



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Development and Environmental Services Group

J.2.

11/9/2021

Subject:

Permission to Advertise the Utility Services Rate Resolution for the following: (1) County encompassing South Beaches, Merritt Island, North Brevard, Port St. John and the South Central Mainland Service Area; and (2) San Sebastian encompassing the San Sebastian Woods Water System

Fiscal Impact:

The following summarizes the requested rate adjustments:

- (1) County - as proposed, the water and sewer user rates will be indexed as follows effective January 1 of each year: 2022 - 6.5%, 2023 - 8.5%, 2024 - 8.5%, 2025 - 8.5%, 2026 - 7.5%. Subsequent years the water and sewer user rates shall be indexed automatically annually.
- (2) San Sebastian - as proposed, the water and sewer user rates shall be indexed automatically on January 1 of each year.

In addition to the proposed rate adjustments the two (2) rate resolutions have been modified to include an Exhibit A and B. Exhibit A contains rates, fees and charges where the cost has been adjusted but will be remain fixed thereafter with no annual index adjustment. Exhibit B contains rates, fees, and charges where the costs have been adjusted and the costs thereafter will be indexed annually.

All rates, fees and charges per Exhibit B shall be indexed pursuant to the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U).

Dept/Office:

Utility Services Department

Requested Action:

There are two requests for Board direction how to proceed:

- (1) Permission to advertise for public hearing the attached rate resolutions.
- (2) Direction from the Board on the means of advertisement:
 - a. Per Section 258-33(c) of the County Code of Ordinance County Ordinance, the County rate resolution must be advertised 20 calendar days before the public hearing.
 - b. In addition to the advertisement pursuant to County Ordinance mentioned above, direction from the Board on whether the advertisement for public hearing is to be included on water and sewer bills.

Summary Explanation and Background:

The Utility Services Department has conducted a needs and assessment of functionality, reliability and capacity of the entire County utility facilities in order to meet the needs and demands driven by future utility

connections and State and Federal regulations. Raftelis Financial Consultants, Inc., conducted a review of the Department's revenue projections to the future investment required to be made to the water and sewer system. Our estimation of future investment over a 10 years period will be \$460M. This total investment includes the \$63M required in order to comply with F.S. 403.064.

The proposed rate adjustments will provide the funds necessary in order: (1) to provide investments to comply with F.S. 403.064 and 403.086 under Chapter 403 Environmental Control , (2) to replace treatment plant facilities that are beyond their useful life and increase capacity for future development at Port St. John and Mims, (3) to provide funds to supplement future septic-to-sewer construction costs, and (4) to increase the operations and maintenance effort in order to continue reliability throughout the utility system.

Both F.S. 403.064 and 403.086 include language that violations are subject to administrative and civil penalties pursuant to FS 403.121, 403.131 and 403.141. Please see attached F.S. 403.064(17)(d) and 403.086(2)(7) related to violations and penalties.

Per County Ordinance referenced under Requested Action, these rate resolutions must be advertised for public hearing. The public hearing can be held at the December 7th Board meeting. If the rate resolutions are approved, the revised rates would be implemented for the January billing cycle.

However, in addition to the advertisement for public hearing is the option to include a notice on the utility bills for all of our County's Utility Services customers. Coordination with our Mims office along with those from the City of Melbourne and City of Cocoa will be required resulting in additional time and the request for the rate resolution approval being brought back at the March 2022 Board meeting. Thus should the billing notice option be directed by the Board, and rate resolutions be approved, the rate resolutions would be implemented for the April billing cycle.

Clerk to the Board Instructions:

E-mail clerk memo to rose.lyons@brevardfl.gov <<mailto:rose.lyons@brevardfl.gov>> and mail originals to the Utility Services Department



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

November 10, 2021

MEMORANDUM

TO: Edward Fontanin, Utility Services Director

Attn: Rose Lyons

RE: Item J.2., Permission to Advertise the Utility Services Rate Resolutions for the following: (1) County Encompassing South Beaches, Merritt Island, North Brevard, Port St. John, and the South Central Mainland Service Area; and (2) San Sebastian Encompassing the San Sebastian Woods Water System

The Board of County Commissioners, in regular session on November 9, 2021, granted permission to advertise for Public Hearing on the rate resolutions, authorizing advertisement 20 calendar days prior to the public hearing, per Section 258-33(c) of the County Code of Ordinance; and authorized advertisement of the public hearing to be included on water and sewer bills.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
County Attorney
Finance
Budget

**DRAFT
RESOLUTION NO.**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY FLORIDA, AMENDING RESOLUTION NO. 13-229 INCREASING THE SCHEDULE OF RATES, FEES AND CHARGES FOR WATER, SEWER AND RECLAIMED WATER, INCLUDING SYSTEMS LOCATED IN THE SOUTH BEACHES, MERRITT ISLAND, NORTH BREVARD, PORT ST. JOHN AND THE SOUTH CENTRAL MAINLAND SERVICE AREA; INCREASING WATER RATES FOR THE NORTH BREVARD WATER SYSTEM, INCREASING SEWER RATES FOR ALL OF THE ABOVE; AND PROVIDING FOR INDEXING OF THE RATES PURSUANT TO THE CONSUMER PRICE INDEX SEWER AND WATER MAINTENANCE INDEX (SWMI)(U); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 180.136 Florida Statutes, and Chapter 67-1145, Laws of Florida prescribe the procedure for the fixing of a schedule of rates, fees and charges for the use of the services provided by the water, sewer, septage and reclaimed water system of Brevard County and for revising said schedule of rates, fees and charges; and

WHEREAS, on December 17, 2013, the Brevard County Board of County Commissioners adopted, in regular session, Resolution No. 13-229; and

WHEREAS, on May 18, 2021, the Brevard County Board of County Commissioners adopted Resolution No. 21-072 amending Resolution No. 13-229; and

WHEREAS, the Brevard County Board of County Commissioners now desires to further amend the schedule of rates, fees and charges for the use of the services provided by water, sewer, septic and reclaimed water system, as contained in this Resolution and in the attached Exhibits A and B; and

WHEREAS, on _____, 2021, the Board directed that notice be published setting forth the proposed rates, fees and charges and such notice was published on _____, 2021, in the FLORIDA TODAY Newspaper, published in Brevard County, Florida; and

WHEREAS, a public hearing was held on _____, 2021 at the Government Center Board Meeting Room, 2725 Judge Fran Jamieson Way, Melbourne, Florida, for the purpose of amending the schedule of rates, fees, and charges;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

1. Resolution No. 13-229 is hereby amended as provided herein and as contained in the schedule attached as Exhibit "A" and Exhibit "B" hereto, and is hereby adopted as the schedule of rates, fees, and charges for the water, sewer, septage and reclaimed water systems maintained by Brevard County, including said systems located in the South Beaches, Merritt Island, North Brevard, Port St. John, and the South Central Mainland Service Area of Brevard County.
2. Said schedule of rates, fees, and charges shall be established for said water, sewer, septage and reclaimed water systems and any additional water, sewer and reclaimed water systems acquired by Brevard County and any future additions or extensions of any water, sewer and reclaimed water systems owned by Brevard County.

3. The rates, fees and charges in Exhibit A shall remain unchanged.
4. The rates, fees and charges in Exhibit B shall be indexed and shall change annually as follows:

a. The water and sewer user rates will be indexed as follows effective each year:

2022 – 6.5%

2023 – 8.5%

2024 – 8.5%

2025 – 8.5%

2026 – 7.5%

Beginning and in all subsequent years, the water and sewer user rates shall automatically increase based on the actual change in the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U) based on the average of the index from the previous 12 months (November to November).

b. Effective and in subsequent years all fees and charges, excluding the water and sewer user rates, shall be indexed automatically based on the actual change in Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U) based on the average of the index from the previous 12 months (November to November).

c. If in any year the any of the rates Described in Exhibit B are indexed utilizing the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U) and such the annual rate increase exceeds 3.4%, the proposed

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increase shall be brought before the Board of County Commissioners at the next available meeting for discussion.

5. A copy of said schedule of rates, fees, and charges shall be kept on file in the Office of the Clerk to the Board and shall be open for public inspection.

DONE, ORDERED AND ADOPTED, in regular session, this ____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA



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As Approved by the Board on _____

EXHIBIT A:
Brevard County Water & Sewer
Water and Sewer Rate Schedule
Countywide System

Definitions:

- a. Account Set-Up Charge: A charge levied for service initiation at a location where service did not exist previously, or for transfer of service to a new customer account at a previously served location.
- b. After Hours Service Activation Charge: A charge levied to activate water service outside of normal business hours (8 a.m.–5:00 p.m., Monday– Friday).
- c. Equivalent Residential Unit (E R C) is the assumed consumption for a single-family dwelling unit. Consumption is calculated per day or per month.
- d. Monthly Base Charge: A monthly charge that covers a building unit's portion of the operation and maintenance of the treatment plant. Base Charges are calculated based on the number of E R Cs stated for the building, using a single-family dwelling unit as the basis of comparison.
- e. Capacity Reservation Charge: A charge to reserve wastewater treatment plant capacity for future building units. The charge is calculated at twelve months of base charges for the estimated E R Cs for the building unit. The reservation can be continued into future years by payment of an annual charge each year. The payment of this Charge prevents another building unit from using this portion of the remaining plant capacity.
- f. Re-Activation Charge: A charge for re-activation of service, after de-activation at the customer's request.
- g. Delinquent Charge: A charge levied after water and/or sewer account becomes delinquent.
- h. Hydrant Meter Charge: A charge for the use of a portable hydrant meter for special circumstances, for use on a short-term limited basis at a specific location. A deposit and a one-time charge are collected when the meter is issued. Water usage is billed monthly at the commercial rate.
- i. Meter Replacement Charge: A charge levied upon the replacement of a meter at the customer's request.

Connection Charges for Sanitary Sewer:

Residential:

Single family, condominium, apartment, mobile home, for each unit with:

1 to 3 Bedrooms	\$2,257.00
4 Bedrooms	\$2,610.00
5 Bedrooms	\$2,962.00

Commercial:

Travel Trailer Park (per space)	\$374.00
Motel and Hotel (per room)	\$747.00
Restaurants (per seat)	\$148.00
Cocktail Lounge (per seat)	\$58.00
Laundry Facilities (per washing machine)	\$747.00

Other commercial to be determined by dividing the actual or estimated daily flows by the established daily flows by the established residential equivalent of 200 gallons per day to determine the number of equivalents to the nearest tenths. Equivalent and fraction thereof will be multiplied by the residential rate for a one to three-bedroom unit. The Utility Services Department shall estimate the gallons per day for commercial units not otherwise specified above.

1. Payment of wastewater connection charges made for existing structures in the Residential "A" Class may be made in twelve (12) equal installments during the first year of service with an interest rate to be determined by the Utility Services Department not to exceed fourteen percent (14%).
2. The Board of County Commissioners may waive the specified connection fee for any parcel of land against which a special assessment is levied to pay a portion of the acquisition cost of a sanitary sewer treatment plant and appurtenant facilities under the terms and conditions of a written acquisition agreement.
3. Connection charges shall be payable in full prior to the issuance of a Certificate of Occupancy. Credit shall be applied for any unused paid sewer capacity reservation charge pursuant to Section 110-141(b) of the Brevard County Code of Ordinances, as may be amended.

Sanitary Sewer Rates:

Deposit for Sewer Service:

Residential:

Per Unit	\$100.00
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Commercial:

Meter size	Deposit
¾ inch or 1 inch	\$100.00
1½ inch	\$230.00
2 inch	\$350.00
3 inch	\$870.00
4 inch	\$1450.00
5 inch	\$3,500.00
6 inch	\$4,500.00
8 inch	\$5,800.00

North Brevard Sewer Customers:

Refund of deposits – After a residential customer has had continuous service for a period of 12 months, the Brevard County Utilities Services Department shall refund the customer's deposit provided the customer has not in the preceding 12 months: 1) made more than one late payment, 2) paid with a check refused by a bank, 3) been disconnected for non-payment, or 4) tampered with the meter or used service in a fraudulent or unauthorized manner.

If a customer is disconnected for non-payment, the outstanding balance, delinquent charge, and a new deposit must be paid prior to service re-activation.

For customers receiving sewer billing services through the cities of Melbourne and Cocoa, the procedures for deposits adopted by those cities shall be used for county sewer accounts.

Connection Charges for Water Service:

An initial connection fee shall be charged as indicated below:

Single Family Residential	\$1,903.00
Condominium Unit (each)	\$1,589.00
Apartment Unit (each)	\$1,589.00
Mobile Home (each)	\$1,589.00
Travel Trailer Park (per space)	\$476.00
Motel/Hotel (per room)	\$952.00
Restaurants (per seat)	\$190.00
Cocktail Lounges (per seat)	\$76.00
Laundry Facilities (per washing machine)	\$638.00

Other commercial to be determined by dividing the actual or estimated daily flow by the established residential equivalent of 200 gallons per day to determine the number of equivalents to the nearest tenths. Equivalent and fraction thereof will be multiplied by the single-family residential rate. The Utility Services Department shall estimate the gallons per day for commercial units not otherwise specified above.

Connection charges shall be payable prior to the initiation of service or at such other time as established by the Board of County Commissioners of Brevard County by ordinance.

Payment of water connection charges made for existing residential structures may be made in twelve (12) equal installments during the first year of service with an interest rate to be determined by the Utility Services Department, not to exceed fourteen percent (14%).

Water Service Rates:

Deposit for Water Service:

Meter Size	Deposit
¾ inch	\$50.00
1 inch	\$80.00
1 – ½ inch	\$165.00
2 inch	\$260.00
3 inch	\$500.00
4 inch	\$835.00
6 inch	\$1,670.00
8 inch	\$2,500.00

Refund of Deposits: After a residential customer has had continuous service for a period of 12 months, the Brevard County Utilities Services Department shall refund the customer's deposit, provided the customer has not in the preceding 12 months: 1) made more than one late payment, 2) paid with a check refused by a bank, 3) been disconnected for non-payment, or 4) tampered with the meter or used service in a fraudulent or unauthorized manner.

If a customer is disconnected for non-payment, the outstanding balance, delinquent charge and a new deposit must be paid prior to service re-activation.

Meter Installation Charges:

An initial meter installation fee shall be charged, based upon meter size as indicated below. The actual cost of the meter will be the responsibility of the applicant for service.

Meter Size	Meter Installation Fee
¾ inch	\$200.00
1 inch	\$250.00

The meter installation fee for meters larger than one inch will be determined by the Brevard County Utility Services Department based upon the cost incurred in such meter installation.

Miscellaneous Charges for Water:

Account Set-up Charge	\$15.00
After Hours Service Activation Charge	\$50.00
Re-Activation Charge	\$15.00
Delinquent Charge	\$30.00
Hydrant Meter Charge	\$75.00 plus \$750 deposit
Meter Replacement Charge	\$300.00 (if the change is made at the customer's request. Obsolete or defective meters are replaced at no charge to the customer)

Installation Charge for Reclaimed Water Service:

An initial service installation fee of \$200.00 shall be charged to provide reclaimed water service to the property.

Exhibit B
Brevard County Water & Sewer
Indexed Fees, Charges and Rates
Countywide System

Definitions:

- a. Account Set-Up Charge: A charge levied for service initiation at a location where service did not exist previously, or for transfer of service to a new customer account at a previously served location.
- b. After Hours Service Activation Charge: A charge levied to activate water service outside of normal business hours (8 a.m.–5:00 p.m., Monday– Friday).
- c. Equivalent Residential Unit (E R C) is the assumed consumption for a single-family dwelling unit. Consumption is calculated per day or per month.
- d. Monthly Base Charge: A monthly charge that covers a building unit's portion of the operation and maintenance of the treatment plant. Base Charges are calculated based on the number of E R Cs stated for the building, using a single-family dwelling unit as the basis of comparison.
- e. Capacity Reservation Charge: A charge to reserve wastewater treatment plant capacity for future building units. The charge is calculated at twelve months of base charges for the estimated E R Cs for the building unit. The reservation can be continued into future years by payment of an annual charge each year. The payment of this Charge prevents another building unit from using this portion of the remaining plant capacity.
- f. Re-Activation Charge: A charge for re-activation of service, after de-activation at the customer's request.
- g. Delinquent Charge: A charge levied after water and/or sewer account becomes delinquent.
- h. Hydrant Meter Charge: A charge for the use of a portable hydrant meter for special circumstances, for use on a short-term limited basis at a specific location. A deposit and a one-time charge are collected when the meter is issued. Water usage is billed monthly at the commercial rate.
- i. Meter Replacement Charge: A charge levied upon the replacement of a meter at the customer's request.

The following rates will be increased each January by the November to November annualized change of the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U).

Annual Charges for Sewer Capacity Reservation:

The annual charge for a Sewer Capacity Reservation is 12 times the monthly base charge for a like unit as defined below. The annual charge will be updated each year that the reservation is requested.

Residential A:

Residential single-family dwelling units including mobile homes and duplexes:

Annual Charge	\$150.00 per unit
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Residential B:

Multi-family residential units (Excluding duplexes):

Annual Charge	\$129.00 per unit
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Residential C:

Multi-family residential units (exclusive of duplexes) with individual water meters for each unit

Annual Charge	\$129.00 per unit
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Commercial:

All other users of the sewer system not classified as Residential A or Residential B:

Annual Charge	\$150.00 per Equivalent Residential Connection
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1. The initial annual charge shall be payable at the time application for sewer service is made. Subsequent charges shall be payable annually from the date of the initial payment, for as long as sewer capacity is to be reserved, as provided in applicable Brevard County regulations.

2. A one-time application fee of \$100.00 is payable at the time application for sewer service is made.

Miscellaneous Water Service Charges:

Fire Line Rates:

An annual charge for each fire line is determined by the size of the meter. No monthly base charge applies. Charges are increased each January based on the actual change in the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U).

METER SIZE	ANNUAL CHARGES
2-4 inch	\$80.00
6inch	\$100.00
8 inch	\$150.00
10 inch	\$300.00
12 inch	\$400.00

Charges for water usage will be metered through by-pass meter at rate of \$4.00 per 1,000 gallons. Water used in firefighting is exempt from charges.

Rate Schedule for Treatment of Septage and Other Truck Delivered Waste:

Charges are increased each January based on the actual change in the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U). The acceptance of the following waste types are dependent on the plant and applicable state and federal regulations.

Septage disposed of and treated at the county's Grease and Septage treatment facilities:

\$69.96 per 1000 gallons

Portable toilet waste disposed of and treated at the county's treatment facilities:

\$33.00 per 1000 gallons

Wastewater Treatment Plant sludge disposed of and treated at the county's treatment facilities:

\$79.50 per 1000 gallons

Monthly Reclaimed Water Rates:

Charges are increased each January based on the actual change in the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U).

Single Family and Duplex units are charged a monthly flat rate.

Multi-Family units are charged monthly based on the square footage of the irrigated area that will not be less than the Single-Family charge.

Small Users (1 Acre Maximum):

Single-Family	\$6.00/Month
Duplex	\$6.00/Month/Potable Water Meter
Multi-Family	\$1.20 Per 1000 Sq. Ft. Irrigated Area (\$6/Month Minimum)

Medium Users (Greater than 1 Acre, Non-"Major Users"):

Multi Family, Commercial, Recreational, Landscape, Agricultural, and other uses. \$20 Per Acre, \$10.00 Per Additional 1/2 Acre.

"Major User" Per 17-610 III, F.A.C. (Greater than 100,000 GPD):

All major users of Brevard County Reclaimed Water shall be Governed by Individual Reclaimed Water Agreements.

BREVARD COUNTY UTILITY SERVICES 2021 SEWER BILLING RATES

Monthly Charges for Sanitary Sewer Service:

2021 RATE

Residential A:

Residential single-family dwelling units, including mobile homes and duplexes, for each family living unit:

MONTHLY BASE CHARGES:	\$22.42	
COMMODITY CHARGE	\$4.74	PER 1,000 GALLONS TO MAX OF 12,000 GAL
MAXIMUM BILLING	\$79.30	

Residential B:

Multi-family residential dwelling units (exclusive of duplexes) and mobile home parks with common water meter for all units

MONTHLY BASE CHARGES:	\$19.26	PER UNIT
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COMMODITY CHARGE: \$4.74 PER 1,000 GALLONS

NO MAXIMUM BILLING

Residential C:

Multi-family residential dwelling units (exclusive of duplexes) with individual water meters for each unit:

MONTHLY BASE CHARGES: \$19.26

COMMODITY CHARGE \$4.74 PER 1,000 GALLONS TO
MAX OF 12,000 GAL

MAXIMUM BILLING \$76.14

Commercial:

All other users of the sewer system which are not classified as Residential A, Residential B or Residential C, shall be classified as commercial users.

MONTHLY BASE CHARGES: \$22.42

COMMODITY CHARGE: \$4.74 PER 1,000 GALLONS

NO MAXIMUM BILLING

RATES FOR CUSTOMERS NOT ON WATER SERVICE:

SINGLE FAMILY \$50.88

DUPLEX \$101.78

Melbourne:

Seascape Motel - Bill for Sewer \$274.75
Only - 13 units

All other commercial or residential users not presently served from an approved metered water unit shall be billed at the applicable rate based upon the following flow estimated for each unit. The total flow for the commercial or residential user shall be the following estimated flow for each unit times the total number of units of such user:

Multi-family Units 4,000 gallons per unit

Trailer Parks 5,000 gallons per unit

Motel Units 2,500 gallons per unit

Motel Apartment Units 3,750 gallons per unit

All other commercial or residential users not presently served from an approved metered water unit shall be billed at the applicable rate based upon the following flow estimated for each unit. The total flow for the commercial or residential user shall be the following estimated flow for each unit times the total number of units of such user.

Surcharge for Strong Wastes:

To the above rates and charges there shall be added a surcharge of 0.1% for each ppm of suspended solids in excess of 300 ppm and 0.125% for each ppm of five-day, 20 degrees Centigrade, BOD in excess of 250 ppm, all as determined by the County from samples and tests made of the customer's sewage. The County may require such customers discharging strong wastes into the system to construct control manholes to facilitate observation and sampling. Customers discharging large quantities of sewage may be required to construct special holding tanks so as to release the quantity at an even rate over a twenty-four hour holding period.

NORTH BREVARD UTILITY SERVICES 2021 WATER BILLING RATE

MONTHLY CHARGES FOR WATER SERVICE:

Each water customer shall pay a Base Charge as indicated in the following Table. Water used in excess of the Maximum Gallons in Base Charge shall be charged at the usage rate indicated for each usage range tier.

2021 North Brevard Water Usage Rate per 1,000 Gallons per Month

Usage Tiers, Thousand Gallons per Month

Meter Size Inches	Base Charge	Maximum Gallons in Base Charge	Tier 1 \$5.44	Tier 2 \$7.90	Tier 3 \$11.46	Tier 4 \$15.44
3/4	\$17.40	3,000	3-8	8-16	16-24	>24
1	\$29.00	5,000	5-12	12-18	18-24	>24
1 1/2	\$69.61	12,000	12-32	32-64	64-96	>96
2	\$121.80	21,000	21-42	42-84	84-168	>168
3	\$278.45	48,000	48-96	96-182	182-364	>364
4	\$493.07	85,000	85-170	170-340	340-680	>680
6	\$1,113.709	192,000	192-384	384-768	768-1536	>1536
8	\$1,989.77	340,000	340-680	680-1300	1300-2200	>2200

Mims 2021 Contracted Rates:

Kingswood	\$5.19
Oakwood	\$5.19
Fire Meters Water \$ per 1,000	\$5.64

The minimum monthly charge for a meter larger than eight (8) inches shall be determined by the Utility Services Department prior to connection, based upon a consideration of a minimum equivalent rate.

An additional monthly fee of \$1.00 per residential unit shall be charged for fire hydrant rental. The monthly fire hydrant rental for commercial units shall be \$1.00 per Equivalent Residential Connection (ERC) based on monthly water usage (1 ERC = 7,600 gallons per month).

**DRAFT
RESOLUTION NO. 21-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY FLORIDA, AMENDING RESOLUTION NO. 10-249,
INCREASING THE SCHEDULE OF RATES, FEES AND CHARGES FOR
WATER SERVICE AT THE SAN SEBASTIAN WOODS WATER SYSTEM;
PROVIDING FOR INDEXING OF THE RATES PURSUANT TO THE
CONSUMER PRICE INDEX SEWER AND WATER MAINTENANCE
INDEX (SWMI)(U); AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Section 180.136 Florida Statutes, and Chapter 67-1145, Laws of Florida prescribe the procedure for the fixing of a schedule of rates, fees and charges for the use of the services provided by the water system of Brevard County and for revising said schedule of rates, fees and charges; and

WHEREAS, on November 10, 2010 the Brevard County Board of County Commissioners, as Receiver in Case No. 05-2010-CA-038775-XXXX-XX, adopted Resolution 10-249 providing for an increase in water rates for the San Sebastian Water, LLC Water System; and

WHEREAS, on October 30, 2015, Brevard County, a political subdivision of the State of Florida, acquired the San Sebastian Woods Water System by Quit Claim Deed pursuant to the Court's Order in Case No. 05-2010-CA-038775-XXXX-XX; and

WHEREAS, the Brevard County Board of County Commissioners now desires to further amend the schedule of rates, fees and charges for water service at the San Sebastian Water Woods Water System, as contained in this Resolution and in the attached Exhibits A and B; and

WHEREAS, on _____, 2021, the Board directed that notice be published setting forth the proposed rates, fees and charges and such notice was published on _____, 2021, in the FLORIDA TODAY Newspaper, published in Brevard County, Florida; and

WHEREAS, a public hearing was held on _____, 2021 at the Government Center Board Meeting Room, 2725 Judge Fran Jamieson Way, Melbourne, Florida, for the purpose of amending the schedule of rates, fees, and charges.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

1. Resolution No. 10-249 is hereby amended as provided herein and as contained in the schedule attached as Exhibit "A" and Exhibit "B" hereto, and is hereby adopted as the schedule of rates, fees, and charges for the San Sebastian Woods Water System maintained by Brevard County.
2. Said schedule of rates, fees, and charges shall be established for said water system and any future additions or extensions to the San Sebastian Woods Water System of any water system owned by Brevard County.
3. The rates, fees and charges in Exhibit A shall remain unchanged.
4. The rates, fees and charges in Exhibit B shall be indexed and shall change annually as follows:

Effective and in subsequent years all fees and charges, excluding the water and sewer user rates, shall be indexed automatically based on the actual change in Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U) based on the average of the index from the previous 12 months (November to November).

If in any year the any of the rates Described in Exhibit B are indexed utilizing the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U) and such the annual rate increase exceeds 3.4%, the proposed increase shall be brought before the Board of County Commissioners at the next available meeting for discussion.

5. A copy of said schedule of rates, fees, and charges shall be kept on file in the Office of the Clerk to the Board and shall be open for public inspection.

DONE, ORDERED AND ADOPTED, in regular session, this ____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

As Approved by the Board on _____

EXHIBIT A:
Brevard County San Sebastian Woods
Water Rate Schedule

Definitions:

- a. Account Set-Up Charge: A charge levied for service initiation at a location where service did not exist previously, or for transfer of service to a new customer account at a previously served location.
- b. After Hours Service Activation Charge: A charge levied to activate water service outside of normal business hours (8:00 a.m.-5:00 p.m., Monday – Friday).
- c. Re-Activation Charge: A charge for re-activation of service, after de-activation, at the customer's request.
- d. Delinquent Charge: A charge levied after a water account becomes delinquent.
- e. Hydrant Meter Charge: A charge for the use of a portable hydrant meter for special circumstances, for use on a short-term limited basis at a specific location. A deposit and a one-time charge are collected when the meter is issued. Water usage is billed monthly at the commercial rate.
- f. Meter Replacement/Test Charge: A charge levied upon the replacement of a meter at the customer's request.
- g. Reconnection of Service for the Same Customer: Service will be discontinued at the customer's request. Where service is to be restored at the same premises to the same customer, the customer will pay to the utility a sum equal to 100% of the minimum bill for each billing period during which service was discontinued, plus a \$15.00 re-activation charge. All prior indebtedness must be paid before service will be restored.

Water Service Rate Schedule

Initial application for water service for new units being constructed must be made through the Brevard County building permitting process. All capacity charges and connection fees shall be collected in advance of service, or prior to issue of C.O.

Connection Charges for Water Service:

Single Family Residential \$1,100.00

All others \$4.40 per gallon per day at a minimum of 250 GPD

All new applications for service at a new location shall pay, in advance, a plant capacity charge of \$1,100 per single family residential customer. All other customers shall pay \$4.40 per gallon per day, based upon the customer's average daily water usage of the highest three (3) consecutive months of the year, or some other acceptable standard, but not less than \$1,100.

To determine the estimated daily flow for non-residential customers, the utility will use historical flow data of like establishments. In the absence of historical information, the utility shall use the amount provided by FAC Chapter 64E-6.

Unless otherwise determined by the utility, historical flow data shall be used in lieu of estimated flow data.

Meter Installation Charge

An initial meter installation fee shall be charged, based upon meter size as indicated below. The actual cost of the meter will be the responsibility of the applicant for service.

METER SIZE	METER INSTALLATION FEE
¾ inch	\$200.00
1 inch	\$250.00

The meter installation fee for meters larger than one inch will be determined by the Utility Services Department based upon the cost incurred in such meter installation.

Deposit for Water Service:

METER SIZE	DEPOSIT
¾ inch	\$50.00
1 inch	\$80.00
1 ½ inch	\$165.00
2 inch	\$260.00
3 inch	\$500.00
4 inch	\$835.00
6 inch	\$1,670.00
8 inch	\$2,500.00

Refund of deposits – After a residential customer has had continuous service for a period of 12 months, the County shall refund the customer's deposit provided the customer has not in the preceding 12 months:

- (a) made more than one late payment,
- (b) paid with a check refused by a bank,
- (c) been disconnected for non-payment, or
- (d) tampered with the meter or used service in a fraudulent or unauthorized manner.

If a customer does not provide payment by the delinquent date, the outstanding balance, delinquent charge, and a new deposit will be required.

Terms of Payment

Bills are due and payable when rendered and become past due if not paid before the next billing cycle. Service may be discontinued when the bill becomes delinquent.

Miscellaneous Service Charges

Account Set-Up Charge	\$15.00
After Hours Service Activation Charge	\$50.00
Re-Activation Charge	\$15.00

Delinquent Charge	\$30.00
Meter Replacement Charge	If requested by the customer: \$300.00 If meter is obsolete or defective: NO CHARGE
Hydrant Meter Charge	\$750 Deposit PLUS \$75.00

Fire Line Rates:

Meter Size	Annual Charges
2-4 inch	\$80.00
6 inch	\$100.00
8 inch	\$150.00
10 inch	\$300.00
12 inch	\$400.00

Charges for water usage will be metered through by-pass meter at rate of \$4.00 per 1,000 gallons. Water used in firefighting is exempt from charges.

If a customer is disconnected for non-payment, the outstanding balance, delinquent charge, and a new deposit must be paid prior to service re-activation.

Exhibit B
Brevard County San Sebastian Woods
Indexed Fees, Charges and Rates

Definitions:

- a. Account Set-Up Charge: A charge levied for service initiation at a location where service did not exist previously, or for transfer of service to a new customer account at a previously served location.
- b. After Hours Service Activation Charge: A charge levied to activate water service outside of normal business hours (8:00 a.m.-5:00 p.m., Monday – Friday).
- c. Re-Activation Charge: A charge for re-activation of service, after de-activation, at the customer's request.
- d. Delinquent Charge: A charge levied after a water account becomes delinquent.
- e. Hydrant Meter Charge: A charge for the use of a portable hydrant meter for special circumstances, for use on a short-term limited basis at a specific location. A deposit and a one-time charge are collected when the meter is issued. Water usage is billed monthly at the commercial rate.
- f. Meter Replacement/Test Charge: A charge levied upon the replacement of a meter at the customer's request.
- g. Reconnection of Service for the Same Customer: Service will be discontinued at the customer's request. Where service is to be restored at the same premises to the same customer, the customer will pay to the utility a sum equal to 100% of the minimum bill for each billing period during which service was discontinued, plus a \$15.00 re-activation charge. All prior indebtedness must be paid before service will be restored.

The following rates will be increased each January by the November to November annualized change of the Consumer Price Index Sewer and Water Maintenance Index (S W M I) (U).

Monthly Charges for Water Service:

Charges are increased each January based on the actual change in the Consumer Price Index Sewer and Water Maintenance Index (S W M I)(U).

Residential Service:

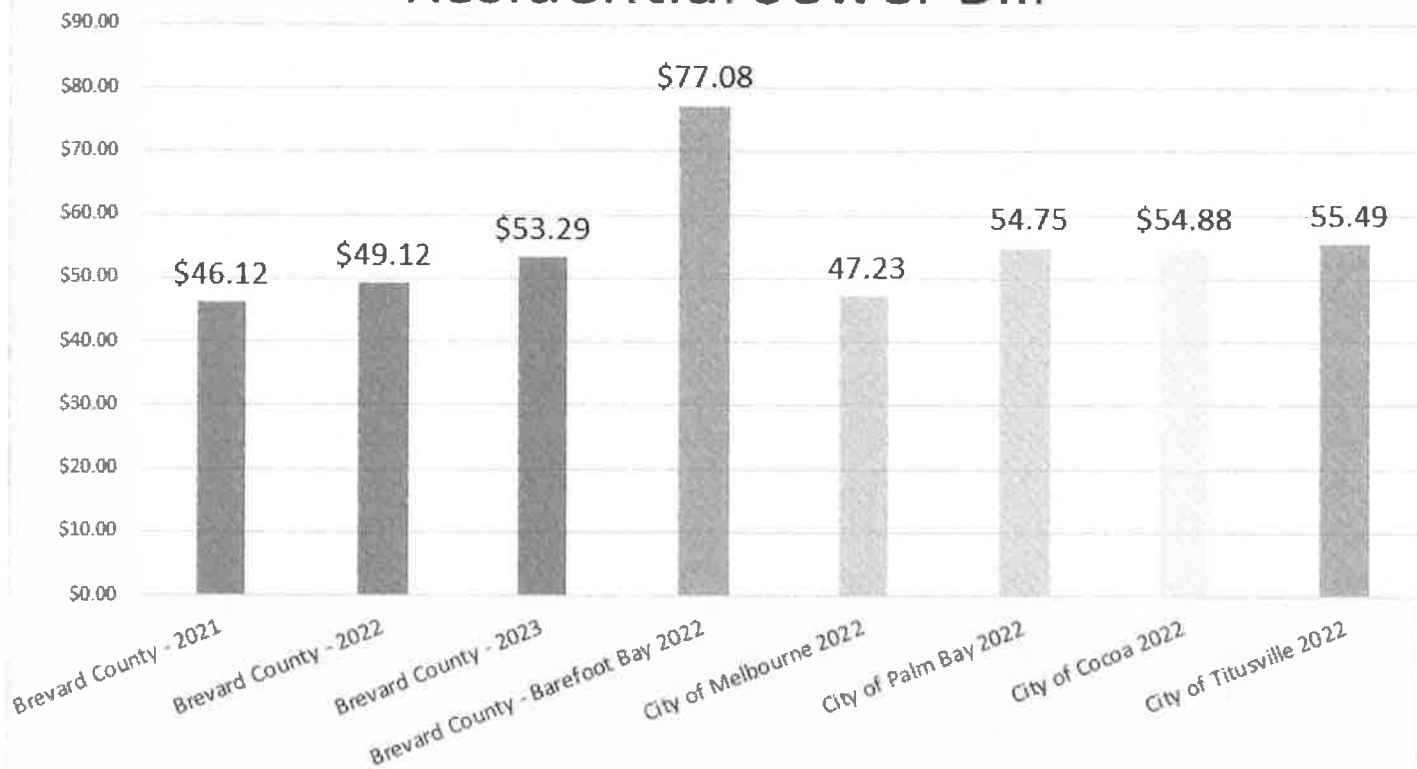
Availability - Water service in accordance with this rate schedule is available throughout the San Sebastian Woods service area in Brevard County, Florida.

Applicability - This rate schedule is applicable to individual family residences. Water service is also available under this schedule to multiple-family structures, state-licensed mobile home parks and mobile home subdivisions where a separate service connection and meter is installed for each family unit supplied with water service. Each such family will be separately billed.

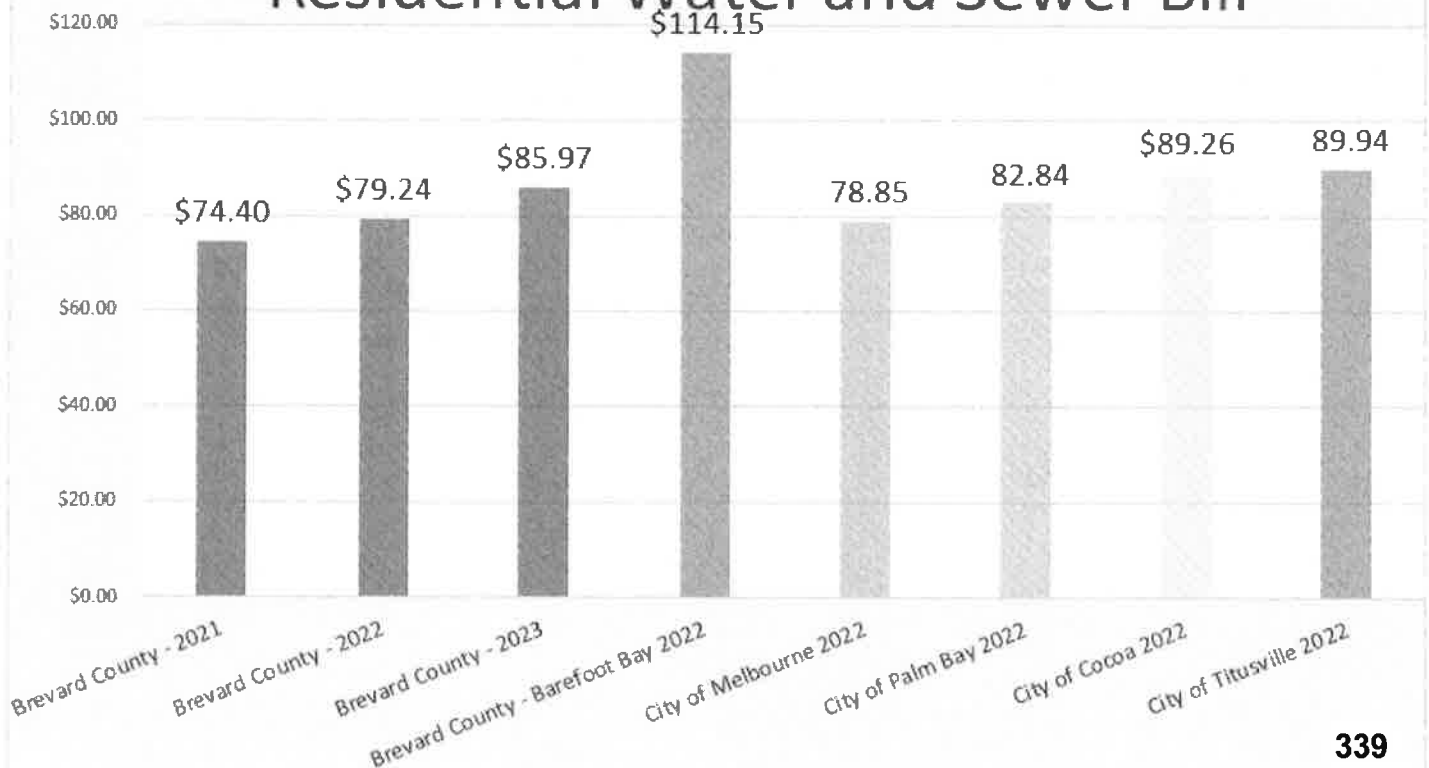
Each Residential water customer shall pay a Base Facility Charge each month based on the size of the meter. Water usage shall be charged monthly at the current usage rate.

Water Service	2021 RATE
Meter Size	Base Facility Charge
¾ inch	\$33.82
1 inch	\$56.36
1 ½ inch	\$112.70
2 inch	\$180.32
3 inch	\$360.64
4 inch	\$563.50
6 inch	\$1,127.00
Usage Rate per 1000 Gallons	\$5.96

Residential Sewer Bill



Residential Water and Sewer Bill



The 2021 Florida Statutes

[Title XXIX](#)

PUBLIC HEALTH

[Chapter 403](#)

ENVIRONMENTAL CONTROL

[View Entire Chapter](#)**403.064 Reuse of reclaimed water.—**

(1) The encouragement and promotion of water conservation, and reuse of reclaimed water, as defined by the department, are state objectives and are considered to be in the public interest. The Legislature finds that the reuse of reclaimed water is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems. The Legislature further finds that for those wastewater treatment plants permitted and operated under an approved reuse program by the department, the reclaimed water shall be considered environmentally acceptable and not a threat to public health and safety. The Legislature encourages the development of incentive-based programs for reuse implementation.

(2) All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource caution area shall prepare a reuse feasibility study as part of their application for the permit. Reuse feasibility studies shall be prepared in accordance with department guidelines adopted by rule and shall include, but are not limited to:

- (a) Evaluation of monetary costs and benefits for several levels and types of reuse.
- (b) Evaluation of water savings if reuse is implemented.
- (c) Evaluation of rates and fees necessary to implement reuse.
- (d) Evaluation of environmental and water resource benefits associated with reuse.
- (e) Evaluation of economic, environmental, and technical constraints.
- (f) A schedule for implementation of reuse. The schedule shall consider phased implementation.

(3) The permit applicant shall prepare a plan of study for the reuse feasibility study consistent with the reuse feasibility study guidelines adopted by department rule. The plan of study shall include detailed descriptions of applicable treatment and water supply alternatives to be evaluated and the methods of analysis to be used. The plan of study shall be submitted to the department for review and approval.

(4) The study required under subsection (2) shall be performed by the applicant, and, if the study shows that the reuse is feasible, the applicant must give significant consideration to its implementation if the study complies with the requirements of subsections (2) and (3).

(5) A reuse feasibility study is not required if:

- (a) The domestic wastewater treatment facility has an existing or proposed permitted or design capacity less than 0.1 million gallons per day; or
- (b) The permitted reuse capacity equals or exceeds the total permitted capacity of the domestic wastewater treatment facility.

(6) A reuse feasibility study prepared under subsection (2) satisfies a water management district requirement to conduct a reuse feasibility study imposed on a local government or utility that has responsibility for wastewater management. The data included in the study and the conclusions of the study must be given significant consideration by the applicant and the appropriate water management district in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse under part II of chapter 373 and must be presumed relevant to the determination of feasibility. A water management district may not require a separate study when a reuse feasibility study has been completed under subsection (2).

(7) Local governments may allow the use of reclaimed water for inside activities, including, but not limited to, toilet flushing, fire protection, and decorative water features, as well as for outdoor uses, provided the reclaimed water is from domestic wastewater treatment facilities which are permitted, constructed, and operated in accordance with department rules.

(8) Permits issued by the department for domestic wastewater treatment facilities shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if such requirements are consistent with department rules governing reuse of reclaimed water. This subsection applies only to domestic wastewater treatment facilities which are located within, or serve a population located within, or discharge within water resource caution areas and are owned, operated, or controlled by a local government or utility which has responsibility for water supply and wastewater management.

(9) Local governments may and are encouraged to implement programs for the reuse of reclaimed water. Nothing in this chapter shall be construed to prohibit or preempt such local reuse programs.

(10) A local government that implements a reuse program under this section shall be allowed to allocate the costs in a reasonable manner.

(11) Pursuant to chapter 367, the Florida Public Service Commission shall allow entities under its jurisdiction which conduct studies or implement reuse projects, including, but not limited to, any study required by subsection (2) or facilities used for reliability purposes for a reclaimed water reuse system, to recover the full, prudently incurred cost of such studies and facilities through their rate structure.

(12) In issuing consumptive use permits, the permitting agency shall consider the local reuse program.

(13) A local government shall require a developer, as a condition for obtaining a development order, to comply with the local reuse program.

(14) After conducting a feasibility study under subsection (2), domestic wastewater treatment facilities that dispose of effluent by Class I deep well injection, as defined in 40 C.F.R. s. 144.6(a), must implement reuse to the degree that reuse is feasible, based upon the applicant's reuse feasibility study. Applicable permits issued by the department shall be consistent with the requirements of this subsection.

(a) This subsection does not limit the use of a Class I deep well injection facility as backup for a reclaimed water reuse system.

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

(15) After conducting a feasibility study under subsection (2), domestic wastewater treatment facilities that dispose of effluent by surface water discharges or by land application methods must implement reuse to the degree that reuse is feasible, based upon the applicant's reuse feasibility study. This subsection does not apply to surface water discharges or land application systems which are currently categorized as reuse under department rules. Applicable permits issued by the department shall be consistent with the requirements of this subsection.

(a) This subsection does not limit the use of a surface water discharge or land application facility as backup for a reclaimed water reuse system.

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

(16) Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in s. 366.02(2), to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this section shall include a summary of its metering and rate structure as part of its annual reuse report to the department.

(17) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating

nonbeneficial surface water discharge by January 1, 2032, subject to the requirements of this section. The plan must include the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average gallons per day of surface water discharge which will continue in accordance with the alternatives provided for in subparagraphs (a)2. and 3., and the level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.

(a) The department shall approve a plan that includes all of the information required under this subsection as meeting the requirements of this section if one or more of the following conditions are met:

1. The plan will result in eliminating the surface water discharge.
2. The plan will result in meeting the requirements of s. 403.086(10).
3. The plan does not provide for a complete elimination of the surface water discharge but does provide an affirmative demonstration that any of the following conditions apply to the remaining discharge:
 - a. The discharge is associated with an indirect potable reuse project;
 - b. The discharge is a wet weather discharge that occurs in accordance with an applicable department permit;
 - c. The discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes;
 - d. The utility operates domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of a facility's annual average flow, as determined by the department using monitoring data for the prior 5 consecutive years, for reuse purposes authorized by the department; or
 - e. The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of minimum flows and minimum water levels or recovery or prevention strategies for a water body.

The plan may include conceptual projects under sub-subparagraphs 3.a. and e.; however, such inclusion does not extend the time within which the plan must be implemented.

(b) The department shall approve or deny a plan within 9 months after receiving the plan. A utility may modify the plan by submitting such modification to the department; however, the plan may not be modified such that the requirements of this subsection are not met, and the department may not extend the time within which a plan will be implemented. The approval of the plan or a modification by the department does not constitute final agency action.

(c) A utility shall fully implement the approved plan by January 1, 2032.

(d) If a plan is not timely submitted by a utility or approved by the department, the utility's domestic wastewater treatment facilities may not dispose of effluent, reclaimed water, or reuse water by surface water discharge after January 1, 2028. A violation of this paragraph is subject to administrative and civil penalties pursuant to ss. 403.121, 403.131, and 403.141.

(e) A domestic wastewater utility applying for a permit for a new or expanded surface water discharge shall prepare a plan in accordance with this subsection as part of that permit application. The department may not approve a permit for a new or expanded surface water discharge unless the plan meets one or more of the conditions provided in paragraph (a).

(f) By December 31, 2021, and annually thereafter, the department shall submit a report to the President of the Senate and the Speaker of the House of Representatives which provides the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters by the utility and the dates of such elimination; the average gallons per day of surface water discharges that will continue in accordance with the alternatives provided in subparagraphs (a)2. and 3., and the level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative and utility; and any modified or new plans submitted by a utility since the last report.

(g) This subsection does not apply to any of the following:

1. A domestic wastewater treatment facility that is located in a fiscally constrained county as described in s. 218.67(1).

2. A domestic wastewater treatment facility that is located in a municipality that is entirely within a rural area of opportunity as designated pursuant to s. [288.0656](#).

3. A domestic wastewater treatment facility that is located in a municipality that has less than \$10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Department of Financial Services in accordance with s. [218.32](#).

4. A domestic wastewater treatment facility that is operated by an operator of a mobile home park as defined in s. [723.003](#) and has a permitted capacity of less than 300,000 gallons per day.

(h) This subsection does not prohibit the inclusion of a plan for backup discharges under s. [403.086\(8\)\(a\)](#).

(i) This subsection may not be deemed to exempt a utility from requirements that prohibit the causing of or contributing to violations of water quality standards in surface waters, including groundwater discharges that affect water quality in surface waters.

(18)(a) By December 31, 2020, the department shall initiate rule revisions based on the recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida." Rules for potable reuse projects must address contaminants of emerging concern and meet or exceed federal and state drinking water quality standards and other applicable water quality standards. Reclaimed water is deemed a water source for public water supply systems.

(b) The Legislature recognizes that sufficient water supply is imperative to the future of the state and that potable reuse is a source of water which may assist in meeting future demand for water supply.

(c) The department may convene and lead one or more technical advisory groups to coordinate the rulemaking and review of rules for potable reuse as required under this section. The technical advisory group, which shall assist in the development of such rules, must be composed of knowledgeable representatives of a broad group of interested stakeholders, including, but not limited to, representatives from the water management districts, the wastewater utility industry, the water utility industry, the environmental community, the business community, the public health community, the agricultural community, and the consumers.

(d) Potable reuse is an alternative water supply as defined in s. [373.019](#), and potable reuse projects are eligible for alternative water supply funding. The use of potable reuse water may not be excluded from regional water supply planning under s. [373.709](#).

(e) The department and the water management districts shall develop and execute, by December 31, 2023, a memorandum of agreement providing for the procedural requirements of a coordinated review of all permits associated with the construction and operation of an indirect potable reuse project. The memorandum of agreement must provide that the coordinated review will occur only if requested by a permittee. The purpose of the coordinated review is to share information, avoid the redundancy of information requested from the permittee, and ensure consistency in the permit for the protection of the public health and the environment.

(f) To encourage investment in the development of potable reuse projects by private entities, a potable reuse project developed as a qualifying project under s. [255.065](#) is:

1. Beginning January 1, 2026, eligible for expedited permitting under s. [403.973](#).

2. Consistent with s. [373.707](#), eligible for priority funding in the same manner as other alternative water supply projects from the Drinking Water State Revolving Fund, under the Water Protection and Sustainability Program, and for water management district cooperative funding.

(g) This subsection is not intended and may not be construed to supersede s. [373.250\(3\)](#).

History.—s. 7, ch. 89-324; s. 3, ch. 94-243; s. 8, ch. 95-323; s. 37, ch. 2002-296; s. 13, ch. 2004-381; s. 48, ch. 2018-110; s. 12, ch. 2020-150; s. 1, ch. 2021-168.

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[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

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403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) The Department of Health or any other state agency, county, special district, or municipality may not approve construction of any sewage disposal facilities which do not provide for secondary waste treatment and advanced waste treatment as deemed necessary and ordered by the department.

(b) Sewage disposal facilities constructed after June 14, 1978, may not dispose of any wastes by deep well injection without providing for secondary waste treatment and advanced waste treatment deemed necessary by the department to protect adequately the beneficial use of the receiving waters.

(c) Notwithstanding this chapter or chapter 373, sewage disposal facilities may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or, beginning July 1, 2025, Indian River Lagoon, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the department. This paragraph does not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(d) By December 31, 2020, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.

(2) All sewage disposal facilities shall provide for secondary waste treatment, a power outage contingency plan that mitigates the impacts of power outages on the utility's collection system and pump stations, and advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform is punishable by a civil penalty of \$750 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) This section shall not be construed to prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a reclaimed water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand
(CBOD5). 5mg/l
2. Suspended Solids. 5mg/l
3. Total Nitrogen, expressed as N. 3mg/l
4. Total Phosphorus, expressed as P. 1mg/l

(b) Has received high level disinfection, as defined by rule of the department.

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

(5)(a) Notwithstanding any other provisions of this chapter or chapter 373, when a reclaimed water product has been established to be in compliance with the standards set forth in subsection (4), that water shall be presumed to be allowable, and its discharge shall be permitted in the waters described in paragraph (1)(c) at a reasonably accessible point where such discharge results in minimal negative impact. This presumption may be overcome only by a demonstration that one or more of the following would occur:

1. That the discharge of reclaimed water that meets the standards set forth in subsection (4) will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters and is not clearly in the public interest.
2. That the reclaimed water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.
3. That the increased volume of fresh water contributed by the reclaimed water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing.

(b) If one or more of the conditions described in subparagraphs (a)1.-3. have been demonstrated, remedies may include, but are not limited to, the following:

1. Require more stringent effluent limitations;
2. Order the point or method of discharge changed;
3. Limit the duration or volume of the discharge; or
4. Prohibit the discharge only if no other alternative is in the public interest.

(6) Any facility covered in paragraph (1)(c) shall be permitted to discharge if it meets the standards set forth in subsections (4) and (5). All of the facilities covered in paragraph (1)(c) shall be required to meet the standards set forth in subsections (4) and (5).

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement action plans must be reported to the department. The facility action plans must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans; expenditures that are dedicated to pipe assessment, repair, and replacement; and expenditures designed to limit the presence of fats, roots, oils, and grease in the facility's collection system. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys; however, such rules may not fix or revise utility rates or budgets. A utility or an operating entity subject to this subsection and s. 403.061(14) may submit one report to comply with both requirements. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

(8)(a) The department shall allow backup discharges pursuant to permit only. The backup discharge shall be limited to 30 percent of the permitted reuse capacity on an annual basis. For purposes of this subsection, a "backup discharge" is a surface water discharge that occurs as part of a functioning reuse system which has been permitted under department rules and which provides reclaimed water for irrigation of public access areas, residential properties, or edible food crops, or for industrial cooling or other acceptable reuse purposes. Backup discharges may occur during periods of reduced demand for reclaimed water in the reuse system.

(b) Notwithstanding any other provisions of this chapter or chapter 373, backup discharges of reclaimed water meeting the standards as set forth in subsection (4) shall be presumed to be allowable and shall be permitted in all waters in the state at a reasonably accessible point where such discharge results in minimal negative impact. Wet weather discharges as provided in s. 2(3)(c), chapter 90-262, Laws of Florida, shall include backup discharges as

provided in this section. The presumption of the allowability of a backup discharge may be overcome only by a demonstration that one or more of the following conditions is present:

1. The discharge will be to an Outstanding Florida Water, except as provided in chapter 90-262, Laws of Florida;
2. The discharge will be to Class I or Class II waters;
3. The increased volume of fresh water contributed by a backup discharge will seriously alter the natural freshwater to saltwater balance of receiving waters after reasonable opportunity for mixing;
4. The discharge will be to a water body having a pollutant load reduction goal established by a water management district or the department, and the discharge will cause or contribute to a violation of the established goal;
5. The discharge fails to meet the requirements of the antidegradation policy contained in department rules; or
6. The discharge will be to waters that the department determines require more stringent nutrient limits than those set forth in subsection (4).

(c) Any backup discharge shall be subject to the provisions of the antidegradation policy contained in department rules.

(d) If one or more of the conditions described in paragraph (b) have been demonstrated, a backup discharge may still be allowed in conjunction with one or more of the remedies provided in paragraph (5)(b) or other suitable measures.

(e) The department shall allow lower levels of treatment of reclaimed water if the applicant affirmatively demonstrates that water quality standards will be met during periods of backup discharge and if all other requirements of this subsection are met.

(9) The department may require backflow prevention devices on potable water lines within reclaimed water service areas to protect public health and safety. The department shall establish rules that determine when backflow prevention devices on potable water lines are necessary and when such devices are not necessary.

(10) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

(a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.

(b) The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018. For purposes of this subsection, the term "advanced wastewater treatment and management requirements" means the advanced waste treatment requirements set forth in subsection (4), a reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4), or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) were fully implemented beginning December 31, 2018, and continued through December 31, 2025. The department shall establish the average baseline loadings of total nitrogen and total phosphorus for each outfall using monitoring data available for calendar years 2003 through 2007 and

establish required loading reductions based on this baseline. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an average annual daily loading value. The advanced wastewater treatment and management requirements of this paragraph are deemed met for any domestic wastewater facility discharging through an ocean outfall on July 1, 2008, which has installed by December 31, 2018, a fully operational reuse system comprising 100 percent of the facility's baseline flow on an annual basis for reuse activities authorized by the department.

(c)1. Each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility's service area or, by contract with another utility, within Miami-Dade County, Broward County, or Palm Beach County by December 31, 2025. For purposes of this subsection, a "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of a facility's baseline flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term "baseline flow" means the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100-percent reuse of the diverted flows before December 31, 2025, are considered to contribute to meeting the reuse requirement. For utilities operating more than one outfall, the reuse requirement may be apportioned between the facilities served by the outfalls, including flows diverted to other facilities for 100-percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed to support a functioning reuse system, the treatment must be fully operational by December 31, 2025.

3. If a facility that discharges through an ocean outfall contracts with another utility to install a functioning reuse system, the department must approve any apportionment of the reuse generated from the new or expanded reuse system that is intended to satisfy all or a portion of the reuse requirements pursuant to subparagraph 1. If a contract is between two utilities that have reuse requirements pursuant to subparagraph 1., the reuse apportioned to each utility's requirement may not exceed the total reuse generated by the new or expanded reuse system. A utility shall provide the department a copy of any contract with another utility that reflects an agreement between the utilities which is subject to the requirements of this subparagraph.

(d) The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by the department. Except as otherwise provided in this subsection, a backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems, and must comply with the advanced wastewater treatment and management requirements of paragraph (b). Peak flow backup discharges from other wastewater management systems may not cumulatively exceed 5 percent of a facility's baseline flow, measured as a 5-year rolling average, and are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules. If peak flow backup discharges are in compliance with the effluent limitations, the discharges are deemed to meet the advanced wastewater treatment and management requirements of this subsection.

(e) The holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, shall submit the following to the secretary of the department:

1. A detailed plan to meet the requirements of this subsection, including the identification of the technical, environmental, and economic feasibility of various reuse options; the identification of each land acquisition and facility necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local

water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan must evaluate reuse demand in the context of future regional water supply demands, the availability of traditional water supplies, the need for development of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District. The plan must include a detailed schedule for the completion of all necessary actions and be accompanied by supporting data and other documentation. The plan must be submitted by July 1, 2013.

2. By July 1, 2016, an update of the plan required in subparagraph 1. documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge in accordance with this subsection or a written statement that the plan is current and accurate.

(f) By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall shall submit to the secretary of the department a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of this subsection, including progress toward meeting the specific deadlines set forth in paragraphs (b) through (e). The report shall include the detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.

(g) By July 1, 2010, and by July 1 every 5 years thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this subsection. In the report, the department shall summarize progress to date, including the increased amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.

(h) The renewal of each permit that authorizes the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must be accompanied by an order in accordance with s. 403.088(2)(e) and (f) which establishes an enforceable compliance schedule consistent with the requirements of this subsection.

(i) An entity that diverts wastewater flow from a receiving facility that discharges domestic wastewater through an ocean outfall must meet the reuse requirement of paragraph (c). Reuse by the diverting entity of the diverted flows shall be credited to the diverting entity. The diverted flow shall also be correspondingly deducted from the receiving facility's baseline flow from which the required reuse is calculated pursuant to paragraph (c), and the receiving facility's reuse requirement shall be recalculated accordingly.

The department, the South Florida Water Management District, and the affected utilities must consider the information in the detailed plan in paragraph (e) for the purpose of adjusting, as necessary, the reuse requirements of this subsection. The department shall submit a report to the Legislature by February 15, 2015, containing recommendations for any changes necessary to the requirements of this subsection.

(11) The Legislature finds that the discharge of inadequately treated and managed domestic wastewater from dozens of small wastewater facilities and thousands of septic tanks and other onsite systems in the Florida Keys compromises the quality of the coastal environment, including nearshore and offshore waters, and threatens the quality of life and local economies that depend on those resources. The Legislature also finds that the only practical and cost-effective way to fundamentally improve wastewater management in the Florida Keys is for the local governments in Monroe County, including those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage, to timely complete the wastewater or sewage treatment and disposal facilities initiated under the work program of Administration Commission rule 28-20, Florida Administrative Code, and the Monroe County Sanitary Master Wastewater Plan, dated June 2000. The Legislature therefore declares that the construction and operation of comprehensive central wastewater systems in accordance with this subsection is in the public interest. To give effect to those findings, the requirements of this

subsection apply to all domestic wastewater facilities in Monroe County, including privately owned facilities, unless otherwise provided under this subsection.

(a) The discharge of domestic wastewater into surface waters is prohibited.

(b) Monroe County, each municipality, and those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage in Monroe County shall complete the wastewater collection, treatment, and disposal facilities within its jurisdiction designated as hot spots in the Monroe County Sanitary Master Wastewater Plan, dated June 2000, specifically listed in Exhibits 6-1 through 6-3 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F of the plan. The required facilities and connections, and any additional facilities or other adjustments required by rules adopted by the Administration Commission under s. 380.0552, must be completed by December 31, 2015, pursuant to specific schedules established by the commission. Domestic wastewater facilities located outside local government and special district service areas must meet the treatment and disposal requirements of this subsection by December 31, 2015.

(c) After December 31, 2015, all new or expanded domestic wastewater discharges must comply with the treatment and disposal requirements of this subsection and department rules.

(d) Wastewater treatment facilities having design capacities:

1. Greater than or equal to 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
- b. Suspended Solids of 5 mg/l.
- c. Total Nitrogen, expressed as N, of 3 mg/l.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

2. Less than 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- b. Suspended Solids of 10 mg/l.
- c. Total Nitrogen, expressed as N, of 10 mg/l.
- d. Total Phosphorus, expressed as P, of 1 mg/l.

(e) Class V injection wells, as defined by department or Department of Health rule, must meet the following requirements and otherwise comply with department or Department of Health rules, as applicable:

1. If the design capacity of the facility is less than 1 million gallons per day, the injection well must be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by department rule.

2. Except as provided in subparagraph 3. for backup wells, if the design capacity of the facility is equal to or greater than 1 million gallons per day, each primary injection well must be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by department rule.

3. If an injection well is used as a backup to a primary injection well, the following conditions apply:

a. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

b. The backup well may not be used for more than a total of 500 hours during any 5-year period unless specifically authorized in writing by the department;

c. The backup well must be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by department rule; and

d. Fluid injected into the backup well must meet the requirements of paragraph (d).

(f) The requirements of paragraphs (d) and (e) do not apply to:

1. Class I injection wells as defined by department rule, including any authorized mechanical integrity tests;
2. Authorized mechanical integrity tests associated with Class V wells as defined by department rule; or
3. The following types of reuse systems authorized by department rule:

- a. Slow-rate land application systems;
- b. Industrial uses of reclaimed water; and
- c. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.

However, disposal systems serving as backups to reuse systems must comply with the other provisions of this subsection.

(g) For wastewater treatment facilities in operation as of July 1, 2010, which are located within areas to be served by Monroe County, municipalities in Monroe County, or those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage but which are owned by other entities, the requirements of paragraphs (d) and (e) do not apply until January 1, 2016. Wastewater operating permits issued pursuant to this chapter and in effect for these facilities as of June 30, 2010, are extended until December 31, 2015, or until the facility is connected to a local government central wastewater system, whichever occurs first. Wastewater treatment facilities in operation after December 31, 2015, must comply with the treatment and disposal requirements of this subsection and department rules.

(h) If it is demonstrated that a discharge, even if the discharge is otherwise in compliance with this subsection, will cause or contribute to a violation of state water quality standards, the department shall:

- 1. Require more stringent effluent limitations;
- 2. Order the point or method of discharge changed;
- 3. Limit the duration or volume of the discharge; or
- 4. Prohibit the discharge.

(i) All sewage treatment facilities must monitor effluent for total nitrogen and total phosphorus concentration as required by department rule.

(j) The department shall require the levels of operator certification and staffing necessary to ensure proper operation and maintenance of sewage facilities.

(k) The department may adopt rules necessary to carry out this subsection.

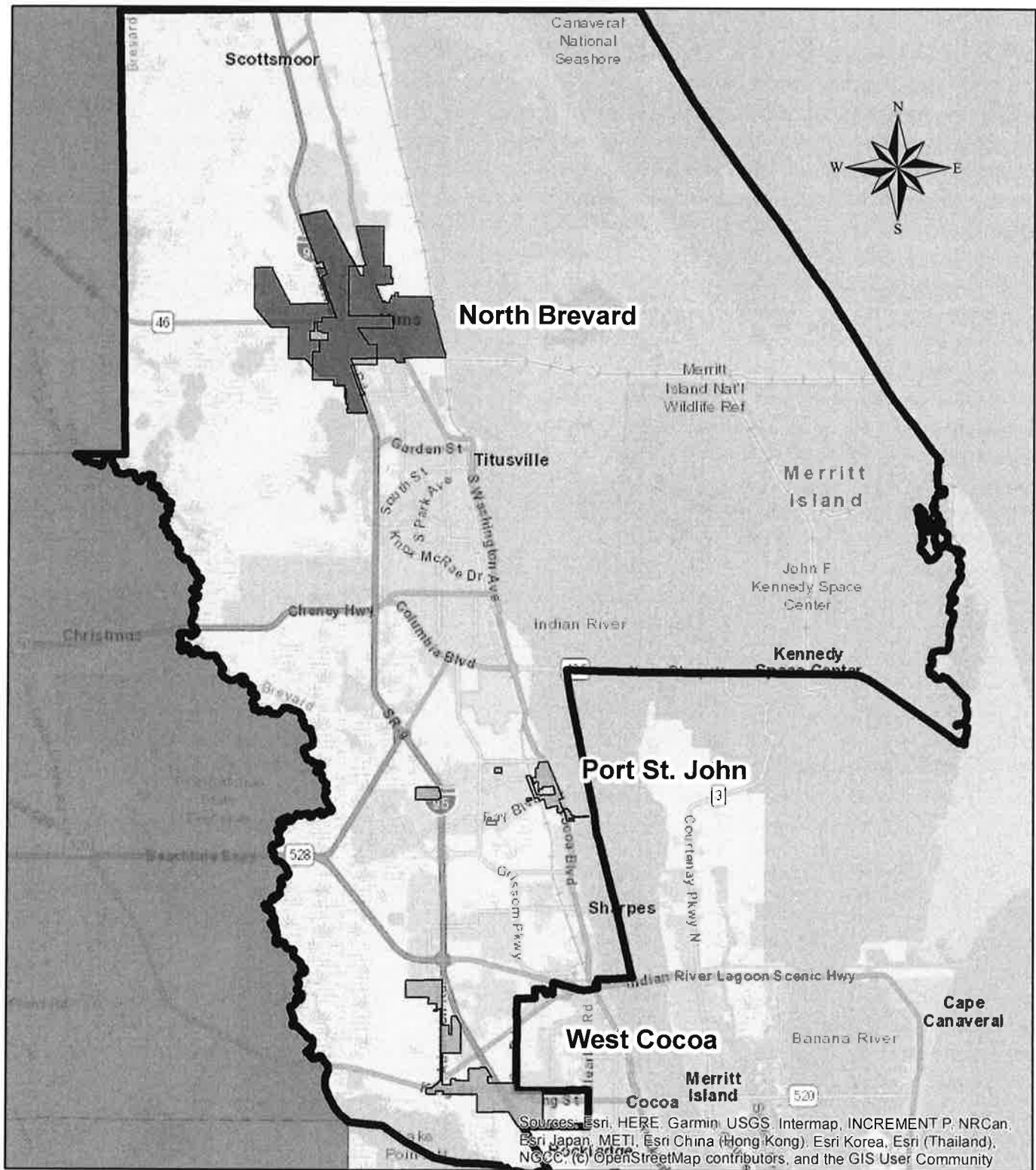
(l) The authority of a local government, including a special district, to mandate connection of a wastewater facility, as defined by department rule, is governed by s. 4, chapter 99-395, Laws of Florida.

History.—ss. 1, 2, 3, ch. 71-259; s. 2, ch. 71-137; s. 1, ch. 72-58; s. 271, ch. 77-147; s. 1, ch. 78-206; s. 75, ch. 79-65; s. 1, ch. 80-371; s. 1, ch. 81-246; s. 262, ch. 81-259; s. 2, ch. 86-173; s. 1, ch. 87-303; s. 71, ch. 93-213; s. 2, ch. 94-153; s. 361, ch. 94-356; s. 158, ch. 99-8; s. 25, ch. 2000-153; s. 12, ch. 2000-211; s. 6, ch. 2008-232; s. 38, ch. 2010-205; s. 73, ch. 2013-15; s. 1, ch. 2013-31; s. 17, ch. 2020-150; s. 16, ch. 2020-158; s. 2, ch. 2021-47.

Brevard County Utility Service Department

Water and Sewer Customers

DISTRICT 1



- Sewer and Water Service Customers
- Sewer Service Customers
- Water Service Customers
- District Border

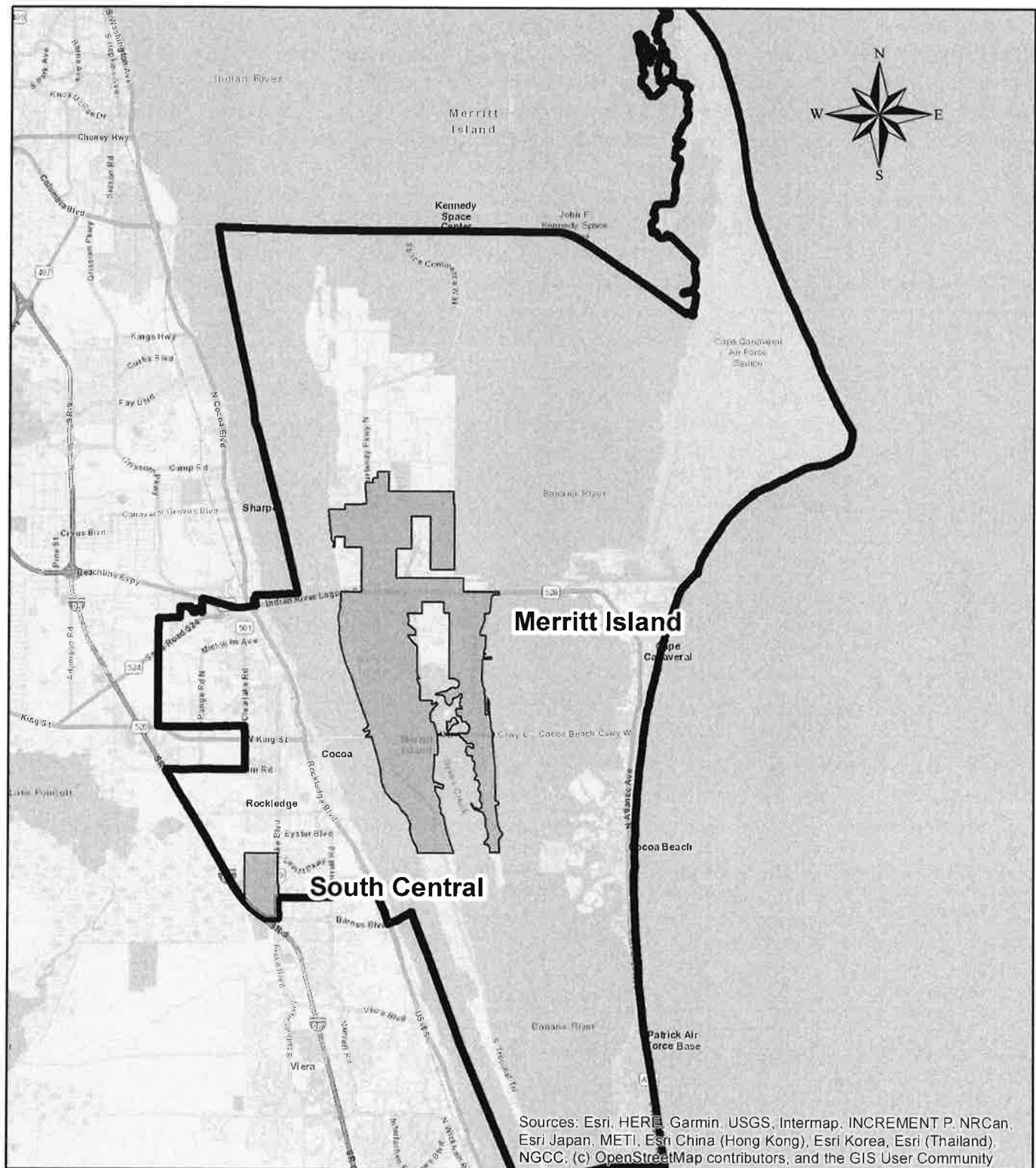
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Brevard County Utility Service Department

Water and Sewer Customers

DISTRICT 2



-  Sewer Service Customers
-  District Border

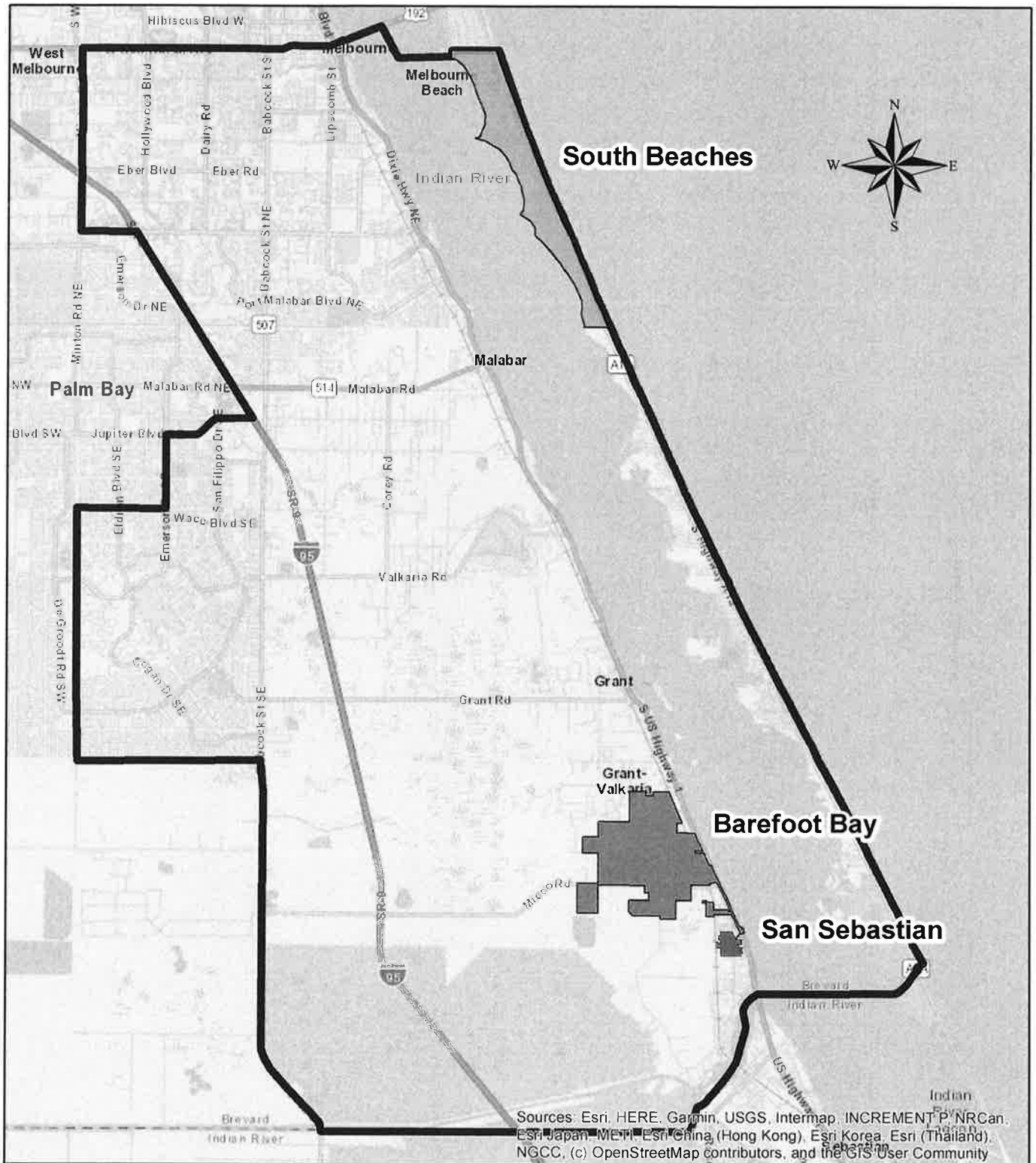
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Brevard County Utility Service Department

Water and Sewer Customers

DISTRICT 3



-  Sewer and Water Service Customers
-  Sewer Service Customers
-  Water Service Customers
-  District Border

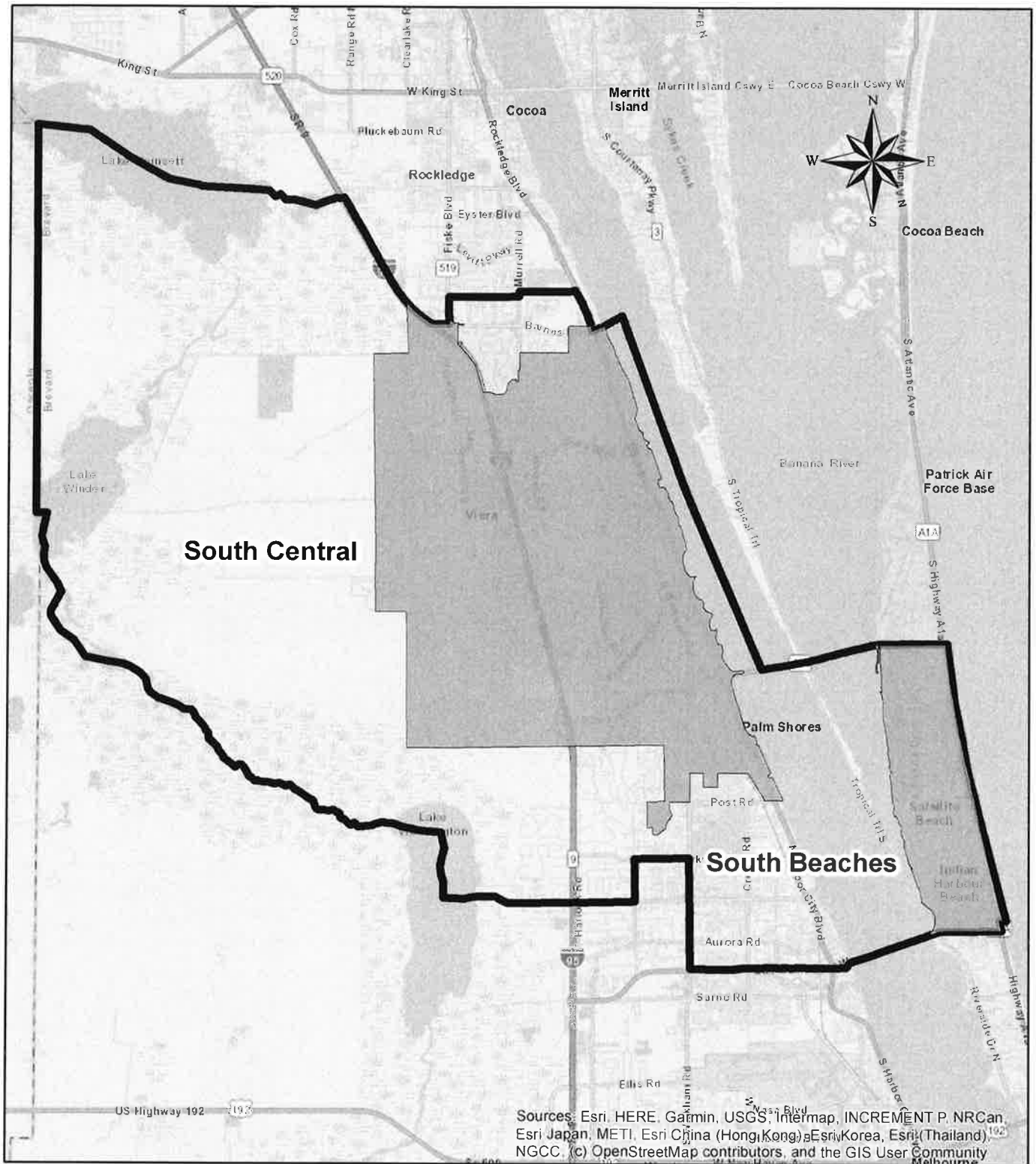
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Brevard County Utility Service Department

Water and Sewer Customers

DISTRICT 4



-  Sewer Service Customers
-  District Border

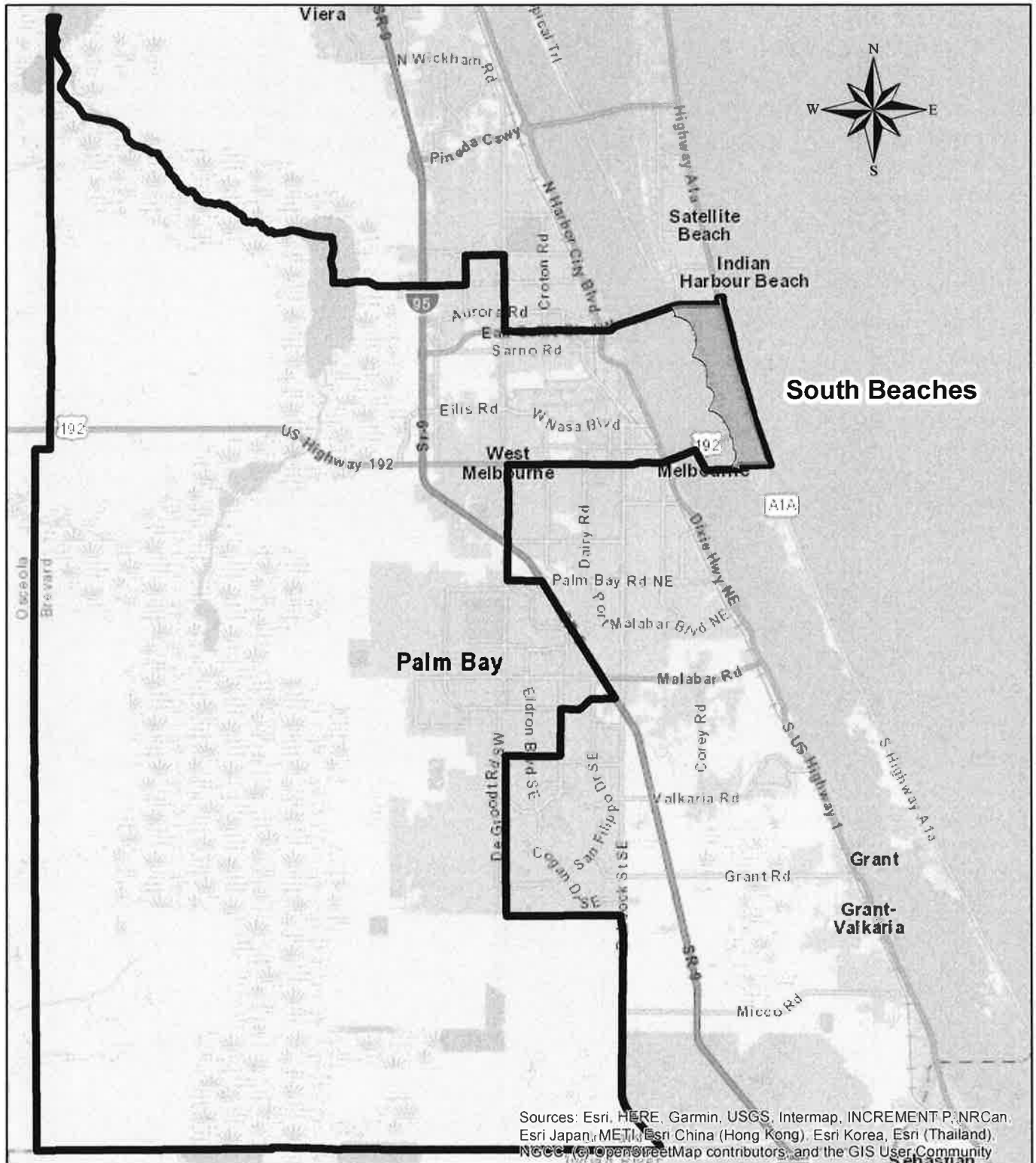
The Brevard County Infrastructure depicted here has not been verified, was compiled from recorded documents, and does not reflect an actual survey. Brevard County Utility Services does not assume responsibilities for errors contained hereon.





Brevard County Utility Service Department

Water and Sewer Customers

DISTRICT 5



-  Sewer Service Customers
-  District Border

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