status of the SDC requested for refund, and if such System Development Charges have not been expended or

encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this refund provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the charge out.

(e) The fact that an Owner receives a refund does not excuse the property from later being subjected to payment of System Development Charges upon otherwise being characterized as Sewer System Impact Development.

(f) Any Owner entitled to a refund who fails to timely petition for a refund upon becoming eligible to do so shall be deemed to have waived any claim for a refund, and the Authority shall be entitled to retain and apply the System Development Charges for growth necessitated capital improvements and additions to the Authority's Wastewater Facilities.

(10) At the time of application for service and establishment of an Agreement for Service, the number of EDU's or fixtures to be served at a property shall be determined from an EDU or fixture data determination sheet. This information may be verified from review of approved plans and specifications presented by the applicant to the Authority, or in the case of existing developed property from an on-site inspection by the Authority, and shall be noted on the Agreement for Service.

(11) The Authority reserves the right through an Agency Decision to refuse to establish service or to discontinue service to a property for non-payment of applicable SDC.

(12) The right to Wastewater Service, as applicable to the SDC, is assigned to the property served and is not transferable except as provided herein:

(a) Where the premises served have been demolished, the Owner shall be entitled to transfer the SDC credits to new premises that replace the demolished Premises on the same property or on a contiguous property under the same ownership.

(b) Federal, state and local governmental entities exempt by statute from System Development Charges shall be exempt from the SDC that would be applicable but for such exemption. However, if such Premises shall be occupied by any person, organization or entity other than the one to which the exemption applies, or if the Premises shall be used for purposes unrelated to the principal uses and purposes of the exempt entity, such person, organization, or entity shall be required to pay any applicable SDC. If such occupant other than the Owner or entity does not pay said fees then the Owner to whom the exemption was granted may be required to pay the fees.

(13) An EDU or fixture data determination worksheet approved by the Director shall be available for calculation of the SDC applicable to a property.

(14) In the event an applicant or Owner believes that the impact to the Authority's Wastewater Facilities necessitated by their Sewer System Impact Development is less than the System Development Charge established for and applicable to their property, such applicant or Owner may submit a calculation of an alternative system development charge to the Director pursuant to the following provisions:

- (a) In the case of new construction, any right to submit an alternative system development charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if not properly and timely made prior to the issuance of a Building Permit.
- (b) In the case of existing buildings, structures or applicable improvements which are required to connect to the Authority's Wastewater Facilities, any right to submit an alternative system development charge shall be deemed to have been waived and expired, and such calculation shall not be considered by the Authority if within thirty (30) calendar days from the effective date of service of a written notice that System Development Charges are due and payable, the Owner does not notify the Director in writing of his intention to submit an alternative system development charge calculation. Any Owner who, under such circumstances, properly notifies the Director of his intention to submit an alternative system development charge calculation shall submit the alternative system development charge calculation and alternative system development charge within one hundred and twenty (120) days of service of the foregoing written notice that system development charges are due and payable, or any right to submit an alternative system development charge shall be deemed to have been waived, expired and such calculation shall not be considered by the Authority.
- (c) Upon timely submission of an alternative system development charge calculation, the basis therefore and receipt of the alternative system development charge, the Director shall schedule a hearing before the Board at a regularly scheduled meeting or a special meeting called for the purpose of reviewing the alternative system development charge and shall provide the petitioner written notice of Agency Decision. Such hearing shall be held within thirty (30) days of the date the alternative system development charge was submitted. The Board shall render an Agency Decision based upon the hearing.
- (d) The alternative system development charge calculation shall be based on data, information or assumptions contained in current studies and the master plans adopted by the Authority, as amended from time to time, or an alternative system development charge study based upon an independent source, provided that the independent source is a local study supported by a data base adequate for the conclusions contained in such study, performed according to a generally accepted methodology and based upon generally accepted standard sources of information relating to facilities planning, cost analysis and demographics. The independent source must provide competent substantial evidence that the alternative system development charge represents an equitable pro rata share of the cost of capital improvements and additions to the Authority's Wastewater Facilities necessitated by the subject Sewer System Impact Development.
- (e) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the alternative system development charge complies with the requirements provided herein and that the alternative system development charge was calculated by the use of a generally accepted methodology, then the Alternative System Development Charge shall be paid in lieu of the System Development Charge otherwise required by this rule.
- (f) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge does not comply with the requirements provided herein or is otherwise not equitable or that the Alternative System Development Charge was not calculated by the use of a generally accepted methodology, then the Director shall provide to the applicant by certified mail, return receipt

requested, written notification of the rejection of the Alternative System Development Charge and the reason therefore.

(g) At the sole discretion of the Board, the Alternative System Development Charge review hearing may be adjourned or continued for up to thirty (30) days to cause further study or scrutiny of any proposed alternative system development charge or Alternative System Development Charge study by either Authority staff or outside consultants. The final decision of the Board shall be in writing and issued within twenty (20) calendar days of the review hearing.

(h) Any applicant or Owner who has submitted a proposed Alternative System Development Charge in conformance with this rule and desires the immediate issuance of a Building Permit shall pay prior to or at the time the proposed Alternative System Development Charge is submitted the applicable System Development Charge otherwise required by this rule. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any right of review. Any difference between the amount paid and the amount due, as determined by the Board in an Agency Decision shall be refunded to the applicant or Owner.

(15) The following shall be exempted from payment of System Development Charges:

(a) Alterations or expansion of an existing building, structure or improvement where no additional demand on either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities are or will be created.

(b) The construction of accessory buildings, structures or improvements which will not create an additional demand on either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities.

(c) The replacement of an existing building, structure or improvement which has previously been subjected to a System Development Charge payable to the Authority where no additional demand is or will be created on either the Authority's Wastewater Facilities or any interim treatment system.

(d) Buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by a utility service provider other than the Authority, provided that at the time the Authority formally resolves to acquire the utility, the Board, in good faith, expressly declares its intention to operate said utility as a component of the Authority's Wastewater Facilities and not immediately dismantle and disconnect from the acquired utility's treatment facilities.

(e) Absent an express written agreement or site specific land development regulation to the contrary, buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by another local governmental Wastewater Provider where the Authority or other governmental provider has reconfigured Service and/or Service Areas.

(16) System Development Charges shall be imposed and calculated for the alteration, expansion or replacement of Sewer System Impact Development which will result in a land use determined to create an additional demand on either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities.

(17) Whenever any person applies for a Building Permit to alter, expand or replace a building, structure or applicable improvement of Sewer System Impact Development land, even though the subject lands may receive interim service from a source other than the Authority, the System

Development Charge imposed shall be calculated on the entirety of the lands subject to the Building Permit. Where the alteration, expansion or replacement occurs on lands for which a System Development Charge has already been paid, the System Development Charge imposed shall be only upon the additional demand created by the alteration, expansion or replacement.

(18) No refund or credit shall be afforded an Owner or applicant in the event of a diminution of use occurs after the System Development Charge already paid has been expended or encumbered. For the purposes of this provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the first charge out.

(19) System Development Charges are to be determined for each Wastewater district service area. For Customers or Owners within a newly created Wastewater district, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. For residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(20) **Little Venice Wastewater System Development Charges** *(Effective 10/1/08, the FCAA and the City of Marathon entered into an Interlocal Agreement which provides that the City of Marathon will be responsible for all wastewater services in the Little Venice District, including rate setting, billing, and system operations. (FCAA Resolution 08-12, dated 5/22/08)*

(21) **Marathon Central Wastewater System Development Charges**

(a) The Marathon Central Wastewater District Service Area is described as the geographic boundaries of the City of Marathon. *(Effective 10/27/05, the FCAA and the City of Marathon entered into an Interlocal Agreement which provides that the City of Marathon will be responsible for all wastewater services in the City of Marathon, including rate setting, billing and system operations. (FCAA Resolution 06-04, dated 10/27/05)*

(22) **FCAA Wastewater Service Districts**

(a) **Conch Key/Duck Key Wastewater Service District**

The Conch Key/Duck Key Wastewater Service District is described as the geographic area generally bounded on the west by Tom's Harbor Channel, on the east by the Long Key Channel, on the Long Key Channel, on the north by Florida Bay and the south by the Atlantic Ocean (generally between Mile Marker 61 and Mile Marker 63), Monroe County, Florida.

The initial collection of System Development Charges for the Conch Key/Duck Key Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

1. Pending completion and connection of all of the Conch Key/Duck Key Wastewater Service District, the Conch Key/Duck Key Wastewater District will be divided into sub-districts based upon construction within defined areas:

a. The Conch Key sub-district of the Conch Key/Duck Key Wastewater Service District is described as a part of the geographic area bounded on the west by Tom's Harbor Channel, on the east by the Long Key Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Markers 61 and 63) less and except the Island known as Duck Key, Monroe County, Florida.

b. The Hawk's Cay Sub-District of the Conch Key/Duck Key Wastewater Service District is described as a part of the geographic area generally bounded on the west by Tom's Harbor, on the east by Tom's Harbor Cut, on the north by US Highway #1, and on the South by the Lake Lucile and area commonly known as "Duck Key"; including the areas commonly known Indies Island and Parcel 1 of RE #37830 but excluding the area commonly known as "Duck Key", within the geographic boundaries of Monroe County, Florida.

c. The Duck Key Sub-District of the Conch Key/Duck Key Wastewater Service District is described as the geographic area generally bounded on the west by Tom's Harbor, on the east by Tom's Harbor Cut, on the north by US Highway #1 and on the south by Hawk's Channel; including islands known as Center Island, Harbor Island, Plantation Island, and Yacht Club Island, but excluding Indies Island and Parcel 1 of RE #37830, within the geographic boundaries of Monroe County, Florida.

**(b) Bay Point Wastewater Service District**

The Baypoint Wastewater Service District is described as the geographic area on the south (Ocean) side of U.S. Highway One, generally bounded on the west by Saddlebunch No. 3 Channel and on the east by Lower Sugarloaf Channel (generally between Mile Marker 14 to Mile Marker 16), Monroe County, Florida.

The initial collection of System Development Charges for the Bay Point Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

**(c) Big Coppitt Wastewater Service District**

The Big Coppitt Wastewater Service District is described as the geographic area generally bounded on the west by Boca Chica Channel and on the east by Shark Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean, (generally between Mile Marker 6 and Mile Marker 12) Monroe County, Florida.

The initial collection of System Development Charges for the Big Coppitt Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

(d) **Layton Wastewater Service District**

The Layton Wastewater Service District is described as the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71), Monroe County, Florida.

The initial collection of System Development Charges for the Layton Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

(e) **Key Haven Wastewater Service District**

The Key Haven Wastewater Service District is described as the geographic area generally known as “Key Haven” and “Enchanted Island”; located in all that portion located in Township 67S, Range 25E, all that portion of said Section 25 lying Northwesterly of State Road 5 and Southeasterly of Boca Chica Channel; and all that portion of Section 26 lying Northwesterly of State Road 5, Northeasterly of Key Haven Channel, and Southwesterly of Boca Chica Channel and Southeasterly of the Southwest extension of Driftwood Drive (generally between Mile Marker 5 and Mile Marker 6), Monroe County, Florida.

The initial collection of System Development Charges for the Key Haven Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

*(On September 17, 2009, the FKAA acquired the Key Haven Wastewater District through an Acquisition Agreement with Key Haven Utility Corporation approved on June 25, 2009 and Amended on August 25, 2009. Pursuant to that Agreement the FKAA maintained the Fees and Charges for Key Haven Wastewater District as were approved by the Public Service Commission.)*

(f) **Cudjoe Regional Wastewater Service District**

The Cudjoe Regional Wastewater Service District is described as the geographic area on the north and south side of U.S. Highway One that includes: Lower Sugarloaf Key, Upper Sugarloaf Key, Cudjoe Key, Summerland Key, Ramrod Key, Big Torch Key, Middle Torch Key, Little Torch Key, Big Pine Key and No Name Key. The district is generally bounded on the west by Harris Channel and on the east by Spanish Harbor Channel (generally between Mile Marker 16.5 to Mile Marker 33), Monroe County, Florida.

The initial collection of System Development Charges for the Cudjoe Regional Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

(g) **Cross Key Wastewater Service District**

The Cross Key Wastewater Service District is described as the geographic area on the east side of U.S. Highway One that includes Cross Key, generally bounded on the south by Manatee Bay and on the north by Manatee Creek (generally between Mile Marker 112.5 to Mile Marker 113), Monroe County, Florida.

The initial collection of System Development Charges for the Cross Key Wastewater District Service Area occurred through the imposition of a non ad-valorem assessment.

(h) **Onsite Wastewater Service District**

The Onsite Wastewater Service District is described as the geographic area within Monroe County, Florida, serviced by individualized FKAA wastewater systems.

(23) The initial collection of System Development Charges for FKAA Wastewater Service Districts:

1. FKAA Wastewater assessments are expected to occur through the imposition of a non ad-valorem assessment. The amount of the actual costs of providing Wastewater capital improvements exceeding \$7,888.00 per EDU within the FKAA Wastewater District Service Area, will be imposed as an additional charge by the Authority to recover such additional capital costs on each User's or Customers monthly service bill; said charge shall be in addition to the foregoing non ad-valorem assessment.

a. After the initial construction of the system, the SDC shall be based on the following:

2. Residential - Single Family.....SDC shall be based on a Single Family Residential being assessed a fee of \$7,888.00 per unit.

3. Residential - Multiple Unit.....SDC shall be based on the number of units served with each unit being assessed \$7,888.00 per Unit.

4. Mixed Use (Commercial/Residential) .....SDC shall be based on the number of residential units, calculated at \$7,888.00 per unit, combined with the total number of Fixture Values for non-residential units to be served at a Premise.

5. The Fixture Value Fee for each Fixture value shall be \$209.00 for each Fixture Value.

**48-307.005 NUMBER RETIRED**

**48-307.006 SERVICE INSTALLATION FEES**

- (1) The Authority shall charge a Service Installation Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Wastewater Facilities.
- (2) The Service Installation Fee will vary with the size and type of connection performed (i.e., gravity main, vacuum main, or Building Service Lateral).
- (3) The Service Installation Fee shall be charged for each size and type of gravity connection on an "At Cost" basis. The Service Installation Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.
- (4) No Service Installation Fee will be charged to Customers within a newly created Wastewater District when initially establishing Service.

**48-307.007 NUMBER RETIRED**

**48-307.008 MONTHLY CUSTOMER FEES**

- (1) **Base Facility Charge** – Single Family Residential Service (not billed to qualified Senior Citizens/100% Disabled American Veterans): \$ 39.96
- (2) **Base Facility Charge** – All other classes of Service

| <u>Meter Size</u> | <u>Monthly Charge</u> |
|-------------------|-----------------------|
| 5/8" x 3/4"       | \$ 39.96              |
| 1"                | \$ 149.87             |
| 1 1/2"            | \$ 299.75             |
| 2"                | \$ 479.62             |
| 3"                | \$ 899.25             |
| 4"                | \$ 1,498.76           |
| 6"                | \$ 2,998.96           |
| 8"                | \$ 4,109.39           |

- (3) **Wastewater Flow Charge**
  - 1. The Wastewater Flow Charge is the monthly per thousand-gallon charge for wastewater flow, based on metered water consumption, billed in 100-gallon increments:
    - Single Family Residential: \$15.13 ptg billed up to a maximum 10,000 gallons of metered water consumption per month
    - All other classes of service: \$15.13 ptg for all metered water consumption

2. All metered water use shall be billed the Wastewater Flow Charge except as provided below:

- a. For Residential Service, no Wastewater Flow Charge will be applied to water use from a separately metered irrigation account.
- b. For all other classes of Service, no Wastewater Flow Charge will be applied to (a) water use from a separately metered irrigation or any water-only account whose metered use is not returned to the Wastewater system, or (b) water use that is not separately metered that is not returned to the Wastewater system, which shall be determined as follows:

The applicant shall provide an executed worksheet prepared by a Florida registered professional engineer detailing the amount of metered water use which is for irrigation or water-only use that is not returned to the Wastewater system and sign an affidavit documenting the accuracy thereof. The FKAA will have the opportunity to field audit the property and access to such property will not be unreasonably denied by the applicant. Any field audit will be conducted by the FKAA during normal business hours and with not less than three (3) days notice to such applicant. The Authority will review these documents and will make the ultimate determination of the amount of reduction, if any, to water use to which the Wastewater Flow Charge is applied. This affidavit must be updated annually by the Customer. The affidavit automatically terminates if not renewed or if the Premises undergoes a change of use. No water-only use credit will be applied to any account with an average monthly water use of 12,000 gallons or less.

**(4) Monthly Charge for Customers with Alternative Water Supply**

Customers with Wastewater Service whose source of potable water is an Alternative Water Supply (other than FKAA Water Service) will be charged a fixed Monthly Charge for wastewater service in the amount of: **\$ 120.15**

**48-307.009 PRETREATMENT FEES**

**(1) Annual Industrial Wastewater Discharge Permit (IWWDP) Review Fee:**

- (a) The IWWDP Fee is an annual permitting fee to be assessed against Industrial Users of the Wastewater System.
- (b) Such permit fee is for the recovery of estimated direct and allocated costs incurred by the Authority in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.
- (c) The amounts of the IWWDP Fees are as follows:  
Industrial Users (IUs) will be billed \$74.00 on an annual basis for an Industrial Wastewater Discharge Permit Fee.

**(2) Number Retired**

**(3) Industrial Waste Surcharge (IWS):**

- (a) The IWS is an additional Service Charge assessed against Industrial Users of the Wastewater System whose Wastewater characteristics exceed established discharge Limits. The surcharge will be calculated based on the actual costs incurred by the Authority to treat the industrial wastewater that exceeds the permit limits. These costs include, but are not limited to,

administration, inspection, compliance, sampling, laboratory testing, and regulatory monitoring activities.

- (b) **Retired**
- (c) **Retired**
- (d) **Retired**

#### **48-307.010 MISCELLANEOUS FEES AND CHARGES**

(1) **Relocation of Vacuum Valve Chamber or Accessories.** Relocation or change in elevation of the Vacuum Valve Chamber or accessories when requested by the Customer or when required by the actions of the Customer shall be “At Cost.”

(2) **Returned Check/Bank Draft/Dishonored Credit Card Charge**

Returned Check, Bank Draft or dishonored credit card charges will be assessed in accordance with fees and procedures set forth in Chapter 832, Florida Statutes.

- (a) Refer to Chapter 48-208.005(1)
- (b) Number Retired
- (c) The Returned Check/Bank Draft/Dishonored Credit Card Charge will be assessed only once per occurrence for Customers having both Water and Wastewater Service.

(5) **Tampering**

(a) Upon receipt of notification by either an individual or employee of the Authority that there is reasonable cause to suspect that Tampering with Authority’s property or facilities has occurred at any premises served by the Authority, the Authority shall cause an investigation to be made of those premises.

(b) If an on-site inspection verifies that Tampering has occurred, the Authority shall charge a Tampering investigation charge to cover its expenses in conducting said investigation and take measures to deter further Tampering. Any Tampering that results in a substantial reduction in the cost of services received by a person, the Authority shall charge a Tampering Charge. Any repeat occurrence(s) of Tampering with Authority facilities will result in the application of a repeat Tampering Charge and the termination at the main of all service(s) to the Premises, for which restoration of service would include the payment of Tapping Fees.

(c) If it is reasonably established that the person who has tampered with Authority facilities is the same person who occupied or resided at the site at the time of the Tampering, then that person will be responsible for the Tampering Charge and all other appropriate charges. However, if that Person can demonstrate convincingly that another party is responsible for the Tampering, the Authority shall use such demonstration as its basis to pursue appropriate and adequate restitution for said Tampering from the other party demonstrated to have been the one doing the Tampering.

- (d) The charges for Tampering are as set forth in Chapter 48-208.001(5).
- (e) (Retired)

(f) In the case of unauthorized Industrial Waste Discharge, an Industrial Waste Surcharge shall also apply (see Section 48-307.009(3)).

(g) Any further legal action deemed appropriate will also be pursued, and all costs associated therewith shall be assessable to and charged to the Customer, including attorney fees.

**(6) Damages to Authority Property**

No person shall break, damage, destroy, uncover, or deface any structure, appurtenance or equipment that is part of the Authority's Wastewater Facilities. The cost to repair any damage to the Authority's facilities by any such acts and costs associated with additional treatment or alternative disposal requirements resulting from said action shall be assessed to the Person(s) responsible. Damages shall be subject to an "At Cost" fee.

**(7) Service Charge**

(a) The Authority shall charge a Service Charge for each instance in which Wastewater Service is connected or terminated, except for cases in which the Authority is called to disconnect service as a result of a sudden leak or when an account is final billed at the Customer's request.

(b) A Service Charge shall also be charged for each instance in which the Authority is required to travel to the premises of the Customer to investigate or respond to what is ultimately determined to be a violation of the terms of the Agreement for Service.

(c) Service provided between the hours of 8:00 A.M. and 4:00 P.M. during business days shall be at the regular Service Charge of \$41.00. Service provided at Customer's request between the hours of 4:00 P.M. and 8:00 A.M., or on weekends and holidays, shall be at the After Hours Emergency Service Charge of \$171.00.

(d) Service orders received after 4:00 P.M. on business days shall be deemed received on the following business day and processed at the regular service rate, unless emergency service is specifically requested by the Customer.

(e) Service provided to turn re-establish water service due to delinquent disconnection will be subject to a Non-Payment Turn On fee of \$71.00.

(f) All new and re-established accounts are subject to a Service Charge. The Service Charge will be assessed only once per occurrence for Customers having both water and Wastewater Service.

(g) No Service Charge will be charged to Customers within a newly created Wastewater District when initially establishing service.

**(8) Delinquent Account Charge**

The Authority shall impose a Delinquent Account Charge which will be the greater of \$10.00 or ten percent (10%) of the delinquent amount. The Delinquent Account Charge will be assessed only once per occurrence for Customers having both water and Wastewater Service.

**48-307.011 WASTEWATER PROJECT PLANNING RECOVERY CHARGE**

(1) The Authority shall impose charges for the recovery of all costs and expenditures, including but not limited to, planning, feasibility studies, construction and engineering document preparation, project development costs and easement and land acquisition, or other costs associated with the planning and development of any Wastewater or Reclaimed Water project in the event construction of any such project is not initiated within ninety (90) days after the Authority determines not to proceed with the proposed project.

(2) In the event the Authority determines not to proceed with the construction and implementation of any wastewater or reclaimed water project and reimbursement of all costs and expenditures is not made to the Authority pursuant to the interlocal agreement, grant or otherwise, the Authority shall identify all unrecovered costs and expenditures associated with the planning and development of such project and impose a charge on a potential user basis, per parcel basis or any other basis which reasonably shares and recovers all such un-recovered planning and development costs among the parcel owners or potential users for which the projects were planned or developed.

(3) Charges for planning and development costs shall be imposed by rule and may be collected by any lawful means. Provided, however, the Authority shall whenever practicable seek to include such charges on any affected water user's monthly bill and collect such amount in not more than sixty (60) consecutive monthly payments with interest at a rate 2% above the Authority's cost of funds.

#### **48-307.012 WASTEWATER EDU APPEALS PROCESS**

(1) Statement

(a) Equivalent dwelling units (EDUs) are the basis for calculating the system development charge for existing developed properties located within a wastewater district service area. See Chapter 48-307.004 "System Development Charge" of the FCAA Rules and Regulations for further detail.

(b) A single dwelling unit is considered one (1) EDU. Non-residential EDUs are based on a minimum of one (1) EDU per parcel as defined by the Monroe County Property Appraiser, equivalent to an average day water use of 167 gallons per day. Non-residential EDUs are calculated by taking the average day water use of the three (3) highest consecutive months during a consecutive twenty-four (24) month period. EDUs are rounded to the nearest tenth.

(c) Through an Official Notification letter, all affected property owners are notified of the number of EDUs assigned to the property (no later than April 30). If the property owner is not in agreement with the number of EDUs, the property owner will have the opportunity to appeal according to the Wastewater EDU Appeals Process.

(d) The appeals period begins on the date of the Official Notification letter (no later than April 30) and ends on July 31 of the year of the initial year of the System Development Charge. Once the July 31 deadline has passed, the Wastewater EDU Appeals Process ends and the number of EDUs assigned to the property as of July 31 will not change.

(e) The Wastewater EDU Appeals Process, defined as follows, shall provide a uniform method of determining if an adjustment is to be made to wastewater EDUs and the amount of the adjustment, if applicable:

(2) **Applicability of Appeals Process**

Property owners will be given the opportunity to appeal only if the number of EDUs assigned is at least 1.1 EDUs .

(3) **Resolution of Appeals**

Resolution of all accepted appeals is as follows:

- (a) Excessive Use
1. If the reason for the appeal is based on a period of excessive water use due to a leak or some other unexplained reason and such excessive use is determined to be atypical, consumption for the historical period will be evaluated.
  2. Calculate percentage difference between highest month and second highest month.
  3. Calculate percentage difference between second highest month and third highest month.
  4. Calculate percentage difference between highest month and third highest month.
  5. If the percentage difference for any of the three calculations is 50% or higher, the outlying month(s) greater than 50% will be recalculated based on the average water use for the preceding month and subsequent month for such subject months or period.
- (b) Irrigation
1. If the reason for the appeal is based on irrigation water use, the EDUs will be calculated based on Wastewater Flow Attributes.
  2. If the property has a separate meter used only for irrigation, all water use registered by the irrigation only water meter will not be recognized in the determination of the EDUs to be assigned to the property.
  3. If the meter registers both domestic and irrigation water use, the EDUs will be calculated based on Wastewater Flow Attributes.
  4. The applicant shall provide an executed worksheet detailing the number of Wastewater Flow Attributes located on the property which is served by the water meter and sign an affidavit (copy of worksheet and affidavit attached hereto) documenting the accuracy thereof. The FKAA will have the opportunity to field audit the property and access to such property will not be unreasonably denied by the applicant. Any field audit will be conducted by the FKAA during normal business hours and with not less than three (3) days notice to such applicant.
  5. The EDUs calculated by use of Wastewater Flow Attributes shall be rounded up to the nearest tenth of an EDU.
- (c) Change of Use
1. If the reason for the appeal is based on a change of use, the EDUs will be calculated as follows:
    - a. Commercial use to residential use  
Evidence of a change in property appraiser classification must be provided. If applicable, transient licenses for property must be sold. EDUs will be calculated based on the number of dwelling units (single family=1 EDU, duplex=2 EDUs, etc.).
    - b. Commercial use to commercial use  
If less than twelve (12) months of consumption exist, EDUs will be calculated using Wastewater Flow Attributes. Otherwise, the method for calculating EDUs as stated in the FKAA Rules and Regulations apply.
    - c. Residential use to residential use  
Evidence of parcel consolidation or parcel split must be provided for a change from multifamily to single family or vice versa. EDUs will be calculated based on the number of dwelling units (single family=1 EDU, duplex=2 EDUs, etc.).

- (d) Other  
If the appeal falls outside the scope of this appeal process as defined, then the appeal may be handled on a case-by-case basis.

**48-307.013 ANNUAL WASTEWATER RATE INDEX**

The Annual Wastewater Rate Index is a factor by which the Authority annually adjusts the Base Facility Charge, Consumption Charge, and all other fees and charges to reflect inflationary increases in the cost of providing service. The Wastewater Rate Index is based on the Consumer Price Index for All Urban Customers (CPI-U) for Miami-Fort Lauderdale, Florida as established for the month of June each year by the Bureau of Labor Statistics. The indexed rates will go into effect on October 1 of each year. Miscellaneous fees and charges (all charges excluding base facility and consumption charges) may be rounded to whole dollars.

- 48-307.014 RESERVED FOR FUTURE NUMBERING**  
**48-307.015 RESERVED FOR FUTURE NUMBERING**  
**48-307.016 RESERVED FOR FUTURE NUMBERING**  
**48-307.017 RESERVED FOR FUTURE NUMBERING**  
**48-307.018 RESERVED FOR FUTURE NUMBERING**  
**48-307.019 RESERVED FOR FUTURE NUMBERING**

**48-307.020 NUMBER RETIRED**

**48-307.021 NUMBER RETIRED**

**48-307.022 FCAA WASTEWATER DISTRICTS NON-AD VALOREM ASSESSMENT**

- (1) Pursuant to Chapter 48-103, the Authority shall initiate and impose an Assessment for Conch Key/Duck Key, Bay Point, Big Coppitt, Layton, Cudjoe Regional, and Cross Key Wastewater Districts in the amount of \$7,888.00 per calculated EDU.

Any additional capital costs in excess of \$7,888.00 necessary to provide wastewater facilities within FCAA Wastewater service districts shall be determined by subsequent rule.

**48-307.023 NUMBER RETIRED**

**48-307.024 NUMBER RETIRED**

**48-307.025 NUMBER RETIRED**

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**CHAPTER 48-401**  
**PROVISION OF RECLAIMED WATER SERVICE**

- 48-401.001 NUMBER RETIRED
- 48-401.002 NUMBER RETIRED
- 48-401.003 NUMBER RETIRED
- 48-401.004 NUMBER RETIRED
- 48-401.005 INTENT
- 48-401.006 ADOPTION OF CHAPTER 62-610, FLORIDA ADMINISTRATIVE CODE
- 48-401.007 RESIDENTIAL SERVICE AND RECLAIMED WATER FEE
- 48-401.008 NON-RESIDENTIAL AND BULK USER/LARGE VOLUME SERVICE
- 48-401.009 AVAILABILITY OF SERVICE
- 48-401.010 PUBLIC EASEMENT REQUIREMENTS
- 48-401.011 OWNERSHIP
- 48-401.012 IDENTIFICATION
- 48-401.013 MINIMUM SIZED RECLAIMED WATER MAINS AND SERVICE LINES
- 48-401.014 EXTENSION APPROVAL
- 48-401.015 RIGHT TO REFUSE SERVICE
- 48-401.016 HYDRANTS
- 48-401.017 EXTENT OF AUTHORITY'S MAINTENANCE
- 48-401.018 MAINTENANCE BY THE CUSTOMER
- 48-401.019 TAPPING AND CONNECTION
- 48-401.020 DISCONTINUING SERVICE--BY AUTHORITY
- 48-401.021 DISCONTINUING SERVICE--BY CUSTOMER
- 48-401.022 SERVICE INTERRUPTION
- 48-401.023 AUTHORITY RESPONSIBILITY
- 48-401.024 APPLICATIONS FOR RECLAIMED WATER SERVICE
- 48-401.025 LOCATION
- 48-401.026 CUSTOMER RESPONSIBILITY
- 48-401.027 METER REQUIREMENTS
- 48-401.028 CROSS-CONNECTION CONTROL
- 48-401.029 IRRIGATION WELLS
- 48-401.030 SHALLOW POTABLE WELLS
- 48-401.031 CHEMICAL INJECTIONS
- 48-401.032 PROCESS USE
- 48-401.033 RUN-OFF CONTROL
- 48-401.034 RECLAIMED WATER USE RESTRICTIONS
  
- 48-401.001 NUMBER RETIRED**
  
- 48-401.002 NUMBER RETIRED**
  
- 48-401.003 NUMBER RETIRED**
  
- 48-401.004 NUMBER RETIRED**

#### **48-401.005 INTENT**

It is the intent of this section to establish the use of reclaimed water within the Authority's water service area in accordance with all environmental regulations. It is the intent of the Authority to minimize the use of potable water supplies for nonpotable uses. Reclaimed water can be safely used for nonpotable (non-drinking) uses such as irrigation, boat washing, car washing and ornamental fountains. It is the intent of the Authority to establish a reclaimed water system for the Authority's service area in a manner which benefits the community.

#### **48-401.006 ADOPTION OF CHAPTER 62-610, FLORIDA ADMINISTRATIVE CODE (FAC)**

The rules and regulations appearing in Chapter 62-610, FAC, as may be amended from time to time, are hereby adopted by reference as though fully set forth within this chapter and shall apply within the FKAA service area as a rule. In the event of any variation between the provisions of Chapter 62-610, FAC, and the provisions of this chapter, the more strict provision shall prevail. The violation of a provision of Chapter 62-610, FAC, shall be deemed a violation of this section.

#### **48-401.007 RESIDENTIAL SERVICE AND RECLAIMED WATER FEE**

Reclaimed water shall be available to properties within the FKAA's service area as the distribution system is extended and reclaimed water becomes available. The Reclaimed Water fee shall be 50% of each potable water rate block.

#### **48-401.008 NON-RESIDENTIAL AND BULK USER/LARGE VOLUME SERVICE**

Reclaimed water may be provided to non-residential, bulk rate user/large volume customers through a connection, which is charged either the metered rate or a negotiated bulk rate/large volume fee. The customer is responsible to make the connection to the valve provided by the Authority. The valve location will be mutually agreed upon between the customer and the Authority. All connections will require a meter. The customer is to pay for the meter and installation by the Authority. The customer is responsible for coordinating with the Authority to obtain the appropriate backflow prevention on the potable water system serving the property. The Authority may interrupt or terminate service as deemed appropriate for the safety and welfare of the public and/or to meet operational and seasonal demands.

#### **48-401.009 AVAILABILITY OF SERVICE**

The existence of a reclaimed water main adjacent to or near the premises of an applicant for the service does not necessarily mean that service is available to that location. No taps will be made to reclaimed water transmission mains unless approved by the FKAA Engineering Department. Service in areas where only transmission mains exist will normally require the installation of a distribution main for service.

#### **48-401.010 PUBLIC EASEMENT REQUIREMENTS**

No reclaimed water main shall be constructed, installed, or accepted by the Authority for maintenance unless they are located in public rights-of-way or public easements suitable for such purpose. Any new easement shall be adequately sized to accommodate the construction, installation, and maintenance of any reclaimed water system component. No obstruction of whatever kind shall be planted, built, or otherwise created within the limits of the easement or right-of-way without written permission of the FKAA.

#### **48-401.011 OWNERSHIP**

All reclaimed water facilities and appurtenances, when constructed, installed, or accepted by the Authority, shall become and remain the property of the Authority. By constructing or installing facilities or appurtenances accepted by the Authority, no person shall acquire any interest or right therein other than the privilege of connecting to the reclaimed water system utility and receiving services there from.

#### **48-401.012 IDENTIFICATION**

All reclaimed water pipes and ground level or above appurtenances accepted by the Authority shall be adequately identified by color. The coloration standard for reclaimed water systems is Pantone Purple 522C.

#### **48-401.013 MINIMUM SIZED RECLAIMED WATER MAINS AND SERVICE LINES**

The minimum size of reclaimed water system mains shall be four inches in diameter unless approved by the Authority's Engineering Department. Service lines shall be at least 1" inch in diameter.

#### **48-401.014 EXTENSION APPROVAL**

Reclaimed water system extensions shall be accepted by the Authority upon the appropriate approval of the Authority's Engineering Department. Applications to install reclaimed water extensions shall be submitted to the Authority's Engineering Department for approval prior to construction. All costs associated with the extension will be the responsibility of the applicant; Refer to Water Main Extensions Chapter 48-204.

#### **48-401.015 RIGHT TO REFUSE SERVICE**

No payment of costs, submittal of an application, or other act to receive reclaimed water service shall guarantee such service. The Authority shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgment of the Authority's Engineering Department, applying sound engineering principles, will cause the extension not to be of benefit to the Authority.

#### **48-401.016 HYDRANTS**

Hydrants may be installed on reclaimed water mains constructed within the Authority's service area at such locations as deemed appropriate by the Authority's Engineering Department. (Note: Fire flow cannot be provided in most parts of the geographic area served by the Authority).

#### **48-401.017 EXTENT OF AUTHORITY'S MAINTENANCE**

(1) All facilities and appurtenances that have been accepted by the Authority shall become the property of the Authority and will be operated and maintained by the Authority. No person shall perform any work on, nor be reimbursed for any work on, the system without written authorization of the Director prior to commencement of the work.

(2) The Authority shall make a reasonable effort to inspect and keep the facilities and appurtenances in good repair but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not reported to or known by the Authority in sufficient time to cause repairs including, but not limited to, damage due to breaking of pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, and faulty operation of fire protection facilities.

#### **48-401.018 MAINTENANCE BY THE CUSTOMER**

The property owner and the customer shall be responsible for the proper connection to and maintenance of all private reclaimed water systems or appurtenances downstream of the Authority's point of delivery on property served by the Authority. The Authority reserves the right to disconnect service to any property on which an irrigation system or other user system of reclaimed water is not properly maintained. In addition, should the customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the Authority, the customer shall be responsible for the necessary devices to make these adjustments; provided, however, that such devices shall require the prior approval of the Director.

#### **48-401.019 TAPPING AND CONNECTION**

(1) *Authority to perform; title to property.* Tapping of all existing reclaimed water mains and installation of service lines from the mains to the meter assembly shall be done by the Authority. Title to all service lines from the main to the meter assembly is vested in the Authority, and the same shall at all times be the sole property of the Authority, and shall not be trespassed upon or interfered with in any respect. Such property shall be maintained by the Authority and may be removed or changed by it at any time.

(2) *Liability for Leaks.* The Authority shall not be responsible for maintenance of or for damage caused by water escaping from the service pipe or any other pipe or fixture on the outlet side of the meter assembly.

(3) *Liability for service.* The liability of the customer shall begin on the day the customer's line is connected to the Authority's meter assembly and shall continue thereafter unless disconnected for non-payment or other cause or until notice is given the Authority by the customer to terminate the service.

#### **48-401.020 DISCONTINUING SERVICE--BY AUTHORITY**

(1) The Authority may discontinue reclaimed water service to any customer due to an infraction of these procedures and regulations, nonpayment of bills, for tampering with any service, for plumbing cross-connections with another water source, or for any reason that may be detrimental to the system. The Authority has the right to cease service until the condition is corrected and all costs due the Authority are paid. These costs may include delinquent billings, connection charges, and payment for any damage caused to the system. Should discontinued service be turned on without authorization, the Authority shall remove the service and make an additional charge as provided by Section 48-203.011(2). The provisions of Section 48-203.011 relating to notices, appeals, fees, and penalties shall apply to the discontinuation of reclaimed water service by the Authority.

#### **48-401.021 DISCONTINUING SERVICE--BY CUSTOMER**

There shall be no fee for discontinuing reclaimed water service. Service may be terminated by notifying the FKAA Customer Service Department.

#### **48-401.022 SERVICE INTERRUPTION**

- (1) The Authority reserves the right to discontinue service to any portion of, or the entire, reclaimed water system as deemed necessary by the Director.
- (2) The Authority has the right to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reclaimed water availability.

#### **48-401.023 AUTHORITY RESPONSIBILITY**

The Authority will reasonably attempt to deliver an adequate supply of reclaimed water of good quality at all times. However, no assurances or guarantees shall be provided to customers or to others regarding the quantity or quality of the water due to circumstances beyond the Authority's control.

#### **48-401.024 APPLICATIONS FOR RECLAIMED WATER SERVICE**

Applications for reclaimed water service shall be filed in the utility customer service office or completed and submitted on the FKAA website, [www.fkaa.com](http://www.fkaa.com).

#### **48-401.025 LOCATION**

The location of reclaimed water service lines and points of service to private property shall be determined by the Authority, but in no instance shall be closer than three (3) feet from the potable water service line. The normal location of the reclaimed water point of delivery (including meter, when required) is within the right-of-way.

For meter relocation refer to Section 48-208.001(9)

#### **48-401.026 CUSTOMER RESPONSIBILITY**

(1) All new private reclaimed [water] systems constructed in areas where the Authority has determined to make reclaimed water available shall be constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications –Reclaimed Water. The owner shall provide the Authority with a schematic drawing of the system, when required. All applicable permits shall be required prior to installation or modification.

(2) Reclaimed water service lines to single family customers may include a special hose bibb connection downstream of the master valve and below ground in a lockable meter box. The aboveground hose bib must be locked and labeled as required by FDEP requirement and FAC Chapter 62-610. The customer shall assure that any consumption from the hose bibb is used for non-potable purposes. Any customers proposing to use reclaimed water in industrial applications for any reason not listed in FAC 62-610, must provide certification by the Florida Department of Environmental Protection that this usage is in compliance with Florida Department of Environmental Protection Rules, Chapter 62-610, Reuse of Reclaimed Water and Land Application.

#### **48-401.027 METER REQUIREMENTS**

(1) The Authority will require reclaimed water meters for all customers using reclaimed water.

(2) Appropriately sized meters shall be required for all commercial, industrial, bulk and multi-family dwelling unit uses as determined by the Authority's Engineering Department.

#### **48-401.028 CROSS-CONNECTION CONTROL**

(1) In all premises where reclaimed water service is provided, the public potable water supply shall be protected from actual or potential cross connections by a backflow prevention device. All such devices shall be installed, tested, and maintained in accordance with section 48-201.014. Where any cross-connection is found, it shall be disconnected.

(2) To determine the presence of any potential hazards to the public potable water system, the Authority shall have the right to enter upon the premises of any customer receiving reclaimed water. Each customer of reclaimed water service shall, by application or by use of service, be deemed to have given implied consent to such entry upon the premises.

#### **48-401.029 IRRIGATION WELLS**

No person shall install a new irrigation well to serve property where reclaimed water distribution facilities are available.

#### **48-401.030 SHALLOW POTABLE WELLS**

(1) The Authority shall not provide reclaimed water service where shallow wells, the existence of which is known by the Authority, are a source of potable water and where buffer zone requirements of the Florida Department of Environmental Protection cannot be maintained.

(2) No person shall install a shallow well intended for use as a source of potable water for property

where reclaimed water and potable water connections are available.

**48-401.031 CHEMICAL INJECTIONS**

No person shall inject any chemical into a reclaimed water system serving residential property. Other users wishing to use chemical injection into the reclaimed water system shall be required to pay the costs to install and test an approved cross-connection control assembly on the reclaimed and potable water meter assemblies.

**48-401.032 PROCESS USE**

Reclaimed water service may be provided as a source of water for cooling and miscellaneous process applications. However, reclaimed water shall not be piped into any building used for residential purposes. All applicants for service shall be reviewed by the Authority's Engineering Department who shall approve such service. Any effluent reclaimed water from cooling and/or process use must be discharged to the sanitary sewer and must meet all Authority, state and federal discharge regulations. A sewer charge for processing of said discharge will be applied in addition to the cost of the reclaimed water. Any discharge to the Authority's sanitary system must meet the Authority's minimum pre-treatment standards.

**48-401.033 RUN-OFF CONTROL**

Customers shall be responsible for the operation of their private reclaimed water systems in a prudent manner to ensure that neither ponding nor run-off from the system occurs.

**48-401.034 RECLAIMED WATER USE RESTRICTIONS**

To conserve the resource, no irrigation other than low-volume hand watering, low volume irrigation and micro irrigation will be permitted between the hours of 10:00 a.m. and 4:00 p.m. Car washing, boat washing and ornamental fountains will be permitted during those hours. When applied, reclaimed water should be used only to the extent necessary for irrigation needs of lawns, gardens and individual plants.

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**CHAPTER 48-405  
RECLAIMED WATER FEES AND CHARGES**

|            |   |
|------------|---|
| 48-405.001 | GENERAL   |
| 48-405.002 | PLAN REVIEW FEE                                       |
| 48-405.003 | CONSTRUCTION INSPECTION FEE                           |
| 48-405.004 | SYSTEM DEVELOPMENT CHARGE                             |
| 48-405.005 | TAPPING FEES  |
| 48-405.006 | SERVICE INSTALLATION FEE                              |
| 48-405.007 | GUARANTEED PAYMENT DEPOSIT                            |
| 48-405.008 | MONTHLY CUSTOMER FEES                                 |
| 48-405.009 | MISCELLANEOUS FEES                                    |
| 48-405.010 | RECLAIMED WATER PROJECT PLANNING AND RECOVERY CHARGES |
| 48-405.011 | RESERVED FOR FUTURE NUMBERING                         |
| 48-405.012 | RESERVED FOR FUTURE NUMBERING                         |
| 48-405.013 | RESERVED FOR FUTURE NUMBERING                         |
| 48-405.014 | RESERVED FOR FUTURE NUMBERING                         |
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| 48-405.018 | RESERVED FOR FUTURE NUMBERING                         |
| 48-405.019 | RESERVED FOR FUTURE NUMBERING                         |
| 48-405.020 | NUMBER RETIRED  |
| 48-405.021 | NUMBER RETIRED  |

**48-405.001    GENERAL**

Rates, fees and charges for Reclaimed Water Services provided by the Authority shall be established by rule. Rates, fees and charges delineated in these rules may be modified from time to time by subsequent rule.

**48-405.002    PLAN REVIEW FEE**

(1) The Authority shall charge a Plan Review Fee of \$645.00 and \$6.45 per foot after the first 100 feet, for recovery of direct and allocated costs incurred by the Authority in connection with the review of plans and specifications to verify compliance with the minimum design standards for Reclaimed Water Facilities proposed to be installed by the Owner/Developer.

(2) The Plan Review Fee is payable at the time of plan submission for Reclaimed Water projects.

**48-405.003 CONSTRUCTION INSPECTION FEE**

- (1) The Authority shall charge a Construction Inspection Fee for recovery of direct and allocated costs incurred by the Authority in connection with inspection of the Reclaimed Water Facilities construction performed by the Owner's/Developer's contractor to confirm compliance with the minimum construction standards.
- (2) The Construction Inspection Fee will vary based on the total estimated construction cost of the Reclaimed Water Facilities as provided by the Owner/Developer and approved by the Authority.
- (3) The Construction Inspection Fee is two percent (2%) of the total estimated construction costs of the Reclaimed Water Facilities construction cost as provided by the Owner/Developer and approved by the Authority, with a \$300.00 minimum for residential and non-residential projects. This fee is due prior to the pre-construction conference.

**48-405.004 SYSTEM DEVELOPMENT CHARGE**

- (1) The System Development Charge (SDC) is charged to new Customers and existing Customers who modify, add or construct facilities that impose a potential increase in Reclaimed Water Treatment or Distribution Facilities. This fee is charged to equitably offset the direct and indirect costs of capital improvements made necessary by actual and expected utilization of the capacity of the Reclaimed Water Facilities.
- (2) In adopting this rule the Authority has ascertained, determined and declared that:
  - (a) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities such as Water and Sewer systems.
  - (b) The Authority has the authority to plan for and provide Water and Sewer systems within the Florida Keys.
  - (c) Future demand represented by Sewer System Impact Development should contribute its fair share to the cost of improvements and additions to the Authority's Reclaimed Water Facilities which are required to accommodate the use of the Authority's Reclaimed Water Facilities by such demand.
  - (d) Implementation of a System Development Charge to require Reclaimed Water System Impact Development to contribute its fair share of the cost of improvements and additions to the Authority's Reclaimed Water Facilities is an integral and vital element of the regulatory plan of growth management incorporated into the comprehensive plan of the underlying local governments.
  - (e) Capital planning is an evolving process and the level of service identified in each applicable comprehensive plan for the Authority's Reclaimed Water Facilities constitutes a projection of anticipated need for Reclaimed Water Treatment and Transmission Facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, and the dynamic nature of population growth, it is the intent of the Authority that the level of service for the Authority's Reclaimed Water Facilities and System Development Charge imposed be reviewed and adjusted periodically, to insure that the System Development Charges are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their

imposition. The terms “growth,” “growth necessitated improvements,” “future growth” and the like shall refer, and be construed as referring to Sewer System Impact Development either occurring or connecting, either directly or indirectly, to the Authority’s Reclaimed Water Facilities.

(f) The imposition of a System Development Charge is to provide a source of revenue to fund the construction and improvement of the Authority’s Reclaimed Water Facilities either necessitated by the growth or as delineated in the capital improvement element of the applicable Comprehensive Plan.

(g) The presence of the Authority’s Reclaimed Water Facilities enhances and benefits the health, safety and general welfare of all properties within the Authority’s Service Area. The Authority specifically finds that the development of Authority Reclaimed Water Facilities enhances and benefits the health, safety and general welfare of the residents and landowners within the Florida Keys.

(3) All Sewer System Impact Development occurring within the Florida Keys and required to connect to the Authority’s Reclaimed Water Facilities shall pay a SDC. The SDC shall be based on the total number of EDU’s to be served at a property.

(4) The SDC is in addition to any amounts expended by the Customer for the installation of Reclaimed Water Facilities improvements and for other fees or charges required by the Authority.

(5) Prior to the issuance of a Building Permit, all Customers or Owners, as the case may be, shall pay the applicable SDC.

(6) The Authority will enter into agreements to extend payment of System Development Charges over a period not to exceed twenty (20) years with Owners of existing buildings, structures or applicable improvements which are required to connect to the Authority’s Reclaimed Water Facilities provided that funds are available to the Authority for the construction of the improvements to be funded from the System Development Charges without the necessity of borrowing and without impairing or delaying other Authority projects. Prior to the Authority entering into any agreements to extend payment and from time to time thereafter the Board shall identify a specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses or costs incidental to obtaining or providing same and, the interest rate that the Authority would forego or otherwise be subject to.

(a) The amount of payment, including any title verification expenses, recording fees, and reasonable estimation of the cost and expense associated with providing an extended payment alternative, shall be paid in equal monthly payments with an annual interest rate two percent (2%) above the Authority’s Cost of Funds. The interest rate charged is representative of the Authority’s Cost of Funds, adjusted to defray overhead, administration costs and estimated expenses or costs incidental to obtaining or providing financing.

(b) For an agreement, or an aggregation of related agreements, to extend payment of System Development Charges with a face amount in excess of \$15,000 the Authority shall require the procedure and documentation for extending payments to substantially and reasonably conform to generally accepted and reasonably applicable commercial lending practices, including but not limited to the requirement for acceptable personal guarantees from one or all of the Owners or

individuals owning a beneficial interest in an entity Owner. At its sole option the Authority may contract with an outside counsel or a servicing agent to prepare such documentation and to advise the Authority relative to conformance with generally accepted commercial lending practices and the cost of same shall be borne by the Owner.

(7) In recognition that the payment of the System Development Charge for existing mobile home parks or rental housing will in some manner be passed through to the occupants by the Owner, and in recognition that if such pro-rata SDC pass-through is collected as one single payment by the Owner that such a pass-through may cause financial hardship on these occupants, the Board, shall require the Owner to covenant and agree, for the benefit of all affected occupants, to pass through entirely and on the same terms all the benefits of any extended payment of the SDC to the affected occupants.

(8) The obligation for payment of the System Development Charge and the benefits derived therefrom shall run with the land.

(9) The SDC is not refundable except:

(a) In the event that a valid Building Permit for which a System Development Charge has been paid, expires prior to the initiation of the construction for which it was issued, the applicant may within ninety (90) days of the expiration of the Building Permit apply for a refund of the System Development Charge.

(b) The application for a refund of the System Development Charges shall be filed with the Authority and contain the following:

1. A sworn statement representing that the information contained on the application for refund is true and correct.

2. The name and address of the applicant.

3. The location of the property which was the subject of the Building Permit.

4. The date the System Development Charge was paid.

5. A copy of the receipt of payment for the System Development Charge or such other record as would indicate payment of such fee.

6. The date the Building Permit was issued and the date of expiration.

(c) After verifying that the Building Permit has expired and that the construction has not commenced under the subject Building Permit, the Authority shall cause a refund of the System Development Charge.

(d) The System Development Charges collected shall be returned to the current Owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the Fiscal Year immediately following the seventh anniversary of the date upon which such fees were paid and a timely petition for the refund is made. Such refunds shall be made only in accordance with the following procedure:

1. The then current Owner shall petition the Board for the refund prior to the end of the Fiscal Year immediately following the end of the Fiscal Year in which the date of the seventh anniversary of the date of the payment of the System Development Charge occurs.

2. The application for a refund of the System Development Charge shall be submitted to the Authority and shall contain:

a. A sworn statement that the petitioner is the then current legal Owner of the property on behalf of which the SDC was paid;

- b. A copy of the dated receipt issued for payment of such fee, or such other record as would indicate payment of such fee;
  - c. A certified copy of the latest recorded deed or other instruments evidencing title; a representation that the most recent recorded deed or other instruments evidencing title reflect the exact names of all current legal Owners; a representation that the petitioner will notify the Authority of any changes and the status of legal ownership which occurs prior to any refund from the Authority;
  - d. A copy of the most recent ad valorem tax bill.
3. Within ninety (90) days from the date of receipt of a petition for refund, the Director will advise the petitioner and the Board of the status of the SDC requested for refund, and if such System Development Charges have not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this refund provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the charge out.
- (e) The fact that an Owner receives a refund does not excuse the property from later being subjected to payment of System Development Charges upon otherwise being characterized as Sewer System Impact Development.
  - (f) Any Owner entitled to a refund who fails to timely petition for a refund upon becoming eligible to do so shall be deemed to have waived any claim for a refund, and the Authority shall be entitled to retain and apply the System Development Charges for growth necessitated capital improvements and additions to the Authority's Reclaimed Water Facilities.
- (10) At the time of Application for Service and establishment of an Agreement for Service, the number of EDU's to be served at a property shall be determined from an EDU data determination sheet provided by the Owner. This information will be verified from review of approved plans and specifications presented by the applicant to the Authority or in the case of existing developed property from an on-site inspection by the Authority and shall be noted on the Agreement for Service.
- (11) The Authority reserves the right through an Agency Decision to refuse to establish Service or to Discontinue Service to a property for non-payment of applicable SDC.
- (12) The right to Reclaimed Water Service, as applicable to the SDC, is assigned to the property served and is not transferable except as provided herein:
- (a) Where the premises served have been demolished, the Owner shall be entitled to transfer the SDC credits to new premises that replace the demolished premises on the same property or on a contiguous property under the same ownership.
  - (b) Federal, state and local governmental entities exempt by statute from System Development Charges shall be exempt from the SDC that would be applicable but for such exemption. However, if such premises shall be occupied by any person, organization or entity other than the one to which the exemption applies, or if the premises shall be used for purposes unrelated to the principal uses and purposes of the exempt entity, such person, organization, or entity shall be required to pay any applicable SDC. If such occupant other than the Owner or entity does not pay said fees then the Owner to whom the exemption was granted may be required to pay the fees.

(13) An EDU data determination worksheet approved by the Director shall be available for calculation of the SDC applicable to a property.

(14) In the event an applicant or Owner believes that the impact to the Authority's Reclaimed Water Facilities necessitated by their Sewer System Impact Development is less than the System Development Charge established for and applicable to their property, such applicant or Owner may submit a calculation of an alternative system development charge to the Director pursuant to the following provisions:

(a) In the case of new construction, any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if not properly and timely made prior to the issuance of a Building Permit.

(b) In the case of existing buildings, structures or applicable improvements which are required to connect to the Authority's Reclaimed Water Facilities, any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if within thirty (30) calendar days from the effective date of service of a written notice that System Development Charges are due and payable, the Owner does not notify the Director in writing of his intention to submit an Alternative System Development Charge calculation. Any Owner who, under such circumstances, properly notifies the Director of his intention to submit an Alternative System Development Charge calculation shall submit the Alternative System Development Charge calculation and Alternative System Development Charge within one hundred twenty (120) days of service of the foregoing written notice that System Development Charges are due and payable, or any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired and such calculation shall not be considered by the Authority.

(c) Upon timely submission of an Alternative System Development Charge calculation, the basis therefore and receipt of the Alternative System Development Charge, the Director shall schedule a hearing before the Board at a regularly scheduled meeting or a special meeting called for the purpose of reviewing the Alternative System Development Charge and shall provide the petitioner written notice of Agency Decision. Such hearing shall be held within thirty (30) days of the date the Alternative System Development Charge was submitted. The Board shall render an Agency Decision based upon the hearing.

(d) The Alternative System Development Charge calculation shall be based on data, information or assumptions contained in current studies and the master plans adopted by the Authority, as amended from time to time, or an Alternative System Development Charge study based upon an independent source, provided that the independent source is a local study supported by a data base adequate for the conclusions contained in such study, performed according to a generally accepted methodology and based upon generally accepted standard sources of information relating to facilities planning, cost analysis and demographics. The independent source must provide competent substantial evidence that the Alternative System Development Charge represents an equitable pro rata share of the cost of capital improvements and additions to the Authority's Reclaimed Water Facilities necessitated by the subject Sewer System Impact Development.

(e) If the Board renders an Agency Decision based upon the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge complies with the requirements provided herein and that the Alternative System

Development charge was calculated by the use of a generally accepted methodology, then the alternative system development charge shall be paid in lieu of the System Development Charge otherwise required by this rule.

(f) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge does not comply with the requirements provided herein or is otherwise not equitable or that the Alternative System Development Charge was not calculated by the use of a generally accepted methodology, then the Director shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative system development charge and the reason therefore.

(g) At the sole discretion of the Board, the Alternative System Development Charge review hearing may be adjourned or continued for up to thirty (30) days to cause further study or scrutiny of any proposed Alternative System Development Charge or Alternative System Development Charge study by either Authority staff or outside consultants. The final decision of the Board shall be in writing and issued within twenty (20) calendar days of the review hearing.

(h) Any applicant or Owner who has submitted a proposed Alternative System Development Charge in conformance with this rule and desires the immediate issuance of a Building Permit shall pay prior to or at the time the proposed Alternative System Development Charge is submitted the applicable System Development Charge otherwise required by this rule. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any right of review. Any difference between the amount paid and the amount due, as determined by the Board in an Agency Decision, shall be refunded to the applicant or Owner.

(15) The following shall be exempted from payment of System Development Charges:

(a) Alterations or expansion of an existing Building, structure or improvement where no additional demand on either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities are or will be created.

(b) The construction of accessory buildings, structures or improvements which will not create an additional demand on either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities.

(c) The replacement of an existing building, structure or improvement which has previously been subjected to a System Development Charge payable to the Authority where no additional demand is or will be created on either the Authority's Reclaimed Water Facilities or any interim treatment system.

(d) Buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by a utility service provider other than the Authority, provided that at the time the Authority formally resolves to acquire the utility, the Board, in good faith, expressly declares its intention to operate said utility as a component of the Authority's Reclaimed Water Facilities and not immediately dismantle and disconnect from the acquired utility's treatment facilities.

(e) Absent an express written agreement or site specific land development regulation to the contrary, buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by another local governmental Reclaimed Water Provider where the Authority or other governmental provider have reconfigured Service and/or Service Areas.

(16) System Development Charges shall be imposed and calculated for the alteration, expansion or replacement of Sewer System Impact Development which will result in a land use determined to create an additional demand on either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities.

(17) Whenever any person applies for a Building Permit to alter, expand or replace a building, structure or applicable improvement of Sewer System Impact Development land, even though the subject lands may receive Interim Service from a source other than the Authority, the System Development Charge imposed shall be calculated on the entirety of the lands subject to the Building Permit. Where the alteration, expansion or replacement occurs on lands for which a System Development Charge has already been paid, the System Development Charge imposed shall be only upon the additional demand created by the alteration, expansion or replacement.

(18) No refund or credit shall be afforded an Owner or applicant in the event of a diminution of use occurs after the System Development Charge already paid has been expended or encumbered. For the purposes of this provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the first charge out.

(19) Nothing herein shall preclude the Authority from combining or incorporating Reclaimed Water aspects into any fees or charges for Wastewater Related Service.

(20) **Number Retired**

(21) **Number Retired**

(22) **Conch Key/Duck Key Reclaimed Water System Development Charges**

The Conch Key/Duck Key Wastewater Service District is described as the geographic area bounded on the west by Tom's Harbor Channel, on the east by the Long Key Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Markers 61 and 63), Monroe County, Florida.

(23) **Baypoint Reclaimed Water System Development Charges**

The Baypoint Wastewater Service District is described as the geographic area on the south (Ocean) side of U.S. Highway One, generally bounded on the west by Saddlebunch No. 3 Channel and on the east by Lower Sugarloaf Channel (generally between Mile Marker 14 to Mile Marker 16), Monroe County, Florida.

(24) **Big Coppitt Reclaimed Water System Development Charges**

The Big Coppitt Wastewater Service District is described as the geographic area generally bounded on the west by Boca Chica Channel and on the east by Shark Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean, (generally between Mile Marker 6 and Mile Marker 12) Monroe County, Florida.

**(25) Layton Reclaimed Water System Development Charges**

The Layton Wastewater Service District is described as the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71), Monroe County, Florida.

1. Pending completion and connection of all the Layton Wastewater Service District, Layton Wastewater Service District will be divided into Sub-districts based upon construction within defined areas:
  - a. The City of Layton Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of the City of Layton, Monroe County, Florida
  - b. The Long Key State Recreation Area Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of the Long Key State Recreation Area, Monroe County, Florida.
  - c. The Monroe County Sub-district of the Layton Wastewater Service District is described as a part of the geographic area generally bounded on the west by Long Key Channel, on the east by Channel Five, on the north by Florida Bay, and on the south by the Atlantic Ocean (generally between Mile Marker 65 and Mile Marker 71) located within the geographic boundaries of unincorporated Monroe County, less and except the areas known as the City of Layton and Long Key State Recreation Area, Monroe County, Florida.

**(26) Key Haven Reclaimed Water System Development Charges**

The Key Haven Wastewater Service District is described as the geographic area generally known as “Key Haven” and “Enchanted Island” located in Township 67S, Sections 25 and 26, lying Northwesterly of State Road 5 and Southeasterly of Boca Chica Channel; and lying Northwesterly of State Road 5, Northeasterly of Key Haven Road, Southwesterly of Boca Chica Channel of the Southwest extension of Driftwood Drive (generally between Mile Marker 4 and Mile Marker 5), Monroe County, Florida.

**(27) Cudjoe Regional Reclaimed Water System Development Charges**

The Cudjoe Regional Wastewater Service District is described as the geographic area on the north and south side of U.S. Highway One that includes: Lower Sugarloaf Key, Upper Sugarloaf Key, Cudjoe Key, Summerland Key, Ramrod Key, Big Torch Key, Middle Torch Key, Little Torch Key, Big Pine Key and No Name Key. The district is generally bounded on the west by Harris Channel and on the east by Spanish Harbor Channel (generally between Mile Marker 16.5 to Mile Marker 33), Monroe County, Florida.

**(28) Cross Key Reclaimed Water System Development Charges**

The Cross Key Wastewater Service District is described as the geographic area on the east side of U.S. Highway One that includes Cross Key, generally bounded on the south by Manatee Bay and on the north by Manatee Creek (generally between Mile Marker 112.5 to Mile Marker 113), Monroe County, Florida.

**48-405.005 TAPPING FEES**

- (1) The Authority shall charge a Tapping Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Reclaimed Water Facilities.
- (2) The Tapping Fee will vary with the size and type of connection performed.
- (3) The Tapping Fee shall be charged for each size and type of connection on an "At Cost" basis. The Tapping Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

**48-405.006 SERVICE INSTALLATION FEE**

- (1) The Authority shall charge a Service Installation Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Reclaimed Water Facilities.
- (2) The Service Installation Fee will vary with the size and type of connection performed.
- (3) The Service Installation Fee shall be charged for each size and type of gravity connection on an "At Cost" basis. The Service Installation Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

**48-405.007 GUARANTEED PAYMENT DEPOSIT [RESERVED]**

**48-405.008 MONTHLY CUSTOMER FEES [RESERVED – to be determined for each wastewater district service area.]**

**48-405.009 MISCELLANEOUS FEES**

- (1) **Account Reactivation:**  
Refer to Chapter 48-208.001.
- (2) **Account Deactivation (Turn-off):**  
Refer to Chapter 48-208.001.

**(3) Relocation of Reclaimed Water Meter, Meter Box or Accessories**

Refer to Chapter 48-208.001

**(4) Returned Check/Bank Draft/Dishonored Credit Card Payment Charge**

Refer to Chapter 48-208.005

**(5) Delinquent Accounts**

**Refer to Chapter 48-208.001**

**(6) Upsizing of Meter at Customer's Request**

Customer shall pay current System Development Charges and a Guaranteed Payment Deposit for the upsized meter, less a credit for System Development Charges and the Guaranteed Payment Deposit for the original meter size

**(7) Downsizing of Meter at Customer's Request**

Customer must pay "At Cost" for those costs incurred downsizing a Reclaimed Water Meter. The Guaranteed Payment Deposit difference, if any, will be credited to the Customer's account. System Development Charges for the larger meter will not be refunded.

**(8) Reclaimed Water Meter Replacement** at Customer's Request shall be provided "At Cost."

**(9) Unauthorized Connection or Use**

For unauthorized connection or use, including but not limited to cutting or removing an Authority installed lock, Tampering with pumps or other pump station equipment, Tampering with meters or other service equipment, connection to a Reclaimed Water Main or Service Line, the Authority will charge an amount equal to the rates and fees paid by the paying Customer in the normal course of service and the costs associated with remedying the damaged property.

**(10) Damages to Authority Property**

No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the Authority's Reclaimed Water Facilities. The cost to repair any damage to the Authority's facilities by any such acts and costs associated with additional treatment or alternative disposal requirements resulting from said action shall be assessed to the person(s) responsible. Damages shall be subject to an "At Cost" fee.

**48-405.010 RECLAIMED WATER PROJECT PLANNING AND RECOVERY CHARGES**

(1) The Authority shall impose charges for the recovery of all costs and expenditures, including but not limited to, planning, feasibility studies, construction and engineering document preparation, project development costs and easement and land acquisition, or other costs associated with the planning and development of any Wastewater or Reclaimed Water Project in the event construction of any such project is not initiated within ninety (90) days after the Authority determines not to proceed with the proposed project.

(2) In the event the Authority determines not to proceed with the construction and implementation of any Wastewater or Reclaimed Water Project and reimbursement of all costs and expenditures is not made to the Authority pursuant to the interlocal agreement, grant or

otherwise, the Authority shall identify all unrecovered costs and expenditures associated with the planning and development of such project and impose a charge on a potential user basis, per parcel basis or any other basis which reasonably shares and recovers all such un-recovered planning and development costs among the parcel owners or potential users for which the projects were planned or developed.

(3) Charges for planning and development costs shall be imposed by rule and may be collected by any lawful means. Provided, however, the Authority shall, whenever practical, seek to include such charges on any affected water user's monthly bill and collect such amount in not more than sixty (60) consecutive monthly payments with interest at a rate 2% above the Authority's cost of funds.

- 48-405.011      RESERVED FOR FUTURE NUMBERING**
- 48-405.012      RESERVED FOR FUTURE NUMBERING**
- 48-405.013      RESERVED FOR FUTURE NUMBERING**
- 48-405.014      RESERVED FOR FUTURE NUMBERING**
- 48-405.015      RESERVED FOR FUTURE NUMBERING**
- 48-405.016      RESERVED FOR FUTURE NUMBERING**
- 48-405.017      RESERVED FOR FUTURE NUMBERING**
- 48-405.018      RESERVED FOR FUTURE NUMBERING**
- 48-405.019      RESERVED FOR FUTURE NUMBERING**
  
- 48-405.020      NUMBER RETIRED**
  
- 48-405.021      NUMBER RETIRED**



# Florida Keys Aqueduct Authority

## Summary of Water Rates, Fees and Charges

Effective 10/1/2025

### Monthly Fees and Charges

**Base Facility Charge                      48-204.004                      Consumption Tier Rates**

|                   |            |
|-------------------|------------|
| 5/8" x 3/4" Meter | \$24.74    |
| 1" Meter          | \$61.89    |
| 1 1/2" Meter      | \$123.73   |
| 2" Meter          | \$197.99   |
| 3" Meter          | \$371.22   |
| 4" Meter          | \$614.22   |
| 6" Meter          | \$1,239.72 |
| 8" Meter          | \$1,979.74 |

|             |         |
|-------------|---------|
| Tier 1 rate | \$10.39 |
| Tier 2 rate | \$15.19 |
| Tier 3 rate | \$17.03 |
| Tier 4 rate | \$18.99 |
| Tier 5 rate | \$20.84 |

**Consumption Charge 48-204.004**  
Per Thousand Gallons

| Meter Size        | Block | Consumption Block         | Consumption Rate |
|-------------------|-------|---------------------------|------------------|
| 5/8" x 3/4" Meter | 1     | 0 – 6,000 gallons         | Tier 1 rate      |
|                   | 2     | 6,001 – 12,000 gallons    | Tier 2 rate      |
|                   | 3     | 12,001 – 30,000 gallons   | Tier 3 rate      |
|                   | 4     | 30,001 – 50,000 gallons   | Tier 4 rate      |
|                   | 5     | Over 50,000 gallons       | Tier 5 rate      |
| 1" Meter          | 1     | 0 – 15,000 gallons        | Tier 1 rate      |
|                   | 2     | 15,001 – 30,000 gallons   | Tier 2 rate      |
|                   | 3     | 30,001 – 75,000 gallons   | Tier 3 rate      |
|                   | 4     | 75,001 – 125,000 gallons  | Tier 4 rate      |
|                   | 5     | Over 125,000 gallons      | Tier 5 rate      |
| 1 1/2" Meter      | 1     | 0 – 30,000 gallons        | Tier 1 rate      |
|                   | 2     | 30,001 – 60,000 gallons   | Tier 2 rate      |
|                   | 3     | 60,001 – 150,000 gallons  | Tier 3 rate      |
|                   | 4     | 150,001 – 250,000 gallons | Tier 4 rate      |
|                   | 5     | Over 250,000 gallons      | Tier 5 rate      |
| 2" Meter          | 1     | 0 – 48,000 gallons        | Tier 1 rate      |
|                   | 2     | 48,001 – 96,000 gallons   | Tier 2 rate      |
|                   | 3     | 96,001 – 240,000 gallons  | Tier 3 rate      |
|                   | 4     | 240,001 – 400,000 gallons | Tier 4 rate      |
|                   | 5     | Over 400,000 gallons      | Tier 5 rate      |

| Meter Size | Block | Consumption Block             | Consumption Rate |
|------------|-------|-------------------------------|------------------|
| 3" Meter   | 1     | 0 – 90,000 gallons            | Tier 1 rate      |
|            | 2     | 90,001 – 180,000 gallons      | Tier 2 rate      |
|            | 3     | 180,001 – 450,000 gallons     | Tier 3 rate      |
|            | 4     | 450,001 – 750,000 gallons     | Tier 4 rate      |
|            | 5     | Over 750,000 gallons          | Tier 5 rate      |
| 4" Meter   | 1     | 0 – 150,000 gallons           | Tier 1 rate      |
|            | 2     | 150,001 – 300,000 gallons     | Tier 2 rate      |
|            | 3     | 300,001 – 750,000 gallons     | Tier 3 rate      |
|            | 4     | 750,001 – 1,250,000 gallons   | Tier 4 rate      |
|            | 5     | Over 1,250,000 gallons        | Tier 5 rate      |
| 6" Meter   | 1     | 0 – 300,000 gallons           | Tier 1 rate      |
|            | 2     | 300,001 – 600,000 gallons     | Tier 2 rate      |
|            | 3     | 600,001 – 1,500,000 gallons   | Tier 3 rate      |
|            | 4     | 1,500,001 – 2,500,000 gallons | Tier 4 rate      |
|            | 5     | Over 2,500,000 gallons        | Tier 5 rate      |
| 8" Meter   | 1     | 0 – 480,000 gallons           | Tier 1 rate      |
|            | 2     | 480,001 – 960,000 gallons     | Tier 2 rate      |
|            | 3     | 960,001 – 2,400,000 gallons   | Tier 3 rate      |
|            | 4     | 2,400,001 – 4,000,000 gallons | Tier 4 rate      |
|            | 5     | Over 4,000,000 gallons        | Tier 5 rate      |

**Reclaimed Water Consumption Charge 48-204.004**

Per Thousand Gallons

50% of each Potable Consumption Rate Block (see Consumption Chart above)

**Fire Service Monthly Rate 48-204.004**

| Line Size  | Monthly Rate |
|------------|--------------|
| 2" or Less | \$24.74      |
| 3"         | \$34.12      |
| 4"         | \$56.80      |
| 6"         | \$113.74     |
| 8"         | \$181.95     |
| 10"        | \$261.52     |
| 12"        | \$352.50     |

**Miscellaneous Fees and Charges (all services) 48-204**

| Item   | Section/Explanation  | Amount   |
|--|--|--|
| <b>Tapping Fee</b><br>48-208.001(3)  | (Meter Installation Fee)<br>5/8" x 3/4" Meter (T-10)<br>5/8" x 3/4" Meter (T-10 DC)<br>1" Meter<br>1 1/2" Meter<br>2" Meter<br><br>2" Compound Meter and larger meters                                 | <br>\$1,760.00<br>1,877.00<br>2,346.00<br>3,988.00<br>4,692.00<br><br>Actual Cost (2"meter fee or greater)   |
| <b>Service Charge</b><br>48-208.001(6)<br>48-307.010(7)<br>48-405.009(1,2,3) | Business Hours<br>Non-Payment Turn On Charge<br>After Hours, Weekends, Holidays  | <br>\$41.00<br>\$71.00<br>\$171.00   |
| <b>GPD</b><br>Guarantee<br>Payment Deposit<br>48-208.002(1)(2)               | All new and re-established accounts are based on meter size  | <br>5/8".. .....\$150.00<br>1".. .....\$250.00<br>1 1/2".. .....\$500.00<br>2".....\$1,000.00<br>2 1/2" \$1,400.00<br>3" \$1,800.00<br>4" \$5,500.00 |
| <b>Water Main Unit Cost Standard</b><br>48-208.003                           | Water Main Size:<br>2" cost per lineal foot<br>4" cost per lineal foot<br>6" cost per lineal foot<br>8" cost per lineal foot<br>10" cost per lineal foot<br>12" cost per lineal foot<br>Gravity System | <br>\$25.00 plf<br>36.00 plf<br>44.00 plf<br>75.00 plf<br>79.00 plf<br>94.00 plf<br>\$ 9,149.00  |
| <b>Non-Access Charge</b><br>48-208.001(8)                                    | When meters cannot be read because they are covered by debris, vehicles, etc.  | <br>\$188.00   |

|   |   |   |
|---|---|---|
| <b>Tampering Charge</b><br>48-208.001(5)<br>48-307.010(5)                           | 1. Investigation Charge-Unauthorized Turn- on<br><br>2. Tampering Charge<br>3. Tampering Charge - Repeat Occurrence<br><br>Tampered Services obtained | \$411.00<br><br>294.00<br>587.00<br><br>3x Amount of services or \$3,000 whichever is greater           |
| <b>Delinquent Account Charge</b><br>48-208.001(7)<br>48-307.010(8)<br>48-405-009(6) | Charge assessed when the account is not paid by the due date shown on the bill. (Not charged on balances of \$10.00 or less.)                         | Greater of: \$ 10.00 or 10% of outstanding balance  |
| <b>Plan Review Fee</b><br><br>48-208.005(3)<br>48-307.002<br>48-405.002             | All construction requiring water or wastewater main extensions<br><br>(aka: Utility Permit Application Fee)   | \$645.00<br><br>Plus \$6.45 per foot after the 1 <sup>st</sup> 100 feet                                 |
| <b>Leak Detection</b><br>48-208.005(6)  |   | \$294.00 per hour   |
| <b>Meter Lid Keys</b><br>48-208.005(7)  |   | \$12.00 per key   |
| <b>Fire Hydrant Flow Test</b><br>48-208.005(8)                                      |   | \$352.00  |
| <b>Fire Hydrant/Fire Line Application Fee</b><br>48-208.005(9)                      |   | \$ 645.00 per hydrant   |
| <b>Fixture Review Fee</b><br>48-208.005(4)  | Review of Development Plans for large single family and developments  | \$118.00  |
| <b>Lien Processing Fee</b>  | Charge assessed when FKAA records or removes a lien due to unpaid balances  | \$38.00   |
| <b>Hydrant Maintenance Fee</b>  |   | \$81.00   |
| <b>Backflow Testing Fee</b>   | Fee for backflow device testing   | \$200.00 – 5/8” to 2”<br>2” and above – cost determined at time of service (minimum no less than \$300) |

|  |   |   |
|--|---|---|
| <b>Past-due Backflow Testing</b>   | Backflow non-compliance fee   | \$108.00  |
| <b>Return Check/<br/>Bank Draft</b><br><br>48-208.005(1)(b)<br>48-307.010(2) | Fee charged when the bank does not honor a customer's check used to make payment on their account.  | check Up to \$50: \$25<br>check \$50 to \$300: \$30<br>check Over \$300: Greater of \$40 or 5% of check |
| <b>Meter Drop-In</b><br>(New Meter Installation Only)<br>48-208.001(4)       | 5/8" x 3/4" Meter   | \$880.00  |
|  | 5/8" x 3/4" Meter (T-10)  | 880.00  |
|  | 1" Meter  | 998.00  |
|  | 1 1/2" Meter  | 1,115.00  |
|  | 2" Meter  | 1,584.00  |
|  | Greater than 2" meter   | Actual Cost (minimum no less than 2" compound)  |
| (Hydrants are equivalent to 5/8 meter)                                       |   |   |
| <b>Meter Relocation</b><br>48-208.001(9)                                     |   | Actual Cost   |
| <b>Non-Potable Water</b><br><br>48-208.005 (5)                               | Emergency Non-Potable Water Deliver Charge<br>(A service offered to residents on cisterns or wells in which the FKAA will deliver emergency non-potable water during the Dry Season.) | \$998.00  |
| <b>Guaranteed Deposit Increases</b><br>48-105.005 (7)                        | Guaranteed Deposit  | \$150.00  |
|  | Delinquency or NSF - two times  | 250.00  |
|  | Delinquency or NSF - greater than two times   | 350.00  |
|  | Tampering - Residential   | 350.00  |

**Water Restriction Surcharge**

(An automatic Surcharge based on Mandatory Water Restriction Phase as declared by SFWMD or FKAA)

15% Surcharge of the Consumption Charge (excluding consumption within Consumption Block 1)

**Water System Development Charge 48-204**

| Section/Explanation  | Amount  |
|--|---|
| <p><b>RESIDENTIAL</b><br/> <b>(Single Family-Standalone dwelling)</b></p> <p>a) When the premises is served by a single meter the SDC will be charged based on the size of meter to serve the premise</p> <p>b) When the premises is served by a Master Meter with individual units behind the Master Meter, SDC will be charged per unit based on the meter size which would be required to serve each residential unit</p> <p>c) Irrigation-Residential (Single Family). For residential Single Family property, which has not been developed and is not otherwise metered, the SDC for irrigation service will be based on the size of the meter.</p> | <p>(Applicable to A, B &amp; C)</p> <p>5/8" Meter...\$5,279.00</p> <p>1" Meter...\$ 13,196.00</p>   |
| <p><b>Residential (Multiple Unit)</b></p> <p>When the premises is a Residential (Multiple Unit), the SDC will be charged per unit basis:</p> <p>a) Residential - Multiple Unit – 3 units or Less</p> <p>b) Common Area facilities (including Irrigation) for Residential</p> <p>Multi-Unit shall be based on Fixture Values as established for Commercial Accounts.</p>  | <p>(Applicable to A &amp; B)</p> <p>a &amp; b) \$5,279.00 per Unit</p> <p>c) \$106.00 per Fixture Value</p>   |
| <p><b>COMMERCIAL</b></p> <p>a) Fixture Values on the total number of Fixture Values at a Premises or Water Service location (including irrigation), at a charge for each Fixture Value</p> <p>b) Where Fixture Values cannot be determined, the meter-based SDC shall be charged as shown</p>  | <p>\$106.00</p> <p>Per Fixture Value</p> <p>Meter-Based SDC:</p> <p>5/8" \$5,279.00</p> <p>1" \$13,196.00</p> <p>1½" \$26,390.00</p> <p>2" \$42,224.00</p> <p>3" \$79,170.00</p> <p>4" \$131,950.00</p> <p>6" \$263,899.00</p> <p>8" \$422,239.00</p> |



# Florida Keys Aqueduct Authority

## Summary of Wastewater Rates, Fees and Charges

Effective 10/1/2025

### Monthly Fees and Charges

#### **Base Facility Charge**

Single Family Residential: \$39.96

All other Classes Base Facility Charge:

| <b>Meter Size</b> | <b>Monthly Rate</b> |
|-------------------|---------------------|
| 5/8" x 3/4" Meter | \$39.96             |
| 1" Meter          | \$149.87            |
| 1 1/2" Meter      | \$299.75            |
| 2" Meter          | \$479.62            |
| 3" Meter          | \$899.25            |
| 4" Meter          | \$1,498.76          |
| 6" Meter          | \$2,998.96          |
| 8" Meter          | \$4,109.39          |

#### **Wastewater Flow Collection Charge**

The monthly per thousand-gallon charge for wastewater flow, based on metered water consumption.

Single Family Residential: \$15.13 ptg billed up to a maximum of 10,000 gallons of metered water consumption per month

All other classes of service: \$15.13 ptg for all metered water consumption per month

#### **Wastewater Service for User of Alternative Water Supplies**

**Monthly Charge for Customers with Alternative Water Supply: \$120.15**  
(48-107.007 - includes wastewater base charge plus wastewater flow of 5,300 gallons)

**Alternative Water Supply Senior Rate: \$80.19**

**Wastewater Fees and Charges**

|  |   |                             |
|--|---|-----------------------------|
| <b>Wastewater Pretreatment Fees</b><br>48-307.009                        | Annual Industrial W/W Discharge Permit  | \$74.00                     |
| <b>Industrial Wastewater Pretreatment Review Fee</b><br>48-307.002(2)(C) | New facilities connecting to an existing central wastewater system  | \$587.00                    |
| <b>High Strength Sewage Surcharge Fee</b><br>48-304.005                  | IUs with non-compliant discharges shall be charged a High Strength Sewage Surcharge per gallon each month | \$0.16 per gallon per month |
| <b>Wastewater Connection Charges</b>                                     | Low Pressure System   | \$ 7,506.00                 |
|  | Gravity System  | \$ 9,149.00                 |

**Wastewater System Development Charges**

|  |   |
|--|---|
| <p><b>Residential, Multi Unit, and Commercial</b></p> <p>When the premises is a Residential (Multiple Unit), the SDC will be charged per unit basis:</p> <ul style="list-style-type: none"> <li>a) Residential - Multiple Unit – 3 units or Less</li> <li>b) Common Area facilities (including Irrigation) for Residential</li> </ul> <p>Multi-Unit shall be based on Fixture Values as established for Commercial Accounts.</p> | <p>(Applicable to A &amp; B)</p> <p>a &amp; b) \$7,888.00 per Unit</p> <p>c) \$209.00 per Fixture Value</p> |
|--|---|