

Emerald Coast Utilities Authority

Administrative Code

Effective 01.27.2026

EMERALD COAST UTILITIES AUTHORITY
CODE
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CHAPTER 1

EMERALD COAST UTILITIES AUTHORITY ACT[1]

CHAPTER 2022-262

House Bill/Committee
Substitute No. 1583

An act relating to Emerald Coast Utilities Authority, Escambia County; amending Ch. 2001-324, Laws of Florida; providing requirements for filling vacancies on the Emerald Coast Utilities Authority; prohibiting certain members from reelection under certain circumstances; revising personnel guidelines; removing a personnel appeals board; revising the personnel appeals process and procedure; revising the qualifications for the executive director; removing the exclusion of certain personnel from civil service protections; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Authority created.

There is hereby created and established a local governmental body, corporate and politic, to be known as the "Emerald Coast Utilities Authority*," hereinafter referred to as the "authority." The authority is hereby declared to be an independent special district. *[*As amended by Chapter 2004-398, House Bill No. 401; 06/17/2004]*

[1] ***Editor's*** *note- Chapter 1 is Laws of Florida Chapters 2001-324, § 3. Section 2 of such act stated that the act codified, repealed, amended, and reenacted Laws of Fla. Chs. 92-248, 93-365, 95-497, and 97-364. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the 2001 Act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions for clarity are indicated by brackets.*

Section 2. Legislative findings.

The Legislature finds and declares that the health, welfare, and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: that the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public: that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county: that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized, and that the consolidation of utility systems may eliminate duplicative staff functions and positions.

Section 3. Purposes.

The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and areas adjacent thereto. It is further the purpose of this Act to repose in the authority all powers with respect to water, sewer, and such other additional utilities as may be hereafter designated as provided in sections 5(c) and 7(c) herein, which are now, in the future could be, or could have been, but for this Act, exercised by the City of Pensacola or Escambia County, Florida.

Section 4. Governing body.

(a) The governing body of the authority shall consist of five (5) members. Members shall be elected by a majority of their electors in partisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner and shall qualify with the

Supervisor of Elections of Escambia County.

(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected. If the Governor fails to make an appointment within 90 days after the date of the vacancy, the chair of the Board shall nominate two persons from the district in which the vacancy occurred as potential candidates to fill the vacancy. The remaining members, excluding the chair, shall select by majority vote one of the two nominees to fill the vacancy.

(c) Members shall be eligible for reelection. Any person elected to two consecutive full terms as a member of the Board subsequent to July 1, 2021, is not eligible for election to the Board for the next succeeding term.

(d) Before entering upon his or her duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the office of the Secretary of State.

(e) As compensation for performance of duties and responsibilities set forth herein, members of the authority and their successors shall receive from the authority monthly an

amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly by members of the District School Board of Escambia County, and shall also receive from the authority two hundred dollars ($200.00) per month to be used in defraying regular expenses incurred in the performance of the duties of office. Members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.

(f) The authority shall elect a chair and a vice chair from the members of the authority, each of whom shall serve for one (1) year or until his or her successor is chosen. The chair, or the vice chair in the chair's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one (1) vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this Act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least three (3) days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting and stated in the record. Special or emergency meetings may be called by the chair upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be

deemed an "agency" or "authority of the county" for purposes of section 286.011, Florida Statutes, the "Government in the Sunshine Law." In addition to the provisions of the Code of Ethics for Public Officers and Employees, part III of chapter 112, Florida Statutes, no consultant to the authority shall have or hold any employment or contractual relationship with a business entity other than the authority in connection with any contract in which the consultant personally participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while the consultant. However, this provision shall not preclude the award of any contract to a consultant if such contract is awarded after open competitive bidding, and if the consultant submits the low bid.

Section 5. Powers.

(a) The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this Act. In furtherance thereof, the authority shall have:

(1) a. The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates, or other evidences of indebtedness , including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of ch 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates, or other evidences of indebtedness authorized to be issued by this Act may be validated in the manner prescribed in chapter 75, Florida Statutes. Any complaint for validation permitted by the preceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds, or revenues, of whatever kind or nature, and may specify

the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests, and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

b. In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(2) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the Board, the City of Pensacola, or the City Council of the City of Pensacola (hereinafter referred to as the "Council"), or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district , or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, and water supply, including, but not limited to, the powers granted under chapter 125, chapter 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(3) All powers granted to municipalities with regard to sewage collection and disposal and water supply granted to municipalities pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under chapter 170, Florida Statutes.

(4) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(5) The power to set, fix, pledge to establish, or establish, levy, or impose

assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(6) The power of eminent domain, as provided by general law, to carry out the purposes described in this Act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the Board or the Council) of the jurisdiction in which the subject property is located.

(7) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the construction, operation, and maintenance of the systems, facilities, or functions under jurisdiction of the authority, and to comply with all requirements and conditions imposed in connection therewith.

(8) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(9) All other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this Act.

(10) All privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(11) Only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(12) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(13) The power to provide any and all utilities services authorized by this Act to areas outside the territorial limits of Escambia County, but adjacent thereto, if capacity is available.

(14) The power to establish civil penalties, including the imposition of fines, for the violation of rules or regulations of the authority pertaining-to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce the rules and regulations adopted pursuant to this section, by suit for in-junction or other appropriate action in the courts of the state.

(15) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth in section 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

(b) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(c) (1) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this Act, apply to such specified utility systems. All powers granted to the authority by this Act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the Council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one (1) of them within the corporate limits of the city.

(2) In providing, operating, or maintaining resource recovery systems or solid waste collection, distribution, or disposal systems, the authority shall use the most cost- effective means of providing such systems and is encouraged to contract with private persons on a competitive basis for any and all such systems in order to ensure that such services are provided

on the most cost-effective basis. In accordance with section 403.7063, Florida Statutes, the authority shall not discriminate against private persons who provide resource recovery systems or solid waste collection, distribution, or disposal systems.

(3) The authority shall seek competitive bids for all construction-related activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems when the estimated total cost of construction will exceed five thousand dollars ($5,000.00).

(d) No listing of powers included in this Act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this Act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the Act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.

(e) Except as is hereinafter provided, nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the Board. The Board shall continue to exercise such powers, duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the Board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The Board and the authority are authorized to utilize the provisions of section 367.081(4)(b),Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the Board exercises ratemaking authority or approval, subject to the limitations of such

statutes and rules. Any publicly owned or privately owned water utility operating within Escambia County on or after August 1, 1981, under any franchise, permit, or other authorization from the authority, the Board, or the state shall:

(2) Promptly provide to the authority as soon as it is available a copy of its complete water service consumption information with regard to water service customers of such utility who are also sewer service or solid waste service customers of the authority or of an entity with which the authority has an agreement under subsection (f); and

(3) Upon certification by the authority that any such customer has failed to pay charges for sewer service or solid waste service furnished by the authority or by an entity with which the authority has an agreement under subsection (f) and has been given notice and a reasonable opportunity to pay such charges, discontinue furnishing water to such customer and disconnect the water supply system of such customer until all such charges and other charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full.

For purposes of interpreting Florida Administrative Code Rule 25-30.320, the authority shall be considered an "affiliated utility" of any such water utility. The authority shall promptly reimburse to such cooperating water utility the reasonable cost of providing a copy of its water service billing information and of disconnecting its water service.

(f) The authority shall enter into an agreement with each entity furnishing solid waste collection service to customers who are required by the Board to subscribe for such service. Upon certification to the authority by such entity that a customer has failed to pay charges for solid waste service furnished by it and has been given notice and a reasonable opportunity to pay such charges, the authority:

(1) Shall, if the customer is a customer of water from the authority, discontinue furnishing water to such customer and disconnect the water supply of such customer until all such charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full; or

(2) Shall certify the information provided by such entity to any utility providing water service to the customer, if the customer is also a customer of water from the water utility. The entity shall promptly reimburse the authority for amounts paid to a water utility under subsection (e) on its behalf.

Section 6. Public purpose.

The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola; that the authority is performing an essential governmental function; that all property of such authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes: and that all bonds, notes, revenue certificates, or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be nontaxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

Section 7. Transfer of assets and liabilities.

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of ten million dollars ($10,000,000.00) as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. However, if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating to the county's Water and Sewer District Number One, then such

obligations shall be transferred to the authority: otherwise, the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Furthermore, the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations, whereupon, all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities, and assets of the city's and county's water and sewer systems. To consummate the sale as aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When such transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. However, accounts receivable and debts of the city and the county that are due and payable prior to the date of such transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept, any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation shall be agreed upon by the governmental body and the authority. However, the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Nothing herein contained

shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority, on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this Act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, or pledged, notwithstanding the provisions of any other law: provided, however, that ad valorem taxes may be so provided and used only after full compliance with the Constitution of the State of Florida, and provided further that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

Section 8. Franchise fees.

The Council is hereby authorized to impose a franchise fee upon the authority system; provided, however, that the authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

Section 9. Rate setting procedure.

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, or other additional utility systems of the authority

(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(a)(5). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such premises, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat

such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g) (1) Except as hereinafter provided in paragraph (2), no assessments, rates , fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and organizations that have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least fourteen (14) days prior to the public hearing. Such hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users or property served shall be extended to cover any additional users or property thereafter served that fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority

called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as hereinabove provided.

Section 10. Personnel.

(a) The authority may adopt policies for the appointment, removal, or suspension of employees or agents of the authority and fix their compensation, which policies shall be no less protective than the protections required under part II of chapter 110, Florida Statutes.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities that theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain interlocal agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their

employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his or her election, within thirty (30) days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who, prior to being transferred to the authority, were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the same rights under such system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing such system, and shall include, but shall not be limited to, the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of section 112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its general pension and retirement fund.

Section 11. Personnel disciplinary proceedings.

The authority shall conduct all employee or agent disciplinary proceedings according to its policies adopted pursuant to section 10, which shall be no less protective than the rules of the Department of Management Services, or its successor, adopted pursuant to s. 110.227, Florida Statutes, as may be subsequently amended, including, without limitation, proceedings for corrective action, termination of employees or agents, and appeals. Notwithstanding the foregoing, nothing contained herein shall be deemed to subject the authority to the jurisdiction of the Department of Management Services, including the authority within the definition of the term "agency" for purposes of chapter 110, Florida Statutes, or to require appeals to be handled by the Public Employees Relations Commission. The authority may engage the services of administrative law judges through the Division of Administrative Hearings to render nonbinding recommended orders to the executive director for such appeals.

Section 12. Process and procedure.

(a) Any person wishing to appeal a termination of services; assessment of fees, charges, or fines; notice of claim of lien; or increase in security deposit that directly affects his or her substantial interests may file a petition for review within ten (10) days after the date the action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within forty (40) days after receipt.

(b) If the petition is granted, the petitioner, or his or her counsel, shall be afforded an opportunity, at a mutually convenient time and place and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to the authority 's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision of the authority shall have the same rights

and remedies that would have been available to him or her under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 13. Executive director.

The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or alternatively, must be a licensed and registered engineer. The Executive Director shall have at least 6 years of experience in the field of engineering, operations, or management of utility system of size comparable to or larger than the water and sewer system of the Emerald Coast Utilities Authority at the time of the vacancy of the position. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above.

Section 14. Fiscal year and budget.

The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget that shall be balanced and that shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 15. Execution of documents; payment of bills.

All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent, or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to

determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, and legally due and payable and that the authority has funds on hand to make payment.

Section 16. Management efficiency audit.

The authority shall contract for a management efficiency audit by a private firm at intervals of at least five (5)* years, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority. *[*As amended by Chapter 2013-261, Committee Substitute for House Bill No. 1069; 06/28/2013. Scriveners error corrected 05/08/23]*

Section 17. Citizens' advisory committee.

The authority shall make provision for and appoint a citizens' advisory committee or committees. The appointees to such committees shall have no personal or business ties with the authority that could be construed as a conflict of interest.

Section 18. Enforcement and penalties.

Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority and shall not exceed five hundred dollars ($500.00) for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding five hundred dollars ($500.00) but not exceeding two thousand dollars ($2,000.00) per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than five hundred dollars ($500.00) in order for the authority to carry out a federally mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a

separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(a)(14) of this Act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 19. [Construction.]

The provisions of this Act shall be liberally construed to effectuate the purposes set forth herein.

Section 20. [Severability.]

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application and to this end the provisions of this Act are declared severable.

Section 4. [Repealer.]

Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85410, 86-451, 89-473, 91-349, 91-403, 92-248, 93-365, 95-497, and 97-364, Laws of Florida, and Section 3 of Chapter 91-335, Laws of Florida, are repealed.

Section 5. [Effective date.]

This Act shall take effect upon becoming a law.

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.

Chapter 2

EMERALD COAST UTILITIES AUTHORITY CODE

ADMINISTRATION

Art. I. In General, §§ 2-1 - 2-50
Art. II. Utilities Authority Bylaws, §§ 2-51 – 2-75
Art. III. Risk Management Policy, §§ 2-76 - 2-90
Art. IV. Reserved, §§ 2-91 - 2-100
Art. V. Reserved, §§ 2-101 – 2-107

ARTICLE I. IN GENERAL

Sec. 2-1. Emerald Coast Utilities Authority - Actions ratified.

The actions of the Emerald Coast Utilities Authority, ("ECUA") as they are recorded in its minutes are ratified and confirmed as the actions of ECUA, subject to such terms and conditions as are recorded and adopted by reference in said minutes.

(Res. No. 81-01, § 1, 08/03/1981; Florida Law Chapter 2004-398, 06/17/2004 changed name of Escambia County Water and Sewer Authority to Emerald Coast Utilities Authority, first appearance in Res. 04-07; Res. No. SR22-01, 08/23/2022) Cross reference – September 1, 1981, County Transfer Agreement relative to Escambia County Water & Sewer Utilities Authority, App. B.

Sec. 2-2. Emerald Coast Utilities Authority - Records.

The minutes, contracts, documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, of ECUA are and shall be maintained as the records of ECUA.

(Res. No. 81-01, § 2, 08/03/1981; Florida Law Chapter 2004-398, 06/17/2004 changed name of Escambia County Water and Sewer Authority to Emerald Coast Utilities, first appearance in Res. 04-07; Res. No. SR22-01, 08/23/2022)

Sec. 2-3. Emerald Coast Utilities Authority - Effective date.

The effective date of this Section is August 3, 1981.

(Res. No. 81-01, § 3, 08/03/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-4. Authority of Executive Director to execute applications and agreements pertaining to grants from the U.S. Environmental Protection Agency-Granted.

The Executive Director or, in the event of his/her absence or incapacity, the acting Executive Director of ECUA is authorized and directed to execute for and on behalf of ECUA, any

and all applications and agreements pertaining to grants from the United States Environmental Protection Agency for federal assistance for construction of wastewater facilities.

(Res. No. 88-9, § 1, 03/24/1988 (which repealed Res. No. 81-12; § 1 and 2; 09/23/1981); Res. No. SR22-01, 08/23/2022)

Sec. 2-5. Emerald Coast Utilities Authority - Effective date.

The effective date of Section 2-4 is March 24, 1988.

(Res. No. 88-9, § 3, 03/24/1988, which repealed Res. No. 81-12; § 1 and 2; 09/23/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-6. Authority of Executive Director to execute requests for assistance, from Florida Bureau of Disaster Preparedness and Federal Emergency Management Agency-Granted.

The Executive Director or, in the event of his/her absence or incapacity, the acting Executive Director of ECUA, are hereby authorized and directed to execute, for and on behalf of ECUA, and any and all correspondence and related papers pertaining to requests for assistance from the Florida Bureau of Disaster Preparedness and the Federal Emergency Management Agency.

(Res. No. 81-18, § 1, 10/08/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-7. Emerald Coast Utilities Authority - Effective date.

The effective date of Section 2-6 is October 8, 1981.

(Res. No. 81-18, § 2, 10/08/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-8. Authority of Executive Director to execute agreements with U.S. Navy-Granted.

The Executive Director or, in the event of his/her absence or incapacity, the acting Executive Director of ECUA, are hereby authorized and directed to execute, for and on behalf of ECUA, any and all agreements and related papers pertaining to utility and property matters with the U.S. Navy.

(Res. No. 81-19, § 1, 10/08/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-9. Emerald Coast Utilities Authority - Effective date.

The effective date of Section 2-8 is October 8, 1981.

(Res. No. 81-19, § 1, 10/08/1981; Res. No. SR22-01, 08/23/2022)

Sec. 2-9.1. Authority of Executive Director to execute certain agreements with the Florida Department of Transportation.

The Executive Director or, in the event of his/her absence or incapacity, the acting Executive Director of the ECUA is authorized to execute utility work agreements between the ECUA and the Florida Department of Transportation in amounts not exceeding one hundred thousand and 00/100 dollars ($100,000.00).

(Mo. of 05/24/2001(1); Res. No. SR22-01, 08/23/2022)

Sec. 2-10. Electronic, or other medium, transfer of funds-Authorized.

The Director of Finance of ECUA or, in his/her absence, the person appointed as Acting Director of Finance, is hereby authorized to transfer funds by telephone or other electronic medium between the accounts of ECUA.

(Res. No. 82-5, § 1, 05/13/1982)

Sec. 2-11. Emerald Coast Utilities Authority - Effective date.

The effective date of Sections 2-10 is May 13, 1982.

(Res. No. 82-5, § 2, 05/13/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-12. Facsimile signatures of officers authorized.

All designated depositories of the funds of ECUA are hereby, requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in the name of ECUA, when bearing or purporting to bear the facsimile signatures of both the Chairperson the Executive Director, and the Executive Director as the Secretary for the ECUA Board or, in the event of his/her absence or incapacity, the acting Executive Director of ECUA, and each such depository shall be entitled to honor and charge ECUA for such checks, drafts or other orders regardless of by whom or by what means the actual or purported facsimile signatures thereon that have been affixed thereto, if such signatures resemble the facsimile specimens duly certified to or filed with such depository.

(Res. No. 82-4, § 1, 05/13/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-13. Vice-Chairperson authorized to execute documents on behalf of ECUA.

The Vice-Chairperson of ECUA is hereby authorized to execute any instrument or document on behalf of ECUA in case of the absence or other unavailability of the Chairperson, and such execution shall be binding upon ECUA.

(Res. No. 82-4, § 2, 05/13/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-14. The acting Executive Director is authorized to execute documents on behalf of ECUA.

The acting Executive Director of ECUA is hereby authorized, in the event of the absence or incapacity of the Executive Director, to execute on behalf of ECUA any instrument or document which the Executive Director is authorized to execute and is further authorized to attest to or to certify any instrument or document which the Executive Director as the Secretary for the ECUA Board is authorized to attest to or certify.

(Res. No. 82-4, § 2, 05/13/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-15. Effective date of three preceding sections.

The effective date of Sections 2-12, 2-13, and 2-14 is May 13, 1982.

(Res. No. 82-4, § 4, 05/13/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-16. Disposition of surplus property.

1. Tangible Property Any tangible personal property of ECUA may be determined to be surplus and may be disposed of in the following manner:

    A. *Authorization:*

        1. Tangible personal property, the estimated value of which is less than two thousand and 00/100 dollars ($2,000.00), may be disposed of in the manner hereinafter provided if the Executive Director first makes a finding in writing determining that such property is no longer necessary, useful, or profitable in the operation of the utility systems of ECUA.
        2. Tangible personal property, of which the estimated value or for which the amount to be received, whichever is greater, is in excess of one hundred thousand and 00/100 dollars ($100,000.00) but not in excess of ten percent (10%) of the value of the fixed assets of the utility systems of ECUA according to the most recent annual audit report, may be disposed of in the manner hereinafter provided if the Executive Director first makes a finding in writing determining that such property is no longer necessary, useful or profitable in the operation of the utility systems of ECUA. Further, the Director of Finance shall determine if it is in the best interest of the utility systems of ECUA that such property be disposed of, and the ECUA Board shall, by resolution duly adopted, approve, and concur in the findings of the Executive Director and of the Director of Finance and authorize the disposition of said tangible personal property.

3. Nothing contained herein shall restrict the ECUA Board from authorizing the sale, lease, mortgage, pledge, or other disposition of any tangible personal property of ECUA in the manner permitted by law and the covenants governing ECUA's bonds, if the Director of Finance certifies that the net revenues of the systems will not be materially adversely affected by reason of such sale or other disposition.
4. Articles of surplus tangible personal property which may conveniently and reasonably be offered for sale or other disposition as a lot or group shall not be separated into units of lesser value for the purpose of avoiding the necessity for obtaining the approvals, concurrences and authorizations required by subsections 1 through 3 above or the notice requirements hereinafter set forth.

B. *Disposition*

1. Surplus tangible personal property which has been authorized for disposition, pursuant to Section A, above, may be disposed of for value to any person, or if such property is without commercial value, it may be donated, destroyed, or abandoned. The determination of such property to be disposed of pursuant to this paragraph shall be at the election of the Executive Director in the reasonable exercise of his/her discretion.

C. *Proceeds*

1. All proceeds received from the sale or other disposition of surplus tangible personal property shall be initially deposited into a separate fund to be known as the "surplus tangible personal property fund." If such proceeds from any sale or other disposition are in excess of ten percent (10%) of the value of the fixed assets of the utility systems of ECUA according to the most recent audit and operating report, such proceeds shall be used for the retirement of outstanding bonds of ECUA. If such proceeds are ten percent (10%) or less of the value of said fixed assets, such proceeds shall be transferred into the renewal and replacement fund or used for the retirement of outstanding bonds in such proportions as may be determined by the ECUA Board upon the recommendation of the Executive Director.

2. Real Property Any real property of ECUA may be determined to be surplus and may be disposed of in the following manner:

A. *Authorization:*

1. Real property, of which the estimated value or for which the amount to be received, whichever is greater, is not in excess of one hundred thousand and 00/100 dollars ($100,000.00), may be disposed of in the manner hereinafter provided if the Executive Director first makes a finding in writing determining

that such real property is no longer necessary, useful, or profitable in the operation of the utility systems of ECUA, and the ECUA Board shall, by resolution duly adopted, approve, and concur in the finding of the Executive Director, and authorize the disposition of said real property.

2. Real property, of which the estimated value or for which the amount to be received, whichever is greater, is in excess of one hundred thousand and 00/100 dollars ($100,000.00) but not in excess of ten percent (10%) of the value of the fixed assets of the utility systems of ECUA according to the most recent annual audit report, may be disposed of in the manner hereinafter provided if the Executive Director first makes a finding in writing determining that such property is no longer necessary, useful or profitable in the operation of the utility systems of ECUA. Further, the Director of Finance shall determine if it is in the best interest of the utility systems of ECUA that such real property be disposed of, and the ECUA Board shall, by resolution duly adopted, approve and concur in the findings of the Executive Director and of the Director of Finance, and authorize the disposition of said real property.
3. Nothing contained herein shall restrict the ECUA Board from authorizing the sale, lease, mortgage, pledge or other disposition of any property comprising a part of the utility systems of ECUA to the extent and in the manner permitted by law and the covenants governing ECUA's bonds, if the Director of Finance certifies that the net revenues of the systems will not be materially adversely affected by reason of such sale or other disposition.

B. *Disposition*

1. The ECUA Board may sell any real property which has been authorized for disposition as provided above to the highest and best bidder. Any sale of real property shall be electronically posted to ECUA's website, may be listed with a licensed Realtor and posted on the Pensacola MLS website, and posted to a procurement website (such as BidNet Direct or similar media) for at least twenty one (21) days prior to the established Bid opening, calling for bids for the purchase of the real property so advertised to be sold. The bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted unless the ECUA Board rejects all bids because they are too low. The ECUA Board may require a deposit to be made, in such form or in such amount as the ECUA Board shall determine, with each bid submitted.
2. When the ECUA Board finds that the value of a parcel of such real property is ten thousand and 00/100 dollars ($10,000.00) or less, as determined by an appraiser designated by ECUA, and when, due to the size, shape, location and value of the parcel, it is determined by the ECUA Board that the parcel is of use only to one (1) or more adjacent property owners, ECUA may effect a private sale of the parcel. ECUA may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however,

if, within ten (10) working days after receiving such mailed notice, two (2) or more owners of adjacent property notify ECUA of their desire to purchase the parcel, ECUA shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

3. Whenever, in the opinion of the ECUA Board, it holds and possesses any real property which has been authorized for disposition as provided above, and such property may be to the best interest of ECUA exchanged for other real property, which ECUA may desire to acquire for purposes of its utility systems, the ECUA Board may make such an exchange. Provided, however, before any such exchange of property shall be effected, a notice, setting forth the terms and conditions of any such exchange of property, shall be electronically posted to ECUA's website, may be listed with a licensed Realtor and posted on the Pensacola MLS website, and posted to a procurement website (such as BidNet Direct or similar media) for at least twenty one (21) days prior to the established Bid opening ECUA Board of a resolution authorizing the exchange of properties.

C. *Proceeds*

1. Proceeds from the sale of surplus real property shall be earmarked for the acquisition of other real property subject to the current bond covenants which provide that the proceeds from the sale of any such property shall not exceed ten percent (10%) of the value of the fixed assets of the system, and further provided that there is no default in ECUA's bond payments. If the proceeds derived from the sale of any such property are in excess of ten percent (10%) of the value of the fixed assets of the system, then these proceeds shall be used for the retirement of any outstanding bonds.

(Mo. of 03/11/1982; Mo. of 11/08/1984; F.S. Ch. 274; F.S. § 125.35; Res. No. SR22-01, 08/23/2022)

Sec. 2-17. Travel policy.

A. *State Law to Govern:*

1. Anything in the written travel policies and procedures of the authority to the contrary notwithstanding, travel expenses of the authority are governed by the provisions of section 112.061, Florida Statutes, or by resolution of the ECUA Board adopted in accordance with section 112.061, Florida Statutes.

(Mo. 09/11/1984; Res. No. 03-11, 09/25/2003 – amended Section 2-17A(1) and was amended by Res. No. 05-03; 04/28/2005; Res. No. SR22-01, 08/23/2022)

B. *Travel Expense Policy:* This policy shall prevail over any conflicting provisions in past or present policies and shall pertain to all employees and authorized persons of ECUA. Where this policy does not specifically cover a situation, travelers will be

governed by Florida Statutes, section 112.061.

1. *Definitions:* For the purposes of this policy, the following words shall have the meanings indicated:

   (a) *Employee:* An individual, other than an authorized person, who is filling an approved position with ECUA.
   (b) *Authorized person:*

      (1) An individual elected or commissioned to serve on the ECUA Board.
      (2) An individual who is called upon by ECUA to contribute time and services as consultant or advisor.
      (3) An individual who is a candidate for an executive or professional position.
      (4) An individual who is filling an authorized temporary or contractual position with ECUA.

   (c) *Traveler:* An employee or authorized person when performing authorized travel.
   (d) *Authorized travel:* Travel which has been approved by the immediate supervisor and the Executive Director or his/her designee as beneficial to the ECUA, including travel to meetings or seminars which provides tangible benefits to ECUA.
   (e) *Travel expenses:* The usual ordinary and incidental expenditures necessarily incurred by a traveler.
   (f) *Common carrier:* Train, bus, commercial airline operating scheduled flights, and rental cars of an established rental car firm.
   (g) *Travel day:* A period of twenty-four (24) hours consisting of four (4) quarters of six (6) hours each (i.e., midnight to 6:00 a.m., 6:00 a.m. to 12:00 p.m. [noon), 12:00 p.m. to 6:00 p.m., and 6:00 p.m. to midnight).
   (h) *Travel period:* A period of time between the time of departure and time of arrival.
   (i) *Official headquarters:* The official headquarters of an employee shall be the city, town, or area in which the office is located.
   (j) *Class A travel:* Continuous travel of twenty-four (24) hours or more away from headquarters.
   (k) *Class B travel:* Overnight absence.
   (l) *Class C travel:* Travel for short or day trips where the traveler is not away from his/her official headquarters overnight.
   (m) *Foreign travel:* Travel outside the continental United States.

2. *Authority to incur travel expenses:*

(a) All travel, except that of Board members, must be authorized and approved before leaving by the Executive Director or his/her designee. Travel requests should first be submitted to the traveler's supervisor for approval. The supervisor should attach a signed statement stating that travel is for official business of ECUA and also stating the purpose of travel. Requests should then be submitted to the department head for approval. If the request is for the department head, it should be submitted to the Executive Director or his/her designee. These requests for travel will be submitted no later than seven (7) days prior to leaving for approval, except in emergency circumstances. This request is then sent to the finance department for any advance money requested.

(b) Reimbursement for use of car or other traveling expenses of persons for the sole purpose of the job placement examinations shall not be allowed.

(c) Travel expenses of candidates for executive or professional positions may be paid or reimbursed by ECUA. The expense of such travel may be paid or reimbursed with notice to the ECUA Board. The Executive Director is hereby authorized to approve the payment and reimbursement of travel expenses for not more than five (5) candidates for any such position.

(d) Travel expenses necessarily incurred by Board members in the performance of their official duties may be paid or reimbursed by ECUA, subject to the limitations set forth in section 112.061, Florida Statutes, or as established by resolution of the ECUA Board. Such expenses may be paid or reimbursed only upon approval of the travel prior to the commencement of travel. Board members may obtain such approval from the Chairperson, through the Executive Director. If the Chairperson is unavailable or is the person whose travel request is being considered, approval may be obtained from the Vice-Chairperson, through the Executive Director. The decisions of the Chairperson and Vice-Chairperson are final, subject only to an appeal to the Board. Any approval for travel under this subsection shall be reported to the ECUA Board at its next regular or special meeting.

(Res. No. 03-11, 09/25/2003 [which was amended by Res. No. 05-03, 04/28/2005, § 2-17(B)(2)(d)]

3. *Travel time for reimbursement expenses:* For purposes of reimbursement the following applies:

(a) A traveler's time allowance for reimbursement of meals shall be based on the following schedule:

(1) *Breakfast:* When travel begins before 6:00 a.m. and extends beyond 8:00 a.m.

(2) *Lunch:* When travel begins before 12:00 noon and extends beyond 2:00 p.m.

(3) *Dinner:* When travel begins before 6:00 p.m. and extends beyond 8:00 p.m.

(b) No allowance shall be made for meals for employees, authorized persons and guests when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The cost of meals (not including alcoholic beverages) for ECUA employees required to work before or after their normal working hours or in emergency situations may be authorized by the Executive Director or his/her designee. Meals for out-of-county candidates for executive and professional positions may be paid if approved.

4. *Lodging and food allowance:* Each employee/authorized person traveling to attend a convention, conference, meeting or official business shall be reimbursed for the following expenses:

(a) *For out-of-state or in-state travel:*

(1) An amount for meals not to exceed: Per diem rates for travel within the Continental United States published by the United States Internal Revenue Service or, for travel outside the United States, the United States Department of State foreign per diem rates, as the same may be amended from time to time.

(Res. No. 03-11, 09/25/2003, § 2-17 B4(a)(1)

(2) Actual expenses for lodging at the most economical occupancy rate, to be substantiated by paid bills.

(b) Any meals included in a conference or convention registration fee shall be deducted from the daily food allowance. A copy of the conference agenda or program itemizing registration fees and any meals or lodging shall be included with the documentation supporting the travel payments.

5. *Transportation:*

(a) All travel should be by the most direct and economical route. Any person traveling by an indirect route for his/her own convenience will bear any extra costs unless proof of full booking of the economy class is provided. The Executive Director, or his/her designee, shall determine the most economical method of travel for each trip, keeping in mind the following conditions:

(1) The nature of the business.
(2) The most efficient and economical means of travel (considering time of the traveler, cost of transportation, and subsistence required).
(3) The number of persons making the trip and the amount of equipment or material to be transported.

(b) Transportation by common carrier, paid for personally by the traveler, shall be substantiated by a receipt. Travel arrangements and billing to ECUA should occur to take advantage of any discounts.

(c) *Travel by private vehicle:*

(1) The use of private vehicles for official travel in lieu of ECUA vehicles or common carriers may be authorized by the Executive Director, or his/her designee. Whenever travel is by private vehicle, the traveler shall be entitled to a mileage allowance at a fixed rate per mile in accordance with guidelines published from time to time by the United States Internal Revenue Service. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when private vehicles are used on ECUA business. Reimbursement shall be made pursuant to this paragraph, except as provided in subsection (6).

(Res. No. 03-11, 09/25/2003, § 2-17 B5(c)(1))

(2) A travel log must be submitted when requesting reimbursement for mileage. All mileage shall be shown from point of origin to point of destination. Vicinity mileage necessary for the conduct of official business is allowable and will be shown separately.

(d) Transportation by rental and chartered vehicles when traveling on official business may be authorized by the Executive Director, or his/her designee.

6. *Other expenses:* The following incidental traveling expenses of the traveler may be reimbursed:

   (a) Taxi fares, airport limo service, and driving services.
   (b) Ferry fares; bridge, road, and tunnel tolls.
   (c) Storage or parking fees.
   (d) Communication expenses.
   (e) Convention registration fees.

7. *Fraudulent claims.* Each claim form shall contain a statement that the expenses were actually incurred by the traveler as necessary traveling expenses in the performance of his/her official duties. Any person who willfully submits a claim which is not believed to be true or found to be untrue shall be subject to disciplinary action.

8. *Travel authorization and voucher forms:* Requests for travel and for reimbursement of traveling expenses should be submitted on ECUA forms.

   (a) *Authorization forms:* Each travel request for out-of-county meetings or seminars shall either be accompanied by the published agenda or schedule of the meeting/seminar. The traveler should also show an itemization of registration fees and any meals or lodging included in the registration fee. The form shall be signed by the traveler and the department head or Executive Director. A copy of the travel authorization form shall be attached to and become a part of ECUA's copy of the travel expense form.
   (b) *Expense forms:* Each traveler is required to file a report showing the expenses incurred within ten (10) working days after return. Any request not timely filed will require reimbursement to ECUA for all advance money and denial of expense reimbursement. Flight tickets purchased by ECUA shall be filed with the forms.

9. *Advancements:* With knowledge of the foregoing restrictions and limitations, the Executive Director, or his/her designee, may approve advances to cover anticipated costs of travel to travelers not to exceed one hundred and 00/100 dollars ($100.00) per day unless the known cost for lodging, food and destination transportation may exceed this amount. In that case, the advance will be the estimated amount. Some advancements may include the cost of subsistence and travel of any person or group of persons transported together. Each traveler in a group of persons must complete an expense form.

10. *Direct payment of expenses by the ECUA:* Whenever ECUA requires an employee to travel on emergency notice, the employee may request ECUA to pay expenses for meals and lodging directly to the vendor, and ECUA may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this policy.

C. *Meals at Local Restaurants:* No payments or reimbursements shall be made for meals for ECUA employees and guests within the immediate vicinity of ECUA's official headquarters; provided, however, that the cost of meals (not including alcoholic beverages) for successful out-of-town candidates for managerial positions being interviewed and for ECUA employees, other than the Executive Director, required to work before or after their normal working hours or in emergency situations may be authorized by the Executive Director.

D. *Site of Local Meetings:* Local meetings of ECUA employees shall only be held at ECUA facilities or such other facilities for which no charge is made to ECUA for the rental or use of the conference or meeting room.

E. *Payment to Individuals:* Such controls are improved when each individual on travel status is required to file a travel expense report certifying the expenses incurred and since such separate reports are necessary to determine that travel expenses have been paid in accordance with the limitations of law, vouchers for travel expense reimbursement shall only be filed by the separate individuals incurring the expenses.

F. *Payment Directly to Vendor:* The payment of expenses for meals and lodging directly to a vendor by charge to ECUA's charge/purchase cards or otherwise shall be allowed when ECUA requires an employee to incur either Class A or Class B travel.

G. *Meals, Transportation Provided by Others:* The extent and value of meals or transportation provided to an ECUA traveler by others shall be noted in the ECUA traveler's travel voucher.

H. *Reimbursement for Use of Personal Vehicle for In-County Travel:* Travel reports for reimbursement for use of personal vehicles of ECUA employees for in-county travel shall show the total miles incurred for official travel for the month and the points of origin and destination for the travel, and shall not include an additional request for reimbursement for a pro rata share of vehicle insurance when reimbursement for use of the private vehicle on official business is based on the statutory mileage allowance.

I. *Statement of Benefit to ECUA for Travel:* Each travel request for authorized travel to out-of-county meetings or seminars shall either be accompanied by the published agenda or schedule for said meeting or seminar or a statement explaining how attendance at the meeting or seminar will provide a tangible benefit to ECUA sufficient to justify expenditure of authority funds.

J. *Conference Lodging, Meals Deducted From per diem Allowance:* Any lodging or meals included in a conference or convention registration fee shall be deducted from the per diem allowance of the traveler provided by law. A copy of the conference agenda or program itemizing registration fees and any meals or lodging shall be included with the documentation supporting the travel payments.

K. *Filing of Travel Vouchers:*

1. Accounting for ECUA travel shall be made by filing an ECUA travel voucher form within ten (10) working days after return. Any request for reimbursement made in a travel voucher form not timely filed shall be considered to have been waived by the ECUA employee.
2. No travel advance in excess of one hundred and 00/100 dollars ($100.00) a day shall be made to an ECUA employee. Each request for a travel advance shall indicate the need or justification for the amount or size of the cash advance. The full amount of any travel advance made to an ECUA employee who does not file an ECUA travel voucher form within ten (10) working days after return shall be considered to be due and payable by the ECUA employee.

L. *Adequacy of Documentation of Travel Expenses:* Certifications of expenses incurred on behalf of ECUA by any traveler shall be prepared and travel reports of expenses incurred on behalf of ECUA shall be filed regardless of whether the traveler is an ECUA employee or not. Cross-referencing of travel vouchers to payments for air fare and conference registration shall be adequate. Flight tickets purchased by ECUA shall be filed with the vouchers.

(Mo. of 09/11/1984; Mo. of 04/26/1985; Mo. of 11/04/1985; Res. No. 03-11, § I, 09/25/2003; Res. No. SR22-01, 08/23/2022)

Sec. 2-18. Reserved.

Editor's note-Section 2-18, relating to promotional activities, derived from motions adopted Sept. 11, 1984, and Dec. 13, 1984, was repealed by a motion adopted Mar. 26, 1992.

Sec. 2-19. Financial audits.

All agreements or contracts for purchase of professional annual auditing services shall include a provision requiring the certified public accountants engaged to make the audit to determine the adequacy of the ECUA's accounting system, conformity with the Uniform Chart of Accounts in coding expenditures, and compliance with section 112.061, Florida Statutes.

(Mo. of 09/11/1984)

Secs. 2-20 - 2-25. Reserved.

Note: Sec. 2-22 was moved to Sec. 2-83 to include all Risk Management information in the same section. Editor's note-Former § 2-23, has been transferred to § 27-2. Former § 2-24, giving the effective date of Res. No. 87-23, from which § 2-23 formerly was adopted has been -deleted by the editor as superfluous. Section 2-25, a waterline extension policy, derived from a motion adopted Sept. 27, 1990, was repealed by § II of Res. No. 92-20, adopted Aug. 27, 1992. Res. No. SR22-01, 08/23/2022. Sec. 2-20 and 2-21 moved to Sec. 14-54 of Chapter 14, Res No. SR24-02; 04/23/2024.

Secs. 2-26-2-50. Reserved.

ARTICLE II. UTILITIES AUTHORITY BYLAWS*

Sec. 2-51. Creation and purpose.

ECUA exists by virtue of and for the purposes set forth in chapter 81-376, Laws of Florida, as amended (hereinafter the "Act"). The Act is incorporated in and made a part of these bylaws by reference. The Act shall supersede any provision of these bylaws or any amendment thereto which is inconsistent with the terms of the Act.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022) Cross reference-Purpose of ECUA, Part 1, § 3.

Sec. 2-52. Seal.

The seal of ECUA shall be in the form of a circle, in the center of which shall be the words "SEAL 1981 FLORIDA," and on the perimeter of which, contained within an outer concentric circle, shall be the name "EMERALD COAST UTILITIES AUTHORITY." The Executive Director of ECUA shall be the custodian of the seal and shall attest to the execution of all documents for which a seal is required. Provided, however, ECUA may authorize another of its Board members or staff to bear the seal and attest to the execution of documents for a particular purpose.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-53. Members.

Any Board member of ECUA may resign by submitting a written resignation to the Chairperson of ECUA and a copy to the Executive Director and such resignation shall become effective upon receipt by the Chairperson and without need of any acceptance unless otherwise specified therein. In the event of a vacancy for any reason other than expiration of a Board member's term of office, the Executive Director shall promptly notify the other Board members of ECUA and the Governor of Florida.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022) Cross reference-ECUA members, Pt. I, § 4.

Sec. 2-54. Meetings.

A. *Regular meetings.* ECUA shall conduct a regular meeting at least once a month in accordance with a schedule for regular meetings adopted at each organizational meeting, at such

time and place as is publicly announced at its previous regular meeting or as is otherwise publicly announced. A copy of the agenda for any such regular meeting shall be made available at least three (3) days before such meeting.

***Editor's** note-Article II, §§ 2-51 through 2-59, were originally derived from a motion adopted Sept. 10, 1981, as amended by Res. No. 81-11, adopted Sept. 11, 1981, and by motions adopted Jan. 13, 1983, July 12, 1984, Jan . 10, 1985, July 10, 1985, Sept. 5, 1985, and Apr. 24, 1986. The bylaws were completely revised Mar. 26, 1987, and May 28, 1987. Except for those portions encased in brackets [ ], the catchlines for the sections, subsections, etc., contained in this article are found in the legislation from which this article is derived. Cross reference-Bylaws authorized, Pt. I, § 4(g).

B. *Special meetings.* A special meeting of ECUA may be called at any time by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson by giving to the Board members and to the Executive Director at least twenty-four (24) hours' notice of the time, place and purpose of the meeting. It shall be the duty of the Chairperson, Vice-Chairperson, or in their absence, the Executive Director to call a special meeting whenever requested to do so by three (3) Board members of ECUA.

C. *Public meetings.* All meetings of ECUA shall be open to the public. Public notice of any such regular meeting shall be given at least three (3) days before the meeting; public notice of any such special meeting shall be given at least twenty-four (24) hours before the meeting. Public notice of a meeting shall be deemed to have been given if its time, place and purpose is timely posted in a prominent place in the headquarters of ECUA, and the local news media is notified of the time and place of such meeting.

D. *Record and minutes of meetings.* The Executive Director shall provide for the making of a sound recording of all meetings of ECUA and for the preparation of written minutes of all such meetings summarizing discussions had and actions taken. The minutes shall be made available for public inspection and copying at reasonable times.

E. *Recording, printing, and codification.* Recording, printing, and codification of minutes, other proceedings, and resolutions shall be in accordance with the general law and these bylaws.

F. *Quorum.* A majority of the Board members of ECUA shall constitute a quorum for the transaction of business. If there may be less than a quorum present at any meeting, a majority of those Board members present may adjourn the meeting from time to time until a quorum shall be present.

G. *Voting.* At every meeting of ECUA, each Board member present shall have the right to cast one (1) vote on each question and never more than one (1) vote. The vote of the majority of those Board members present shall decide any question brought before such meeting, unless the question is one upon which, by applicable law, the act, or these bylaws, a different vote is required, in which case such provision shall govern and control. Voting by proxy shall not be permitted. No Board member who is present at any meeting of ECUA may abstain from voting in regard to any decision, ruling or act of ECUA, and a vote shall be recorded or counted for each such Board member present except when, with respect to any such Board member, there is, or appears to be, a conflict of interest. No Board member shall vote in his or her official capacity on any measure which inures to his or her special private gain or shall knowingly vote in his or her official capacity upon any measure which inures to the special gain of any principal, other than a

governmental agency, by whom he or she is retained. Such Board member shall, prior to the vote being taken, publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within fifteen (15) days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the Executive Director, who shall incorporate the memorandum in the minutes.

A majority vote of all the Board members of ECUA shall be necessary for any action by ECUA in the selection, designation, suspension, or termination of the Executive Director or General Counsel of ECUA, and no action to suspend or terminate any such person shall be taken upon not less than two (2) weeks' prior written notice to all Board members of ECUA and to such individual.

(Mo. of 05/28/1987; Mo. of 03/28/2002; Res. No. SR22-01, 08/23/2022) Cross reference-Meetings generally, Pt. I, § 4(g). State law reference-Public meetings required, F.S. § 286.011.

Sec. 2-55. Parliamentary procedure.

The most current edition of Robert's Rules of Order shall govern the conduct of the meetings of ECUA and its committees to the extent that they are not in conflict with applicable law, the act, or these bylaws. The presiding officer at each such meeting shall decide all questions concerning the conduct of the meeting. The general legal counsel of ECUA shall serve as parliamentarian at all meetings of ECUA. The Chairperson of each committee shall appoint a member of such committee to serve for his or her term of office as parliamentarian at all meetings of such committee. The opinions of any such parliamentarian shall be advisory in nature and shall not be binding upon the presiding officer at any meeting.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-56. Officers.

The officers of ECUA shall include a Chairperson and a Vice-Chairperson who shall be elected by the Board members of ECUA at an organizational meeting which, commencing January 8, 1985, shall be held the first Tuesday after the first Monday in January of each year or as soon thereafter as is practical and which, commencing November 20, 1990, shall be the third Tuesday after the third Monday in November of each year or as soon thereafter as is practical. At each such organizational meeting, the Executive Director shall act as Chairperson until a Chairperson is elected. The Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside at all meetings of ECUA and perform such additional duties as ECUA may from time to time prescribe. In the absence of both the Chairperson and the Vice-Chairperson, those members of ECUA Board present may, if a quorum is present, elect a Chairperson *pro tem* who shall perform the duties of the Chairperson at such meeting.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022) Cross reference-Officers, Pt. I, § 4(g).

Sec. 2-57. Executive Director.

A. The ECUA Board shall designate an Executive Director of ECUA who shall serve at the pleasure of the ECUA Board.

B. *Personnel.* Neither the ECUA Board nor any of its members shall attempt to influence the Executive Director or any member of his or her staff with respect to the selection of any applicant for employment or the promotion, transfer, or termination of or any other personnel action concerning any individual employee. The work of all employees of ECUA shall be directed only by and under the supervision of the Executive Director without interference by the members of the ECUA Board. Employees in key staff positions who report directly to the Executive Director shall serve at the pleasure of the Executive Director.

C. *Powers and duties of the Executive Director.*

1. The Executive Director shall be the Chief Administrative Officer of ECUA and shall be responsible to the ECUA Board members as a whole for the proper administration of the affairs of ECUA and managing ECUA's affairs to comply with all applicable laws, regulations, and these bylaws.
2. It is the intent of these bylaws to grant to the Executive Director only those powers and duties which are administrative or ministerial in nature related to the daily operations of ECUA, including setting the terms and conditions of employment, and not to delegate any policy-setting authority vested in the elected Board members of ECUA.
3. The Executive Director shall have such other powers and duties as prescribed by resolution of ECUA.
4. The Executive Director shall appoint the Deputy Executive ~~d~~Director of Shared Services, Deputy Executive Director of Maintenance & Construction, or Deputy Executive Director of Engineering & Environmental Services to act as the Executive Director during his/her temporary absence.

D. *Execution of agreements, etc.* The Executive Director shall execute all agreements, bonds, contracts, notes, warrants or other evidence of indebtedness, and other obligations of ECUA when authorized to do so, and in attesting to or certifying any document on behalf of ECUA.

E. *Vacancy.* The office of the Executive Director shall be declared vacant in the event of the incumbent's termination, resignation, death, moving of his/her residence from the county, or if he/she is, by unexplained absence, illness or other incapacity, unable to continue in office or perform the duties of the office. A vacancy in the office shall be filled within six (6) months from the time the vacancy occurs, in the same manner as the original appointment. The ECUA Board may appoint an acting Executive Director in the case of vacancy until such time as a successor has been appointed or qualified.

(Mo. of 05/28/1987; Mo. of 04/25/1991, Mo. 06/30/1994; Res. No. SR22-01, 08/23/2022) Cross reference-Executive Director, Pt. I, §12.

Sec. 2-58. Departments.

The Executive Director may establish such departments, with the approval of the ECUA Board, as may be necessary to administer and perform ECUA's functions and services.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-59. Department heads.

Each department head shall be the principal officer of the department and responsible for all its operations and shall be appointed by the Executive Director and shall serve at the pleasure of the Executive Director. The ECUA Board shall establish a salary range for department heads; the exact salary of any department head shall be established within that range by the Executive Director.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-60. Administrative regulations.

A. The rules, regulations, and administrative organization for all departments of ECUA shall be set forth in an administrative Code. The ECUA Code shall be posted on the ECUA website and a hard copy shall be made available for review upon request at the headquarters office of ECUA. The ECUA Code may be amended by Special Resolution at any regular meeting of ECUA or at any special meeting called for that purpose, provided that written notice of the proposed amendment shall have been given to the Board at least ten (10) days prior to such meeting setting forth the text of the provision proposed to be amended and the text of the proposed amendment. Such amendments, as proposed or as modified by the ECUA Board, shall require a majority vote of all members of the ECUA Board.

B. The Executive Director shall be responsible for the preparation and submission to ECUA for adoption or amendment of an administrative Code.

(Mo. Of 05/28/1987; Res. No. SR22-01, 08/23/2022; Res. No. SR23-01; 05/23/2023)

Section 2-61 Citizens' Advisory Committees

A. *Standing committee.*

(1) There shall be one (1) standing committee consisting of twelve (12) members, all of whom shall be regular voting members. The committee shall consist of all five (5) members of the ECUA Board and seven (7) citizen members.

(Res. No. 05-20; 11/17/2005)

(2) The presence of a majority of the regular voting members of the Committee shall constitute a quorum.

(3) This subsection intentionally left blank.

(Res. No. 05-20; 11/17/2005)

(4) Any resident of Escambia County who desires to be appointed as a citizen member may submit an application to the Executive Director outlining the relevant experience, education, and qualifications of the applicant.

(5) Each member of the ECUA Board may appoint one person as a citizen member. Any such appointment shall be subject to approval by vote of no fewer than three (3) members of the ECUA Board. The other two (2) citizen members shall be elected at large by the ECUA Board, and those applicants receiving the highest number of votes shall be appointed. No more than two (2) appointees shall reside in a voting district.

(6) Each Committee member shall serve until the next organizational meeting of the ECUA Board or until his or her successor is appointed and shall be eligible for reappointment.

(7) Any citizen member who is absent from any three (3) regularly scheduled meetings within any two (2) consecutive calendar quarters shall be automatically removed from the Committee, provided however, that the ECUA Board may, on a case-by-case basis, waive the automatic removal of any citizen member from the Committee when it has determined an absence is due to a serious medical condition.

(Res. No. SR24-03, 05/28/2024, effective 05/20/2024)

(8) A citizen member who has been automatically removed due to attendance is not eligible and shall not be considered for reappointment until the organizational meeting in the next calendar year.

(9) In the event of a vacancy in the position of a citizen member of the Committee the vacancy shall be filled in the same manner as the position was previously filled.

(10) The ECUA Board shall select a Committee Chairperson and Vice Chairperson at its annual organizational meeting.

(11) The Committee shall review agenda items as determined by the ECUA Board or by the Executive Director.

(12) The Committee shall serve in an advisory capacity, formulating and presenting recommendations to the ECUA Board.

(13) Any citizen member may at any time be removed from the Committee for cause, as determined by the ECUA Board, by majority vote of the ECUA Board.

B. *Special advisory committees.* ECUA may create by resolution special advisory committees specifying their duties as it finds necessary and may also, by resolution, abolish or alter such special committees so created. Such committees shall elect their own officers. Members of these committees shall serve without compensation, except for expenses as approved by ECUA. The Chairperson of ECUA shall nominate, subject to confirmation by a majority vote of ECUA, members of all special advisory committees.

C. *Special advisory or standing committee procedures.* Each special advisory or standing committee shall conduct a regular meeting in accordance with a schedule for regular meetings adopted at the organizational meeting of the Committee. The Committee Chairperson, or Vice-Chairperson in the absence of the Chairperson, may call special committee meetings and may cancel, postpone or reschedule regular or special committee meetings. All meetings of the special advisory or standing committees shall be open to the public. Public notice of such meetings shall be given, and written minutes shall be prepared, in the manner prescribed in these bylaws for meetings of ECUA. The presence of a majority of the duly appointed members of a committee shall constitute a quorum. Committee action shall be by vote of the majority of the Committee members present and voting, and only members of the Committee shall be permitted to vote. The Executive Director shall appoint a senior staff member approved by ECUA to be regular staff advisory for each special advisory or standing committee and shall provide a recording secretary for each Committee meeting. Any vacancy on a committee shall be filled for the balance of the term in the same manner as the original appointment.

(Res. No. SR22-01, 08/23/2022; Res. No. SR23-01; 05/23/2023)

Sec. 2-62. ECUA attorney.

There shall be an ECUA attorney selected by the ECUA Board who shall serve at the pleasure of the ECUA Board as General Legal Counsel. The ECUA attorney shall report directly to the ECUA Board. The attorney shall provide legal services to the ECUA Board, the Executive Director, departments, and advisory committees as specified by the ECUA Board. He or she shall be licensed to practice law in the State of Florida and his or her services shall be limited to the performance of assigned duties. The attorney shall attend all Board and Committee meetings and may appoint an Associate from his or her Firm in the event of his or her unavailability. The attorney shall have the authority to negotiate and settle presuit claims and lawsuits, issue demands, and file lawsuits on behalf of ECUA. The attorney shall review and approve all proposed General and Special Resolutions to be presented to the ECUA Board for consideration. The attorney shall ensure Special Resolutions approved by the ECUA Board are incorporated into the ECUA Code within one (1) month of approval, failing which a report will be submitted to the Board at a public meeting. The attorney shall provide periodic reports to the ECUA Board and Executive Director with the status of presuit and litigation matters involving ECUA. He or she may, with the prior approval of ECUA, engage special counsel as and when needed (i.e., labor law, class action lawsuits).

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-63. Spokesperson.

The Chairperson of ECUA shall be the official spokesperson for ECUA. The Chairperson of each Committee shall be the official spokesperson for such ~~c~~committee. The provisions of this section shall not be construed so as to restrict any person from freely expressing his or her views on any matter.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-64. Budgets.

There shall be prepared, approved, adopted, and executed for each fiscal year and for such additional periods as ECUA may deem advisable, a budget for such funds as may be required by law or by sound financial practices.

(Mo. of 05/28/1987)

Sec. 2-65. Preparation of the budget.

It shall be the responsibility of the Executive Director, in conjunction with the Director of Finance, to prepare and submit a tentative budget for the ensuing fiscal year to the ECUA Board not later than August 15 of each year. All information and data necessary for the preparation of the tentative budget shall be provided by department heads for each office, department, or fund of ECUA.

The Executive Director, attorney, and Director of Finance shall have the duty to study the proposed budget and appear before the ECUA Board to offer any comments regarding the financial and/or legal soundness of the document.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-66. Review and adoption.

The ECUA Board shall receive and examine the tentative budget submitted to them and shall examine the tentative budget for each department and each fund. Revisions in the tentative budget may be made in the ECUA Board's discretion, but priority shall be given to those areas of budgeted expenditures necessary for the performance of assigned duties imposed by law, contractual obligations, and bonded indebtedness.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-67. Personnel appeals process – Department of Administrative Hearings.

In the event that an employee classified below the level of Director and not designated as key staff personnel wishes to appeal a suspension, demotion, or dismissal, that employee must submit a written request within ten (10) days of receipt of the final disciplinary notice. Notice will be deemed received upon signature on return receipt, or delivery to last known address. In such appeals, a disputed material issue of fact shall be presumed, and the Executive Director shall appoint an administrative law judge through the Division of Administrative Hearings to render nonbinding recommended orders to the Executive Director for such appeals to preside over the employee's appeal.

(Ch. 2022-262, effective June 24, 2022, amending ECUA's enabling act; Res. No. SR22-01, 08/23/2022)

Sec. 2-68. Code of ethics.

All elected ECUA Board members, and all employees shall be subject to the code of ethics for public officers and employees as provided by general law.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-69. Financial disclosure.

All elected ECUA Board members, the Executive Director, and all positions required by law shall be subject to the financial disclosure provisions of general law.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-70. Amendments.

Except as otherwise required by applicable law or the act, these bylaws may be amended at any regular meeting of ECUA or at any special meeting called for that purpose, provided that written notice of the proposed amendment shall have been given to the members at least ten (10) days prior to such meeting setting forth the text of the provision proposed to be amended and the text of the proposed amendment. Such amendments, as proposed or as modified by ECUA, shall require a majority vote of all of the members of the ECUA Board.

(Mo. of 05/28/1987; Res. No. SR22-01, 08/23/2022)

Secs. 2-71 - 2-75. Reserved.

(Res. No. SR22-01, 08/23/2022)

ARTICLE III. RISK MANAGEMENT POLICY

Sec. 2-76. Generally.

ECUA recognizes the need to protect its assets and to preserve operational continuity from risks and hazards that may arise from ECUA activities or from other activities or events that may affect ECUA.

ECUA is committed to providing a safe and healthy environment to protect employees and other members of the public to whom ECUA has such a responsibility.

(Mo. of 02/11/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-77. Risk management Goals.

Efficient risk management is considered essential to the successful overall management of ECUA. The goal of risk management within ECUA is the efficient minimization of the following categories of potential risk:

- Personnel
- Liability
- Operational Interruption
- Property

Catastrophic risks of potential loss are to be given ECUA's fullest attention. All reasonably practical techniques to avoid, control or finance such catastrophic risks shall be given due consideration.

An operational contingency plan shall be formulated. The plan shall consider potential property loss to ECUA that could significantly reduce ECUA's income and/or require significant additional expense to continue operations as nearly normal as possible. Preplanning of possible backup systems to minimize loss will be considered essential to the plan.

(Mo. of 02/11/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-78. Authority and responsibility.

The ECUA Board retains ultimate authority and responsibility for risk management. Responsibility for on-going administration of the risk management program is granted to the Executive Director. Recommendations to the Board to facilitate major risk management decisions shall be submitted through the Executive Director.

All employees are expected to act responsibly in the conduct of their duties and shall be required to participate in ECUA's risk management and safety programs to the extent required by the Board and its designees.

(Mo. 02/11/1982; Res. No. 20-02; Approved by Motion on 03/24/2020 due to COVID-19 Pandemic; Res. No. SR22-01, 08/23/2022)

Sec. 2-79. Risk management techniques.

ECUA will employ the following risk management techniques:

A. *Risk identification and analysis.* ECUA will continuously seek to identify and analyze possibilities of loss with potentially significant financial or personal impact.

B. *Risk avoidance.* Where future undertakings of ECUA shall be accompanied by risks of such a hazardous nature that control or financing of the potential risks of financial loss is impossible or impractical, then ECUA shall consider avoiding such undertakings.

C. *Risk control.* Wherever possible, and within reasonable cost, ECUA shall seek to prevent risks of loss and take measures to limit or reduce the potential extent of any losses that cannot be totally prevented. Efforts at risk control shall be continuous, so long as substantial risks persist. Insurers of major risks shall be asked to what extent their premium charges contemplate provision of risk control services, and such services shall be required when judged to be in the best interests of ECUA.

D. *Risk finance.* Upon evaluation of its risks of financial loss, ECUA shall provide for appropriate financing measures. Depending on the nature of the individual risks, ECUA shall decide whether to retain risks of loss on an uninsured basis, transfer risk of loss to an insurer, or transfer risks of loss to another party (such as through a hold-harmless agreement with an indemnification provision).

1. *Retention of risk of loss.* ECUA shall consider being uninsured or shall consider acceptance of insurance deductibles, exclusions, or restrictions when:

   a. Potential amounts of loss are small; there would be no significant effect on the budget.
   b. Insurance premium for coverage is unreasonably expensive.
   c. Risk of loss is so remote that insurance would not ordinarily be purchased.
   d. Budgetary considerations do not permit purchase of all insurance that is needed. In the last condition priorities shall be set as to which types and amounts of insurance are critical, which are important, and which are desirable but can be forgone.
   e. *Insurance purchase.* ECUA shall consider purchase of insurance when:
   f. Potential amounts of loss are too large to be retained without budgetary problems.

2. *Transfer of risk to others.* ECUA shall consider transferring risks of loss to others (by hold harmless agreements and/or contractual requirement that insurance be provided by others on ECUA's behalf) when:

a. The transfer will not directly or indirectly increase ECUA's costs above the amount of such costs ECUA would have incurred had it retained or insured the risks of loss.
b. The other party can prove that it can successfully finance the amounts of loss transferred, either by providing adequate financial position if insurance is not required or by purchase of insurance (preferable).

(Mo. of 02/11/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-80. Insurance marketing policy.

ECUA shall endeavor to seek insurance from capable insurers and agents. Competition shall be periodically required in purchase of insurance policies and shall not be restricted to local insurers and agents. Although premium cost should not be the sole consideration in accepting an insurance proposal, it should receive major emphasis, so long as other considerations are consistent.

Where the competition for particular kinds of insurance is significant, ECUA should endeavor to provide sufficient information to agents and insurers to assure that solicited proposals shall be comparable. This should be accomplished by preparation of formal specifications which should include statements of desirable coverage, amounts, endorsements, etc. and setting forth premium and loss information and rating data which insurers normally require.

When desirable, additional, and optional coverages, amounts, etc. should be requested for ECUA's consideration. The broadest coverage available shall be preferred if the premium cost is reasonable.

Cancellation notices required of insurers should be no less than ninety (90) days and should also include insurer notice of non-renewal and rate increase.

Premium quotations of incumbent insurers and agents as well as other insurers and agents should be required well in advance of policy renewal dates.

(Mo. of 02/11/1982; Res. No. SR22-01, 08/23/2022)

Sec. 2-81. Administration of self-insurance plan; defense of claims.

Any legal defense involving self-insured claims shall be through ECUA legal counsel, with professional claims adjusting services being used depending on the size and type of claim. The Risk

Manager shall serve as the self-insurance plan administrator, and the self-insurance plan administrator is authorized and directed to pay claims and related expenses in the same manner as if ECUA were insured.

(Mo. of 09/24/1987; Res. No. SR22-01, 08/23/2022)

Sec. 2-82. Authorization to Settle Claims.

The Risk Manager is authorized to settle presuit claims and litigation in the amount up to ten thousand and 00/100 dollars ($10,000.) The Executive Director is authorized to settle presuit claims and litigation in the amount over ten thousand and 00/100 dollars ($10,000) and up to fifty thousand and 00/100 dollars ($50,000.) The Risk Manager will work with ECUA legal counsel to finalize Settlement Agreements.

(Res. No. SR22-01, 08/23/2022)

Sec. 2-83. Uninsured claims.

The Executive Director is authorized in his/her discretion to pay claims for damages from sewer backups in an amount not to exceed five thousand and 00/100 dollars ($5,000.00) per claimant, or one thousand and 00/100 dollars ($1,000.00) per claimant for other casualty, provided that the Executive Director has determined, after thorough review, that there are good and sufficient reasons for such payment, even though ECUA may not be legally liable for such damages.

(Mo. of 06/26/1986, Mo. of 10/26/1995; Res. No. SR22-01, 08/23/2022) Note: Sec. 2.83 was moved from Sec. 2.22 to include all Risk Management information in the same section.

Secs. 2-84 - 2-90. Reserved.

(Res. No. SR22-01, 08/23/2022)

ARTICLE IV. RESERVED

Secs. 2-91 - 2-100. Reserved.

ARTICLE V. RESERVED

Sec. 2-101 – 2-107. Reserved.

(Mo. of 07/23/1987, § VII; Res. No. SR22-01, 08/23/2022; SR26-15; 01/27/2026 [Article V – Review of Proposals and Selection of Consultants, Sections 2-101 – 2-107, removed and added to Chapter 13 – Purchasing Procedures under Section 13-3])

Chapter 3

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 4

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 5

Cross Connection Control

Sec. 5-1. Intent.

A. ECUA is required to ensure protection of public health through the provision of minimum requirements and standards for design, construction, operation, and maintenance of its potable water system.

B. It is essential that physical Cross Connections which are not protected by the appropriate Backflow Prevention Assembly or device, be eliminated from the distribution system, as they create or have the potential to create an imminent and substantial danger to public health.

C. Backflow can cause a potable water system to become a transmitter of disease, toxic materials, and hazardous liquids.

D. Therefore, it is necessary to establish and maintain a Cross Connection Control program to protect the health of water consumers by the control of actual and/or potential Cross Connections.

E. Cross Connections, as defined in Rule 62-550.200, Florida Administrative Code (F.A.C.), are prohibited unless appropriate Backflow protection is provided to prevent Backflow through the Cross Connection into the public water system. This does not prohibit a public water system from being interconnected to another public water system of the same type without Backflow protection (i.e., a community water system [CWS] may be interconnected to another CWS without Backflow protection, a non-transient non-community water system [NTNCWS] may be interconnected to another NTNCWS without Backflow protection, and a transient non-community water system [TWS] may be interconnected to another TWS without Backflow protection).

F. The standards articulated in this Chapter establish the minimum requirements for ECUA customers; however, customers are free to install Backflow Prevention Assemblies which provide a greater level of protection than what is minimally required, should they so choose. Additionally, please note that municipal or County ordinances may require Backflow protection more stringent than what is required herein. Accordingly, customers are advised to consult with all applicable regulatory authorities prior to selecting a Backflow Prevention Assembly or device.

Sec. 5-2. Authority.

Pursuant to the Florida Safe Drinking Water Act, the Florida Department of Environmental Protection (FDEP) has adopted rules designating minimum levels of protection of the potable water systems for CWSs. The ECUA Board has implemented these rules to provide an acceptable level of protection of the public water supply.

Sec. 5-3. Definitions:

A. *Air Gap Separation:* An unobstructed vertical distance through the free atmosphere between the lowest opening of a potable water supply pipeline and the flood rim of the receiving receptacle, which, shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case shall the gap be less than one (1) inch. This gap shall be above the established 100-year flood level.

B. *Auxiliary Water System:* A pressurized system of piping and appurtenances using auxiliary water, which is water other than the potable water being supplied by the CWS and which includes water from any natural source such as a well, pond, lake, spring, stream, river, etc., includes reclaimed water, and includes other used water or industrial fluids described in *AWWA Manual M14* as incorporated in paragraph 62-555.360(l)(a), F.A.C., and subsection 62-555.360(2), F.A.C.; however, "Auxiliary Water System" specifically excludes any water recirculation or treatment system for a swimming pool, hot tub, or spa. (Note that reclaimed water is a specific type of auxiliary water and a reclaimed water system is a specific type of Auxiliary Water System.)

C. *Backflow:* The reverse flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

D. Backflow Prevention Assembly*:* An assembly to prevent Backflow.

E. *Certified* Backflow Prevention Tester*.* A person authorized under the laws, rules, or regulations of the State of Florida to test Backflow Prevention Assemblies, including but not limited to those authorized to test appurtenances on fire protection systems by the State Fire Marshal. The term also includes a person holding a valid, current certification to test Backflow Prevention Assemblies from the University of Florida, Training, Research, and Education for Environmental Occupations (TREEO); the Florida Water Pollution Control Operators Association (FWPCOA); the American Water Works Association (AWWA); the American Backflow Prevention Association (ABPA); the American Society of Safety Engineers (ASSE); or successor organizations. The Cross Connection/Backflow Prevention Division may also recognize, in its discretion, certifications from other entities/organizations which have comparable certification requirements.

F. *Commercial Account:* An ECUA customer account that does not qualify as a Single-Family Residential or Other Than Single-Family (Multi-Family) Residential Account.

G. *Community Water System (CWS):* A public water system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. ln most cases in this Chapter, the CWS is ECUA.

H. *Cross Connection:* Any physical arrangement 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 liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of Backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which Backflow could occur are considered to be Cross Connections.

I. *Cross Connection Control Personnel:* Employees assigned to work in ECUA's Cross Connection/Backflow Prevention Division.

J. *Dedicated Fire Service Connection:* A direct connection to ECUA's water main for the sole purpose of fire protection.

K. *Dedicated Irrigation Service Connection:* A direct connection to ECUA's water main for the sole purpose of irrigation.

L. *Double Check Valve Assembly (DC):* An assembly composed of two (2) single, independently acting check valves installed as a unit between two (2) tightly closing resilient-seated shutoff valves located at each end of the assembly and suitable test cocks.

M. *Dual Check Device (DuC):* A compact device consisting of two (2) independently acting spring-loaded check valves.

N. *Health Hazard:* Any condition, device, or practice in any water supply system or in its operation which creates or may create a danger to the health or well-being of the water consumer.

O. *Other Than Single-Family Residential (Multi-Family) Account:* An ECUA customer with more than one (1) but less than six (6) residential dwelling units serviced through a single connection/meter which is two (2) inches or less in diameter. Examples: Duplexes with one (1) water meter serving the two (2) dwelling units are considered Other Than Single-Family Residential (Multi-Family). Six (6) or more units on the same water meter are considered Commercial. When two (2) to five (5) units are on the same parcel, the customer has a choice of how many meters may be installed. If the customer chooses to install separate water meters, each unit becomes a Single-Family Residential Account; if a master meter is chosen, it becomes an Other Than Single-Family (Multi-Family) Residential Account.

P. *Pressure Vacuum Breaker Assembly (PVB):* A mechanical Backflow preventer that consists of two (2) independently acting, spring-loaded check valves and an independently acting, spring-loaded, air inlet valve on the discharge side of the check valve. The assembly shall be fitted with properly located test cocks. A Pressure Vacuum Breaker Assembly may be used to isolate Health Hazards or non-Health *Hazard*s but is effective against back siphonage only.

Q. *Single-Family Residential Account:* A single residential dwelling unit which receives its potable water through a single connection/meter to the public water supply. Note: if more than one dwelling unit or structure is serviced through a single connection or if both a residential and a commercial unit are served through a single connection, then that connection becomes an Other Than Single-Family (Multi-Family) Residential Account or Commercial Account, respectively.

R. *Reduced Pressure Principle* Backflow Prevention Assembly *(RP):* An assembly incorporating two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. The assembly shall include tightly closing resilient-seated shutoff valves located at each end of the assembly, and each assembly shall be fitted with properly located test cocks. The relief valve discharge shall be above the 100-year flood level.

S. *Double check detector backflow prevention assembly (DCDA)*: A specifically designed backflow assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to 3 gpm and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., a pollutant).

T. *Reduced-pressure principle detector backflow prevention assembly (RPDA)*: A specially designed backflow assembly composed of a line-size approved reduced-pressure principal backflow-prevention assembly with a bypass containing a specific water meter and an approved reduced-pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to 3 gpm and shall show a registration for all rates of flow. This assembly shall be used to protect against a non-health hazard (i.e., a pollutant) or a health hazard (i.e., a contaminant). The RPDA is primarily used on fire sprinkler systems.

Sec. 5-4. Required Backflow Protection as designated by the FDEP Rule 62-555.360, Table 62-555.360-2, F.A.C.

Category of Customer	Minimum Backflow Protection[1] to Be Provided at or for the Service Connection from the CWS to the Customer
Beverage processing plant, including any brewery	DC if the plant presents a low hazard[2]; or RP if the plant presents a high hazard[2]
Cannery, packing house, rendering plant, or any facility where fruit, vegetable, or animal matter is processed, excluding any premises where there is only restaurant or food service facility	RP
Car wash	RP
Chemical plant or facility using water in the manufacturing, processing, compounding, or treatment of chemicals, including any facility where a chemical that does not meet the requirements in paragraph 62-555.320(3)(a) F.A.C., is used as an additive to the water	RP

Dairy, creamery, ice cream plant, cold-storage plant, or ice manufacturing plant	RP[3]
Dye plant	RP
Film laboratory or processing facility or film manufacturing plant, excluding any small, noncommercial darkroom facility	RP
Hospital; medical research center; sanitarium; autopsy facility; medical, dental, or veterinary clinic where surgery is performed; or plasma center	RP
Laboratory, excluding any laboratory at an elementary, middle or high school	RP
Laundry (commercial), excluding any self-service laundry or Laundromat	RP
Marine repair facility, marine cargo handling facility, or boat moorage	RP
Metal manufacturing, cleaning, processing, or fabricating facility using water in any of its operations or processes, including any aircraft or automotive manufacturing plant	DC if the facility presents a low hazard[2]; or RP if the facility presents a high hazard[2]
Mortuary	RP
Premises where oil or gas is produced, developed, processed, blended, stored, refined, or transmitted in a pipeline or where oil or gas tanks are repaired or tested, excluding any premises where there is only a fuel dispensing facility	RP
Premises where there is an auxiliary or reclaimed water system[4, 5]	A. At or for a residential service connection[6]: DuC[7] B. At or for a non-residential service connection[6]: DC if the auxiliary or reclaimed water is a low hazard[8, 9]; or RP if the auxiliary or reclaimed water is a high hazard[8, 9]
Premises where there is a cooling tower	RP

Category of Customer	Minimum Backflow Protection[1] to Be Provided at or for the Service Connection from the CWS to the Customer
Premises where there is an irrigation system that is using potable water and that . . . I. Is connected directly to the CWS' distribution system via a Dedicated Irrigation Service Connection[12]	I. At or for a residential or non-residential Dedicated Irrigation Service Connection[6]: PVB if back-pressure cannot develop in the downstream piping[10]; or RP if backpressure could develop in the downstream piping[10]
II. Is connected internally to the customer's plumbing system	II. None[11]
Premises where there is a wet-pipe sprinkler, or wet standpipe, for fire protection system that is using potable water and that . . . I. Is connected directly to the CWS' distribution system via a Dedicated Fire Service Connection	I.A. At or for a residential Dedicated Fire Service Connection[6]: DuC if the fire protection system contains no chemical additives and is not connected to an Auxiliary Water System [4]; or RP or RPDA if the fire protection system contains chemical additives or is connected to an Auxiliary Water System [4, 13]
II. Is connected internally to the customer's plumbing system	I.B. At or for a non-residential Dedicated Fire Service Connection[6]: DC or DCDA if the fire protection system contains no chemical additives and is not connected to an Auxiliary Water System [4]; or RP or RPDA if the fire protection system contains chemical additives or is connected to an Auxiliary Water System [4, 13] II. None[11]

Category of Customer	Minimum Backflow Protection[1] to Be Provided at or for the Service Connection from the CWS to the Customer
Radioactive material processing or handling facility or nuclear reactor	RP
Paper products plant using a wet process	RP
Plating facility, including any aircraft or automotive manufacturing plant	RP
Restricted-access facility	RP
Steam boiler plant	RP
Tall building – i.e., a building with five or more floors at or above ground level	RP~~DC if the customer has no potable water distribution lines connected to the suction side of a booster pump; or RP if the customer has one or more potable water distribution lines connected to the suction side of a booster pump~~
Wastewater treatment plant or wastewater pumping station	RP
Customer supplied with potable water via a temporary or permanent service connection from a CWS fire hydrant	Varies[14]

[1] Means of Backflow protection, listed in an increasing level of protection, include the following: a *Dual Check Device* (DuC); a *Double Check Valve Assembly* (DC) or Double Check Detector Assembly (DCDA); a Pressure Vacuum Breaker Assembly (PVB); a Reduced Pressure Principle Prevention Assembly (RP) or Reduced Pressure Principle Detector Assembly (RPDA); and an Air Gap Separation. A PVB may not be used if backpressure could develop in the downstream piping.

[2] The CWS shall determine the degree of hazard. "Low hazard" or "non-Health *Hazard*" and "high hazard" or "Health *Hazard*" are defined in *AWWA Manual M14* as incorporated in paragraph 62-555.360(1)(a), F.A.C., and subsection 62-555.360(2), F.A.C.

[3] A DC may be provided if it was installed before 5-5-14 ; and if such a DC is replaced on or after 5-5-14, it may be replaced with another DC.

[4] For the purpose of this table, "Auxiliary Water System " means a pressurized system of piping and appurtenances using auxiliary water, which is water other than the potable water being supplied by the CWS and which includes water from any natural source such as a well, pond, lake,

spring, stream, river, etc., includes reclaimed water, and includes other used water or industrial fluids described in *AWWA Manual M14~~I~~4* as incorporated in paragraph 62-555.360(1)(a), F.A.C., and subsection 62-555.360(2), F.A.C.; however, "Auxiliary Water System" specifically excludes any water recirculation or treatment system for a swimming pool, hot tub, or spa. (Note that reclaimed water is a specific type of auxiliary water and a reclaimed water system is a specific type of Auxiliary Water System.)

[5] There is a possible exception to the requirement for Backflow protection at or for a residential or non-residential service connection from a CWS to premises where there is an auxiliary or reclaimed water system if all of the following conditions are met:

- The CWS is distributing water only to land owned by the owner of the CWS.
- The owner of the CWS is also the owner of the entire auxiliary or reclaimed water system up to the points of auxiliary or reclaimed water use.
- The CWS conducts at least biennial inspections of the CWS and the entire auxiliary or reclaimed water system to detect and eliminate any Cross Connections between the two (2) systems.

  For more information, please see subsection 5.7.D, below.

[6] For the purpose of this table, "residential service connection" means any service connection, including any Dedicated Irrigation or Fire Service Connection, that is two (2) inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units; and "non- residential service connection" means any other service connection.

[7] A DuC may be provided only if there is no known Cross Connection between the plumbing system and the auxiliary or reclaimed water system on the customer's premises. Upon discovery of any Cross Connection between the plumbing system and any reclaimed water system on the customer's premises, the CWS shall ensure that the Cross Connection is eliminated. Upon discovery of any Cross Connection between the plumbing system and any Auxiliary Water System other than a reclaimed water system on the customer's premises, the CWS shall ensure that the Cross Connection is eliminated or shall ensure that the Backflow protection provided at or for the service connection is equal to that required at or for a non-residential service connection. No additional Cross Connections between plumbing systems and Auxiliary Water Systems will be allowed.

[8] Reclaimed water regulated under Part Ill of Chapter 62-610, F.A.C., is a low hazard unless it is stored with surface water in a pond that is part of a stormwater management system, in which case it is a high hazard; well water is a low hazard unless determined otherwise by the CWS; industrial fluids and used water other than reclaimed water are high hazards unless determined otherwise by the CWS; reclaimed water not regulated under Part III of Chapter 62-610, F.A.C., and surface water are high hazards.

[9] Upon discovery of any Cross Connection between the plumbing system and any reclaimed water system on the customer's premises, the CWS shall ensure that the Cross Connection is eliminated.

[10] A DC may be provided if both of the following conditions are met:

- The Dedicated Irrigation Service Connection initially was constructed before May 5, 2014.
- No chemicals are fed into the irrigation system.

[11] The CWS may rely on the internal Backflow protection required under the *Florida Building Code* or the predecessor State plumbing code. The CWS may, but is not required to, ensure that such internal Backflow protection is inspected/tested and maintained the same as Backflow protection provided at or for service connections from the CWS.

[12] ECUA shall allow an exception to the requirement for Backflow protection at or for a residential or non-residential Dedicated Fire Service Connection from a CWS to a wet-pipe sprinkler, or wet standpipe, fire protection system if both of the following conditions are met:

- The fire protection system was installed and last altered before May 5, 2014.
- The fire protection system contains no chemical additives and is not connected to an Auxiliary Water System as defined in Footnote 4.

[13] Upon discovery of any Cross Connection between the fire protection system and any reclaimed water system on the customer's premises, the CWS shall ensure that the Cross Connection is eliminated.

[14] The CWS shall ensure that Backflow protection commensurate with the degree of hazard is provided at or for the service connection from its fire hydrant.

Sec. 5-5. Responsibilities.

A. If Backflow prevention is required, then it is the customer's responsibility to have it properly installed at the customer's expense. For each known connection believed to require Backflow prevention, ECUA shall endeavor to give notice in writing to the customer that an approved Backflow Prevention Assembly or device shall be installed and maintained at the customer's expense. However, it is ultimately the customer' s responsibility to ensure his or her connection complies with all applicable requirements, as they may be amended from time to time. Moreover, failure of a customer to receive notice shall not relieve the customer of responsibility to comply with the provisions of this Chapter. ECUA may provide a program whereby ECUA, through a contractor, installs and tests the required BPA, then allows the customer to pay back the cost over a period of time to encourage more customers to comply. This program requires that the customer send in a completed Opt-In Form to allow for the repayment of the actual costs incurred to ECUA over a period of two (2) years with appropriate interest through monthly payments on the customer’s ECUA bill or with a one-time lump sum payment with no interest. This program is to be “opt-in,” meaning the customers may choose to participate but are not forced to participate. The cost to the customer will be the cost paid to the Contractor for service(s) provided.

B. The customer shall select and retain a Certified Backflow Prevention Tester to conduct all testing required by this Chapter and/or Rule 62-555.360, as amended.

C. The customer is responsible for accurately completing and responding to all questionnaires and surveys applicable to Cross Connection control and to make the customer's premises available for inspection by ECUA Cross Connection Control Personnel in order to assess what Backflow Prevention Assembly, if any, is required for the premises.

D. All ECUA water customers shall immediately notify ECUA, in writing, of any changes in the nature of their activities or changes in use which may change the potential Health *Hazard* to the ECUA potable water system. These changes will be evaluated by the ECUA Cross Connection/Backflow Prevention Division to determine if there is an increase in the potential Health *Hazard* and if such increase requires the installation of a Backflow Prevention Assembly or a different type of assembly.

E. In the event of any known or suspected contamination of any potable water system, the customer shall promptly take steps to confine any further spread of contamination and shall immediately notify ECUA of the situation

F. Failure on the part of the customer to meet the requirements and/or schedule for installation, testing, and certification of said assembly or assemblies shall constitute grounds for termination of water service until such assembly or assemblies have been properly installed, tested, and certified.

G. Upon discovery of a prohibited or inappropriately protected Cross Connection, ECUA either shall ensure that the Cross Connection is eliminated, shall ensure that appropriate Backflow protection is installed to prevent Backflow into the public water system, or shall discontinue water service. If the discovered Cross Connection is on the premises of a customer and if the customer's premises is in a category described in Section 5-4, above, or Table 62-555.360-2, F.A.C., as amended, ECUA shall ensure that appropriate Backflow protection is provided by the customer at or for the water service connection to the customer regardless of whether the Cross Connection is eliminated or whether internal Backflow protection is installed at the Cross Connection to the customer's plumbing system.

Sec. 5-6. Surveys and Questionnaires.

A. Residential: All residential customers who apply for the establishment of a new water service with ECUA will receive a residential customer questionnaire from the Customer Service Department. Customer will be instructed by the Customer Service representative to return the questionnaire to the Cross Connection/Backflow Prevention Division. After evaluation by the Cross Connection/Backflow Prevention Division, the customer will be sent a letter notifying the customer of any Backflow prevention installation requirements.

B. Other Than Single-Family Residential: See subsection A, above.

C. Commercial: All commercial customers who apply for the establishment of a new water service with ECUA will receive a commercial customer questionnaire from the Customer Service Department. Customer will be instructed by the Customer Service representative to return the questionnaire to the Cross Connection/Backflow Prevention Division. After evaluation by the Cross Connection/Backflow Prevention Division, the customer will be sent a letter notifying the customer of any Backflow prevention installation requirements. ECUA may also periodically survey commercial customers to ascertain whether current conditions on their premises require a different level of minimum Backflow protection and notify commercial customers accordingly.

D. If any customer refuses or fails to complete any required questionnaire or survey, the Cross Connection/Backflow Prevention Division may require that customer to install the highest level of Backflow protection required for that class of customer. In the case of Commercial Accounts where security requirements or other prohibitions or restrictions make it impossible or impractical to perform a complete Cross Connection survey, the ECUA potable water system shall be protected by an approved Reduced Pressure Principle Backflow Prevention Assembly on each service to the premises.

E. The Northwest Florida Water Management District (NWFWMD) notifies ECUA of all applications it receives for well permits. ECUA will endeavor to give written notice to all such applicants of the Backflow prevention requirements. However, failure of a customer to receive notice shall not relieve the customer of responsibility to comply with the provisions of this Chapter.

Sec. 5-7. Installation.

A. An approved Backflow Prevention Assembly or device shall be installed, in accordance with AWWA Manual M14 as incorporated into subsection 62-555.360(2), F.A.C., on all premises described in Section 5-4, above, or Table 62-555.360-2, F.A.C., as amended.

B. When a Pressure Vacuum Breaker Assembly is installed, the Certified Backflow Prevention Tester must certify that the installed Pressure Vacuum Breaker Assembly is higher than all sprinkler heads and operating properly.

C. All Backflow Prevention Assemblies or devices shall be installed on the customer's side of the meter at or near the property line. ECUA may authorize the installation of a required Backflow Prevention Assembly at a location within the service address other than adjacent to the water meter, provided a hazard would exist if installed adjacent to the water meter. Such authorization shall be valid only if made in writing and signed by a member of the ECUA Cross Connection/Backflow Prevention Division.

D. The ECUA Cross Connection/Backflow Prevention Division may exempt another CWS' connection to ECUA's water distribution system from the requirement of Backflow protection. Additionally, the ECUA Cross Connection/Backflow Prevention Division may allow an exception to the requirement for Backflow protection at or for a residential or non- residential service connection from a CWS to premises where there is an auxiliary or reclaimed water system if all of the following conditions are met:

- The CWS is distributing water only to land owned by the owner of the CWS.
- The owner of the CWS is also the owner of the entire auxiliary or reclaimed water system up to the points of auxiliary or reclaimed water use.
- The CWS conducts at least biennial inspections of the CWS and the entire auxiliary or reclaimed water system to detect and eliminate any Cross Connections between the two (2) systems.

E. Customers must have all required Backflow Prevention Assemblies tested after initial installation and periodically thereafter.

Sec. 5-8. Maintenance, inspection/testing, and certifications/recertifications.

A. In addition to testing after initial installation, Backflow Prevention Assemblies must be tested by a Certified Backflow Prevention Tester annually (every year) for Commercial Accounts and biennially (every two (2) years) for Single-Family Residential and Other Than Single-Family (Multi-Family) Residential Accounts. However, in the event a *Dual Check Device* is both authorized and installed, that *Dual Check Device* need not be tested, but it shall be refurbished or replaced at least once every ten (10) years, unless by subsequent act of the ECUA Board a lesser frequency of refurbishment or replacement has been determined to be appropriate.

B. All air gaps (AGs) required at or for service connections from the CWS shall be inspected at least annually. Persons inspecting AGs required at or for service connections from the CWS shall be a certified or registered plumbing contractor or shall be a Certified Backflow Prevention Tester holding a current certification approved by ECUA.

C. Backflow Prevention Assembly test reports and/or *Dual Check Device* refurbishment/replacement reports must be received by the Cross Connection/Backflow Prevention Division within sixty (60) days of testing or refurbishment/replacement.

D. ECUA shall endeavor to give written notice to each customer required to be served by a Backflow Prevention Assembly or device, not less than sixty (60) or more than ninety (90) calendar days prior to the date by which the assembly or device is required to be tested or refurbished/replaced. This notice shall advise the customer that failure to have the Backflow Prevention Assembly tested by a Certified Backflow Prevention Tester or failure to have the Backflow prevention device refurbished/replaced within the time permitted shall constitute grounds for termination of water service until such assembly or device has been properly tested and certified or refurbished/replaced.

1. If any assembly tested is found to be faulty, the customer shall immediately notify ECUA and repair or replace the assembly at the customer's expense. In high-hazard situations, it may be necessary to terminate service until a properly operating assembly is in place. The customer or Certified Backflow Prevention Tester shall notify ECUA as soon as any faulty assembly has been repaired or replaced.
2. In the event a *Dual Check Device* is refurbished or replaced, the individual/ company which refurbished or replaced that device shall certify, on a form to be provided by ECUA, that the device has been refurbished or replaced. In the event ECUA is not provided with such certification on or before the date by which the *Dual Check Device* was to be refurbished or replaced, ECUA shall provide follow-up notice to the customer.
3. Upon completion of testing, the Certified Backflow Prevention Tester shall certify to ECUA, on a form to be provided by ECUA, that the Backflow Prevention Assembly has been tested and is operating in accordance with all requirements. In the event ECUA is not provided such certification on or before the date by which a Backflow Prevention Assembly is required to be tested, ECUA shall provide follow-up notice to the customer

E. Failure of a customer to receive any notice mailed by ECUA shall not relieve the customer of responsibility to have the Backflow Prevention Assembly tested or the Backflow prevention device refurbished/replaced in accordance with this Chapter.

Sec. 5-9. Records.

Records of installations, inspections/tests, repair and refurbishment/replacement of Backflow Prevention Assemblies and devices shall be recorded and filed for future reference, in accordance with all applicable records retention requirements. ECUA shall also maintain appropriate records of Cross Connections.

Section 5-10. Certification of Backflow prevention testers.

A. ECUA will only accept test results from Certified Backflow Prevention Testers who fall within the definition of a Certified Backflow Prevention Tester, as that term is defined in subsection 5-3.E, and who are registered with ECUA to test Backflow Prevention Assemblies.

B. Certified Backflow Prevention Testers may register with ECUA by submitting documentation required by the ECUA Cross Connection/Backflow Prevention Division.

C. Registration with ECUA shall be valid for one (1) year but may be renewed annually thereafter by submitting documentation required by the ECUA Cross Connection/ Backflow Prevention Division.

Sec. 5-11. Penalties for violations.

A. Violation of any provision of this Chapter is declared to be a non-criminal violation. Any ECUA water customer who commits any of the following violations shall be subject to termination of water service, a civil penalty per violation, or both. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

1. Failure to complete or provide accurate information on the surveys or questionnaires authorized by Section 5-6 of this Chapter.

    a. Failure to properly install an approved Backflow Prevention Assembly or device when required to do so.
    b. Failure to have a required Backflow Prevention Assembly tested by a Certified Backflow Prevention Tester at the frequency specified by ECUA and/or within the time permitted.
    c. Failure to immediately notify ECUA of a faulty Backflow Prevention Assembly and/or failure to repair or replace the assembly.
    d. Failure to immediately notify ECUA of any changes in the nature of activities on the premises which may create a potential Health *Hazard* to the ECUA potable water system.
    e. Failure to provide certification of Backflow Prevention Assembly testing within thirty (30) days following the date of mailing of such the follow-up notice specified in Section 5-8 of this Chapter.
    f. Failure to refurbish or replace a *Dual Check Device* as required in Section 5-8 of this Chapter.

B. Any Certified Backflow Prevention Tester who commits any of the following violations shall be subject to removal from the list of Certified Backflow Prevention Testers registered with ECUA to test Backflow Prevention Assemblies installed on service lines connected to the ECUA potable water system, a civil penalty per violation, or both. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

1. Failure to sign and/or provide test certification.
2. Falsification of a Backflow test report.
3. Authorization of anyone to perform the test procedure and/or sign the Backflow test report, other than a Certified Backflow Prevention Tester who is registered with ECUA.

Approved by ECUA Board on April 23, 2015, via Resolution (Res. No. 15-03, 04/23/2015; approved by DEP via letter to T. Dawson dated May 13, 2015; Res. No. SR25-01, 01/28/2025, FDEP approval dated 12/19/2024; Res. No. SR26-11, 01/27/2026 with FDEP approval dated 12/30/2025)

Chapter 6

Fats, Oils, and Grease Program

Sec. 6-1 Legislative Authority And Purpose.

This section is adopted pursuant to the authority vested in ECUA by operation of the ECUA Act as well as Section 125.01 and Chapter 162, Florida Statutes, as amended, and the general laws of the State of Florida to protect the health, safety, and welfare of persons and property in the ECUA wastewater service area by establishing regulations and requirements for food service establishments which, whether by contract, permit, agreement, or otherwise, discharge wastewater into the ECUA wastewater collection and treatment system.

Sec. 6-2 Scope.

The provisions of this section shall apply within the ECUA wastewater collection and treatment system service area.

Sec. 6-3 Definitions.

Throughout this Chapter the italicized terms listed herein shall be defined, as follows:

A. *Additives* shall mean any substance that is added to wastewater to absorb, purge, consume, treat, or otherwise eliminate grease and oils. Such additives shall include, but are not limited to, emulsifiers, enzymes, and bacteria which are commercially available for this purpose.

B. *Automatic grease removal device (GRD)* shall mean a plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from the wastewater discharge. This device is located inside the facility and operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils, and grease automatically without intervention from the user except for maintenance.

C. *ECUA* shall mean the Emerald Coast Utilities Authority.

D. *Fats, Oils, and Grease (FOG)* shall mean fats, oils, grease, and other liquid, semisolid, or solid material generated as a result of food preparation by a food service establishment. Automotive or other machinery oils and lubricants are not classified as FOG for purposes of this Chapter.

E. *FOG removal device* shall mean a device that removes fats, oils, and/or grease from the wastewater discharged from a food service establishment. This includes but is not limited to hydromechanical grease interceptors, gravity grease interceptors and automatic grease removal devices.

F. *Florida Building Code* shall mean the most recently adopted Florida Building Code.

G. *Food* shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

H. *Food service establishment (FSE)* shall mean any operation that prepares, packages, serves, or otherwise provides food for human consumption and relinquishes possession of such food to a consumer directly, or indirectly through a delivery service. The term includes elements of an operation, such as a central preparation facility that supplies a satellite feeding location; and operations that are conducted in a stationary, permanent facility or location regardless of whether consumption is on or off the premises and regardless of whether there is a charge for such food. The term includes, but is not limited to, restaurants, drive-in restaurants, drive-thru restaurants, cafes, cafeterias, coffee houses, delicatessens, retail food stores, industrial feeding operations, public and private educational facilities, detention facilities, and health care facilities. The term does not include establishments that offer only prepackaged foods; produce stands or markets that offer only whole, uncut fresh fruits and vegetables; food and beverage vending machines; private homes where food is prepared or served for individual consumption by residents and guests or for sale or service at public functions such as a religious, nonprofit, or charitable organization's bake sale, supper, or other event.

I. *FSE Discharge Permit* shall mean any permit issued by ECUA pursuant to this Chapter.

J. *Gravity grease interceptor (GGI)* shall mean a plumbing appurtenance with a capacity greater than 750 gallons but less than 1,250 gallons that is installed on the sanitary drainage system to intercept free-floating fats, oils, and grease from the wastewater discharge. GGis are typically located outside of a facility and have a flow rate greater than 50 gallons per minute (gpm).

K. *Hydromechanical grease interceptor (HGI),* also known as a grease trap, shall mean a plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from the wastewater discharge, is rated to receive a flow less than 50 gpm, and is typically located inside a facility.

L. *Stick test* shall mean the insertion of a clear, hollow tube into the FOG removal device to capture a portion of its contents to determine the amount of FOG present.

M. *Twenty-five percent rule (25% rule)* shall mean that the accumulation of FOG contained in a FOG removal device shall not exceed twenty-five percent of the capacity of the device as determined by means of a stick test.

N. *User* shall mean any person who introduces wastewater into an ECUA wastewater facility.

O. *Wastewater collection and transmission system* shall mean any or all of the following: sewers, pipelines, laterals, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to ECUA facilities for treatment prior to release into the environment.

P. *Wastewater facilities* shall mean any or all of the following: the wastewater collection and transmission system, wastewater treatment plant/s, and the reuse or disposal systems of ECUA.

Sec. 6-4. Fog Removal Device Requirements For Food Service Establishments.

A. All food service establishments which discharge wastewater, directly or indirectly, to ECUA wastewater facilities shall have a properly functioning FOG removal device on the FSE's premises through which certain wastewater must flow prior to leaving the premises and thus before entering the wastewater collection and transmission system of ECUA, as generally described below. The particular type of FOG removal device to be utilized by an FSE shall be designated as part of the FSE discharge permit application process set forth in Sections 6-5 and 6-6 of this Chapter, below.

B. At a minimum, however, all food service establishments shall have fully functioning, properly operating FOG removal devices of the design and capacity required by the Florida Building Code. Installation of an HGI as a substitute for one or more GGis is prohibited, except where specifically authorized by ECUA in writing. The general design standards for any FOG removal device shall require compliance with the Florida Building Code and any local codes or ordinances, and any HGis and Automatic GRDs shall be sized and tested in accordance with the requirements of the Plumbing and Drainage Institute and the American Society of Mechanical Engineers. Any HGI must be equipped with an inspection port, and any GGI must be equipped with an outlet tee.

C. All of the wastewater from an FSE's food preparation area, including but not limited to that area's floor drains and sinks, waste container wash racks, pre-rinse sinks, and dishwashers shall be directed through a FOG removal device prior to entering ECUA's wastewater collection and transmission system.

D. All wastewater from restrooms, hand washing sinks, showers, drinking water fountains, and icemakers shall be discharged into the wastewater collection system downstream of all necessary FOG removal devices and monitoring devices.

E. ECUA may require any FSE to provide, operate, and maintain, at the user's expense, appropriate monitoring facilities, such as sampling manholes, for observation, inspection, monitoring, and flow measurement of the FSE's wastewater discharge to the wastewater facility.

Sec. 6-5. FSE Discharge Permit Requirement For Food Service Establishments.

No food service establishment shall discharge, or cause or permit to be discharged, wastewater into any ECUA wastewater facility until such establishment shall first obtain an FSE Discharge Permit from ECUA. All such discharges shall be compliant with all conditions and requirements of that FSE Discharge Permit. FSE Discharge Permits shall be expressly subject to all applicable federal, state, and local laws and regulations, as amended.

Sec. 6-6. FSE Discharge Permit.

1. Applications Required. Applications for FSE Discharge Permits shall be completed and filed with ECUA, in the form prescribed by ECUA, within either 30 days of notification by ECUA that an application is required, or at least 90 days prior to the expiration of its existing FSE Discharge Permit. All food service establishments intending/desiring to either connect to ECUA's wastewater system or establish wastewater service with ECUA shall apply a minimum of 60 days prior to connecting to or discharging wastewater into an ECUA wastewater facility. Any existing ECUA wastewater customer/connection seeking to change its operations so as to become an FSE shall also apply for an FSE Discharge Permit at least 60 days prior to becoming an FSE.

2. Form of Application. In support of each FSE Discharge Permit application, the applicant shall submit the following:

a. Name of FSE, as well as legal name of owner (if applicable)
b. Physical address of FSE
c. Mailing address of FSE
d. Owner of building or other physical location of FSE
e. Primary contact information for FSE
f. Water supply
    1. Potable water provider
    2. Name as it appears on water bill
    3. Water service account number
    4. Water Meter size
    5. Average monthly water usage
    6. Maximum monthly water usage (as reflected in Large Meter Contract, if applicable).
g. Facility operational characteristics
    1. General description of facility (i.e., cafeteria, restaurant, coffee house, bakery, etc.)
    2. Kitchen and other food preparation equipment list
        i. Description
        ii. Capacity
    3. Existing FOG removal device(s)
        i. Type of device
        ii. Manufacturer

iii. Model number
iv. Dimensions
v. Capacity
vi. Features
    a. Baffle
    b. Inlet tee
    c. Outlet tee
vii. Identification of all on-site wastewater treatment or additives.
viii. Operation and maintenance plan.
    a. Employee training
    b. Identification of grease hauler and copy of service contract (if applicable)
    c. Disposal plan

4. Floor plan and plumbing diagram
    i. Indoor equipment and piping
    ii. Outdoor equipment and piping
    iii. Water meter(s) size and location
    iv. Sewer connection(s)
    v. FOG removal devices

5. Seating capacity
6. Average number of customers served daily
7. Hours of operation
8. Future expansion plans
9. A certification from a licensed plumber who inspected the FOG removal device/s verifying that the device/s is in acceptable condition and functioning properly, on a form approved by ECUA for this purpose.
10. The Permit application fee.

3. Review of Application. ECUA Staff, as designated by the Executive Director, shall review each FSE Discharge Permit application received by ECUA and conduct such further inspections as deemed necessary. Thereafter, ECUA Staff shall decide, in its sole discretion, whether the FOG removal device(s) delineated in the application are both (a) compliant with the Florida Building Code and (b) will adequately protect the wastewater collection and transmission system from the harmful impacts FOG may have on other ratepayers and/or ECUA's wastewater facilities. If the application is granted, ECUA shall issue the applicant an FSE Discharge Permit. If the application is denied, ECUA shall state the reasons therefore in writing. Following such a denial, one (1) reapplication may be submitted without the necessity of another permit application fee.

4. Compliance with FSE Discharge Permit. All wastewater discharges from a User holding an FSE Discharge Permit shall be compliant with that permit in all respects. Moreover, failure to adhere to any provision contained within a permit shall constitute cause to terminate

User's water and wastewater service.

Sec. 6-7. Cleaning, Maintenance, And Inspection Requirements For Fog Removal Devices.

1. FOG removal devices shall be accessible at all times for inspection and maintenance. Moreover, ECUA personnel must have access to inspect all FOG removal devices during FSE's operating hours.

2. Decanting, back-flushing, or discharging of the FOG removal device contents back into the FOG removal device from which the contents were removed or into any other FOG removal device, for the purpose of reducing the volume of waste to be hauled and disposed, is prohibited.

3. The contents of a GGI shall be removed no less often than at the frequency specified in the FSE Discharge Permit. Additionally, users shall remove the contents of the FOG removal device(s) with such further frequency that the twenty-five percent rule is not exceeded. The contents of the GGI shall be removed at the user's expense by a septage disposal service permitted by the Florida Department of Health and approved by ECUA. Cleaning shall include the complete removal of all contents, including floating material, wastewater, and solids. The user shall maintain a log of cleaning activities and shall make it available for immediate access by inspectors.

4. Hydromechanical grease interceptors shall be cleaned at a minimum frequency of once per week, or more often, if deemed by ECUA to be necessary to prevent FOG from passing through the HGI without removal. Cleaning and maintenance shall include removal of the material from the tank walls, baffles, cross pipes, inlets and outlets. The user shall maintain a log of cleaning activities and shall make it available for immediate access by inspectors.

5. FOG removal device contents shall be disposed only at a facility or a location that is operated according to the applicable rules of the State of Florida.

6. A FOG removal device shall be considered to be out of compliance with this section if the total volume of FOG contained in the device displaces twenty-five percent (25%) of the capacity of the device as measured at the point adjacent to the outlet pipe of the FOG removal device.

7. Record retention. The permittee shall retain reports of FOG removal device maintenance for a minimum of three years from the date of such service. The documentation of FOG removal device service may include a log provided by ECUA, receipts or copies of receipts from the septage disposal service, manifest statements from the septage disposal service, records of FOG removal device repair and maintenance, or similar documentation.

8. Alternate pumping frequency. Any food service establishment, other than food service establishments served by an HGI or an automatic GRD, may request in writing an alternate

pumping frequency.

a. Upon receipt of a written request for an alternate pumping frequency, ECUA may inspect a GGI after the contents have been removed to ascertain the condition of the GGI.

b. The ECUA may re-inspect a GGI after 30 days or at a time determined by the ECUA to ascertain the condition of the GGI.

c. The ECUA may inspect a GGI to determine if the requirements contained in this Chapter are being satisfied. The ECUA may determine an alternate pumping frequency based on its findings and issue a written notification of an alternate pumping frequency.

d. If, at any time, ECUA determines that any of the requirements of this Chapter are not being met, ECUA may modify the pumping frequency accordingly.

9. Requirements to repair grease interceptors. Any user notified by ECUA that repair of a FOG removal device is required shall initiate such repairs immediately. If the public health, safety, or welfare is at risk or if ECUA finds that a FOG removal device is capable of allowing stormwater inflow, ECUA may require immediate repair of the FOG removal device or the cessation of wastewater flow from such FOG removal device.

10. Failure to adhere to any of the requirements set forth in this section may result in the termination of both water and wastewater to the premises.

Sec. 6-8. Prohibited Acts.

1. The following acts are prohibited and may result in revocation of the FSE Discharge Permit and/or the termination of water and wastewater services to the premises at which the FSE is located:

a. Discharge by an FSE into the wastewater collection system without an FSE Discharge Permit.

b. Discharge of FOG into the wastewater collection system.

c. Failure to accurately report the number or capacity of FOG removal devices.

d. Failure to notify ECUA of any changes to the information contained in the permit application.

e. Failure to remove the contents of a FOG removal device at the required

frequency.

f. Failure to completely remove the contents of a FOG removal device when it is cleaned.

g. Introduction of hot water into a FOG removal device as a substitute for cleaning.

h. Falsification of records required in this Chapter, including but not limited to, records pertaining to the servicing of any FOG removal device.

2. Any FSE Discharge Permit holder shall immediately notify ECUA of any changes to its plumbing and/or wastewater facilities as well as any other changes to the information contained in the permit application.

Sec. 6-9. FSE Discharge Permit Duration And Renewal.

An FSE Discharge Permit shall be effective for three (3) years from the date of issuance. The permittee shall submit an FSE Discharge Permit renewal application not less than 90 days prior to expiration. The application shall contain the information listed in section 6-6, above and shall be accompanied by all applicable fees. Refer to the ECUA Rate Schedule for current rates and terms.

Sec. 6-10. Fees and Charges.

1. Initial Application Fee. There shall be an initial application fee for an FSE Discharge Permit; however, any existing FSE which has participated in ECUA's FOG program for twelve (12) months prior to July 1, 2018, without any violations shall be exempt from this initial application fee. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

2. Reapplication Fees. There shall be a reapplication fee submitted by permittee with each reapplication submitted; however, no reapplication fee shall be due if the previously permitted FSE has experienced no change in ownership, no change in kitchen equipment (other than replacement of previously existing/permitted equipment with comparable equipment), no work which required a plumbing permit, and no increase in the average daily flow over a 12 consecutive month period of 100 gallons or more since the issuance of the prior FSE Discharge Permit. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

3. Monthly Fees. Any food service establishment which discharges into a wastewater collection system owned, operated, or maintained by ECUA shall be charged a monthly fee, plus all other applicable fees for the services received. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

4. Fees for Deficiencies Discovered During Inspection. An FSE shall be charged a certain dollar amount per point for deficiencies discovered during an inspection based on the following point schedule. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

Deficiency	Points
a. Inoperable or bypassed FOG removal device	6 points
b. Exceedance of 25% rule	4 points
c. No outlet tee	4 points
d. Inaccessible FOG removal device	2 points
e. Sewage in FOG removal device	2 points
f. Food/contaminants in FOG removal device	2 points
g. Accumulated FOG near entry point to sewer connection unprotected by FOG removal device, indicative of improper FOG disposal	2 points
h. Non-compliance with FSE Discharge Permit provisions not otherwise covered	2 points
i. Minor deficiencies in FOG removal device and/or minor operational deficiencies	1 point
j. Open or unsecured floor drains	1 point

5. Re-inspection and re-inspection fee. In the event a food service establishment fails to pass any inspection made pursuant to this chapter, ECUA shall re-inspect the food establishment within ten (10) calendar days. If the food service establishment has corrected all of the deficiencies noted during the initial inspection when the re-inspection is performed, then no re-inspection fee will be assessed. If the FSE is not in compliance when the re-inspection is performed, then the FSE shall be charged a re-inspection fee. Refer to the ECUA Rate Schedule Section 14-59 for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

Sec. 6-11. Termination of Service.

ECUA has a duty and obligation to protect the health, safety, and welfare of persons and property within the ECUA wastewater collection and treatment system service area. Therefore, ongoing compliance with this chapter shall be required as a condition and/or prerequisite to receiving water and wastewater services, and failure to do so may result in the termination of those services. Moreover, in the event that a food service establishment fails to pass the re-inspection referenced in subsection 4 of Section 6-10, above, ECUA may terminate service to that FSE until such time as the FSE passes the required re- inspection. Furthermore, in the event that any fees due under this chapter are not paid in a timely fashion, ECUA may terminate service to the facility for which the fees are owing until such time as all fees are paid to ECUA or deposited into the Registry of a Court of competent jurisdiction to decide any dispute which may exist

regarding any disputed fees.

This classification is intended to address those situations in which the FOG removal device is currently functioning, but it has deficiencies which, if not addressed, could cause the FOG removal device to fail. Examples include, but are not limited to, a damaged baffle wall, damaged access lid, small holes in interceptors, and plumbing defects.

(Res. No. 08-08, 05/29/2008; Res. No. 17-20, 12/14/2017 with implementation date 07/01/2018; SR24-02, 04/23/2024)

Chapter 7

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 8

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 9

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 10

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 11

MISCELLANEOUS PROVISIONS

Sec. 11-1. Engineering manual adopted.

The engineering procedures, design standards and technical specifications for the design and construction of water and wastewater system facilities are as provided in the ECUA Engineering Manual adopted by the board on December 18, 2014, as amended pursuant to Procedure 1, Parts thereof. This manual is available for public inspection in accordance with its Procedure 1, Part 4.

Chapter 12

PERSONNEL

Sec. 12-1. Human Resources Manual and Employee Handbook.

The personnel policies of ECUA are provided in the manual entitled "Human Resources Manual and Employee Handbook," which shall be promulgated, and amended, as appropriate, by the Executive Director in consultation with the Director of Human Resources. Th is ma nual is available for public inspection upon request to the Public Records Custodian.

(Mo. Of 10/27/1994; Res. No. SR25-05, 04/22/2025)

Sec. 12-2. Social Security and Medicare.

Chapter 218 of the Federal Social Security Act authorizes the Social Security Administration to enter into joint federal-state agreements with individual states to extend the right to participate in federal Social Security and Medicare programs to state employees. 42 U.S.C.A. § 418 (2004). Correspondingly, the State of Florida, via Chapter 650 of the Florida Statutes, authorized Florida's Department of Management Services, with the approval of the Governor, to enter into such joint federal-state agreements. Fla. Stat. § 650.03 (2007). The State of Florida has entered into such a joint federal-state agreement entitled Agreement (Coverage of State and Local Employees) dated October 23, 1951 (herein, the "Florida Agreement"). ECUA's Enabling Act authorizes ECUA to provide Social Security for its employees pursuant to the provisions of Chapter 650. Enabling Act at §10(b). In 1984, the Florida Agreement was amended to identify ECUA as one of the State's political subdivisions entitled to coverage under the Florida Agreement. See, Modification No 370 (March 26, 1984). See also Modifications 211, 359, 370 and Resolutions 81-14 and 83-17.

(Res. No. 81-14, 09/23/1981; Res. No. 83-17, 11/10/1983; Res. No. SR25-05, 04/22/2025)

Sec. 12–3. Retirement.

A. History. On September 23, 1981, the Escambia County Utilities Authority, (ECUA), elected to require its employees and officers, other than Board members, to participate in the Florida Retirement System (FRS) on the following basis:

(1) Employees and officers transferred from Escambia County, (County), were covered by the FRS,
(2) Employees and officers transferred from the City of Pensacola, (City), were permitted to elect whether to remain covered by the City's plan or to join FRS,
(3) Employees and officers who were hired after October 1, 1981, and who were not former employees or officers of the County, or the City were covered by the FRS.

On December 14, 1995, ECUA revoked its election to participate in the FRS, and established a Retirement Plan and Trust (RPT), and joined the Florida Municipal Pension Trust Fund (FMPTF). All employees and officers of ECUA whose period of employment began prior to January 1, 1996, remained as participants in the FRS.

On December 19, 2002, ECUA amended the RPT to exclude the Executive Director and other certain individuals.

On May 24, 2007, ECUA reinstated its participation in the FRS for all employees or officers hired after January 1, 1996, designated all its elective positions for inclusion in the Elected Officers' Class of the FRS, and terminated its participation in the FMPTF.

On October 1, 2007, ECUA reaffirmed its desire to participate in the FRS for employees, officers, and Board members whose period of employment or term of office began after January 1, 1996, and reinstated its participation in the FRS.

(Res. No. 81-13, 09/23/1981; Res. No. 82-02, 03/11/1982; Res. No. 82-07, 10/05/1982; Res. No. 95-21, 12/14/1995; Res. No. 95-21A, 12/14/1995; Res. No. 97-03, 03/27/1997; Res. No. 01-08, 03/29/2001; Res. No. 02-16, 12/19/2002; Res. No. 07-08, 05/24/2007; Res. No. 07-09, 05/24/2007; Res. No. 07-10, 05/24/2007; Res. No. 07-18, 07/26/2007; Res. No. 07-19, 07/26/2007; Res. No. SR25-05, 04/22/2025)

B. Participation in the Florida Retirement System. All employees, officers, and Board members of ECUA whose period of employment or term of office began prior to January 1, 1996, or after October 1, 2007, shall be participants in the Florida Retirement System for so long as they are employees, officers, or Board members of ECUA, and all rights, duties, and obligations of ECUA to the FRS with respect to the participation of such employees, officers, and Board members in the FRS shall remain in full force and effect.

C. Participation in the Florida Municipal Plan and Trust Fund. Employees, officers, and Board members whose period of employment or term of office began between January 1, 1996, and September 30, 2007, were given the option to elect to remain in the FMPTF. Nothing contained herein shall modify such election.

(Res. No. 07-08, 05/24/2007; which repealed Res. Nos. 81-13, 82-02, 82-07, 95-21, 95-21A, 97-03, 01-08, and 02-16; Res. No. SR25-05, 04/22/2025)

Sec. 12–4. Miscellaneous. For the programs and benefits provided in this Chapter, the following apply:

A. Withholding. Withholding from the salaries, wages, or other compensation due to any employee, officer, or Board member, or as otherwise required by federal or state laws and regulations, is hereby authorized and shall be made in the amounts, and at such times, as so required by law.

(Res. No. 81-14, § 3, 09/23/1981; Res. No. SR25-05, 04/22/2025)

B. Custodian and Agent. The Director of Finance is hereby designated and charged with the following duties: (i) the custodian of all sums withheld from the compensation of employees, officers, and Board members and of the funds for the contributions of ECUA, (ii) the withholding and reporting agent, and (iii) maintaining all records as they relate to withholdings and compensation.

(Res. No. 81-14, § 6, 09/23/1981; Res. No. SR25-05, 04/22/2025)

C. Appropriations. There shall be appropriated from available funds, derived from revenues from utility operations, such amounts, at such times, as may be required to pay promptly the contributions and assessments required of ECUA by federal or state laws or regulations governing the programs and benefits identified, which shall be paid over to the lawfully designated agency at the times and in the manner provided by applicable law and regulation.

(Res. No. 81-14, § 4, 9-23-8109/23/1981; Res. No. 83-17, 11/10/1983; Res. No. SR25-05, 04/22/2025)

D. Compliance with Regulations and Laws. All relevant and applicable federal or state rules and regulations shall be adhered to by ECUA. All reports relating to personnel, payrolls, and otherwise, required by the designated federal or state agency, shall be promptly made, and remittance of assessments and contributions of ECUA, the employees, officers, and Board members shall be promptly made when due.

(Res. No. 81-14, § 5, 09/23/1981; Res. No. SR25-05, 04/22/2025)

E. Agreements Authorized. The Executive Director is authorized to execute any necessary agreement and amendments thereto with the designated federal or state agency, and benefits identified, and any such agreement shall provide for the methods of administration by ECUA as are found by the designated federal or state agency to be necessary and proper and shall be effective with respect to services in employment covered by such agreement.

(Res. No. 81-14, § 7, 09/23/1981; Res. No. 83-17, 11/10/1983; Res. No. SR25-05, 04/22/2025)

Chapter 13

PURCHASING PROCEDURES

Sec. 13-1. General Provisions

A. **Intent**. ECUA recognizes the importance of fair and open competition in its procurement of Goods and Services. The procedures set forth herein are to ensure the effective and ethical procurement of Goods and Services in a uniform manner. Purchases shall be made in the most economical quantities and shall not be separated into smaller transactions for the purpose of evading the requirements herein.

B. **Applicability**. No Purchase shall be made by ECUA except in accordance with the procedures set forth herein and in compliance with applicable law.

C. **Authority to Execute**. Unless ECUA Board approval is otherwise required herein, the Executive Director shall have the authority to execute Contracts and Purchase Orders on behalf of ECUA. If approval of a purchase by the ECUA Board is required, the Chair of the ECUA Board may execute such Contract on behalf of ECUA, or such authority may be delegated by the ECUA Board to the Executive Director. The Purchasing & Stores Manager is authorized to execute Purchase Orders for Goods and Non-Construction Services in the amount of not more than $50,000.00.

D. **Award.** All decisions made and award of Contracts by ECUA shall be made based upon what ECUA believes to be the best interests of its ratepayers, in its sole discretion. ECUA may waive informalities in any Solicitation response; reject any or all Solicitation responses, in whole or in part; re-post a project, in whole or in part; and accept a Bid that, in ECUA's judgment, is the lowest and best Responsive Bid of a Responsible Bidder. In accepting a Bid, ECUA may award a Contract based on the base bid, the base bid plus any or all alternates, or the base bid plus less any or all deductions, which ECUA selects in its sole discretion. ECUA may increase or decrease quantities, as may be required to meet the needs of ECUA, at the unit price, which was bid, and to award the contract to, or purchase items from, a single or multiple Contractor(s). ECUA may make such investigations as deemed necessary to determine the ability of the Contractor to perform the work. ECUA may reject any bid if the evidence submitted by, or investigation of, such Contractor fails to satisfy ECUA that such Contractor is properly qualified to carry out its obligations, and to complete the work contemplated in the Solicitation.

E. **Definitions**.

Best Value means the highest overall value to ECUA based on factors that include, but are not limited to, price, quality, design, and workmanship.

Bid means the response submitted by a Bidder to an Invitation to Bid ("ITB").

Bidder means a Contractor who submits a Bid in response to an Invitation to Bid ("ITB").

Bid Opening means the official process in which sealed Bids are publicly opened, and may be in the presence of one or more witnesses, at the time, place, and manner (in person or virtual) specified in the Invitation for Bids.

Bond means a payment and/or performance guarantee furnished by a Contractor to ECUA and drawn on a surety.

Change Order means a written alteration to a Contract or Purchase Order in accordance with the terms of the Contract between ECUA and the Contractor .

Competitive Solicitation means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by Responsive Contractor(s) in accordance with the terms of a competitive process, regardless of the method of procurement.

Cone of Silence is the period between the time the bids/proposals for Solicitations, Request for Letters of Interest, or Invitation to Negotiate, as applicable, are advertised and the time the ECUA Board awards the Contract, and any resulting Bid Protest is resolved, or the Solicitation is otherwise cancelled.

Construction Services means the process of utilizing labor to build, alter, repair, improve, or demolish any structure, building, or public improvement; generally, does not apply to routine maintenance, repair, or operation ("MRO") of existing real property.

Construction Services (Large) means Construction Services of $100,000 or more.

Construction Services (Small) means Construction Services less than $100,000.

Contract means an executed written agreement between ECUA and a Contractor for the purchase of Goods and/or Services.

Contractor means a person or entity who contracts to sell Goods or Services to an agency. Sometimes referred to as *Vendor* or Supplier.

Electronic Posting or Electronically Post means the noticing of Solicitations, ECUA decisions or intended decisions, or other matters relating to procurement on a centralized Internet website designated by ECUA for this purpose.

Extension means contracting with the same Contractor for an additional Contract period after the initial Contract period, only if pursuant to Contract terms specifically providing for such Renewal. Sometimes referred to as *Renewal*.

Good(s) means any of the various supplies, materials, commodities, merchandise, food, equipment, information technology, and other personal property purchased, leased, or otherwise contracted for by ECUA.

Information Technology means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

Invitation to Bid ("ITB") means a procurement method used to solicit competitive sealed Bid responses, sometimes called a formal Bid, when price is the basis for award.

Invitation to Negotiate ("ITN") means a written or electronically posted Solicitation for competitive sealed replies to select one or more Contractors with which to commence negotiations for the procurement of Goods or Services.

Non-Construction Services means all Services not considered Construction Services.

Pre-Bid

Conference is a meeting held by ECUA with potential Bidders prior to the opening of the Solicitation.

Protest means a written objection submitted by a person whose substantial interests are directly and adversely affected by any portion of a Solicitation or any intended decision based thereon. A Protest challenges the methods, requirements, actions, or determinations made by ECUA in the Competitive Solicitation process and shall be filed and administered in accordance with the procedures set forth in Section 13-7 herein.

Professional Services (CCNA) means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice as defined in Section 287.055, Florida Statutes, as amended.

Professional Services (Non-CCNA) means those services customarily rendered by attorneys; auditors; financial consultants; software and system applications; planning, electronic, technical and management consultants; appraisers; contract laboratories; and medical-related providers. Construction Services are not included in this definition.

Purchasing Card ("pCard") means a payment method utilized to empower authorized employees of ECUA to buy directly from Suppliers within pre-approved authority levels and spending limits.

Purchase Order means a mutually binding and enforceable legal document obligating a Contractor to furnish Goods or Services to ECUA.

Quote means a written document or communication from a Contractor, which identifies pricing information for a Good or Service to be provided to ECUA.

Real Property means land and its permanently affixed buildings or structures.

Request for Information means a written or Electronically Posted request made by ECUA for information concerning Goods or Contractual Services.

Request for Proposals ("RFP") means a written or Electronically Posted Solicitation for competitive sealed proposals.

Request for Quote ("RFQ") means an oral, electronic, or written request for written pricing for Goods or Services.

Request for Qualifications ("RFQu") *means a request for statements of the qualifications of potential responders (development teams or consultants) to gauge potential competition in the marketplace, prior to issuing the solicitation.*

Responsible Contractor means a Contractor who has the capability in all respects to fully perform the Contract requirements and the integrity and reliability that will assure good faith performance.

Responsive Bid, Proposal, or Reply means a Bid, or proposal, or reply submitted by a Responsive and Responsible Contractor which conforms in all material respects to the Solicitation.

Responsive Contractor means a Contractor that has submitted a response to a Solicitation that conforms in all material respects to the Solicitation.

Service(s) means the rendering by a Contractor of its time and effort rather than furnishing of specific Goods.

Solicitation means the process of procuring Goods or Services for ECUA.

State Term Contract means a Term Contract that is competitively procured by the Department of Management Services pursuant to s. 287.057, Florida Statutes, and is used by ECUA pursuant to s. 287.056, Florida Statutes.

Term Contract means an indefinite quantity Contract to furnish Goods or Services during a defined period.

Sec. 13-2 Competitive Solicitation

A. The following types of Competitive Solicitation may be used by ECUA:

1. Invitation to Bid ("ITB")

   a. An ITB shall be used when ECUA is capable of specifically defining the scope of work for which a Service is required or establishing precise specifications for the Good(s) required.
   b. All ITBs must include a detailed description of the Goods or Services sought and the relevant terms of the proposed Contract.
   c. A Contract pursuant to an ITB shall be awarded to the Responsible and Responsive Contractor who submits the lowest Responsive Bid.

2. Request for Proposals ("RFP")

   a. An RFP shall be used when the purposes and uses for which the Goods or Services being sought can be specifically defined, and ECUA is capable of identifying necessary deliverables, but various combinations or versions of Good(s) or Services may be proposed by a Bidder to meet the specifications.
   b. All RFPs must include a description of the Goods or Services sought and the criteria to be used in evaluating the Contractor's response.
   c. A Contract pursuant to an RFP shall be awarded to the Responsible and Responsive Contractor who is determined to be the most advantageous to ECUA, taking into consideration price and other criteria set forth in the RFP.

3. Invitation to Negotiate ("ITN")

   a. An ITN should be used to determine the best method for achieving a specific goal or solving a particular problem.
   b. All ITNs must:

      i. Describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the Solicitation.
      ii. Describe the criteria that will be used for determining the acceptability and selection of the Contractor.

c. ECUA shall evaluate the responses to an ITN against all evaluation criteria set forth in the ITN in order to establish a competitive range of responses reasonably susceptible of award and may select one or more Contractors within the competitive range with which to commence negotiations. After negotiations are conducted, ECUA shall award the contract to the responsible and responsive vendor that the agency determines will provide the best value to ECUA, based on the selection criteria.

4. Request for Information ("RFI")

   a. An RFI should be used to request information from potential Contractor(s) regarding Goods or Services.
   b. Responses to RFIs may not be accepted by ECUA as a Contract.

5. Competitive Solicitations shall be conducted as follows unless otherwise required by applicable rule, regulation, or law:

   a. Competitive Solicitations shall be advertised on ECUA's website or third-party procurement website for a minimum of fourteen (14) days, or for such longer period of time required by Sections 13-3 and 13-4 as applicable.

   b. There shall be a Cone of Silence for all Competitive Solicitations.

      i. All communications regarding the Solicitation shall be sent in writing only to the main point of contact as outlined in the Solicitation.
      ii. Conduct inconsistent with this section may be grounds for disqualifying the offending Contractor from consideration for any future Contract.

   c. If only one response to a Competitive Solicitation is received or deemed responsive, ECUA may negotiate on the best terms and conditions in lieu of resoliciting such project if the Executive Director determines that such negotiation is in the best interest of ECUA.
   d. Board approval is required prior to award of any Contract or Purchase Order as a result of Competitive Solicitations.
   e. Pre-Bid Conference(s) are scheduled by ECUA at its discretion for the purpose of answering questions, clarifying any ambiguities, and responding to general issues.
   f. Bid Opening(s) shall be held as outlined in the Solicitation. At the Bid Opening, all Bids shall be read aloud. The record of the amount of each Bid shall be held by ECUA in accordance with applicable laws and regulations.

Sec. 13-3. Construction Services

A. To the extent the Construction Services to be performed for ECUA are considered a "public work" as defined in Chapter 255, Florida Statutes, the applicable provisions of such Chapter shall govern the Solicitation of such Services. All other projects for Construction Services shall be conducted in accordance with the terms outlined herein. In the event of a conflict between the provisions herein and Chapter 255, Florida Statutes, the stricter conditions shall be followed.

B. Large Construction Services

1. For Large Construction Projects, ECUA shall follow all applicable provisions of Chapter 255, Florida Statutes. The following provisions apply:

a. Such Services shall be procured through Competitive Solicitations.
b. Such Services shall be advertised in accordance with Florida law at least twenty-one (21) days if the expected project cost will be less than $500,000 but no less than thirty (30) days if the expected project cost will be $500,000 or more.
c. The Contractor shall be required to obtain the following Bonds:

i. Bid Bond equal to five percent (5%) of the proposed Contract amount at the time of submission of its Bid; and
ii. Payment Bond and Performance Bond equal to the full Contract price upon award of the Contract.

d. Board approval is required to award any Contract or Purchase Order as a result of a Competitive Solicitation.

B. For Small Construction Projects, the following provisions apply:

1. Competitive Solicitations are not required.
2. No Bonds shall be required except at the sole discretion of the Executive Director.
3. The Executive Director shall have the authority to execute such Contracts without Board approval.

Sec. 13-4 Non-Construction Purchases

A. Purchase of Goods or Non-Construction Services shall be conducted as follows:

1. Of $50,000 or more

a. Such Goods and Non-Construction Services shall be procured through Competitive Solicitations.

b. No Bond shall be required except at the sole discretion of the Executive Director.
c. Board approval is required for an award pursuant to such Solicitations.

2. Over $10,000 and less than $50,000

a. At least three (3) Quotes must be solicited.
b. Purchases pursuant to this subsection (2) may be made at the sole discretion of the Executive Director and/or the Purchasing & Stores Manager without approval of the ECUA Board.

3. More than $5,000 or equal to $10,000

a. At least two (2) Quotes must be solicited.
b. Purchases pursuant to this subsection (3) may be made at the sole discretion of the Executive Director and/or the Purchasing & Stores Manager without approval of the ECUA Board.

4. Of $5,000 or less

a. Purchases pursuant to this subsection (4) may be made at the sole discretion of the Executive Director and/or the Purchasing & Stores Manager without approval of the ECUA Board.

B. Purchase of Real Property

1. Purchases of Real Property for $100,000 or more shall require ECUA Board approval.
2. Purchases of Real Property for less than $100,000 may be made at the sole discretion of the Executive Director.

Sec. 13-5. Professional Services

A. Professional Services (CCNA) Consultant's Competitive Negotiation Act ("CCNA"). Evaluation and selection of Contractors that provide Professional Services (CCNA) shall be conducted in accordance with the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes) and the terms outlined herein.

1. For each Contract for Professional Services or design-build contracts, the Executive Director shall designate a process for review of the responses submitted to ECUA for such Professional Services, including but not limited to presentations of responders, ranking of responses, and other requirements of the CCNA.
2. The Executive Director shall have the authority to approve and execute such Contracts without Board approval up to and including $100,000.

3. Board approval is required for award of a Contract for Professional Services (CCNA) in the amount over $100,000.
4. ECUA may utilize Continuing Contracts for Professional Services, but such contracts shall be competitively selected as required by the CCNA at least once every five (5) years.

B. Professional Services (Non-CCNA)

1. The Executive Director shall have the authority to approve and execute such Contracts without Board approval up to and including $100,000.
2. Board approval is required for award of a Contract for Professional Services (non-CCNA) in the amount over $100,000.

Sec. 13-6 Change Orders

A. No Change Order, which increases the cost of a Contract for Construction Services or Contract/Purchase Order for Goods, or Non-Construction Services, shall be effective unless made in compliance with the applicable requirements herein.
B. A Change Order, which adjusts the time or reduces the cost of a Contract for Construction Services or Contract/Purchase Order for Goods, or Non-Construction Services may be executed by the Executive Director in his/her sole discretion.
C. The Executive Director is authorized to execute Change Orders within his/her purchasing authority as provided otherwise herein. Any Change Order(s), which result(s) in an aggregate increase to the cost of the Contract for Construction Services, Goods, or Non-Construction Services, to exceed the Executive Director's purchasing authority, shall require approval of the ECUA Board. (*For example, if the Executive Director's purchasing authority is $100,000, if a project is estimated to cost $75,000.00 and a Change Order is submitted for $25,000.00, which would result in a total contract price of $100,000.00, the ECUA Board must approve this Change Order plus every Change Order thereafter. Alternatively, if a Contract is estimated to cost $1,000,000.00, and Change Orders are submitted in the amounts of $65,000.00, $25,000.00, and $10,000.00, the $10,000.00 Change Order must be approved by the ECUA Board and every Change Order thereafter.*)

Sec. 13-7. Exemptions

A. The following are exempt from the Competitive Solicitation requirements of Sections 13-2, 13-3, and/or 13-4 of this Chapter:

1. Purchases made under the same terms, conditions, and unit prices under existing purchasing agreements, Contracts, or price regulations executed or approved by a state purchasing authority, a local, state, or federal government cooperative purchasing in organization or association, or the General Services Administration

(GSA), sometimes referred to as "piggybacking" and as also permitted by Section 189.053, Florida Statutes.
2. Goods or Services available from a single (sole) source.
3. Goods or Services purchased from and through the federal government, the state, or any political subdivision.
4. Contracts for Professional Services (Non-CCNA) as defined.
5. Any purchases exempt at the discretion of the ECUA Board in open meeting.
6. Purchases under five thousand dollars ($5,000.00).
7. When the Executive Director determines that the delay in Construction Services, Goods, or Non-Construction Services would be detrimental to the interests of ECUA and its ratepayers.
8. Any Purchase when determined by the Executive Director that immediate action is required to protect public health, safety, or welfare, to accomplish essential repairs, to maintain operations, or to prevent other substantial loss to ECUA (an "Emergency Purchase"). Any Emergency Purchase in an amount exceeding the Executive Director's authority shall be promptly reported in writing to the ECUA Board.

Sec. 13-8. Protest Procedure

Any person whose substantial interests are directly and adversely affected by any portion of a Solicitation (including plans, specifications, or other requirements) or any decision based thereon (a "Protestor") may file a Protest in accordance with the following rules. Failure of a Protestor to comply with the times provided herein shall constitute a waiver of Protest rights.

Notice of Protest of any portion of a Solicitation or intended decision based thereon shall be delivered to ECUA within three (3) business days of the Protestor's receipt of the Solicitation or notice of any intended decision based thereon. A Notice of Protest shall be in writing, shall state the subject matter of the Protest, and shall be submitted to the following via hand delivery, registered or certified mail, postage prepaid, or electronic mail with the subject line clearly identifying the communication as a Protest and the Solicitation number (e.g. Bid Protest – ITB 2045-500) to:

Emerald Coast Utilities Authority
Attn: Executive Director
9255 Sturdevant Street
Pensacola, FL 32514
Bidprotest@ecua.fl.gov

With copies provided to:
ECUA General Counsel
40 Palafox Place, Suite 300
Pensacola, FL 32502
ROBservice@lawpensacola.com

A formal written Protest shall be delivered to ECUA within ten (10) business days after the submitting of Notice of Protest. A formal written Protest shall state with particularity the facts and the law on which the Protest is based.

Upon receipt of a Notice of Protest, which has been timely delivered to ECUA, the Executive Director shall pause all actions of ECUA related to the Solicitation and subsequent award based thereon until the Protest has been resolved. However, if the Executive Director, at his/her sole discretion, determines that such a delay would be detrimental to the interests of ECUA or the public health, safety, or welfare, the Executive Director may direct that the Solicitation proceed and/or recommend to the ECUA Board that the Solicitation be awarded despite the pending Protest. In such an event, the award based on such Solicitation shall be subject to the outcome of the Protest, and ECUA shall give notice of such to the Contractor which is awarded the Contract. Notwithstanding, if ECUA does not prevail in the Protest, ECUA may take such action as it considers appropriate, which may include, but shall not be limited to, award based on the Solicitation to the prevailing party, cancellation of the awarded Solicitation, or readvertisement.

The Executive Director may provide a reasonable opportunity to resolve a Protest by agreement. If an agreement is not reached within such time as the Executive Director considers reasonable under the circumstances, the Executive Director shall review the facts and the law on which the Protest is based and shall render a decision which shall be in writing and shall be promptly transmitted to the Protestor.

If the Protestor wishes to continue the Protest beyond the decision of the Executive Director, the Protestor shall submit a petition for review by the ECUA Board. This petition shall be made in writing and delivered to the Executive Director within ten (10) business days after notice of the decision of the Executive Director. Such petition shall state the particular grounds on which it is based and may include pertinent documents and evidence relating thereto. Any grounds not stated shall be deemed to have been waived by the Protestor. This petition must also be accompanied by a Bond of an amount equal to five percent (5%) of the value of the Bid/proposal ("Protest Bond"). This Protest Bond shall be in the form required by the Solicitation for other bonds. Failure of the protestor to timely deliver a petition for review by the ECUA Board or required Bond shall constitute a waiver, and the decision of the Executive Director shall immediately be final and binding.

The Protest Bond shall be conditioned upon the payment of all costs and charges incurred by ECUA as a result of the Protest. If the Protestor prevails in a Protest, the bond shall be returned to the Protestor. If ECUA prevails in a Protest, ECUA shall be entitled to recover the costs and charges incurred as a result of the Protest. Notwithstanding, the prevailing party of a Protest shall not be entitled to recover its reasonable attorney's fees unless allowed by Florida Statutes.

(Res. No. 15-08, 06/25/2015; Res. No. SR23-06, 10/24/2023; Res. No. SR24-01, 01/23/2024; Res. No. SR25-06, 04/22/2025; Res. No. SR26-16, 01/27/2026)

Chapter 14

EMERALD COAST UTILITIES AUTHORITY CODE

RATES, FEES, CHARGES, AND ASSESSMENTS FOR UTILITY SERVICES

Article I. In General, §§ 14-1 - 14-40

Article II. Water and Wastewater Systems, §§ 14-41 - 14-70

Section 1. Generally, §§ 14-41 - 14-50

Section 2. Specific Charges, §§ 14-51 - 14-70

Article III. Sanitation System, §§ 14-71 - 14-84

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions and Rate Schedule.

A. Definitions. *(Source Merriam-Webster Dictionary unless otherwise noted)*

Biosolids	A solid organic matter recovered from a sewage treatment process and used especially as fertilizer.
Charge	The price demanded for something, an expense or cost.
Compost	A mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land.
Fee	A sum paid or charged for a service.
Impact Fee	An important source of revenue for ECUA to use in funding the infrastructure necessitated by new growth to provide certain services within its jurisdiction. *(F.S. 163.31801; Florida Impact Fee Act)*
Lien	A charge upon real or personal property for the satisfaction of some debt or duty ordinarily arising by operation of law.
Rate	A charge, payment, or price fixed according to a ratio, scale, or standard.
Security Deposit	An amount of money that a customer pays when opening an account that can be used to pay for any damage or non-payment of services. *(definition customized)*
Service	A facility supplying some public demand and providing maintenance and repair.
Service Charge	A fee charged for a particular service often in addition to a standard or basic fee.

Short-term Contract	A contract for less than one (1) year.
Special Assessment	A specific charge levied on private property to meet the cost of public improvements that enhance the value of the property.
Surcharge	To charge an extra fee.
Wastewater Collection System	ECUA's infrastructure for the collection and treatment of domestic sewage and wastewater which consists of pump stations, force mains, lift stations, low pressure systems, gravity, and low gravity sewers and associated infrastructure. (US EPA)
Water Distribution System	ECUA's infrastructure consisting of an interconnected series of components of pipes, storage facilities, pumps, and components that convey drinking water and also meets fire protection needs for cities, homes, schools, hospitals, businesses, industries, and other facilities. (US EPA)

B. For all rates, fees, charges, and assessments, refer to the ECUA Rate Schedule incorporated at the end of this chapter as Exhibit "A".

(Res. No. SR24-02; 04/23/2024)

Sec. 14-2. Reserved.

Sec. 14-3. Interest Charges.

Simple interest shall be charged on the remaining unpaid balance of any customer whose service is permanently discontinued. Such interest shall be accrued from the date as of which the account of such customer is determined to be inactive. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 87-15, § 3, 08/27/1987; Res. No. 87-21, § 3, 09/24/1987; Res. No. SR24-02; 04/23/2024)

Sec. 14-4. Imposition Of Liens For Unpaid Utility Charges.

A. In accordance with section 159.17, Florida Statutes, and chapters 85-412 and 92-248, Laws of Florida, ECUA shall have a lien on all lands or premises served by the water, wastewater, sanitation, of ECUA for all unpaid rates, fees, charges, and assessments for services furnished by such systems, together with interest thereon at such rates as may be established by ECUA. Such liens shall become effective as of the date such services are furnished, shall continue in full force and effect until paid, and shall be prior to all other liens except the lien of state,

county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes.

(Res. No. 93-03, 01/28/1993 [which repealed all prior Resolutions establishing rates, fees, and charges for natural gas service])

B. Such liens may be foreclosed in the manner provided by the laws of the State of Florida for the foreclosure of mortgages on real property when the rates, fees, charges, and assessments for which imposed are delinquent by more than thirty (30) days.

C. In the event ECUA is the prevailing party in any action brought to foreclose such lien ECUA shall recover such unpaid rates, fees, charges, and assessments together with interest thereon and, in addition thereto , the costs of such action and reasonable attorneys' fees at trial and on appeal, all of which shall be included in the sum decreed upon foreclosure.

D. The Executive Director or his/her designee is authorized to execute notices of such liens and to execute satisfactions of such liens upon full payment of same. Such notices and satisfactions shall be recorded in the public records of Escambia County, Florida.

(Res. No. 87-10, §§ 1-4, 07/23/1987; Res. No. 92-49, § A, 12/16/1992 – [which amended Section 1 of Res. No. 87-10])

Sec. 14-5. Service Charges For Worthless Checks, Drafts, Or Money Orders.

A service charge shall be charged for the collection of any dishonored check, draft, or money order. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 90-04, § 3, 04/26/1990 – [which amended Section 3 of Res. No. 85-25]; Res. No. 96-09, § III, 08/29/1996 – [which amended Res. Nos. 90-04, 92-46, and 95-08])

Secs. 14-6 - 14-40. Reserved.

ARTICLE II. WATER AND WASTEWATER SYSTEMS*

SECTION 1. GENERALLY

Sec. 14-41. Reserved.

Sec. 14-46 Capital Improvement Fee.

Each water and/or wastewater customer shall be assessed a Capital Improvement Fee based upon the customer’s status and meter size. Refer to the ECUA Rate Schedule for current rates and terms.

The Capital Improvement Fee shall be used to fund both new and ongoing water and/or wastewater capital improvement projects and expenses related thereto.

(Res. No. 17-06, 08/24/2017; Res. No. SR24-02; 04/23/2024)

Sec. 14-47. *Water Fountains for Public Parks*. ECUA may, in its discretion, waive impact fees, charges and/or service charges for potable water service to water fountains in public parks owned and operated for the benefit of, and use by, the general public by Escambia County and the City of Pensacola. Any such service shall be metered. All fees and charges that ECUA elects to waive under this provision will be paid internally by applying income derived from ECUA investments. This provision shall not be construed to apply to public school parks, parks owned by non-profit entities such as homeowners' associations, or private entities who allow public access.

(Res. No. SR24-10; 12/10/2024)

Secs. 14-48 – 14-50. Reserved.

SECTION 2. SPECIFIC CHARGES

Sec. 14-51. Water system service charges.

A. *Water Service to Mainland Customers:*

1. *Minimum charge: There is a minimum charge for water to each customer.* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Volume charge:* In addition to the minimum charge, each customer, except those customers who are certified as eligible for lifeline rates, shall pay a volume charge for each one thousand (1,000) gallons of water used. Refer to the ECUA Rate Schedule for current rates and terms.

B. *Private Fireline Charges:* There is a monthly service charge for private firelines. Refer to the ECUA Rate Schedule for current rates and terms.

(Res No. 08-22, 11/02/2008 – which amended Res. No. 07-15, 07/26/2007, Res. No. 06-13, 09/28/2006, and Res. No. 85-25, 11/22/1985)

C. *Submetering Charge.* There is a charge for submetering water service in order to measure the volume of water provided to a customer but not discharged into the ECUA wastewater system per submeter per month. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 08-22, 10/23/2008 – which amended Res. No. 07-15, 07/26/2007)

D. Damage Deposit: In the event a customer has a locked meter box and that customer desires to have ECUA keep that meter box unlocked, a damage deposit must be paid. Moreover, the customer shall be responsible for all damage to the meter box and its contents. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 85-10, § 3, 03/28/1985 – [which revised rates established in 83-16 and amended in 83-16A ; Res. No. 85-14, § 3, 05/23/1985; Res. No. 85-25, § 3, 11/22/1985; Res. No. 89-1, § 3.A, 01/06/1989 – [which repealed Res. No. 81-03A, Res. No. 84-21, Res. No. 85-10, Res. No. 85-14, portions of Res. No. 8525, Res. No. 86-01, portions of Res. No. 86-06, and Res. No. 86-08]; Res. No. 90-1, § 3.A, 01/25/1990 – [which amended Section 3.A.2, 3.B. and 3.C. of Res. No. 89-01]; Res. No. 92-24, § III, 09/24/1992 – [which amended 81-3A subsection 3.E.(4) and amended 89-1, as amended by 90-1 and 91-35]; Res. No. 93-15, § III, 07/29/1993 – [which amended Res. No. 85-25]; Res. No. 94-14, § III, 9-29-94 – [which amended Res. No. 92-24]; Res. No. 95-17, § III, 09/29/1995 – [which amended Res. No. 92-31 and Res. No. 94-14; Res. No. 96-11, § III, 08/29/1996 – [which amended Res. No. 94-14 and Res. No. 95-17; Res. No. 97-17, § III, 09/25/1997 – [which amended Res. No. 96-11]; Res. No. 98-11, § III, 08/27/1998 – [which amended Res. No. 93-2, Res. No. 94-14, Res. No. 96-11 and Res. No. 97-17]; Res. No. 9911, § III, 11-30-99 – [which amended Res. No. 98-11 and Res. No. 99-5]; Res. No. 00-12, § III, 09/28/2000 – [which amended Res. No. 99-11]; Res. No. 01-13, § II I, 09/27/2001 – [which amended Res. No. 00-12]; Res. No. 02-03, § III, 06/27/2002 – [which amended Subsection E(2)(b) of Res. No. 81-3A]; Res. No. 02-11, § III A, 09/26/2002 – [which amended Res. No. 01-13]; Res. No. 06-13, 09/28/2006; (Res. No. 17-06, 08/24/2017; Res. No. SR24-02; 04/23/2024)

Sec. 14-52. Wastewater System Service Charges.

A. *Wastewater Service Charges:*

1. *Minimum charge:* There is a minimum monthly charge for wastewater service to each customer. Refer to the ECUA Rate Schedule for current rates and terms.

2. *Volume charge:* In addition to the minimum charge shown above, each customer, except those customers who are certified as eligible for lifeline rates, shall pay a volume charge for each one thousand (1,000) gallons of water used. Refer to the ECUA Rate Schedule for current rates and terms.

3. *Winter averaging:* The volume charge for wastewater service to each single-family residential customer, except those customers who are certified as eligible for lifeline rates, shall be a level charge determined annually, based on the average water consumption of the customer for four (4) consecutive months, as shown by the first reading of the customer's meter on or after October 1 of each year and the next two (2) bimonthly readings, or fifteen thousand (15,000) gallons per month, whichever is less .

(Res. No. 05-11, 08/25/2005)

4. If a customer, other than a single-family residential customer, can establish to the satisfaction of the Executive Director of ECUA that substantial amounts of metered water are not discharged into the wastewater system of ECUA , and that it is not reasonably practical to submeter the customer's water service in order to determine the amounts of metered water not discharged into the wastewater system of ECUA, the charge for wastewater service to the customer may be reduced in accordance with an agreement entered into between the customer and the Executive Director.

(Res. No. 02-03; 06/27/2002 – [which amended Res. No. 81-03A]; (Res. No. SR24-02; 04/23/2024)

5. In the event a connection is identified as being violative of Sec. 28-43 or otherwise contributing to infiltration or inflow into the wastewater system, the customer shall be notified in writing of that fact and provided no more than six (6) months within which to effectuate repairs and eliminate the infiltration or inflow into the wastewater system. Failure to provide proof of repair subject to verification by the authority within the allotted time shall subject the customer to either a per month infiltration or inflow surcharge and/or discontinuation of water and wastewater services, at the discretion of the authority, until such time as proof of repair has been presented to and verified by the authority. The provisions of this paragraph shall be in addition to and in no way affect any prohibitions, penalties, or enforcement otherwise available under Chapter 28.

(Res. No. 10-01; 01/28/2010)

B. *Industrial Surcharges:* Any customer who discharges wastewater containing pollutants in concentrations which exceed those contained in normal domestic wastewater, other than a customer who discharges aerobic digested sludge, shall be charged surcharges in addition to the wastewater service charges set forth in subsection A of this section. Refer to the ECUA Rate Schedule for current rates and terms.

No industrial surcharge shall be imposed for the discharge of any pollutant if in the determination of ECUA, the estimated industrial surcharge to be imposed is less than twice the cost of collection of samples required to monitor such discharge.

Provided, however, that in the event such customer discharges wastewater which in the opinion of ECUA contains inordinate oxygen-demanding substances, ECUA reserves the right to substitute a surcharge for chemical oxygen demand in excess of five hundred eighty-three (583) milligrams per liter or for total organic carbon content. The surcharge for chemical oxygen demand shall be equal to the surcharge for biochemical oxygen demand. If a surcharge is based upon total organic carbon content, such surcharge shall be determined by ECUA after opportunity for comment by the customer.

Such customer shall grant to ECUA full access to monitor and to test the wastewater discharge of such customer and when directed by ECUA shall provide a sampling manhole for such purposes. If such sampling manhole is not provided by the customer when so directed, ECUA may install a sampling manhole and bill the customer for the cost of installation. Such customer shall pay any increased costs incurred by ECUA in managing and treating any toxic pollutant discharged by the customer.

C. *Discharge of Aerobic Digested Sludge:* There is a charge for the disposal of aerobic digested sludge delivered to ECUA. Refer to the ECUA Rate Schedule for current rates and terms.

D. *Disposal of Domestic Septage, Portable Toilet, and ~~or~~ Grease Trap Waste:* There is a fee for the disposal of domestic septage, portable toilet, and grease trap waste per one thousand (1,000) gallons. Different rates apply during normal operating hours, i.e., non-holiday weekdays from 7:00 am to 5:00 pm and any time outside normal operating hours. Refer to the ECUA Rate Schedule for current rates and terms.

E. *Treatment of Contaminated Groundwater:* Any customer who discharges contaminated groundwater shall pay a surcharge. This surcharge shall be in addition to the minimum charge and volume charge for wastewater service. ECUA will accept for treatment groundwater containing only benzene, toluene, ethylbenzene, xylene or other pollutants which ECUA determines to be treatable. The concentration of the contaminate must be such that at a 1 to 100 dilution the resultant mixture shows less than fifty (50) percent mortality to ceriodaphnia in a forty-eight- hour toxicity test. ECUA may at any time and in its sole discretion require a customer to cease or reduce discharge to the ECUA system if ECUA determines that the discharge has an adverse effect on the ECUA wastewater treatment system. Refer to the ECUA Rate Schedule for current rates and terms.

F. *Marina Pump-out Facilities:* There is a monthly charge for wastewater service to a marina pump-out facility. Refer to the ECUA Rate Schedule for current rates and terms.

G. *Disposal of Domestic Septage or Grease Trap Waste:* There is a charge for the disposal of domestic septage or grease trap waste. Refer to the ECUA Rate Schedule for current rates and terms.

H. *Aerobic Digested Sludge Hauling*: In the event ECUA is requested to haul aerobic digested sludge for disposal, ECUA shall charge the time for the driver as the tank is loaded and unloaded as well as during haul time, plus the cost of the operation of the vehicle. Refer to the ECUA Rate Schedule for current rates and terms.

I. *Sewer Improvement Fee.* In addition to all applicable wastewater system service charges, customers shall also be charged a sewer improvement fee. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 81-3A, § 3, 09/10/1981; Res. No. 84-21, § 4, 12/13/1984; Res. No. 85-10, § 3, 03/28/1985; Res. No. 85-25, § 3, 11/22/1985; Res. No. 86-1, § 3, 01/23/1986; Res. No. 86-8, § 3, 04/24/1986; Res. No. 89-1, § 3.B, C, 01/06/1989; Res. No. 90-1, § 3.B, 01/25/1990 – [which amended Section 3.A.2, 3.B. and 3.C. of Res. No. 89-01]; Res. No. 91-35, § III, 11/26/1991; Res. No. 92-24, § III, 09/24/1992 – [which amended Res. No. 81-3A subsection 3.E.(4) and amended Res. No. 89-1, as amended by Res. No. 90-1 and Res. No. 91-35]; Res. No. 92-26, § II I, 09/24/1992 – [which amended Res. No. 85-5]; Res. No. 92-35, § III, 10/29/1992 – [which amended Res. No. 81-3A]; Res. No. 93-22, § III, 08/26/1993 – [which amended Res. No. 89-1 and Res. No. 91-3]; Res. No. 94-14, § III, 09/29/1994 – [which amended Res. No. 92-24]; Res. No. 95-22, § III, 12/19/1995 – [which amended Res. No. 90-8 and Res. No. 92-31]; Res. No. 96-11, § III, 08/29/1996 – [which amended Res. No. 94-14 and Res. No. 95-17]; Res. No. 97-17, § III, 09/25/1997 – [which amended Res. No. 96-11]; Res. No. 98-11, § II I, 08/27/1998 – [which amended Res. No. 93-2, Res. No. 94-14, Res. No. 96-11, and Res. No. 97-17]; Res. No. 99-11, § III, 11/30/1999 – [which amended Res. No. 98-11 and Res. No. 99-5]; Res. No. 00-12, § III, 09/28/2000 – [which amended Res. No. 99-11]; Res. No. 01-01, § II I, 01/25/2001 – [which amended Res. No. 92-41]; Res. No. 01-13, § II I, 09/27/2001 – [which amended Res. No. 00-12]; Res. No. 02-03, §

IV, 06/27/2002 – [which amended Subsection E(2)(b) Res. No. 81-3A]; Res. No. 02-11, § IIIB, 09/26/2002 – [which amended Res. No. 01-13]; Res. No. 05-11, 08/25/2005; 06-13, 09/28/2006 – which amended certain rates; Res. No. 07-07, 04/26/2007 – which amended certain rates; Res. No. 12-06, 04/26/2012 – which amended certain rates; Res. No. 15-16, 10/29/2015; Res. No. SR24-02; 04/23/2024)

Sec. 14-53. Capacity Impact Fees and Special Assessments.

A. *Payment Prior to Initiation of Service:* Applicable capacity impact fees shall be paid in full prior to the initiation of service, except in the case of service to a preexisting building or to property subject to a special assessment, in which case payment may be made in installments in accordance with the following provisions. The owner of a preexisting building subject to a special assessment may pay a capacity impact fee to permit connection to the system for which the special assessment was levied in accordance with the provisions of either subsection B or C below, but must begin installment payments of such special assessment within five (5) years after confirmation of the assessment roll in order to be eligible for the installment financing provided for by subsection C.

B. *Payment Prior to Connection:*

1. *Non-residential less than 2" and Residential:* Each applicant for service to residential premises, or to nonresidential premises to be served by a water meter less than two (2) inches in size, shall pay the capacity impact fee or fees listed below.

2. *Non-residential 2" or larger:* Each applicant for service to nonresidential premises to be served by a water meter two (2) inches or larger in size shall pay a capacity impact fee or fees to be determined by multiplying the estimated average daily flow to or from the premises by the following charges for average daily flow, but no such applicant shall pay less than the following minimum charge or charges. Estimated daily average flow shall be determined by ECUA in accordance with data accepted by the Department of Environmental Protection of the State of Florida or other authoritative source.

C. *Preexisting Buildings and Mobile Homes:* A capacity impact fee for service to a building previously served by a privately owned water or wastewater system or to a mobile home to be occupied by the owner of the property on which such mobile home is located or to be located may be paid in installments in the following manner:

1. A certain portion of the capacity impact fee shall be paid prior to the initiation of service. This requirement may be waived by action of ECUA upon request of the applicant when connection to the water or wastewater system of ECUA is the most reasonably available means of preventing serious and imminent hazard to public health or to the environment, as certified in writing by a public agency of appropriate jurisdiction such as the Escambia County Public Health Unit or the Florida Department of Environmental Protection. Refer to the ECUA Rate Schedule for current rates and terms.

2. The unpaid portion of such capacity impact fee, at the current interest rate per year, may be paid in consecutive equal monthly installments of principal and interest. The first such installment shall be due and payable thirty (30) days after the initial payment required by paragraph 1 above or, if such requirement is waived, prior to the initiation of service. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 87-21, 09/24/1987; 91-20, 06/25/1991; 92-08,04/30/1992)

D. *Property Subject to Special Assessment:* Part or all of a special assessment and, if the owner of the property so chooses, a capacity impact fee required for the connection of assessed property to the system for which a special assessment has been levied, may be paid in consecutive equal monthly installments, with interest at the rate established in accordance with section 153.05, Florida Statutes. The first such installment shall be due and payable not later than five (5) years after confirmation of the assessment roll or prior to the initiation of service, whichever occurs first. Each installment shall be in such an amount that the final installment shall be due and payable not later than sixteen (16) years after confirmation of the assessment roll. Interest shall accrue on the unpaid balance of such special assessment beginning thirty (30) days after confirmation of the assessment roll. Interest shall accrue on the unpaid balance of such capacity impact fee beginning as of the date of payment of the first installment thereof. Refer to the ECUA Rate Schedule for current rates and terms.

*Cross-reference-Water and Wastewater System Expansion, pt. II, Ch. 27.

E. *Terms and Conditions of Installment Payments:* The following terms and conditions apply to installment payments of capacity impact fees and special assessments:

1. ECUA shall have a lien on the subject property for the unpaid portion of any such capacity impact fee, special assessment and accrued interest.

2. Notice of an agreement to pay a special assessment or capacity impact fee in installments shall be signed by all owners of the subject property and shall be recorded in the public records of Escambia County, Florida, but failure to properly sign or record such notice shall not invalidate the lien of ECUA. The owners of such property shall pay all recording fees and documentary or excise taxes prerequisite to recording.

3. Installments shall be billed monthly, and failure to pay any such installment shall result in termination of service.

4. Any such installments may be prepaid at any time without penalty, and interest shall accrue only to the date of prepayment.

5. In the event of sale or transfer of the property, other than by devise or by operation of law on account of death of an owner, the unpaid portion of any such capacity

impact fee, or a special assessment, and any accrued interest shall at once become due and payable. If such unpaid portion and interest are not paid in full within thirty (30) days after notice to any person occupying the property, service shall be terminated.

6. The Executive Director or his/~~or~~ her designee is authorized to execute satisfactions of such liens upon full payment of same. Such satisfactions shall be recorded in the public records of Escambia County, Florida.

7. In the event ECUA is the prevailing party in an action to foreclose such lien, ECUA shall recover the unpaid portion of the capacity impact fee or special assessment with interest and, in addition thereto, the cost of such action and reasonable attorney's fees at trial and on appeal.

8. An applicant who chooses to pay any portion of a capacity impact fee or special assessment in installments shall provide ECUA the original or a true copy of the deed or other instrument whereby the owner or owners acquired title to the property to be served, showing the specific legal description of the property and the name or names of all owners.

F. *Acceptance by ECUA, Payment of Rates Required.* No project system shall be connected to the utility systems of ECUA and no individual service connection shall be made to any project system until such project system has been accepted by ECUA and all applicable rates, fees, charges, and assessments have been paid.

(Res. No. 87-17, §§ 1, 2, 08/27/1987; Res. No. 87-28, § 1, 11/24/1987 – which amended Res. No. 87-17; Res. No. 90-06, § 1, 05/24/1990 – [which repealed Res. No. 87-17]; Res. No. 91-20, § I, 06/25/1991 – [which amended Sections 1A, 1B, 1C and 3 of Res. No. 96-06]; Res. No. 92-08, § 1, 04/30/1992 – [which amended subsection 1B of Res. No. 91-20]; Res. No. SR24-02; 04/23/2024)

G. *Transfer of Credit for Capacity Impact Fees.* Payment of any capacity impact fee or portion thereof shall be site specific. The owner of a site for which capacity impact fees have been paid, or, with the written consent of the owner, the person who made payment, may, prior to connection, transfer credit for payment for use at an alternate site with the approval of the Executive Director, provided that capacity is available to serve the alternate site. If not transferred for use at an alternate site in this manner, credit for payment shall continue to apply to the site for which payment is made, regardless of subsequent changes of ownership.

(Res. No. 88-07, §§ 1-11, 02/26/1988; Res. No. 89-21, § 1, 11/30/1989 – [which amended Section 10 of Res. No. 88-07]; Res. No. 91-11, § I, 03/28/1991 – [which amended Section 10 of Res. No. 89-21]; Res. No. 92-03, § I, 02/27/1992 – [which deleted Sections 1 – 8 and portion of Section 10 of Res. No. 88-07, as amended by Res. No. 89-21 and Res. No. 91-11]; Res. No. 95-02, § I, 03/02/1995 – [which amended Section 2 of 92-03]; Res. No. 97-11, § I, 07/24/1997 – [which amended Res. No. 95-02 in its entirety])

H. *Limitation On The Prepayment Of Capacity Impact Fees And Connection Fees***.** Any applicant for water service who on or after February 1, 1986, pays a water service capacity impact fee and connection fee, and any applicant for wastewater service who on or after February 1, 1986, pays a wastewater service capacity impact fee, may connect to the water or wastewater system of the authority at any time within one (1) year after the date of such payment without the payment of additional capacity impact or connection fee(s), notwithstanding any increase in such capacity impact or connection fee(s) which may occur subsequent to the date of such payment . Any such applicant who seeks to connect to the water or wastewater system of the authority more than one (1) year after the date of such payment shall be required to pay an additional sum equal to the difference, if any, between the capacity impact and connection fee(s) paid and the capacity impact and connection fee(s) in effect at the time of connection.

(Res. No. 85-25, § 4, 11/22/1985)

I. *Assessment Policy.* ECUA may provide for the construction or reconstruction of water distribution and wastewater collection systems and levy special assessments upon benefited property under the provisions of F.S. § 153.05. Any special assessment shall, at the option of the owner of the benefited property, be paid:

1. Within five (5) years after confirmation of the assessment roll; or

2. In consecutive monthly installments, in accordance with section 14-41.C, and D of this section.

Any property subject to a special assessment which is not paid as provided above shall be subject to a special wastewater service connection fee, to be established by the ECUA Board.

(Mo. of 8-25-88 - which the Board approved utilizing F.S. 153.05 for all assessment projects of ECUA and amend the assessment policy to omit the optional use of Chapter 170; Res. 90-06, § 3, 05/24/1990 – [which repealed Res. No. 87-17]; Res. No. 91-20, § II, 06/25/1991 – [which amended Sections 1A, 1B, and 1C of Res. No. 90-06]; Mo. of 06/29/1995 – which the Board approved to adopt special connection fees, to be paid at the time of connection, for each parcel served by an assessment project for which financial arrangements had not been made.)

J. *Adjustment Based on Flow:* Each customer, other than a single-family residential customer, served by a water meter two (2) inches or larger in size for which a capacity impact fee(s) were paid on or after October 1, 1990, and prior to October 1, 2000, and each customer, including each single-family residential customer, served by a water meter one and one-half (1 ½) inches or larger in size for which a capacity impact fee(s) were paid on or after October 1, 2000, shall pay an additional water and wastewater system capacity impact fee(s) equal to the amount, if any, by which the average daily metered water consumption of such customer for any twelve (12) consecutive months, multiplied by the charges for average daily flow in effect at the end of such twelve-month period, exceeds the capacity impact fee(s) previously paid for service to the premises.

Additional adjustments calculated in the same manner shall be required in case average daily metered water consumption for any period of twelve (12) consecutive months should at any time exceed the average daily metered water consumption for which a capacity impact fee(s) have been paid. No refund shall be made on account of a reduction in flow.

Each applicant for service through a water meter one and one-half (1½) inches or larger in size, other than an applicant for single-family residential service, shall, at the time of application for service, sign an agreement to this effect; and failure of an applicant to sign such agreement shall not relieve the applicant or other customers receiving service at that location of the obligation to pay such additional capacity impact fee(s). Refer to the ECUA Rate Schedule for current rates and terms.

K. *Capacity Impact Fees.* Refer to the ECUA Rate Schedule for current rates and terms.

L. *Classification of Service:* For purposes of determining capacity impact fee or fees to be paid, service to the following types of facilities shall be classified as nonresidential service:

1. Hotels
2. Motels
3. Hospitals
4. Retirement homes
5. Nursing homes
6. Recreational vehicle parks
7. Campgrounds

M. *Meters for Irrigational Purposes:* No water service impact fee shall be charged with respect to any water meter not exceeding one (1) inch in size if the applicant can establish to the satisfaction of the Executive Director that the sole purpose of such meter is to provide an accurate measure of water to be used for irrigational purposes only, that such water is not discharged into the wastewater system of ECUA, and that water for purposes other than irrigation is supplied to the premises through a metered connection to the water system of ECUA. In the event such meter is replaced by a larger meter exceeding one (1) inch in size, the applicant shall pay the full water service capacity impact fee applicable to such larger meter at the time of replacement.

N. *Changes in Size or Number of Water Meters:* Except as otherwise provided concerning the provision of water meters for irrigation purposes only, any applicant or customer who requests that a water meter be replaced by a meter of larger size or that the number of water meters serving a premises be increased or decreased shall pay an additional water system capacity impact fee or fees and, if the premises are served by the wastewater system of ECUA, an additional wastewater system capacity impact fee or fees, based on the additional capacity, if any, to be provided. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 02-13; 10/24/2002)

O. *Privately Owned Disposal Systems:*

1. No wastewater system capacity impact fee is required to be paid for service to any premises which, have previously been served by a privately owned package plant or septic tank and which are connected to a newly constructed, renovated, or activated ECUA wastewater collection system within one (1) year after ECUA or the Escambia County Health Department mails notice to the owner of record of the premises that the system is available for connection, provided that there is no increase in the water system capacity provided to the premises. For such premises, ECUA staff is further authorized to extend the timeframe within which no wastewater system capacity impact fee is required another one (1) year based on extenuating circumstances.

2. In the event any premises described in subsection 1, above, fails to connect to the ECUA wastewater collection system within the timeframe set forth therein, no wastewater system capacity impact fee will be required of the premises so long as a subsequent owner of that premises connects to the ECUA wastewater collection system within one (1) year of obtaining ownership. For such premises, ECUA staff is further authorized to extend the timeframe in which no wastewater system capacity impact fee is required for one (1) additional year based upon extenuating circumstances.

3. If the notice referred to in subsection 1, above, was not mailed to the owner of record, any premises which have previously been served by a privately owned package plant or septic tank may be connected to the ECUA wastewater system at any time without payment of a wastewater system capacity impact, provided that there is no increase in the water system capacity provided to the premises.

4. In the event an increase in the size or number of water meters serving the premises results in an increase in the water system capacity provided to the premises, the customer or applicant shall pay a wastewater system capacity impact fee, which shall be based on the additional water system capacity to be provided, and shall be determined in accordance with ECUA policy concerning charges in the size or number of water meters serving the premises. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 15-15; 09/24/2015)

P. *Separation of Service Connections:* No water or wastewater system capacity impact fees shall be charged for any new water service connection made in order to provide separate connections to customers to customers who, as of March 18, 1993, were served by multiple connections to a single meter.

Q. *Transitional Provisions:*

1. Any applicant who on or before February 26, 1988, paid a water or wastewater service capacity impact fee for a project may connect such project to the water or wastewater system of ECUA at any time on or before February 27, 1989, without the payment of additional capacity impact fees.

2. Any applicant for water or wastewater service to a project for which a letter of availability was in effect on February 26, 1988, and who, on or before May 26, 1988, pays the water service capacity impact fee or interim water service capacity impact fee set forth in Resolution No. 85-25 or 87-7 or the interim wastewater service capacity impact fee set forth in Resolution No. 86-5 or 87-7 may connect such project to the water or wastewater system of ECUA at any time on or before February 27, 1989, or prior to the expiration of such letter of availability, whichever first occurs, without the payment of additional capacity impact fees.

3. Any applicant for water or wastewater service to a project (including a project for which a letter of availability was in effect on February 26, 1988), construction of which has been commenced but has not been completed as of February 26, 1988, and who, on or before May 26, 1988, pays the water service capacity impact fee or interim water service capacity impact fee set forth in Resolution No. 85-25 or 87-7 or the interim wastewater service capacity impact fee set forth in Resolution No. 86-5 or 87-7 may connect such project to the water or wastewater system of ECUA at any time on or before February 27, 1989, without the payment of additional capacity impact fees.

4. Any applicant to whom subsection 1, 2 or 3 of this section applies and who seeks to connect such project to the water or wastewater system of ECUA after the time specified by such subsection shall be required to pay an additional sum equal to the difference between the capacity impact fee or fees paid and the capacity impact fee or fees in effect at the time of connection.

5. For the current water and wastewater service capacity impact fees, Refer to the ECUA Rate Schedule for current rates and terms.

R. *Limitation on Use of Funds Received in Payment of Capacity Impact Fees:* Any funds received in payment of water service capacity impact fees shall be deposited into a water system capital improvement fund, and shall be used only for paying costs of expansion of the water system of ECUA. Any funds received in payment of wastewater service capacity impact fees shall be deposited into a wastewater system capital improvement fund, and shall be used only for paying costs of expansion of the wastewater system of ECUA.

S. *Treatment of Contaminated Groundwater.*

1. *Wastewater system capacity impact fee:* Each customer who discharges contaminated groundwater shall pay a wastewater service capacity impact fee which may be paid in installments. Refer to the ECUA Rate Schedule for current rates and terms.

2. *Interest charge:* At the time the second, third, fourth and final installments become due, each such customer shall also pay an annual interest charge. Refer to the ECUA Rate Schedule for current rates and terms.

3. *Determination of capacity impact fee:* The capacity impact fee in effect at the time any installment becomes due shall be determined by ECUA from estimated or measured discharge using the most current data then available, expressed in hundreds of gallons of average daily flow, multiplied by the wastewater system capacity impact fee per one hundred (100) gallons of average daily flow then in effect.

4. *Adjustment based on flow:* If for any twelve (12) consecutive months after payment of such final installment measured discharge into the wastewater system of ECUA exceeds the discharge for which a capacity impact fee has been paid the customer shall pay an additional capacity impact fee to be determined by multiplying such excess by the wastewater system capacity impact fee per one hundred (100) gallons of average daily flow then in effect.

5. *Termination of service:* The customer shall be required to pay only those installments and annual interest charges which become due prior to such time as connection to the wastewater system of ECUA has been terminated and discharge has ceased. No refund of any payment or any portion thereof shall be made on account of the termination of service.

6. *Flows not in excess of fifty gallons per minute.* A capacity impact fee may, but is not required, to be paid for the discharge of not more than fifty (50) gallons per minute of contaminated groundwater drawn from a single source or plume of contamination. In the event a capacity impact fee is not paid for the discharge of contaminated groundwater from any such source, capacity is not guaranteed; and ECUA may at any time and in its sole discretion require that discharge be reduced or terminated if ECUA determines that sufficient wastewater system capacity is not available to meet demands for service.

T. *Credit for Interest on Capacity Impact Fees.* In the event capacity impact fees for water or wastewater service to a proposed service location were paid on or before May 26, 1988, and service is not provided to that location or to an alternate location to which credit for payment is transferred until April 25, 1997, or thereafter , simple interest at the rate of five (5) percent per annum from the date of payment shall be credited toward payment of capacity impact fees due at the time of connection . However, credit for such interest shall not exceed an

amount which, when added to the capacity impact fees actually paid, would exceed the capacity impact fees due at the time of connection.

U. *Governmentally Sponsored Irrigation Projects.* No water service capacity impact fee is required to be paid for the provision of water service for irrigation of a publicly owned right-of-way as part of a governmentally sponsored neighborhood beautification project, provided that:

1. A portion of road or street right-of-way is to be irrigated as part of a neighborhood beautification project.

2. The portion of the right -of-way to be irrigated:
   a. Is owned by a governmental entity;
   b. Is located at the entrance to a platted subdivision; and
   c. Is not contiguous to any property within the subdivision.

3. The governmental owner of the right-of-way sponsors the project by paying or agreeing to pay applicable ECUA water service connection fees.

4. The water meter required for the project is less than one inch in size.

5. ECUA is provided assurance that charges for water service will be paid.

(Res. No. 85-25, § 3, 11/22/1985; Res. No. 86-5, § 3, 02/27/1986 – [which partially amended Res. No. 85-25]; Res. No. 87-2, § 3, 01/29/1987 – [which Amended Res. No. 85-12]; Res. No. 87-7, § 3, 06/25/1987 – [which partially amended Res. No. 85-25 and Res. No. 86-05]; Res. No. 88-8, § 3, 02/26/1988 – [which amended Res. No. 85-25 and repealed Res. No. 86-05, Res. No. 87-03, and Res. No. 87-07]; Res. No. 88-16, § 3, 11/22/1988; Res. No. 89-10, § 3, 05/25/1989 – [which amended Subsection 3C of Res. No. 88-8]; Res. No. 90-8, § III, 06/28/1990 – [which amended Section C of Res. No. 88-08]; Res. No. 91-03, § III, 01/31/1991 – [which amended Res. No. 88-16]; Res. No. 91-29, § III, 10/24/1991 – [which amended Res. No. 90-08]; Res. No. 92-04, 03/26/1992 – which amended Res. No. 91-29]; Res. No. 93-09, 03/18/1993 – which amended Res. 91-29 and Res. No. 92-31]; Res. No. 93-22, § IV, 08/26/1993 – [which amended Res. No. 89-01 and Res. No. 91-03]; Res. No. 96-10, § III, 08/29/1996 – [which amended Res. No. 98-08]; Res. No. 97-6, § I, 04/25/1997; Res. No. 98-6, § II, 05/28/1998 – [which amended Res. No. 95-12]; Res. No. 98-15, § 1, 10/29/1998; Res. No. 00-10, § III, IV, 09/28/2000 – [which amended Res. No. 96-10 and Res. No. 90-08]; Res. No. 00-17, § II, 11/30/2000 – [which amended Res. No. 00-17]; Res. No. 02-13, § I, 10/24/2002 – [which amended Subsection III.D. of Res. No. 88-08 and Subsection III.B.6 of Res. No. 92-31]; Res. No. 15-15, 09/24/2015 *nunc pro tunc* 07/23/2015 – [which restated and revised Res. No. 95-12 and Res. No. 03-05]; Res. No. SR24-02; 04/23/2024)

Sec. 14-54. Miscellaneous Fees and Charges.

A. *Connection Fees:*

1. *Water service connection fees:* For service to property, other than property in Seaglades North Subdivision, for which a usable water service line has been tapped from a water main to a boundary line of the property to be served, there will be a service connection fee. Refer to the ECUA Rate Schedule for current rates and terms.

2. *Wastewater Service Connection Fee:* Each applicant for wastewater service shall pay a wastewater service connection fee if a usable wastewater service lateral is not stubbed from a sewer main to a boundary line of the property to be served. Refer to the ECUA Rate Schedule for current rates and terms. However, this fee shall not apply if lack of a wastewater service lateral resulted from failure of a developer to provide a lateral or laterals shown by development plans submitted by the developer and approved by ECUA. Any developer who has failed or who fails to provide a wastewater service lateral or laterals shown by development plans submitted by the developer and approved by ECUA shall be responsible for the cost of installation of any such laterals which the developer failed to provide. Refer to the ECUA Rate Schedule for current rates and terms.

B. *Security Deposits:*

1. Refer to the ECUA Rate Schedule for current rates and terms of security deposits for water and wastewater services.

2. Increases in Security Deposits. Any customer, other than a single-family residential customer who, within any consecutive twelve-month period, fails to pay three (3) or more bills for utility service within forty-five (45) days after such bills are mailed to the customer and whose security deposit is less than two and one-half (2½) times the average monthly service charge of the customer shall be required to increase such security deposit to two and one-half (2½) times the average monthly service charge. Provided, however, that no such increase shall be required unless the amount of such increase is greater than twenty-five dollars ($25.00) and ten (10%) percent of the security deposit previously furnished by the customer.

   Written notice of such failure and the requirement that such security deposit be increased shall be given to the customer by mail or by hand delivery. The service of any customer who fails to increase such security deposit to the required amount within ten (10) days after the mailing or hand delivery of such notice shall be terminated.

   The average monthly service charge of a customer shall be determined from the service charges to such customer for the previous twelve (12) months, or such lesser period as service has been provided.

3. Refunds on Security Deposits. Security deposits of single-family residential customers whose accounts are not delinquent and whose accounts are paid in full for twenty-four (24) consecutive months commencing on or after February 1, 1986, during which period not more than one (1) monthly payment is received by ECUA more than thirty (30) days after the date on which such payment is billed, shall be refunded.

4. Interest on Security Deposits. Commencing February 1, 1986, the account of each customer shall be credited with interest on such customer's security deposit. Such credit shall be applied to the customer's account in September of each year, or sooner if the customer voluntarily terminates service or the customer's security deposit is refunded. Provided, however, that no such interest shall be credited to the account of a customer who terminates service prior to September 1, 1986.

   The rate of interest on security deposits to be credited for each fiscal year beginning October 1, 1986, shall be established by ECUA prior to the end of the preceding fiscal year.

(Mo. of 01/23/1986; Res. No. 88-06, § 3, 02/25/1988 – [which amends Res. No. 85-24 and 85-25]; Res. No. 95-03, § I, 03/30/1995 – [which amends Section 3 of Res. No. 88-06; Res. No. SR22-01, 08/23/2022; SR24-02; 04/23/2024)

C. *Turn-On, Turn-Off Fee:* There is a fee for turning on or turning off water service at the request of a customer. This fee does not apply to customers terminating service and receiving final billing. Refer to the ECUA Rate Schedule for current rates and terms.

D. *Reconnection Fee:* There is a fee for reconnecting water service after the termination of service due to nonpayment of utility charges. Refer to the ECUA Rate Schedule for current rates and terms.

E. *Fire Hydrant Meter Installation and Deposit / Temporary Water Service:* In cases where it would be uneconomical to install a permanent water service, a temporary service may be provided from a fire hydrant for a period not exceeding ninety (90) days. Refer to the ECUA Rate Schedule for current rates and terms.

F. *Plan Review Fee:* There is a fee for the review of plans for the construction of proposed water distribution or wastewater collection systems or both. Refer to the ECUA Rate Schedule for current rates and terms.

G. *Inspection Fee:* There is a fee for inspection and reinspection of water distribution or wastewater collection systems constructed for acceptance by ECUA. Refer to the ECUA Rate Schedule for current rates and terms.

H. *Same-Day Service Fee:* A same-day service fee shall be charged to each applicant who applies for water after 11:00 A.M. and whose service is, at the request of the applicant, turned on during the same day during which the applicant applies for such service. Refer to Rate Schedule for current rates and terms.

I. *Water Meter Test Fee:* There is a fee for testing a water meter at the request of a customer. Refer to the ECUA Rate Schedule for current rates and terms.

No water meter test fee shall be charged if such test indicates that the meter tested is more than five (5%) percent in error.

J. *Franchise Fee:* Each customer served within the city limits of the City of Pensacola shall be charged a franchise fee on all rates, fees and charges incurred by such customer, except for security deposits, capacity impact fees, connection fees, plan review fees, inspection fees, special assessments, capital contributions, or interest on any of the foregoing. Refer to the ECUA Rate Schedule for current rates and terms.

K. *Backflow Prevention Device Fee:* There is a fee for providing a backflow prevention device for use on a hydrant meter. Refer to the ECUA Rate Schedule for current rates and terms.

L. *Permit Application Fee:* There is a fee for submission of an application for an industrial discharge permit or a groundwater discharge permit. Refer to the ECUA Rate Schedule for current rates and terms.

M. *Adjustments Due to Sudden and Accidental Loss of Water***.**

1. One-Time Leak Adjustment. Charges for water and wastewater service to any customer who experiences an increased bill because of a sudden and accidental loss of water on the customer's side of the meter, without the knowledge of the customer shall, upon request, be adjusted as follows:

   a. On a single occasion to an amount equal to the charge which the customer paid for such service during the monthly billing period prior to the time at which the break occurred, and

   b. On a single occasion subsequent to the adjustment described in subparagraph (a), above, to an amount equal to the charge which the customer paid for such service during the monthly billing period prior to the time at which such subsequent billing period prior to the time at which such subsequent break occurred, plus fifty percent (50%) of the charges above that amount.

   c. Any customer requesting either of the adjustments described above shall furnish a statement or receipt from a licensed plumber establishing that a sudden and accidental loss occurred. If repairs were not made by a licensed plumber the customer shall furnish an affidavit stating that a sudden and accidental loss occurred and describing the corrective action taken.

d. Only the two (2) adjustments described herein shall be allowed for any person during the entire time he or she is a customer of ECUA. Provided, however, two (2), but not more than two(2), consecutive monthly bills may be adjusted if it appears to ECUA that a single accident resulted in a loss of water during more than one (1) monthly billing period.

2. *Weather-Related Adjustments to Customer's Accounts*. Charges for water and wastewater service to any customer who experiences an increased bill because of a sudden loss of water as a result of a break on the customer's side of the meter directly caused by a named weather-related event or weather resulting in a declared local, state, or national state of emergency impacting the ECUA service area (a "Weather Event") shall, upon request, be adjusted to an amount equal to the charge the customer paid for such service during the monthly period prior to the time at which such break occurred. This type of natural disaster poses unforeseen losses and financial hardships to ECUA's rate payers due to the destruction the Weather Events leave in their aftermath.

a. Any customer requesting such adjustment shall furnish a statement or receipt from a licensed plumber establishing when the break occurred. If repairs were not made by a licensed plumber, the customer shall furnish an affidavit stating that the repair occurred, and the corrective action taken.

b. Customers will be granted a credit adjustment for water loss under the specific Weather Event's adjustment code name. This will allow ECUA to track the number of adjustments and total dollar amount in order to apply for a reimbursement through any available source, including but not limited to, the Federal Emergency Management Agency (FEMA) or Florida Division of Emergency Management (FDEM), if applicable.

c. A Weather-Related Adjustment under this sub-section M(2) is separate and distinct from the One-Time Leak Adjustment provided for in sub-section N(1), and shall not limit or reduce a customer's ability to utilize such One-Time Leak Adjustment.

(Res. No. 81-3A, § 3, 9-10-81; Res. No. 85-25, § 3, 11-22-85; Res. No. 86-12, §§ 1, 2, 6-26-86; Res. No. 86-30, § 3, 11-25-86; Mo. Of 7-23-87; Res. No. 87-16, § 3, 8-27-87; Res. No. 88-06, 02/25/1988; Res. No. 90-4, § 4, 4-26-90 – [which amended Res. No. 85-25]; Res. No. 91-13, § III, 4-25-91 – [which amended Res. No. 87-16]; Res. No. 91-25, § III, 9-26-91; Res. No. 91-26, § III, 9-26-91; Res. No. 91-32, § I, 10-24-91; Res. No. 91-34, § I, 11-26-91; Res. No. 92-5, § III, 3-26-92 – [which amended Res. No. 91-13]; Res. No. 92-9, § 1, 5-28-92; Res. No. 92-36, §§ III, IV, 10-29-92 – [which amended Res. No. 85-25]; Res. No. 94-12, § III, 9-29-94 – [which amended Res. No. 8716]; Res. No. 94-19, § III, 10-27-94 – [which amended Res. No. 91-26]; Res. No. 95-03, 03/30/1995; Res. No. 95-8, § III, 4-27-95 – [which amended Res. No. 85-25]; Res. No. 96-3, § III, 5-30-96 – [which amended Res. No. 95-08]; Res. 96-5, 7-25-96 – [which cancelled the special assessment for Willowbrook in Res. No. 91-22]; Res. No. 97-2, § III, 2-27-97 – [which amended Res. No.

94-12]; Res. No. 97-23, § III, 12-18-97 – [which amended Res. No. 96-03]; Res. No. 98-9, § III, 7-30-98; Res. No. 99-7, § III, 7-29-99; Res. No. 00-02, § I, 3-30-00 – [which amended Res. No. 86-30]; Res. No. 00-08, § III, 5-25-00 – [which amended Res. No. 98-07, Res. No. 98-14, and Res. No. 95-01 ; Res. No. 02-15, § III, 11-21-02 – [which amended Res. No. 97-02 in its entirety; Res. No. 04-14, 10-28-04; Res. No. 13-04; 02/28/2013; Res. No.SR20-63, 10-27-2020; Res. No. SR22-01, 08/23/2022; Res. No. SR24-02; 04/23/2024; SR25-02, 04/22/2025)

Sec. 14-55. Specific Charges for Pensacola Beach.

Included in this section are charges for Pensacola Beach that are different from those on the mainland. Refer to the ECUA Rate Schedule for current rates and terms.

Charges Apply Year-Round: Monthly charges for water and wastewater service to customers served on Pensacola Beach are required to be paid year-round, except when the premises served cannot be occupied because of fire, flood, or other casualty.

(Res. No. 92-31, § III.A**,** 10/15/1992; Res. No. 92-46, § III, 12/16/1992; Res. No. 93-2, § III.A, B, 01/28/1993 – [which amended Section III.A.1 and III.A.2 of 92-31; amended Section III.A. of 92-32; amended Section C of 90-01; and amended Section III.C. of 92-48]; Res. No. 95-17, § III, 09/29/1995 – [which amended Res. 92-31 and Res. No. 94-14]; Res. No. 96-9, § III, 08/29/1996 – [which Amended Res. No. 90-4, Res. No. 92-46, and Res. No. 95-8]; Res. No. 96-11, § III – [which amended Res. No. 90-4, Res. No. 92-46, and Res. No. 95-8];Res. No. 97-17, § III, 09/25/1997 – [which amended Res. No. 96-11]; Res. No. 98-11, § III, 08/27/1998 – [which amended Res. No. 93-2, Res. No. 94-14, Res. No. 96-11, and Res. No 97-17]; Res. No. 99-5, § III, 06/24/1999; Res. No. 99-11, § III, 11/30/1999; - [which amended Res. No. 98-11 and Res. No. 99-5] Res. No. 00-12, § III, 09/28/2000 – [which amended Res. No. 99-11]; Res. No. 01-09, § I, 05/24/2001 – [which amended Res. No. 92-31, Res. No. 99-5 and Res. No. 93-31]; Res. No. 01-13, § III, 09/27/2001 – [which amended Res. No. 00-12]; Res. No. 02-11, § IIIC, 09/26/2002 –[which amended Res. No. 00-13]; Res. No. 03-09, § IIIC, D, 09/25/2003 – [which amended Res. No. 02-09]; Res. No. SR24-02; 04/23/2024)

Sec. 14-56. Industrial Discharge Permit Fines and Penalties.

A. *Administrative Fines.* Pursuant to Section 26-4(A)(4), when ECUA finds that a User has violated, or continues to violate, any provision of Chapter 26, an industrial discharge permit, or order issued, or any other pretreatment standard or requirement, ECUA may fine such user according to the fines established for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, ECUA may recover reasonable attorneys' fees, court reporters' fees, expert witness fees, and other expenses of litigation by appropriate legal proceedings against the User. Refer to the ECUA Rate Schedule for current rates and terms.

B. *Civil Penalties.* A User who has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to ECUA for a minimum civil penalty per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024; Res. No. SR25-01, 01/28/2025)

14-57. Water and Wastewater System Expansion.

A. Fire Protection.

1. Pursuant to Section 27-1(C)(3), if a proposed extension or upgrade of a water line for purposes of fire protection is necessary to satisfy permitting requirements, ECUA shall pay a portion of the cost of extending or upgrading such line for a distance of one thousand (1,000) feet from point of connection to an existing line six (6) inches or more in diameter, whichever amount is less. The remainder of the cost of the project shall be paid by the requesting customer. ECUA may in its discretion extend or expand a project of this nature to improve service to customers in the vicinity. Refer to the ECUA Rate Schedule for current rates and terms.

2. Pursuant to Section 27-1(C)(5), ECUA shall pay a portion of the cost of installation of fire hydrants. The requesting customer shall pay the remaining cost. Refer to the ECUA Rate Schedule for current rates and terms.

B. Water and Wastewater System Expansion – Reimbursement for Certain Costs of Construction.

1. Pursuant to Section 27-2(B)(4), if a development is eligible for reimbursement under the ECUA *Procedure for Review, Approval, and Administration of Sewer Service for New Structures South of Well Line Road,* ECUA shall reimburse the developer for a portion of the cost of construction of wastewater collection facilities to serve the development. Expenditures incurred by the developer in obtaining a determination of feasibility shall not be eligible for reimbursement unless the project is determined to be feasible for ECUA participation. The amount of reimbursement shall initially be determined by subtracting the established rate from the average cost per lot or parcel of the cost of construction of wastewater collection facilities and multiplying the remainder by the number of lots or parcels in the development for which septic tanks are permittable. The initial established rate shall be adjusted in January 2006 and each January thereafter. This adjustment shall be computed by multiplying the established rate by the first Construction Cost Index (CCI) published by *The Engineering News-Record* in the month of January of that year and dividing the product by the CCI published in April 2005 (i.e., 7,355). The result so obtained shall be rounded to the nearest $50.00. This adjustment shall be effective the date the CCI is first published each January. Refer to the ECUA Rate Schedule for current rates and terms.

C. Establishment Of Neighborhood-Initiated Sewer Expansion Program**.**

1. Pursuant to Section 27-4(C), if connection to the ECUA system is made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less. Refer to the ECUA Rate Schedule for current rates and terms.

2. If connection to the ECUA system is not made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less, together with simple interest at the rate of eight percent (8%) per year from the date on which notice is first given to property owners that the system is available for use. Interest shall cease to accrue sixteen (16) years after the date on which notice is first given to property owners that the system is available for use. Refer to the ECUA Rate Schedule for current rates and terms.

3. The special connection fee (1) shall be paid in full prior to connection to the ECUA system or (2) shall be paid in sixty (60) monthly installments, with interest at five percent (5%) per year from the date of application for service, to be included in regular monthly billings for utility services. Any owners electing to pay the special connection fee in monthly installments shall sign a Finance Agreement with ECUA.

(Res. No. SR24-02; 04/23/2024)

14-58. Water Distribution and Wastewater Collection System Construction and Maintenance Regulations.

A. Pursuant to Section 28-17 of Chapter 28, there are rates, fees, and charges for new connections to the ECUA water system. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

B. Pursuant to Section 28-19 of Chapter 28, there are rates, fees, and charges for installation, connection, and relocation of water meters. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

C. Pursuant to Section 28-20 of Chapter 28, there are rates, fees, and charges to establish a temporary account for temporary water service connecting a water meter to the nearest fire hydrant and requiring the customer to place a backflow prevention assembly immediately downstream of the water meter. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

D. Pursuant to Section 28-21 of Chapter 28, there are rates, fees, and charges to establish and connect fire lines. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

E. Pursuant to Section 28-37 of Chapter 28, there are rates, fees, and charges for new connections to the ECUA wastewater system. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

F. Pursuant to Section 28-38 of Chapter 28, there are rates, fees, and charges for connection of existing and new service lines to gravity wastewater mains. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

G. Pursuant to Section 28-39 of Chapter 28, there are rates, fees, and charges for connection of existing and new service lines to force wastewater mains. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

H. Pursuant to Section 28-57 of Chapter 28, there are penalties for violation of any provisions in Section 28-56 of Chapter 28. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

14-59. Cross Connection Control - Penalties for Violations.

A. Pursuant to Section 5-11 of Chapter 5, violation of any provision of these Chapters is declared to be a non-criminal violation. Any ECUA water customer who commits any of the following violations shall be subject to termination of water service, a civil penalty not to exceed five hundred dollars ($500.00) per violation, or both. Refer to the ECUA Rate Schedule for current rates and terms.

1. Failure to complete or provide accurate information on the surveys or questionnaires authorized by Section 5-6 of Chapter 5.

    a. Failure to properly install an approved backflow prevention assembly or device when required to do so.

    b. Failure to have a required backflow prevention assembly tested by a certified backflow prevention tester at the frequency specified by ECUA and/or within the time permitted.

    c. Failure to immediately notify ECUA of a faulty backflow prevention assembly and/or failure to repair or replace the assembly.

d. Failure to immediately notify ECUA of any changes in the nature of activities on the premises which may create a potential health hazard to the ECUA potable water system.

e. Failure to provide certification of backflow prevention assembly testing within thirty (30) days following the date of mailing of such the follow-up notice specified in Section 5-8 of Chapter 5.

f. Failure to refurbish or replace a dual check device as required in Section 5-8 of Chapter 5.

B. Any certified backflow prevention tester who commits any of the following violations shall be subject to removal from the list of certified backflow prevention testers registered with ECUA to test backflow prevention assemblies installed on service lines connected to the ECUA potable water system, a civil penalty per violation, or both. Refer to the ECUA Rate Schedule for current rates and terms.

1. Failure to sign and/or provide test certification.

2. Falsification of a backflow test report.

3. Authorization of anyone to perform the test procedure and/or sign the backflow test report, other than a certified backflow prevention tester who is registered with ECUA.

14-60. Fats, Oils, & Grease Program

A. Fees and Charges. Pursuant to Section 6-10 of Chapter 6, the following rates and terms apply:

1. *Initial Application Fee*. There shall be an initial application fee for an FSE Discharge Permit; however, any existing FSE which has participated in ECUA's FOG program for twelve (12) months prior to July 1, 2018, without any violations shall be exempt from this initial application fee. Refer to the ECUA Rate Schedule for current rates and terms.

2. *Reapplication Fees*. There shall be ~~A~~a reapplication fee submitted by permittee with each reapplication submitted; however, no reapplication fee shall be due if the previously permitted FSE has experienced no change in ownership, no change in kitchen equipment (other than replacement of previously existing/permitted equipment with comparable equipment), no work which required a plumbing permit, and no increase in the average daily flow over a 12 consecutive month period of 100 gallons or more since the issuance of the prior FSE Discharge Permit. Refer to the ECUA Rate Schedule for current rates and terms.

3. *Monthly Fees*. Any food service establishment which discharges into a wastewater collection system owned, operated, or maintained by ECUA shall be charged a monthly fee, plus all other applicable fees for the services received. Refer to the ECUA Rate Schedule for current rates and terms.

4. *Fees for Deficiencies Discovered During Inspection*. An FSE shall be charged a certain dollar amount per point for deficiencies discovered during an inspection based on the following point schedule. Refer to the ECUA Rate Schedule for current rates and terms.

	Deficiency	**Points**
a.	Inoperable or bypassed FOG removal device	6 points
b.	Exceedance of 25% rule	4 points
c.	No outlet tee	4 points
d.	Inaccessible FOG removal device	2 points
e.	Sewage in FOG removal device	2 points
f.	Food/contaminants in FOG removal device	2 points
g.	Accumulated FOG near entry point to sewer connection unprotected by FOG removal device, indicative of improper FOG disposal	2 points
h.	Non-compliance with FSE Discharge Permit provisions not otherwise covered	2 points
i.	Minor deficiencies in FOG removal device and/or minor operational deficiencies	1 point
j.	Open or unsecured floor drains	1 point

5. *Re-inspection and re-inspection fee*. In the event a food service establishment fails to pass any inspection made pursuant to this chapter, ECUA shall re-inspect the food establishment within ten (10) calendar days. If the food service establishment has corrected all of the deficiencies noted during the initial inspection when the re-inspection is performed, then no re-inspection fee will be assessed. If the FSE is not in compliance when the re-inspection is performed, then the FSE shall be charged a re-inspection fee. Refer to the ECUA Rate Schedule for current rates and terms.

Sec. 14-61. Termination of Service. Pursuant to Section 6-11 of Chapter 6, the following terms apply:

ECUA has a duty and obligation to protect the health, safety, and welfare of persons and property within the ECUA wastewater collection and treatment system service area. Therefore, ongoing compliance with this chapter shall be required as a condition and/or prerequisite to receiving water and wastewater services, and failure to do so may result in the termination of those services. Moreover, in the event that a food service establishment (FSE) fails to pass the re-inspection referenced in subsection 4 of Section 14-60, above, ECUA may terminate service to that

FSE until such time as the FSE passes the required re- inspection. Furthermore, in the event that any fees due under Chapters 6 and 14 are not paid in a timely fashion, ECUA may terminate service to the facility for which the fees are owing until such time as all fees are paid to ECUA or deposited into the Registry of a Court of competent jurisdiction to decide any dispute which may exist regarding any disputed fees.

This classification is intended to address those situations in which the FOG removal device is currently functioning, but it has deficiencies which, if not addressed, could cause the FOG removal device to fail. Examples include, but are not limited to, a damaged baffle wall, damaged access lid, small holes in interceptors, and plumbing defects.

Secs. 14-62 - 14-70. Reserved.

ARTICLE III. SANITATION

Sec. 14-71. Sanitation Service Charges For Mainland Customers, Other Than Those Customers Served On Pensacola Beach. Refer to the ECUA Rate Schedule for current rates and terms.

A. *Single-Family Residential:*

1. *Service by ECUA automated containers.* Refer to the ECUA Rate Schedule for current rates and terms.

B. *Multifamily Residential Not More Than Five Units Per Parcel.* Refer to the ECUA Rate Schedule for current rates and terms.

C. *Multifamily Residential More Than Five Units Per Parcel and Non-residential:*

1. *Service by automated container (out-of-city only).* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Service by dumpster.*

a. *Short-term contract.* Refer to the ECUA Rate Schedule for current rates and terms.

b. *Annual contract.* Refer to the ECUA Rate Schedule for current rates and terms.

c. *Extra pickup.* Refer to the ECUA Rate Schedule for current rates and terms.

d. *Surcharge for service by wheeled dumpster.* Refer to the ECUA Rate Schedule for current rates and terms.

e. *Dumpster overload charge.* There is a dumpster overload charge. Refer to the ECUA Rate Schedule for current rates and terms.

f. *Waste tire charge (landfill cost passed on to the customer).* The amount in which ECUA is charged by the landfill will be passed on to the customer. Refer to the ECUA Rate Schedule for current rates and terms.

g. *Dumpster delivery fee.* Refer to the ECUA Rate Schedule for current rates and terms.

h. *Dumpster pull charge.* There is a dumpster pull charge to remove a dumpster from a property. Refer to the ECUA Rate Schedule for current rates and terms.

3. *Service by compaction container.* Refer to the ECUA Rate Schedule for current rates and terms.

a. Short-term contract. Refer to the ECUA Rate Schedule for current rates and terms.

b. Annual contract. Refer to the ECUA Rate Schedule for current rates and terms.

c. *Extra pickup.* Refer to the ECUA Rate Schedule for current rates and terms.

D. *Service by Rolloff Containers.* Refer to the ECUA Rate Schedule for current rates and terms.

1. *Noncompaction rolloff containers.* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Compaction rolloff containers.* Refer to the ECUA Rate Schedule for current rates and terms.

3. *Special service.* There is a charge for pulling a container on a Saturday, Sunday, or holiday observed by ECUA or between 5:00 p.m. and 6:00 a.m. at the request of a customer per occurrence, in addition to the pull charge shown above. This charge shall not apply to a customer for whom four (4) or more containers are pulled during a single day. Refer to the ECUA Rate Schedule for current rates and terms.

4. *Disposal costs.* In addition to the applicable charges shown above, each customer shall be charged actual disposal costs. Refer to the ECUA Rate Schedule for current rates and terms.

5. *Franchise fees.* In addition to the applicable charges shown above, each residential customer of more than five (5) units per parcel and each nonresidential customer shall be charged any franchise fee imposed by the applicable governmental entity. Refer to the ECUA Rate Schedule for current rates and terms.

6. *Frequency of disposal.* Containers must be pulled, and their contents disposed of no less frequently than:

Noncompaction rolloff containers: 30 days

Compaction rolloff containers: 7 days

E. *Transfer Station Funding Fee.* Each sanitation customer shall be assessed a monthly transfer station funding fee. Refer to the ECUA Rate Schedule for current rates and terms. The transfer station funding fee shall be used to fund the cost of construction and/or related debt service and any costs related to such indebtedness of a new transfer station and related sanitation facilities at the Pine Forest Road location. The transfer station funding fee will remain in effect until the transfer station project debt is retired which is projected to be in the year 2043.

F. *Bulk Pickup Service.* Refer to the ECUA Rate Schedule for current rates and terms.

G. *Delivery Charge.* There is a charge for a single delivery of a container not to exceed 90 gallons. Refer to the ECUA Rate Schedule for current rates and terms.

H. *Gate Closing Charge.* Refer to the ECUA Rate Schedule for current rates and terms.

I. *Dumpster Overload Charge.* There is a charge for loading a dumpster more than one (1) foot above the top level of the dumpster. Refer to the ECUA Rate Schedule for current rates and terms.

J. *Hazardous Waste Charge.* There is a charge for placing hazardous materials in a dumpster, compaction container, or roll-off container hazardous waste or other material not acceptable for disposal at the Perdido Landfill. Refer to the ECUA Rate Schedule for current rates and terms.

K. *Waste Tire Charge.* There is a charge for placing one or more motor vehicle tires having a rim size of thirteen (13) inches or larger in a dumpster, compaction container, or roll-off container per ton, based on the weight of all of the material placed in the collection truck or roll-off container and transported to the Perdido Landfill for disposal. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 92-48, § III, 12/16/1992; Res. No. 93-2, § V, 01/28/1993 – [which amended Section III.A.1 and III.A.2 of Res. No. 92-31; amended Section III.A. of Res. No. 92-32; amended Section C of Res. No. 90-01; and amended Section III.C. of Res. No. 92-48]; Res. No. 93-34, § III, 12/16/1993 – [which amended and restated Res. No. 92-32 as amended by Res. No. 93-2, Res. No. 93-6, Res. No. 93-11, Res. No. 93-21 and Res. No. 93-26; amended and restated Res. No. 92-48 as amended by Res. No. 93-6, Res. No. 93-11, Res. No. 93-16 and Res. No. 93-21]; Res. No. 94-2, § III, 04/28/1994 – [which amended Res. No. 93-34]; Res. No. 94-6, § III, 07/28/1994 – [which amended Subsections III.C.2. and IV.D.2 of 93-34]; Res. No. 94-13, § III, 09/29/1994 – [which amended Subsection III.A., III. B, and IV.A.1 of Res. No. 93-34] ; Res. No. 94-20, § III, 10/27/1994 – [which amended Subsection III.C.6. of Res. No. 946]; Res. No. 95-1, § III, 01/26/1995 – [which amended Sections III and IV of Res. No. 93-34]; Res. No. 95-7, § III, 04/27/1995 – [which amended Res. No. 93-34 and Res. No. 95-1]; Res. No. 98-14, § III, 09/24/1998 – [which amended Res. No. 94-6, Res.

No. 94-20, Res. No. 95-1, and Res. No. 95-7]; Res. No. 98-17, § III, 11/19/1998 – [which amended Res. No. 95-1, Res. No. 95-7, Res. No. 96-09, and Res. No. 98-14]; Res. No. 00-03, § III, 03/30/2000 – [which amended Res. No. 94-6, Res. No. 95-1, Res. No. 98-7, and Res. No. 98-14] ; Res. No. 00-14, § III, 10/26/2000 – [which amended Section I.C.2 of Res. No. 98-17]; Res. No. 00-18, § III, 12/14/2000 – [which amended Res. No. 98-14 and Res. No. 98-17]; Res. No. 01-02, § III, 01/25/2001; Res. No. 02-08, § III(A)-(I) 01 – [which amended Res. No. 93-34, Res. No. 95-1, Res. No. 98-14, Res. No. 98-17, Res. No. 00-03, Res. No. 00-18, and Res. No. 01-02]; Res. No. SR24-02; 04/23/2024; Res. No. SR24-07; 08/27/24, Res. No. SR24-08; 08/27/2024)

Sec. 14-72. Sanitation Service Charges For Pensacola Beach Customers. Refer to the ECUA Rate Schedule for current rates and terms.

A. Single-Family Residential:

1. *Service by ECUA automated containers.* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Manual service.* There is a charge for servicing an ECUA sanitation container not placed adjacent to a public right-of-way for collection per month. Refer to the ECUA Rate Schedule for current rates and terms. This charge shall be paid in addition to the applicable single-family, senior citizen or lifeline rate, but is not required to be paid by a customer who qualifies for manual service because of disability. This service is available only to single-family residential customers.

B. *Multifamily Residential.* Refer to the ECUA Rate Schedule for current rates and terms.

C. *Hotels, Motels.* Refer to the ECUA Rate Schedule for current rates and terms.

D. *Nonresidential:*

1. *Service by compaction containers.* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Service by dumpster. Refer to the ECUA Rate Schedule for current rates and terms.*

3. *Service by compaction containers.* Refer to the ECUA Rate Schedule for current rates and terms.

4. *Surcharge for service by a wheeled dumpster. Refer to the ECUA Rate Schedule for current rates and terms.*

E. *Multifamily Residential More Than Five Units Per Parcel and Non-residential:*

1. *Service by automated container (out-of-city only).* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Service by dumpster.* Refer to the ECUA Rate Schedule for current rates and terms.

    a. *Short-term contract.* Refer to the ECUA Rate Schedule for current rates and terms.

    b. *Annual contract.* Refer to the ECUA Rate Schedule for current rates and terms.

    c. *Extra pickup.* Refer to the ECUA Rate Schedule for current rates and terms.

    d. *Surcharge for service by wheeled dumpster.* Refer to the ECUA Rate Schedule for current rates and terms.

    e. *Dumpster overload charge.* Refer to the ECUA Rate Schedule for current rates and terms.

    f. *Waste tire charge (landfill cost passed on to the customer).* The amount in which ECUA is charged by the landfill will be passed on to the customer. Refer to the ECUA Rate Schedule for current rates and terms.

    g. *Dumpster delivery fee.* There is a dumpster delivery fee. Refer to the ECUA Rate Schedule for current rates and terms.

    h. *Dumpster pull charge.* There is a dumpster pull charge to remove a dumpster from a property. Refer to the ECUA Rate Schedule for current rates and terms.

3. *Service by compaction container.* Refer to the ECUA Rate Schedule for current rates and terms.

    a. Short-term contract. Refer to the ECUA Rate Schedule for current rates and terms.

    b. *Extra pickup.* Refer to the ECUA Rate Schedule for current rates and terms.

F. *Service by Rolloff Containers:*

1. *Noncompaction rolloff containers.* Refer to the ECUA Rate Schedule for current rates and terms.

2. *Compaction rolloff containers.* Refer to the ECUA Rate Schedule for current rates and terms.

3. *Special service.* There is a charge for pulling a container on a Saturday, Sunday, or holiday observed by ECUA or between 5:00 p.m. and 6:00 a.m. at the request of a customer per occurrence, in addition to the pull charge. This charge shall not apply to a customer for whom four (4) or more containers are pulled during a single day. Refer to the ECUA Rate Schedule for current rates and terms.

4. *Disposal costs.* In addition to the applicable charges shown above, each customer shall be charged actual disposal costs.

5. *Frequency of disposal.* Containers must be pulled, and their contents disposed of no less frequently than:

   Non-compaction rolloff containers: 30 days

   Compaction rolloff containers: 7 days

6. *Franchise fee:* In addition to the applicable charges described above, each residential customer of more than five (5) units per parcel and each nonresidential customer shall be charged any franchise fee imposed by the applicable governmental entity. Refer to the ECUA Rate Schedule for current rates and terms.

G. *Transfer Station Funding Fee.* Each sanitation customer shall be assessed a monthly transfer station funding fee. Refer to the ECUA Rate Schedule for current rates and terms. The transfer station funding fee shall be used to fund the cost of construction and/or related debt service and any costs related to such indebtedness of a new transfer station and related sanitation facilities at the Pine Forest Road location. The transfer station funding fee will remain in effect until the transfer station project debt is retired which is projected to be in the year 2043.

H. *Bulk Pickup Service:* This service is available only to regular customers of the ECUA sanitation system. The charges for bulk service apply only to customers requesting service in excess of that provided under the ECUA bulk waste program. Refer to the ECUA Rate Schedule for current rates and terms.

I. *Delivery Charge.* There is a charge for a single delivery of a container not to exceed 90 gallons. Refer to the ECUA Rate Schedule for current rates and terms.

J. *Charges Apply Year-Round.* Monthly charges for sanitation service to customers served on Pensacola Beach are required to be paid year-round, except when the premises served cannot be occupied because of fire, flood, or other casualty.

K. *Gate Closing Charge.* There is a charge for closing gates on dumpster bins or enclosures per month. Refer to the ECUA Rate Schedule for current rates and terms.

L. *Dumpster Overload Charge.* There is a charge for loading a dumpster more than one (1) foot above the top level of the dumpster. Refer to the ECUA Rate Schedule for current rates and terms.

M. *Hazardous Waste Charge.* There is a charge for placing hazardous waste or other materials in a dumpster, compaction container, or roll-off container not acceptable for disposal at the Perdido Landfill. Refer to the ECUA Rate Schedule for current rates and terms.

N. *Waste Tire Charge.* There is a charge for placing one or more motor vehicle tires having a rim size of thirteen (13) inches or larger in a dumpster, compaction container, or roll-off container per ton, based on the weight of all of the material placed in the collection truck or roll-off container and transported to the Perdido Landfill for disposal. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 92-32, § III, 10/15/1992; Res. No. 92-47, § III, 12/16/1992; Res. No. 93-2, § 111.C, 01/28/1993 – [which amended Section III.A.1 and III.A.2 of Res. No. 92-31, amended Section III.A. of Res. No. 92-32; amended Section C of Res. No. 90-01, and amended Section III.C. of Res. No. 92-48]; Res. No. 93-34, § IV, 12/16/1993 – [which amended and restated Res. No. 92-32 as amended by Res. No. 93-2, Res. No. 93-6, Res. No. 93-11, Res. No. 93-21, and Res. No. 93-26; amended and restated Res. No. 92-48 as amended by Res. No. 93-6, Res. No, 93-11, Res. No. 93-16, and Res. No. 93-21; Res. No. 94-2, § IV, 4-28-94 – [which amended Subsections III.C. and III.D. of Res. No.93-34]; Res. No. 94-6, § III, 07/28/1994 – [which amended Subsections III.C.2. and IV.D.2 of Res. No. 93-34]; Res. No. 94-13, § IV, 09/29/1994 – [which amended Subsection III.A., III. B, and IV.A.1 of Res. No. 93-34]; Res. No. 94-20, § III, 10/27/1994 – [which amended Subsection III.C.6. of Res. No. 94-6]; Res. No. 95-1, § III, 01/26/1995 – [which amended Sections III and IV of Res. No. 93-34]; Res. No. 95-7, § III, 04/27/1995 – [which amended Res. No. 93-34 and Res. No. 95-1]; Res. No. 96-9, § III, 08/29/1996 – [which amended Res. No. 90-4, Res. No. 92-46, and Res. No. 95-8]; Res. No. 98-14, § III, 09/24/1998 – [which amended Res. No. 94-6, Res. No. 94-20, Res. No. 95-1, and Res. No. 95-7]; Res. No. 98-17, § III, 11/19/1998 – [which amended Res. No. 95-1, Res. No. 95-7, Res, No. 96-09, and Res. No. 98-14]; Res. No. 00-03, § III, 03/30/2000 – [which amended Res. No. 94-6, Res. No. 95-1, Res. No. 98-7, and Res. No. 98-14] ; Res. No. 00-18, § III, 12/14/2000 – [which amended Res. No. 98-14 and Res. No. 98-17]; Res. No. 01-01, § II, 05/24/2001 – [which amended Res. No. 92-41]; Res. No. 01-02, § III, 01/25/2001; Res. No. 02-08, 08/29/2002 – which amended Res. No. 93-34, Res. No. 95-1, Res. No. 98-14, Res. No. 98-17, Res. No. 00-03, Res. No. 00-18, and Res. No. 01-02]; Res. No. SR24-02; 04/23/2024; Res. No. SR24-07; 08/27/2024, Res. No. SR24-08; 08/27/2024)

Sec. 14-73. Eligibility For Senior Citizen, Lifeline, and Supplemental Security Income Rates. Refer to the ECUA Rate Schedule for current rates and terms.

A. *Eligibility for Senior Citizen Rate.* Eligibility for senior citizen rate is limited to any residential customer who is not less than sixty-five (65) years of age, and who is the head or principal wage earner of the household served.

B. *Eligibility for Lifeline Rate.* Eligibility for lifeline rate is limited to any single-family residential customer who is not less than sixty-five (65) years of age, and who is the head or principal wage earner of the household served. The combined monthly income from all sources of all residents of the household served shall not exceed the poverty level established by the Property Income Guidelines for All States as published by the United States Department of Health and Human Services.

C. *Eligibility for Supplemental Security Income Rate.* Eligibility for Supplemental Security Income rates is limited to any single-family residential customer who is the head of a household and who receives Supplemental Security Income (SSI) benefits, as administered through the Social Security Administration.

(Res. No. 01-02, § III, 01/25/2001; (Res. No. SR24-02; 04/23/2024)

Sec. 14-74. Provision Of Sanitation Service Under Contract.

ECUA may submit bids for the provision of sanitation service and enter into contracts to provide sanitation service to large users who utilize a competitive bidding process for such service, on the following conditions:

A. A bid or contract may provide for ECUA to furnish service at a fixed rate (subject to adjustment for increases in tipping fees or other disposal costs) for the period required by the bid specifications.

B. Any variation in a bid or contract from the ECUA rate schedule in effect at the time of submission of the bid shall be based on quantifiable factors, and the inclusion in any contract of any rate differing from the rate schedule shall be subject to approval by resolution of the ECUA board.

C. Any such bid or contract shall provide for adjustment of the quoted or agreed rate in order to cover any increases in tipping fees or other disposal costs which may occur during the term of the contract.

(Mo. of 07/27/1995; Res. No. SR24-02; 04/23/2024)

Sec. 14-75. Charges for Receiving and Processing Organic Vegetative Debris

ECUA will receive vegetative debris, as that term is defined herein, at its Central Water Reclamation Facility (CWRF) for incorporation into its wastewater treatment operations according to the terms, charges, and conditions set forth herein:

A. Definition. As used herein, the term “vegetative debris” shall refer to organic vegetative matter such as tree and shrub trimmings, grass clippings, palm fronds, pine straw, and other similar organic materials generated from landscaping and/or land clearing operations which may serve as a bulking agent in composting operations at the CWRF for the more efficient treatment of wastewater.

B. Vegetative debris which does not require grinding or additional processing prior to being incorporated into ECUA’s composting operations may be deposited in the designated area at the CWRF at a specific rate per cubic yard (if not weighed). Vegetative debris which must be ground before being incorporated into ECUA’s composting operations may be deposited in the designated area at the CWRF at a specific rate per cubic yard (if not weighed).Refer to the ECUA Rate Schedule for current rates and terms.

D. Reloading Fee. In the event the need to reject a delivery becomes apparent after it has been unloaded, ECUA shall charge a reloading fee for each rejected load. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 15-21, 12/17/2015; Res. No. SR24-02; 04/23/2024)

Sec. 14-76. Charges for Finished Compost Product.

A. ECUA shall charge for its finished compost product, based upon the quantity received, per load. Refer to the ECUA Rate Schedule for current rates and terms.

B. These prices include ECUA's loading the finished compost product into the purchaser's vehicle at ECUA's designated loading area.

(Res. No. SR24-02 04/23/2024)

14-77. Charges for Finely Screened Finished Compost Product.

ECUA shall charge for its finely screened finished compost product, which is screened to one quarter of an inch (0.25 inches), based upon the quantity received. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 16-06, 04/28/2016; Res. No. SR24-02, 04/23/2024)

14-78. Charges for Individual Bags Finished Compost Product.

Forty-pound (40 lb) bags of finished compost product, which has been screened to one half of an inch (0.5 inches), shall be sold for an established price per bag, plus any applicable taxes. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 17-11; 09/28/2017; Res. No. SR24-02; 04/23/2024)



EXHIBIT "A"

ECUA

RATE

SCHEDULE

ECUA RATE SCHEDULE

Current Rates Effective October 1, 2024, updated April 22, 2025

All sections that have been changed are reflected in bold

Code Sections	Description	Rate	Effective Res. No.	Date Adopted	Conditions
HISTORY	RESOLUTION HISTORY OF RATE CHANGES				
14-3	Interest charges	18%	87-15	08/27/1987	Remaining unpaid balance of any customer whose service is permanently discontinued accrued from the date account determined to be inactive
			SR24-02	04/23/2023	Format change only
14-5	Service charge for worthless checks	$16.25	08-22	10/23/2008	Establishment of service charge
			SR24-02	04/23/2023	Format change only
14-46	Capital improvement fee	SEE PAGE 1	17-06	08/24/2017	Establishment of capital improvement fee
			SR24-02	04/23/2023	Format change only
14-51	Mainland Water system service charges	SEE PAGE 2	06-13	09/28/2006;	Establishes damage deposits
			08-22	10/23/2008;	Private firelines
			SR23-04	08/22/2023	Revises service charges
			SR24-02	04/23/2023	Format change only
			SR24-06	8/27/2024	FY 2025 3% water rate increase
14-52	Mainland Wastewater system service charges	SEE PAGES 3 - 4	95-22	12/19/1995;	Establish marina pump out charges
			06-13	09/28/2006;	New and revised aerobic digested sludge charges
			07-07	04/26/2007;	New and revised sewer improvement fee and average gallons per month
			10-01	01/28/2010;	Establish infiltration and inflow surcharge
			12-06	04/26/2012;	New and revised rates domestic septage, portable toilet, and grease trap waste
			15-16	10/29/2015;	Increase in industrial surcharge and carbon credit
			SR23-04	08/22/2023	Revises service charges
			SR24-02	04/23/2023	Format change only
			SR24-06	8/27/2024	FY 2025 3% wastewater rate increase
14-53	Capacity impact fees	SEE PAGES 5 - 6	85-25	11/22/1985	Establishes limitations on prepayment of capacity impact fees, limitation of use of funds received in capacity impact fees, and transitional provision
			87-21	09/24/1987	Establishes interest charge for unpaid balance of capacity impact fee
			91-03	01/31/1991;	Establishes installment payments
			91-20	06/10/1991	Establishes capacity impact fee and special assessments payment required prior to initiation of services and revises installment payment option
			91-29	10/24/1991	Establishes capacity impact fee payment required prior to connection and revises classifications of service
			92-08	04/23/1992	Revises capacity impact fees to add mobile homes
			93-09	03/18/1993	Revises capacity impact fee to not require for any new water service connections made in order to provide separate connections who, as of March 18, 1993, were served by multiple connections to a single meter
			98-15	10/29/1998	Establishes that no capacity impact fee is required for governmentally sponsored irrigation project
			02-13	10/24/2002	Revises capacity impact fees related to changes in size or number of water meters
			04-11	09/23/2004	Revises capacity impact fees
			15-15	09/24/2015	Revises rates for privately owned disposal systems
			SR24-02	04/23/2023	Format change only

ECUA RATE SCHEDULE

Current Rates Effective October 1, 2024, updated April 22, 2025
All sections that have been changed are reflected in bold

Code Sections	Description	Rate	Effective Res. No.	Date Adopted	Conditions
14-54	**Miscellaneous Fees and Charges**	**SEE PAGE 7**	Motion	01/23/1986	Establishes refunds under certain conditions and establishes interest on security deposits
			88-06	02/25/1988	Establishes increases in security deposits for certain conditions
			91-34	11/26/1991	Establishes one time leak adjustment due to a sudden and accidental loss of water
			94-19	10/27/1994;	Franchise fee from City of Pensacola
			95-03	03/30/1995	Revises of increases in security deposits under certain conditions
			98-09	07/30/1998	Establishes backflow prevention device fee
			00-08	05/25/2000;	Establishes application fee for industrical discharge permit
			02-15	11/21/2002;	Establishes wastewater service connection fee at actual cost
			06-13	09/28/2006;	Revises inspection fee, plan review fee, and industrial groundwater discharge
			07-13	06/28/2007;	Establishes water service connection fee at actual cost
			08-22	10/23/2008	Revises security deposits, turn on/off fees, reconnection fees, temporary water service, same day service fee, and water meter test fee
			13-04	02/28/2013	Establishes a second leak adjustment due to sudden and accidental loss of water
			SR20-63	10/27/2020	Establishes hurricane adjustments to customer's accounts due to loss of water from a named storm
			SR22-01	08/23/2022	Revises hurricane adjustments to customer's accounts
			SR24-02	04/23/2023	Format change only
			SR25-02	**04/22/2025**	**Remove Section 14-54 (M)**
14-55	Pensacola Beach Water and Wastewater system service charges	SEE PAGES 8 - 9	SR23-04	08/22/2023	Revises service charges
			SR24-02	04/23/2023	Format change only
			SR24-06	8/27/2024	FY 2025 3% water and wastewater rate increase
14-56 & 26-4	Industrial Discharge Permit Fines and Penalties	SEE PAGE 10	SR20-67	11/17/2020;	Administrative fines and civil penalties
			SR24-02	04/23/2023	Format change only
			SR25-01	01/28/2025	Remove criminal prosecution from Section 14-56(C)
14-57, 27-1, 27-2, 27-4, & 28-57	Water Distribution and Wastewater Collection System Expansion Regulations	SEE PAGES 11 - 12	92-20	08/27/1992;	Establishes extension and upgrading of water and wastewater lines and installation of fire hydrants
			93-32	11/30/1993;	Revise rates for installation of fire hydrants adjacent to volunteer fire stations
			98-05	03/26/1998;	Establishes neighborhood initiated sewer expansion program and sets rates
			98-07	06/25/1998;	Revises rates for extension and upgrading water and wastewater lines and installation of fire hydrants
			05-06	05/26/2005;	Revises rates for certain costs of construction
			SR24-02	04/23/2023	Format change only
14-58, 28-17, 28-19, 28-20, 28-37, 28-38, 28-39, 28-57 & 28-58	Water Distribution and Wastewater Collection System Construction and Maintenance Regulations	SEE PAGE 13	91-31	10/24/1991	Establishes that each customer shall maintain wastewater service laterals from the customer's property to the curb line or edge of road pavement at no expense to ECUA
			97-10	07/24/1997;	Revises civil penalty for violation
			SR24-02	04/23/2023	Format change only
14-59 & 5-11	Cross Connection Control	SEE PAGE 14	15-03	04/23/2015;	Establishes the cross connection control program
			SR24-02	04/23/2023	Format change only
14-60 & 6-10	Fats, Oils, & Grease Program	SEE PAGE 15	17-20	12/14/2017;	Revises rates
			SR24-02	04/23/2023	Format change only
14-71	Mainland Sanitation Service Charges	SEE PAGES 16 - 20	02-08	08/29/2002;	Revises service by compaction container charges, establishes delivery, gate closing, dumpster overload, hazardous waste, and waste tire charges
			06-13	09/28/2006;	Deletes customer provided containers and construction and demolition surcharge
			06-17	11/16/2006;	Establishes fuel recovery fee
			08-03	02/28/2008;	Establishes Fuel Surcharge Fee, deletes Zones
			SR22-05	09/27/2022;	Establishes Transfer Station Funding Fee until 2043
			SR23-05	08/22/2023	Revises service charges
			SR24-02	04/23/2023	Format change only
			SR24-07	08/27/2024	FY 2025 3% sanitation rate increase

ECUA RATE SCHEDULE

Current Rates Effective October 1, 2024, updated April 22, 2025

All sections that have been changed are reflected in bold

Code Sections	Description	Rate	Effective Res. No.	Date Adopted	Conditions
14-72	Pensacola Beach Sanitation Service Charges	SEE PAGES 21 - 25	92-47	12/16/1992;	Establishes sanitation service bag racks
			96-09	08/29/1996;	Revises manual sanitation service rate
			01-09	05/24/2001;	Establishes year round sanitation charges
			02-08	08/29/2002;	Establishes delivery and exchange of dumpster, gate closing charge, dumpster overload charge, hazardous waste charge, and waste tire charge
			05-05	05/26/2005;	Revises service by rolloff containers frequency of disposal
			06-13	09/28/2006;	Deletes customer provided containers and construction and demolition surcharge
			06-17	11/16/2006;	Establishes fuel recovery fee
			08-03	02/28/2008;	Establishes Fuel Surcharge Fee, deletes Zones
			18-08	10/25/2018;	Establishes Capital Funding Fee
			SR22-05	08/29/2022	Establishes Transfer Station Funding Fee until 2043
			SR23-05	08/22/2023	Revises service charges and deletes one time use sanitation containers
			SR24-02	04/23/2023	Format change only
			SR24-07	08/27/2024	FY 2025 3% sanitation rate increase
14-75 & 15-2	Charges for Receiving and Processing Organic Vegetative Debris	SEE PAGE 26	15-21	12/17/2015;	Establishes rates for processing organic vegetative debris
			SR24-02	04/23/2023	Format change only
14-76 & 15-3	Charges for Finished Compost Product	SEE PAGE 26	16-06	04/28/2016;	Establishes rates for finished compost
			SR24-02	04/23/2023	Format change only
14-77 & 15-4	Charges for Finely Screened Finished Compost Product	SEE PAGE 26	16-12	10/27/2016;	Establishes rates for finely screened finished compost
			SR24-02	04/23/2023	Format change only
14-78 & 15-5	Charges for Individual Bags Finished Compost Product	SEE PAGE 26	17-11	09/28/2017;	Establishes rates for individual bags of finished compost
			SR24-02	04/23/2023	Format change only

ECUA RATE SCHEDULE

HISTORY OF RATE CHANGES

Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted
14-51; Mainland Water System Service Charge							
83-16	08/19/1983;	91-29	10/24/1991;	02-11	10/01/2002;		
83-16A	10/01/1983;	92-24	09/24/1992;	03-09	09/25/2003;		
84-09	08/09/1984;	92-31	10/15/1992;	04-07	07/29/2004;		
84-20	12/13/1984;	92-36	10/29/1992;	04-10	08/26/2004;		
84-21	12/13/1984;	92-46	12/16/1992;	04-14	10/28/2004;		
85-10	03/28/1985;	93-15	07/29/1993;	05-13	09/29/2005;		
85-12	04/26/1985;	94-14	09/29/1994;	07-15	07/26/2007;		
85-14	05/23/1985;	95-08	04/27/1995;	07-25	10/08/2007;		
85-24	11/22/1985;	95-17	09/29/1995;	09-09	10/01/2009;		
85-25	11/22/1985;	96-03	05/30/1996;	10-08	09/23/2010;		
86-01	01/23/1986;	96-10	08/29/1996;	11-09	10/31/2011;		
86-30	11/25/1986;	96-11	08/29/1996;	12-14	09/27/2012;		
87-02	01/29/1987;	97-14	08/28/1997;	13-10	08/29/2013;		
87-07	06/25/1987;	97-17	10/01/1997;	14-09	08/28/2014;		
87-22	09/28/1987;	97-23	12/18/1997;	15-11	08/27/2015;		
88-08	02/26/1988;	98-11	08/27/1998;	16-10	09/29/2016;		
89-01	01/06/1989;	99-05	06/24/1999;	17-12	09/28/2017;		
89-11	05/25/1989;	99-07	07/29/1999;	18-06	10/25/2018;		
90-01	01/25/1990;	99-11	09/30/1999;	19-07	08/27/2019;		
90-04	04/26/1990;	99-12	09/30/1999;	SR21-60	08/24/2021;		
90-08	06/28/1990;	00-10	07/27/2000;	SR22-06	09/27/2022;		
91-08	02/28/1991;	00-12	09/28/2000;				
91-19	06/25/1991;	01-02	12/19/2000;				
91-25	09/26/1991;	01-13	09/27/2001;				
91-26	09/26/1991;	02-03	06/27/2002;				
14-52; Mainland Wastewater System Service Charges							
81-20	12/10/1981;	90-17	10/25/1990;	98-06	05/28/1998;	10-08	09/23/2010;
82-03	05/13/1982;	91-08	02/28/1991;	98-11	08/27/1998;	11-09	10/31/2011;
84-12	09/13/1984;	91-13	04/25/1991;	99-01	02/25/1999;	12-14	09/27/2012;
84-14	10/11/1984;	91-29	10/24/1991;	99-08	07/29/1999;	13-04	02/28/2013;
85-20	10/10/1985;	91-32	10/24/1991;	99-11	09/30/1999;	13-07	06/27/2013;
85-25	11/22/1985;	91-34	11/26/1991;	00-07	05/25/2000;	13-10	08/29/2013;
86-01	01/23/1986;	92-04	03-26/1992;	00-10	07/27/2000;	14-09	08/28/2014;
86-05	02/27/1986;	92-05	03/26/1992;	00-12	09/28/2000;	15-11	08/27/2015;
86-08	04/24/1986;	92-24	09/24/1992;	00-17	11/30/2000;	15-15	09/24/2015;
86-15	07/24/1986;	92-26	09/24/1992;	01-13	09/27/2001;	16-10	09/29/2016;
87-03	01/29/1987;	92-31	10/15/1992;	02-11	10/01/2002;	17-12	09/28/2017;
87-07	06/25/1987;	92-46	12/16/1992;	03-05	04/24/2003;	18-06	09/27/2018;
87-10	07/23/1987;	93-22	08/26/1993;	03-09	09/25/2003;	19-07	08/27/2019
87-16	08/27/1987;	94-12	09/29/1994;	04-07	07/29/2004;	SR20-63	10/27/2020;
87-17	08/27/1987;	94-14	09/29/1994;	04-10	08/26/2004;	SR21-60;	08/24/2021
87-23	09/28/1987;	95-12	07/27/1995;	04-16	10/28/2004;	SR22-06;	09/27/2022
87-28	11/24/1987;	95-17	09/29/1995;	05-13	09/29/2005;		
88-08	02/26/1988;	96-05	07/25/1996;	07-15	07/26/2007;		
88-16	11/22/1988;	96-10	08/29/1996;	07-25	10/08/2007;		
89-01	01/06/1989;	96-11	08/29/1996;	08-11	06/26/2008;		
89-10	05/25/1989;	97-02	02/27/1997;	09-06	06/25/2009;		
89-11	05/25/1989;	97-05	04/24/1997;	09-09	10/01/2009;		
90-01	01/25/1990;	97-08	06/26/1997;	10-08	09/23/2010;		
90-08	06/28/1990;	97-12	07/24/1997;	11-09	10/31/2011;		
90-11	08/30/1990;	97-17	10/01/1997;	12-14	09/27/2012;		

ECUA RATE SCHEDULE

HISTORY OF RATE CHANGES

Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted
14-53; Capacity Impact Fees							
85-11	03/28/1985;	90-06	05/24/1990;				
85-12	04/26/1985;	90-98	06/28/1990;				
85-20	10/10/1985;	90-20	12/13/1990;				
85-23	11/04/1985;	91-11	03/28/1991;				
86-05	02/27/1986;	91-16	05/30/1991;				
86-26	10/30/1986;	91-19	06/25/1991;				
86-31	12/11/1986;	91-27	09/26/1991;				
87-02	01/29/1987;	91-29	10/24/1991;				
87-03	01/29/1987;	91-38	11/26/1991;				
87-06	05/28/1987;	92-01	02/27/1992;				
87-07	06/25/1987;	92-04	03/26/1992;				
87-17	08/27/1987;	93-22	08/26/1993;				
87-17	08/27/1987;	95-02	03/02/1995;				
87-28	11/24/1987;	95-09	05/25/1995;				
88-05	02/09/1988;	95-12	07/27/1995;				
88-08	02/26/1988;	96-07	07/25/1996;				
88-15	10/27/1988;	96-10	08/29/1996;				
88-16	11/22/1988;	97-06	04/24/1997;				
89-05	03/30/1989;	97-11	07/24/1997;				
89-08	04/27/1989;	98-06	05/28/1998;				
89-10	05/25/1989;	00-09	06/29/2000;				
89-21	11/30/1989;	00-17	11/30/2000;				
90-05	05/24/1990;	03-05	04/24/2003;				
90-06	05/24/1990;	04-08	08/26/2004;				
90-06	05/24/1990;	13-15	11/21/2013;				
14-54; Security Deposits and Other Fees and Charges							
91-26	09/26/1991;						
94-19	10/27/1994;						
96-05	07/25/1996;						
97-05	04/24/1997;						
97-08	06/26/1997;						
06-15	10/26/2006;						
14-55; Pensacola Beach Water and Wastewater System Service Charges							
92-31	10/15/1992;	04-16	10/28/2004;				
92-46	12/16/1992;	05-13	09/29/2005;				
93-22	08/26/1993;	07-15	07/26/2007;				
94-12	09/29/1994;	07-25	10/08/2007;				
95-12	07/27/1995;	08-11	06/26/2008;				
95-17	09/29/1995;	09-06	06/25/2009;				
96-10	08/29/1996;	09-09	10/01/2009;				
96-11	08/29/1996;	10-08	09/23/2010;				
97-02	02/27/1997;	11-09	10/31/2011;				
97-12	07/24/1997;	12-14	09/27/2012;				
97-17	10/01/1997;	13-04	02/28/2013;				
98-06	05/28/1998;	13-07	06/27/2013;				
98-11	08/27/1998;	13-10	08/29/2013;				
99-01	02/25/1999;	14-09	08/28/2014;				
99-11	09/30/1999;	15-11	08/27/2015;				
00-07	05/25/2000;	15-15	09/24/2015;				
00-10	07/27/2000;	16-10	09/29/2016;				
00-12	09/28/2000;	17-12	09/28/2017;				
00-17	11/30/2000;	18-06	09/27/2018;				
01-13	09/27/2001;	19-07	08/27/2019;				
02-11	10/01/2002;	SR20-63	10/27/2020;				
03-05	04/24/2003;	SR21-60	08/24/2021;				
03-09	09/25/2003;	SR22-06	09/27/2022;				
04-07	07/29/2004;						
04-10	08/26/2004;						

ECUA RATE SCHEDULE

HISTORY OF RATE CHANGES

Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted
14-56; Industrial Discharge Permit Fines and Penalties							
85-25	11/22/1985;						
92-26	09/24/1992;						
14-57; Water Distribution and Wastewater Collection System Expansion Regulations							
81-15	09/23/1981;						
87-20	08/27/1987;						
87-23	09/24/1987;						
90-11	08/30/1990;						
92-06	03/26/1992;						
99-01	02/25/1999;						
99-08	07/29/1999;						
14-58; Water Distribution and Wastewater Collection System Construction and Maintenance Regulations							
81-15	09/23/1981;						
90-10	07/26/1990;						
94-03	05/26/1994;						
97-10	07/24/1997;						
14-60; Fats, Oils, & Grease Program							
08-08	05/29/2008;						
14-71; Mainland Sanitation Service Charges							
92-48	12/16/1992;	16-03	02/25/2016;				
93-16	07/29/1993;	16-18	12/15/2016;				
94-20	10/27/1994;	17-13	09/28/2017;				
98-14	10/01/1998;	17-19	12/14/2017;				
98-17	11/19/1998;	18-10	12/13/2018;				
00-03	03/30/2000;	19-08	08/27/2019;				
00-14	10/26/2000;	19-11	12/17/2019;				
00-18	12/14/2000;	SR20-17	08/25/2020;				
01-02	12/19/2000;	SR21-59	08/24/2021;				
03-06	05/29/2003;						
04-17	11/18/2004;						
06-15	10/26/2006;						
07-30	11/15/2007;						
07-34	12/13/2007;						
08-15	08/28/2008;						
08-16	08/28/2008;						
08-26	12/18/2008;						
10-09	09/28/2010;						
11-07	09/15/2011;						
12-13	09/27/2012;						
13-11	08/29/2013;						
13-13	09/26/2013;						
14-10	08/28/2014;						
14-15	12/18/2014;						
15-12	08/27/2015;						

ECUA RATE SCHEDULE

HISTORY OF RATE CHANGES

Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted	Resolution Number	Date Adopted
14-72; Pensacola Beach Sanitation Service Charges							
92-32	10/15/1992;	13-13	09/26/2013;				
93-02	01/28/1993;	14-10	08/28/2014;				
93-06	02/25/1993;	15-12	08/27/2015;				
93-11	04/29/1993;	17-13	09/28/2017;				
93-26	10/28/1993;	19-08	08/27/2019;				
93-30	11/30/1993;	SR20-17	08/25/2020;				
93-34	12/16/1993;	SR21-59	08/24/2021;				
94-02	04/28/1994;	SR22-05	09/27/2022;				
94-06	07/28/1994;						
94-13	09/29/1994;						
95-01	01/26/1995;						
95-07	04/27/1995;						
98-14	10/01/1998;						
98-17	11/19/1998;						
00-18	12/14/2000;						
01-02	12/19/2000;						
03-06	05/29/2003;						
07-30	11/15/2007;						
07-34	12/13/2007;						
08-15	08/28/2008;						
08-16	08/28/2008;						
08-26	12/18/2008;						
10-09	09/28/2010;						
11-07	09/15/2011;						
13-11	08/29/2013;						

14-46 Capital improvement fee: *(17-06, 08/24/2017, effective 09/01/2017)*

Monthly Charges

Meter Size	Water Customer Only	Wastewater Customer Only	Water and Wastewater Customer
Lifeline	$1.00	$1.00	$2.00
5/8"	$2.50	$2.50	$5.00
3/4"	$3.75	$3.75	$7.50
1"	$7.50	$7.50	$15.00
1 1/2"	$10.00	$10.00	$20.00
2"	$62.50	$62.50	$125.00
3"	$100.00	$100.00	$200.00
4"	$300.00	$300.00	$600.00
6"	$500.00	$500.00	$1,000.00
8"	$500.00	$500.00	$1,000.00
10"	$500.00	$500.00	$1,000.00
12"	$500.00	$500.00	$1,000.00

14-51 Mainland Water System Service Charges: (SR25-10, 08/26/2025, effective 10/01/2025, unless otherwise indicated)

FY 2026 3% Rate Increase

	Description	Rate
A.	WATER SERVICE TO MAINLAND CUSTOMERS	
1	Single-family residential	
a.	Minimum charge	
	Lifeline rate (includes 6,000 gallons only additional consumption at the current rate)	$13.11
	Other single-family residential	$15.22
b.	Volume charge: (per thousand gallons)	$3.12
2	Multi-family residential:	
a.	Minimum charge	
	Meter size:	
	1" or less	$19.01
	1 1/2"	$69.23
	2"	$103.96
	3"	$196.33
	4"	$300.34
	6"	$589.10
	8"	$935.71
	10"	$1,339.99
b.	Volume charge: (per thousand gallons)	$3.12
3	Other than residential:	
a.	Minimum charge	
	Meter size:	
	1" or less	$19.01
	1 1/2"	$69.23
	2"	$103.95
	3"	$196.33
	4"	$300.34
	6"	$589.10
	8"	$935.71
	10"	$1,339.99
b.	Volume charge: (per thousand gallons)	$3.12
4	All Irrigation Meters and Sub-meters (Per thousand gallons)	$3.12
B.	Private Fireline Charges *(08-22; 10/23/2008, effective 11/02/2008)*	
	Connection size (inches)	
	2"	$5.50
	3"	$8.25
	4"	$10.75
	6"	$21.50
	8"	$28.50
	10"	$45.50
	12"	$60.25
C	Submetering charge per month *(08-22; 10/23/2008, effective 11/02/2008)*	$26.75
D	Damage deposit *(06-13; 09/28/2006, effective 10/01/2006)*	$90.00

14-52 Mainland Wastewater System Service Charges: (SR25-10, 08/26/2025, effective 10/01/25, unless otherwise indicated)

FY 2026 3% Rate Increase

	Cross Reference	Description	Rate
A.		WASTEWATER SYSTEM SERVICE CHARGES	
1		Single-family residential	
a.		Minimum charge:	Per month:
		(1). Lifeline rate (includes 6,000 gallons only, additional consumption at the current rate)	$16.89
		(2). Other (includes 2,000 gallons in minimum rate)	$17.33
b.		Volume charge: (per thousand gallons)	$9.45
2		Commercial	$0.00
a.		Minimum charge: (includes 2,000 gallons in minimum rate)	$17.33
b.		Volume charge: (per thousand gallons)	$9.45
5	28-43	Prohibited discharges: Infiltration & Inflow of the wastewater system *(10-01, 01/28/2010)*	$50.00
B.	26	Industrial charges: *(15-16; 10/29/2015, effective 11/01/2015)*	
		Biochemical oxygen demand in excess of 250 mg/l, per pound	$0.25
		Suspended solids in excess of 220 mg/1, per pound	$0.25
		Nitrogen in excess of 40 mg/1, per pound	$1.72
		Phosphorus in excess of 8 mg/1, per pound	$2.543
		For qualified customers, a credit against any chemical or biological oxygen demand industrial surcharge per pound *(Refer to Section 14-52.B to determine eligibility)*	($0.075)
C.	26	Discharge of Aerobic Digested Sludge per dry tone of solids *(06-13, 09/28/2006, effective 10/01/2006*)	$497.44
D.	26	Disposal of domestic septage, portable toilet, and grease trap waste per 1,000 gallons *(12-06; 04/26/2012)*	
		During normal operating hours, i.e., non-holiday weekdays from 7:00 am to 5:00 pm per 1,000 gallons	$81.00
		At all times outside normal operating hours per 1,000 gallons	$121.50
E.	26	Surcharge for treatment of contaminated groundwater per 1,000 gallons, provided, however, there shall be a minimum charge of $200.00. This surcharge shall be in addition to the minimum charge and volume charge for wastewater service. *(06-13, 09/28/2006, effective 10/01/2006)*	
		Per 1,000 gallons	$1.50
		Minimum charge	$200.00
F.		Marina pump-out facilities monthly charge - multiply 5,000 gallons by wastewater service volume charge applicable to water usage in excess of 2,000 gallons per month. No wastewater system capacity impact fee shall apply to the facility. *(95-22, 12/19/1995)*	
G.	26	Aerobic Digested Sludge Hauling *(06-13, 09/28/2006, effective 10/01/2006)*	
		From the city limits of the City of Gulf Breeze, per gallon	$0.024
		From the city limits of Holley-Navarre, per gallon	$0.40
		Should the hauling of sludge not be from the above-referenced areas, staff shall compute the cost based upon the above-referenced criteria.	TBD

14-52 Mainland Wastewater System Service Charges: (SR25-10, 08/26/2025, effective 10/01/25, unless otherwise indicated)

FY 2026 3% Rate Increase

	Cross Reference	Description	Rate
H.		Sewer Improvement Fee: *07-07, 04/26/2007, effective 06/01/2007)*	
		1. Single-famiy residential customers:	
		Average Gallons Used Per Month*	
		Lifeline (less than 6,000 gallons)	$2.00
		Up to 3,000	$2.00
		3,001 - 4,000	$3.50
		4,001 - 5,000	$5.00
		5,001 - 10,000	$5.50
		10,001 - 12,000	$6.50
		12,001 and up	$7.50
		* Except for single-family residential customers certified as eligible for lifeline rates, Averal Gallons Use per Month will be fixed for an annual period baed upon average water consumption computed in accordance with Sec. 14-52.A.3, above, for Mainland customers. For single-famiy residential customers located on Pensacola Beach, Average Gallons Used per Month will be fixed for an annual period based upon average water consumption from May 1 to April 30 if the residence could be occupied that entire time. Residential customers who do not have adequate account history form which to make such computations shall have their Monthly Charge based upon anticipated monthly usage.	
		2. Other than single-famiy residential customers:	
		Average Gallons Used Per Month^	
		Up to 3,000	$7.00
		3,001 - 15,000	$10.00
		15,001 - 30,000	$25.00
		30,001 - 50,000	$50.00
		50,001 - 100,000	$100.00
		100,001 - 200,000	$200.00
		200,001 - 500,000	$300.00
		500,001 and up	$500.00
		^ Average Gallons per Month will be fixed for an annual period based upon average water consumption from May 1 to April 30. Other than single-family residential customers who do not have adequate account history from which to compute an annual average water consumption shall have their Monthly Charge based upon anticipated monthly usage.	

14-53 Capacity Impact Fees and Special Assessments:

Code Section	Description	Meter size (inches)	Water	Wastewater	Term
14-53 (C)(1)	**Capacity impact fee** ***(92-08; 04/30/1992)*** Shall be paid prior to initiation of service				Not less than 20%
14-531(C)(2)	**Interest charges** ***(87-21; 04/21/1987)*** Unpaid portion of capacity impact fee				10%
14-53(C)(2)	**Unpaid portion of capacity impact fee** ***(91-20; 06/25/1991)*** Paid in not more than 120 consecutive equal monthly installments/five (5) years of principal and interest				
14-53(D)	**Special assessement and capacity impact fee** ***(91-20; 06/25/1991)*** **Extension of installment terms**				8%
14-53(J)	**Adjustment Based on Flow** ***(00-10; 07/27/2000)***				
	Each customer, other than a single-family residential customer, served by a water meter two (2) inches or larger in size for which a capacity impact fee(s) were paid on or after October 1, 1990, and prior to October 1, 2000, and each customer, including each single-family residential customer, served by a water meter one and one-half (1 ½) inches or larger in size for which a capacity impact fee(s) or fees were paid on or after October 1, 2000, shall pay an additional water and wastewater system capacity impact fee(s) equal to the amount, if any, by which the average daily metered water consumption of such customer for any twelve (12) consecutive months, multiplied by the charges for average daily flow in effect at the end of such twelve-month period, exceeds the capacity impact fee(s) previously paid for service to the premises.				
	Additional adjustments calculated in the same manner shall be required in case average daily metered water consumption for any period of twelve (12) consecutive months should at any time exceed the average daily metered water consumption for which a capacity impact fee(s) or fees have been paid. No refund shall be made on account of a reduction in flow.				
	Each applicant for service through a water meter one and one-half (1½) inches or larger in size, other than an applicant for single-family residential service, shall, at the time of application for service, sign an agreement to this effect; but and failure of an applicant to sign such agreement shall not relieve the applicant or other customers receiving service at that location of the obligation to pay such additional capacity impact fee(s).				
14-53 (K)(1)	**Single-family residential** ***(04-11, 09/23/2004, effective 10/01/2004)***				
		5/8"	$845.00	$1,602.00	
		1"	$1,447.00	$2,743.00	
14-53 (K)(2)	**Other than single-family residential** ***(04-11, 09/23/2004, effective 10/01/2004)***				
		5/8"	$998.00	$1,835.00	
		1"	$2,626.00	$4,832.00	
14-53 (K)(3)	**Minimum charge for meter 1 1/2 inches or larger** ***(04-11, 09/23/2004, effective 10/01/2004)***		$3,630.00	$6,670.00	
14-53(N)	**Changes in Size or Number of Water Meters** ***(02-13; 10/24/2002)*** Such additional capacity impact fee or fees shall be in an amount equal to the difference between:				
	(a) the capacity impact fee or fees applicable to a water meter or meters of the size requested (which shall be the minimum charge for a meter or meters of the size requested or, for water meters exceeding one (1) inch in size, an amount based on average daily flow, if greater); and				
	(b) the greater of (i) the minimum capacity impact fee or fees then applicable to the water meter or meters to be replaced, or (ii) the average daily flow of water supplied to the meter or meters to be replaced during the prior twelve (12) months, multiplied by the capacity impact fee or fees per average daily flow.				
	No refund shall be made on account or replacing a water meter or meters with a meter or meters having less combined capacity.				

14-53 Capacity Impact Fees and Special Assessments:

14-53 (S)(1)	**Wastewater Capacity Impact Fee per 100 gallons of average daily flow. Treatment of contaminated groundwater** ***(91-03, 01/31/1991; 04-11, 09/23/2004, effective 10/01/2004)***		$363.00	$667.00	
	First installment: Prior to connection				10%
	Second installment: Within 1 year of first payment, less sum of first installment				20%
	Third installment: Within 2 years of first payment, less sum of first and second installments				30%
	Fourth installment: Within 3 years of first payment, less sum of first, second and third installments				40%
	Final installment: Within 4 years of first payment, less sum of first, second, third and fourth installments				100%
14-53 (S)(2)	Interest charge: At the time the second, third, fourth and final installments become due, each such customer shall also pay an annual interest charge of ten (10) percent of the portion of the capacity impact fee which remained unpaid after payment of the previous installment equal to ten (10) percent of the difference between the capacity impact fee in effect at the time the previous installment became due and the sum of all previous installments, exclusive of interest charges, paid by the customer.				10%
14-53(U)	**Governmentally Sponsored Irrigation Projects** ***(98-15;10/21/1998)***				
	No water service capacity impact fee is required to be paid for the provision of water service for irrigation of a publicly owned right-of-way as part of a governmentally sponsored neighborhood beautification project, provided that:				
	A portion of road or street right-of-way is to be irrigated as part of a neighborhood beautification project.				
	1. The portion of the right -of-way to be irrigated as part of a neighborhood beautification project.				
	2. The portion of the right of way to be irrigated:				
	a. Is owned by a governmental entity;				
	b. Is located at the entrance to a platted subdivision; and				
	c. Is not contiguous to any property within the subdivision.				
	3. The governmental owner of the right-of-way sponsors the project by paying or agreeing to pay applicable ECUA water service connection fees.				
	4. The water meter required for the project is less than one inch in size.				
	5. ECUA is provided assurance that charges for water service will be paid.				

14-54 Miscellaneous Fees and Charges.

Section	Description	Inches	Rates			Term
A.1.	**Water service connection fees** ***(07-13; 06/28/2007)***					
	The water service connection fee shall be the actual cost of connection, which shall include labor, material equipment, pavement restoration expenses, if applicable, and overhead costs as determined by ECUA.					
A.2.	**Wastewater service connection fee** ***(02-15; 11/21/2002)***					
	The wastewater service connection fee shall be the actual cost of the connection, which shall include labor, material, and overhead costs as determined by ECUA.					
B.	**Security Deposits** ***(08-22; 10/23/2008, effective 11/02/2008)***	**Meter Size****	**Water and Wastewater**	**Water Only***	**Wastewater Only**	
B.1.	Single-family residential	5/8 - 1 1/2"	$86.00	$21.50	$64.50	
	All other classes	5/8"	$118.25	$32.25	$86.00	
		3/4"	$215.25	$48.75	$166.50	
		1"	$268.50	$53.75	$214.75	
		1 1/2"	$724.50	$161.00	$563.50	
		2"	$1,449.00	$322.00	$1,127.00	
		3"	$5,366.00	$858.50	$4,507.50	
		4" or larger	$7,888.00	$1,288.00	$6,600.00	
	* Also applies to applicants for water and wastewater service during construction prior to occupancy.					
	** The Board shall accept letters of credit in place of cash deposits for commercial customers with meter sizes greather than one and one-half inches (1 1/2").					
C.	**Turn-On, Turn-Off Fee** ***(08-22; 10/23/2008, effective 11/02/2008)***		$10.75			
D.	**Reconnection Fee** ***(08-22; 10/23/2008, effective 11/02/2008)***					
	Turn back on (cut, non-pay) (7:00 a.m. to 11:00 p.m. - non-holiday weekdays		$32.25			
	Turn back on (cut, non-pay) (holidays, weekends, 11:01 p.m. to 6:59 a.m. or non-holiday weekdays)		$70.00			
	Turn back on (other)		$70.00			
E.	**Fire Hydrant Meter Installation and Deposit (Temporary Water Service)** ***(08-22; 10/23/2008, effective 11/02/2008)***					
E.1.	Security deposit		$1,080.50			
E.2.	Installation and removal fee		$38.75			
E.3.	Water service charges as set forth in Section 14-51					
F.	**Plan Review Fee (per submittal)** ***(06-13, 09/28/2006, effective 10/01/2006)***		$500.00			
G.	**Inspection Fees**			**Minimum Charge**		
	Water mains, per linear foot ***(06-13, 09/28/2006, effective 10/01/2006)***		$0.10	$50.00		
	Wastewater mains, per linear foot ***(06-13, 09/28/2006, effective 10/01/2006)***		$0.10	$50.00		
	Camera Inspection of Sewer Lines, per linear foot ***(08-22; 10/23/2008, effective 11/02/2008)***		$1.08			
	Lift stations, each ***(06-13, 09/28/2006, effective 10/01/2006)***		$300.00			
	Reinspection necessitated by improper construction ***(06-13, 09/28/2006, effective 10/01/2006)***		$100.00			
H.	**Same-Day Service Fee** ***(08-22; 10/23/2008, effective 11/02/2008)***		$26.75			
I.	**Water Meter Test Fees** ***(08-22; 10/23/2008, effective 11/02/2008)***	**Meter Size**	**Water Meter Test Fee***			
		Less than 1 1/2"	$43.00			
		1 1/2 to 2"	$80.75			
		Larger than 2"	$214.75			
	* No water meter test fee shall be charged if such test indicates that the meter tested is more than five percent (5%) in error.					
J.	**Franchise Fee (within City of Pensacola limits)** ***(94-19, 10/27/1994)***					6%
K.	**Backflow Prevention Device Fee** ***(98-09; 07/30/1998)***		$10.00			
L.	**Permit Application Fee** ***(00-08, 05/25/2000; 06-13, 09/28/2006)***		$200.00			

14-54 Miscellaneous Fees and Charges.

Section	Description	Inches	Rates			Term
M.	**Adjustments Due to Sudden and Accidental Loss of Water.** ***(91-34; 11/26/1991, 13-04; 02/28/2013, SR20-63;10/27/2020)***					
1.a.	On a single occasion to an amount equal to the charge which the customer paid for such service during the monthly billing period prior to the time at which the break occurred.					
1.b.	On a single occasion subsequent to the adjustment described in subparagraph (a), above, to an amount equal to the charge which the customer paid for such service during the monthly billing period prior to the time at which such subsequent billing period prior to the time at which such subsequent break occurred, plus fifty percent (50%) of the charges above that amount					
1.c.	Any customer requesting either of the adjustments described above shall furnish a statement or receipt from a licensed plumber establishing that a sudden and accidental loss occurred. If repairs were not made by a licensed plumber the customer shall furnish an affidavit stating that a sudden and accidental loss occurred and describing the corrective action taken.					
1.d.	Only the two adjustments described herein shall be allowed for any person during the entire time he or she is a customer of ECUA. Provided, however, two, but not more than two, consecutive monthly bills may be adjusted if it appears to ECUA that a single accident resulted in a loss of water during more than one monthly billing period					
1.e.	Hurricane Adjustments to Customer's Accounts. Customers will not be required to utilize their One-Time Leak Adjustment, as provided under this sectionSection 2-21 (B), for a sudden loss of water if that loss is a direct result of property damages from a named Hurricane impacting the ECUA service area. This type of natural disaster poses unforeseen losses and financial hardships to ECUA's rate payers due to the destruction these storms leave in their aftermath					
	Charges for water and wastewater service to any customer who experiences an increased bill because of a break in a water line on the customer's side of the meter shall be adjusted to an amount equal to the charge the customer paid for such service during the monthly period prior to the time at which such break occurred.					
	Any customer requesting such adjustment shall furnish a statement or receipt from a licensed plumber establishing when the break occurred. If repairs were not made by a licensed plumber, the customer shall furnish an affidavit stating that the repair occurred, and the corrective action taken.					
	Customers will be granted a credit adjustment for water loss under the specific storm's adjustment code name. This will allow ECUA to track the number of adjustments and total dollar amount in order to apply for a reimbursement through the Federal Emergency Management Agency (FEMA) if applicable.					

14-55 Pensacola Beach Water and Wastewater System Service Charges: *(SR25-10, 08/26/2025, effective October 1, 2025)*

FY 2026 3% Rate Increase

	Description	Rate
C.	WATER SERVICE TO PENSACOLA BEACH CUSTOMERS	
C.1.	Minimum charge:	Per month:
	Single-family residential **Lifeline** rate (includes 6,000 gallowns only, additional consumption at the current rate)	$30.18
	Other single-family residential (includes townhouses, condominiums, condo/hotels and apartments):	
	Up to 4,000 gallons per unit (minimum)	$31.70
	Over 4,000 gallons per unit (per 1,000 gallons)	$4.58
C.2.	Motels/Hotels:	
	Up to 4,000 gallons per unit (minimum)	$24.45
	Over 4,000 gallons per unit (per 1,000 gallons)	$5.23
C.3.	Other Commercial Customers:	
	5/8" x 3/4" meter-minimum 10,000 gallons	$73.25
	1" meter-minimum 20,000 gallons	$146.46
	1 1/2" meter minimum 30,000 gallons	$219.68
	2" meter-minimum 40,000 gallons	$292.91
	3" meter-minimum 50,000 gallons	$366.14
	4" meter-minimum 60,000 gallons	$438.24
	5" meter-minimum 70,000 gallons	$512.45
	6" meter-minimum 80,000 gallons	$585.82
	Over minimum (per 1,000 gallons)	$5.54
C.4.	Irrigation Purposes Only minimum charge meter size:	
	1" or less	$19.01
	1 1/2"	$69.23
	2"	$103.95
	3"	$196.33
	4"	$300.34
	6"	$589.10
	8"	$935.71
	10"	$1,339.99

14-55 Pensacola Beach Water and Wastewater System Service Charges: *(SR25-10, 08/26/2025, effective October 1, 2025)*

FY 2026 3% Rate Increase

	Description	Rate
	Volume charge:	
	Single-family Residential (includes townhouses, condominiums, condo/hotels and apartments per 1,000 gallons)	$4.58
	Motels/Hotels	$5.23
	Other Commercial Customers	$5.54
D.	WASTEWATER SYSTEM SERVICE CHARGES PENSACOLA BEACH	
D.1.	Minimum charge:	Per month:
	Single-family Residential:	
	Lifeline rate	$42.53
	Other single-family residential (includes townhouses, condominiums, condo/hotels and apartments):	
	Up to 3,000 gallons per unit (minimum)	$44.68
	Next 7,000 gallons per unit (per 1,000 gallons)	$5.35
	Over 10,000 gallers per unit (per 1,000 gallons)	$3.79
D.2.	Motels:	
	Up to 3,000 gallons per unit (minimum)	$33.73
	Over 3,000 gallons per unit (per 1,000 gallons)	$5.60
D.3.	Other Commercial Customers:	
	5/8" x 3/4" meter-minimum 10,000 gallons	$134.10
	1" meter-minimum 20,000 gallons	$268.14
	1 1/2" meter minimum 30,000 gallons	$402.29
	2" meter-minimum 40,000 gallons	$536.31
	Over minimum (per 1,000 gallons)	$9.31

14-56 Industrial Discharge Fines and Penalties: *(SR20-67, 11/17/2020; SR24-02, 04/23/2023; SR25-01, 01/28/2025)*

	Cross Reference	Description	Rate
A.	26-4(A)(4)	**Administrative Fines:** Each offense. Each day violation shall occur or continue shall be deemed a separate and distinct offense. Not less than:	$1,000.00
B.	26-4(B)(1)	**Civil Penalties:** Minimum per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue each day during the period of the violation. A minimum of:	$1,000.00

14-57. Water Distribution and Wastewater Collection System Expansion, *(SR24-02; 04/23/2023, unless otherwise indicated)*

ECUA Code Chapter 27

	Description	Rate
Fire Protection - Section 27-1(C)(3) ***(98-07; 06/25/1998)***		
27-1(C)(3)	ECUA shall pay a portion of the cost of extending or upgrading such line for a distance of one thousand (1,000) feet from point of connection to an exisitng line six (6) inches or more in diameter, whichever amount is less.	Not to exceed $5,000.00
	Requesting customer shall pay the remainder of the cost of the project.	Remainder
Fire Hydrant Installation - Section 27-1(C)(5)(c) ***(93-32; 11/30/1993)***		
27-1(C)(5)(c)	ECUA shall pay a portion of the cost of installation of fire hydrants.	Not to exceed $3,000.00
	Requesting customer shall pay the remainder of the cost of the project.	Remainder
Reimbursement for Certain Costs of Construction - Section 27-2(B)(4) ***(05-06; 05/26/2005)***		
27-2(B)(4)	The amount of reimbursement shall initially be determined by subtracting the established rate from the average cost per lot or parcel of the cost of construction of wastewater collection facilities and multiplying the remainder by the number of lots or parcels in the development for which septic tanks are permittable. The initial established rate shall be adjusted in January 2006 and each January thereafter. This adjustment shall be computed by multiplying the established rate by the first Construction Cost Index (CCI) published by The Engineering News-Record in the month of January of that year and dividing the product by the CCI published in April 2005 (i.e., 7,355). The result so obtained shall be rounded to the nearest $50.00. This adjustment shall be effective the date the CCI is first published each January.	$2,750.00
Special Connection Fee - Section 27-4(C) ***(98-05; 03/26/1998)***		
27-4(C)(1)	If connection to the ECUA system is made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less.	$2,500.00

14-57. Water Distribution and Wastewater Collection System Expansion, *(SR24-02; 04/23/2023, unless otherwise indicated)*

ECUA Code Chapter 27

	Description	Rate
27-4(C)(2)	If connection to the ECUA system is not made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less, together with simple interest at the rate of eight percent (8%) per year from the date on which notice is first given to property owners that the system is available for use. Interest shall cease to accrue sixteen (16) years after the date on which notice is first given to property owners that the system is available for use.	$3,000.00
27-4(C)(3)	The special connection fee (1) shall be paid in full prior to connection to the ECUA system or (2) shall be paid in sixty (60) monthly installments, with interest at five percent (5%) per year from the date of application for service, to be included in regular monthly billings for utility services. Any owners electing to pay the special connection fee in monthly installments shall sign a Finance Agreement with ECUA.	5%

14-58. Water Distribution and Wastewater Collection System Maintenance and Construction Regulations *(SR24-02; 04/23/2023, unless otherwise indicated)*

ECUA Code Chapters 28

	Description	Rate
Penalties for Violation - Section 28-57 *(97-10; 07/24/1997)*		
28-57. A.	Any person who willfully commits any of the prohibited practices specified by Section 28-56 shall be subject to a civil penalty per violation.	$500.00
28-57. B.	Termination of water service or wastewater service, or both, until such violation has been corrected; and	
28-57. C.	Adjustment of prior bills for water and wastewater service or both.	

14-59. Cross Connection Control *(Res. No. 15-03, 04/23/2015; SR24-02; 04/23/2023)*

ECUA Code Chapter 5

	Description	Rate
Penalties for Violation - Section 5-11		
A.1.	Any ECUA water customer who commits any of the following violations shall be subject to termination of water service, a civil penalty not to exceed five hundred dollars ($500.00) per violation, or both: 1. Failure to complete or provide accurate information on the surveys or questionnaires authorized by Section 5-6 of this Chapter. a. Failure to properly install an approved backflow prevention assembly or device when required to do so. b. Failure to have a required backflow prevention assembly tested by a certified backflow prevention tester at the frequency specified by ECUA and/or within the time permitted. c. Failure to immediately notify ECUA of a faulty backflow prevention assembly and/or failure to repair or replace the assembly. d. Failure to immediately notify ECUA of any changes in the nature of activities on the premises which may create a potential health hazard to the ECUA potable water system. e. Failure to provide certification of backflow prevention assembly testing within thirty (30) days following the date of mailing of such the follow-up notice specified in Section 5-8 of this Chapter. f. Failure to refurbish or replace a dual check device as required in Section 5-8 of this Chapter.	$500.00
B.1.	Any certified backflow prevention tester who commits any of the following violations shall be subject to removal from the list of certified backflow prevention testers registered with ECUA to test backflow prevention assemblies installed on service lines connected to the ECUA potable water system, a civil penalty not to exceed five hundred dollars ($500.00) per violation, or both: 1. Failure to sign and/or provide test certification. 2. Falsification of a backflow test report. 3. Authorization of anyone to perform the test procedure and/or sign the backflow test report, other than a certified backflow prevention tester who is registered with ECUA.	$500.00

14-60. Fats, Oils and Grease Program *(17-20, 12/14/2017; SR24-02; 04/23/2023)*

ECUA Code Chapter 6

	Description	Rate
Fees and Charges - Section 6-10		
1	Initial Application Fee	$250.00
2	Reapplication Fees	$250.00
3	Monthly Fees	$25.00
4	Deficiency Fees a. Inoperable or bypassed FOG removal device b. Exceedance of 25% rule c. No outlet tee d. Inacessible FOG removal device e. Sewage in FOG removal device f. Food/contaminants in FOG removal device g. Accumulated FOG near entry point to sewer connection unprotected by FOG removal device, indicative of improper FOG disposal h. Non-compliance with FSE Discharge Permit provisions not otherwise covered i. Minor deficiencies in FOG removal device and/or minor operational deficiencies j. Open or unsecured floor drains	$50 per point 6 points 4 points 4 points 2 points 2 points 2 points 2 points 2 points 1 point 1 point
5	Reinspection Fees	$100.00

Sec. 14-71 Sanitation service charges for the mainland customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to Mainland (other than Pensacola Beach) customers are as follows:

A. Single-Family Residential:

1. Service by ECUA automated containers:

No.	Size	Approved Monthly Rates Collection	Disposal	Total
1	90-gallon or smaller container	$26.27	$5.06	$31.33
2	90-gallon containers	$30.64	$5.91	$36.55
3	90-gallon containers	$35.04	$6.74	$41.78
4	90-gallon containers	$39.40	$7.59	$46.99
Senior citizen rate (1 60-gallon container only)		$22.01	$4.23	$26.24
Lifeline rate (1 40-gallon container only)		$12.48	$2.42	$14.90
Supplemental Security Income (SSI) (1 40-gallon container only		$12.48	$2.42	$14.90
Vacant 90-gallon container		$6.61	$1.27	$7.88
Vacant Senior citizen rate		$5.55	$1.07	$6.62
Vacant Lifeline 40-gallon containers		$3.14	$0.60	$3.74
Vacant SSI 40-gallon containers		$3.14	$0.60	$3.74
Additional Container		$4.37	$0.84	$5.21
Extra Pickup		$10.01	$5.06	$15.07

B. Multifamily Residential Not More Than Five Units Per Parcel:

No.	Size	Approved Monthly Rates Collection	Disposal	Total
1	90-gallon or smaller container	$26.48	$5.06	$31.54
1	2-cubic yard dumpster	$95.32	$18.35	$113.67
1	4-cubic yard dumpster	$158.32	$30.49	$188.81
1	6-cubic yard dumpster	$216.24	$41.62	$257.86
1	8-cubic yard dumpster	$279.75	$53.84	$333.59

Extra Pickup Per Occurrence:

No.	Size	Approved Rates
1	90-gallon or smaller container	$15.07
1	2-cubic yard dumpster	$53.27
1	4-cubic yard dumpster	$67.88
1	6-cubic yard dumpster	$82.50
1	8-cubic yard dumpster	$97.06

C. Multifamily Residential More Than Five Units Per Parcel and Non-residential:

1. Service by ECUA automated containers:

No	Container Size	Approved Monthly Rates Collection	Disposal	Franchise Fee	Total
1	90-gallon or smaller	$22.98	$13.64	$1.60	$38.22
2	90-gallon container	$37.75	$24.75	$3.20	$65.70
3	90-gallon container	$54.65	$33.87	$4.81	$93.33
4	90-gallon container	$62.84	$40.41	$6.41	$109.66

2. Service by dumpster:

a. Short-term contract:

Size of dumpster: 2-cubic yard

Pickups per week	Approved Monthly Rates Collection	Disposal	Total
1	$51.71	$22.45	$74.16
2	$83.50	$40.60	$124.10
3	$112.30	$58.69	$170.99
4	$138.63	$75.50	$214.13
5	$162.41	$91.72	$254.13
6	$191.53	$109.05	$300.58

Sec. 14-71 Sanitation service charges for the mainland customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to Mainland (other than Pensacola Beach) customers are as follows:

4-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$74.62	$37.25	$111.87
2	$126.63	$72.67	$199.30
3	$171.17	$105.71	$276.88
4	$212.37	$138.05	$350.42
5	$250.92	$172.18	$423.10
6	$298.05	$206.43	$504.48

6-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$97.90	$51.79	$149.69
2	$166.96	$101.85	$268.81
3	$228.35	$152.21	$380.56
4	$285.18	$202.45	$487.63
5	$338.11	$252.59	$590.70
6	$399.28	$302.95	$702.23

8-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$121.51	$67.53	$189.04
2	$210.35	$134.24	$344.59
3	$288.46	$200.66	$489.12
4	$356.75	$261.84	$618.59
5	$422.64	$326.69	$749.33
6	$499.64	$391.85	$891.49

b. Annual Contract:

Size of dumpster

2-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$43.95	$22.26	$66.21
2	$71.01	$40.30	$111.31
3	$95.48	$58.27	$153.75
4	$117.84	$74.96	$192.80
5	$138.07	$91.09	$229.16
6	$162.79	$108.32	$271.11

4-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$63.44	$36.96	$100.40
2	$107.62	$72.19	$179.81
3	$145.49	$105.07	$250.56
4	$180.52	$137.22	$317.74
5	$213.27	$171.21	$384.48
6	$253.34	$205.39	$458.73

6-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$83.19	$51.40	$134.59
2	$141.92	$101.21	$243.13
3	$194.10	$151.32	$345.42
4	$242.40	$201.35	$443.75
5	$287.41	$251.28	$538.69
6	$339.42	$301.41	$640.83

8-cubic yard	**Approved Monthly Rates**		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$103.28	$67.06	$170.34
2	$178.80	$133.44	$312.24
3	$245.21	$199.55	$444.76
4	$303.27	$260.45	$563.72
5	$359.23	$325.07	$684.30
6	$424.68	$389.93	$814.61

Sec. 14-71 Sanitation service charges for the mainland customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to Mainland (other than Pensacola Beach) customers are as follows:

c. Extra pickup:	**Pickup charge (per occurrence)**					
Size of dumpster	**Approved Monthly Rates**					
	Collection	**Disposal**	**Total**			
2-cubic yard	$62.29	$6.47	$68.76			
4-cubic yard	$75.05	$10.10	$85.15			
6-cubic yard	$88.13	$13.63	$101.76			
8-cubic yard	$100.39	$17.45	$117.84			
		Approved Rate				
d. Surcharge for service by wheeled dumpster:		$14.62				
e. Dumpster overload charge:		$27.08				
f. Waste tire charge (landfill cost passed on to customer)						
Per ton		$263.56				
Per small tire		$5.86				
Per large tire		$11.74				
Mixed load fee		$316.31				
g. Dumpster delivery fee:		$79.57				
h. Dumpster pull charge:		$58.35				
3. Service by compaction container: ***(02-08; 08/29/2002)***	**Approved Monthly Rates**					
a. Short term contract:	Number of Pickups Each Week					
Size of Compactor:	1	2	3	4	5	6
3 cu. yd	$396.40	$511.66	$629.30	$738.41	$839.00	$954.26
4 cu. yd	$511.16	$613.16	$765.80	$907.22	$1,037.41	$1,139.41
5 cu. yd	$622.67	$711.45	$897.73	$1,070.21	$1,228.86	$1,387.51
6 cu. yd	$742.06	$817.58	$1,037.58	$1,241.14	$1,428.24	$1,614.79
8 cu. yd	$956.75	$1,005.78	$1,297.61	$1,567.52	$1,815.57	$2,063.62
b. Annual contract:	Number of Pickups Each Week					
Size of Compactor:	1	2	3	4	5	6
3 cu. yd	$350.38	$461.80	$575.25	$681.43	$780.38	$891.80
4 cu. yd	$452.41	$557.04	$704.71	$842.85	$971.44	$1,076.07
5 cu. yd	$551.68	$649.55	$830.31	$999.32	$1,156.59	$1,313.85
6 cu. yd	$657.67	$748.73	$962.62	$1,162.54	$1,348.47	$1,533.93
8 cu. yd	$849.09	$926.63	$1,210.54	$1,475.82	$1,722.52	$1,969.23
c. Extra pickup:						
Size of Compactor:		Pickup Charge (per occurrence)				
3 cu. yd		$112.74				
4 cu. yd		$127.65				
5 cu. yd		$142.27				
6 cu. yd		$157.63				
8 cu. yd		$182.01				
D. Service by Rolloff Containers:						
1 . Non-compaction rolloff containers:		**Approved Rate**				
a. 20 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$84.09				
b. 30 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$96.94				
c. 40 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$110.39				

Sec. 14-71 Sanitation service charges for the mainland customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to Mainland (other than Pensacola Beach) customers are as follows:						
2. Compaction rolloff containers:						
a. 13 - 17 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$438.02				
b. 18 - 22 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$457.47				
c. 23 - 27 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$486.66				
d. 28 - 32 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$574.26				
e. 33 - 37 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$710.50				
3. Special service: There is a charge for pulling a container on a Saturday, Sunday, or holiday observed by ECUA or between 5:00 p.m. and 6:00 a.m. at the request of the customer per occurrence. This charge shall not apply to a customer for whom four (4) or more containers are pulled during a single day.		$38.96				
4. Disposal costs: In addition to the applicable charges shown above, each customer shall be charged actual disposal costs.		Actual cost				
5. Franchise fees:						
In addition to the applicable charges shown above, each residential customer of more than five (5) units per parcel and each nonresidential customer shall be charged any franchise fees imposed by the applicable governmental entity.						
6. Frequency of disposals:						
Noncompaction rollow containers		30 days				
Compaction rolloff contrainers		7 days				
		Approved Rate Per Month				
E. Transfer Station Funding Fee: (SR22-05; 09/27/2022 - will remain in effect until the transfer station project debt is retired which is projected to be in the year 2043.)		$1.00				
F. Bulk Pickup Service:						
This service is available only to regular customers of the ECUA sanitation system. The following charges for bulk service apply only to customers requesting service in excess of that provided under the ECUA bulk waste program:						
Amount		**Approved Rates**				
Up to 2 cubic yards		$52.55				
Each additional cubic yard (above 2 and below 20)		$36.00				
20 cubic yards of yard waste only		$584.00				
20 cubic yards containing bulky waste debris other than yard trash		$700.79				

Sec. 14-71 Sanitation service charges for the mainland customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to Mainland (other than Pensacola Beach) customers are as follows:						
G. Delivery Charge:						
The charge for a single delivery of a container not to exceed 90 gallons.		$38.96				
H. Gate Closing Charge: ***(02-08; 08/29/2008)***	**Number of Pickups Per Each Week**	**Monthly Charge**				
	1	$8.00				
	2	$16.00				
	3	$24.00				
	4	$32.00				
	5	$40.00				
	6	$48.00				
I. Dumpster Overload Charge: ***(02-08; 08/29/2008)***		$15.00				
J. Hazardous Waste Charge: ***(02-08; 08/29/2008)***		$15.00				
K. Waste Tire Charge: ***(02-08; 08/29/2008)***		$100.00				

Sec. 14-72 Sanitation service charges for the Pensacola Beach customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

The charges for sanitation service to customers served on Pensacola Beach are as follows:

A. Single-Family Residential:

1. Service by ECUA automated containers:

No.	Size	Approved Monthly Rates		
		Collection	**Disposal**	**Total**
1	90-gallon or smaller container	$26.27	$5.06	$31.33
2	90-gallon containers	$30.64	$5.91	$36.55
3	90-gallon containers	$35.04	$6.74	$41.78
4	90-gallon containers	$39.40	$7.59	$46.99
Senior citizen rate (1 60-gallon container only)		$22.01	$4.23	$26.24
Lifeline rate (1 40-gallon container only)		$12.48	$2.42	$14.90
Supplemental Security Income (SSI) (1 40-gallon container only		$12.48	$2.42	$14.90
Extra Pickup		$10.01	$5.06	$15.07

2. Manual service:

Approved Monthly Rate
$24.72

B. Multifamily Residential:

Approved Monthly Rates		
Collection	**Disposal**	**Total**
$15.72	$5.22	$20.94

C. Hotels, Motels:

Approved Monthly Rates		
Collection	**Disposal**	**Total**
$6.62	$1.72	$8.34

D. Nonresidential:

Service by Compaction Container:

Size of Dumpster	Approved Monthly Rates		
	Collection	**Disposal**	**Total**
6-cubic yards	$1,190.55	$496.38	$1,686.93
Extra Pickup Per Occurrence:			
On Regular Collection Day	$218.12	$48.62	$266.74
On any other Day	$255.66	$49.57	$305.23

For all other service, the rates from Section 14-71C as shown below apply.

E. Multifamily Residential More Than Five Units Per Parcel and Non-residential:

1. Service by ECUA automated containers:

No	Container Size	Approved Monthly Rates			
		Collection	**Disposal**	**Franchise Fee**	**Total**
1	90-gallon or smaller	$22.98	$13.64	$1.60	$38.22
2	90-gallon container	$37.75	$24.75	$3.20	$65.70
3	90-gallon container	$54.65	$33.87	$4.81	$93.33
4	90-gallon container	$62.84	$40.41	$6.41	$109.66

2. Service by dumpster:

a. Short-term contract:

Size of dumpster

2-cubic yard	Approved Monthly Rates		
Pickups per week	**Collection**	**Disposal**	**Total**
1	$51.71	$22.45	$74.16
2	$83.50	$40.60	$124.10
3	$112.30	$58.69	$170.99
4	$138.63	$75.50	$214.13
5	$162.41	$91.72	$254.13
6	$191.53	$109.05	$300.58

Sec. 14-72 Sanitation service charges for the Pensacola Beach customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

4-cubic yard	Approved Monthly Rates					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$74.62	$37.25	$111.87			
2	$126.63	$72.67	$199.30			
3	$171.17	$105.71	$276.88			
4	$212.37	$138.05	$350.42			
5	$250.92	$172.18	$423.10			
6	$298.05	$206.43	$504.48			
6-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$97.90	$51.79	$149.69			
2	$166.96	$101.85	$268.81			
3	$228.35	$152.21	$380.56			
4	$285.18	$202.45	$487.63			
5	$338.11	$252.59	$590.70			
6	$399.28	$302.95	$702.23			
8-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$121.51	$67.53	$189.04			
2	$210.35	$134.24	$344.59			
3	$288.46	$200.66	$489.12			
4	$356.75	$261.84	$618.59			
5	$422.64	$326.69	$749.33			
6	$499.64	$391.85	$891.49			
b. Annual Contract:						
Size of dumpster						
2-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$43.95	$22.26	$66.21			
2	$71.01	$40.30	$111.31			
3	$95.48	$58.27	$153.75			
4	$117.84	$74.96	$192.80			
5	$138.07	$91.09	$229.16			
6	$162.79	$108.32	$271.11			
4-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$63.44	$36.96	$100.40			
2	$107.52	$72.19	$179.81			
3	$145.49	$105.07	$250.56			
4	$180.52	$137.22	$317.74			
5	$213.27	$171.21	$384.48			
6	$253.34	$205.39	$458.73			
6-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$83.19	$51.40	$134.59			
2	$141.92	$101.21	$243.13			
3	$194.10	$151.32	$345.42			
4	$242.40	$201.35	$443.75			
5	$287.41	$251.28	$538.69			
6	$339.42	$301.41	$640.83			
8-cubic yard	**Approved Monthly Rates**					
Pickups per week	**Collection**	**Disposal**	**Total**			
1	$103.28	$67.06	$170.34			
2	$178.80	$133.44	$312.24			
3	$245.21	$199.55	$444.76			
4	$303.27	$260.45	$563.72			
5	$359.23	$325.07	$684.30			
6	$424.68	$389.93	$814.61			

Sec. 14-72 Sanitation service charges for the Pensacola Beach customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

c. Extra pickup:	**Pickup charge (per occurrence)**					
Size of dumpster	**Approved Monthly Rates**					
	Collection	**Disposal**	**Total**			
2-cubic yard	$62.29	$6.47	$68.76			
4-cubic yard	$75.05	$10.10	$85.15			
6-cubic yard	$88.13	$13.63	$101.76			
8-cubic yard	$100.39	$17.45	$117.84			
		Approved Rate				
d. Surcharge for service by wheeled dumpster:		$14.62				
e. Dumpster overload charge:		$27.08				
f. Waste tire charge (landfill cost passed on to customer)						
Per ton		$263.56				
Per small tire		$5.86				
Per large tire		$11.74				
Mixed load fee		$316.31				
g. Dumpster delivery fee:		$79.57				
h. Dumpster pull charge:		$58.35				
3. Service by compaction container:	**Approved Monthly Rates**					
a. Short term contract:	Number of Pickups Each Week					
Size of Compactor:	1	2	3	4	5	6
3 cu. yd	$420.54	$542.82	$667.63	$783.38	$890.10	$1,012.38
4 cu. yd	$542.28	$650.50	$812.43	$962.47	$1,100.59	$1,208.80
5 cu. yd	$660.59	$754.77	$952.40	$1,135.39	$1,303.70	$1,472.01
6 cu. yd	$787.25	$867.37	$1,100.77	$1,316.72	$1,515.22	$1,713.13
8 cu. yd	$1,015.01	$1,067.03	$1,376.64	$1,662.99	$1,926.14	$2,189.30
b. Annual contract:	Number of Pickups Each Week					
Size of Compactor:	1	2	3	4	5	6
3 cu. yd	$371.72	$489.92	$610.29	$722.93	$827.90	$946.11
4 cu. yd	$479.96	$590.96	$747.63	$894.18	$1,030.60	$1,141.60
5 cu. yd	$585.28	$689.11	$880.88	$1,060.18	$1,227.03	$1,393.87
6 cu. yd	$697.71	$794.33	$1,021.25	$1,233.34	$1,430.59	$1,627.35
8 cu. yd	$900.80	$983.06	$1,284.27	$1,565.69	$1,827.43	$2,089.16
c. Extra pickup:						
Size of Compactor:		Pickup Charge (per occurrence)				
3 cu. yd		$119.60				
4 cu. yd		$135.42				
5 cu. yd		$150.94				
6 cu. yd		$167.23				
8 cu. yd		$193.09				
F. Service by Rolloff Containers:						
1 . Non-compaction rolloff containers:		**Approved Rate**				
a. 20 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$84.09				
b. 30 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$96.94				
c. 40 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$110.39				

Sec. 14-72 Sanitation service charges for the Pensacola Beach customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

2. Compaction rolloff containers:						
a. 13 - 17 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$438.02				
b. 18 - 22 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$457.47				
c. 23 - 27 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$486.66				
d. 28 - 32 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$574.26				
e. 33 - 37 cubic yards						
Initial delivery charge		$291.96				
Pull charge		$180.44				
Monthly rental charge		$710.50				
3. Special service: There is a charge for pulling a container on a Saturday, Sunday, or holiday observed by ECUA or between 5:00 p.m. and 6:00 a.m. at the request of the customer per occurrence. This charge shall not apply to a customer for whom four (4) or more containers are pulled during a single day.		$38.96				
4. Disposal costs: In addition to the applicable charges shown above, each customer shall be charged actual disposal costs.		Actual cost				
5. Frequency of disposal: Containers must be pulld, and their contents disposed of no less frequently than:						
Non-compaction rolloff containers		30 days				
Compaction rollof containers		7 days				
6. Franchise fees:						
In addition to the applicable charges shown above, each residential customer of more than five (5) units per parcel and each nonresidential customer shall be charged any franchise fees imposed by the applicable governmental entity.						
		Approved Rate Per Month				
G. Transfer Station Funding Fee: (SR22-05; 09/27/2022)(will remain in effect until the transfer station project debt is retired which is projected to be in the year 2043.)		$1.00				

Sec. 14-72 Sanitation service charges for the Pensacola Beach customers. *(SR25-11, 08/26/2025, effective 10/01/2025, unless otherwise indicated)*

FY 2026 3% Rate Increase

H. Bulk Pickup Service						
This service is available only to regular customers of the ECUA sanitation system. The following charges for bulk service apply only to customers requesting service in excess of that provided under the ECUA bulk waste program:						
Amount		**Approved Rates**				
Up to 2 cubic yards		$52.55				
Each additional cubic yard (above 2 and below 20)		$36.00				
20 cubic yards of yard waste only		$584.00				
20 cubic yards containing bulky waste debris other than yard trash		$700.79				
I. Delivery Charge:						
The charge for a single delivery of a container not to exceed 90 gallons		$38.96				
J. Charges Apply Year-Round						
Monthly charges for sanitation service to customers served on Pensacola Beach are required to be paid year-round, except when the premises served cannot be occupied because of fire, flood, or other casualty						
K Gate Closing Charge: *(02-08; 08/29/2008)*	**Number of Pickups Per Each Week**	**Monthly Charge**				
	1	$8.00				
	2	$16.00				
	3	$24.00				
	4	$32.00				
	5	$40.00				
	6	$48.00				
L. Dumpster Overload Charge: *(02-08; 08/29/2008)*		$15.00				
M. Hazardous Waste Charge: *(02-08; 08/29/2008)*		$15.00				
N. Waste Tire Charge: *(02-08; 08/29/2008)*		$100.00				

14-75 Charges for Receiving and Processing Organic Vegetative Debris *(15-21, 12/17/2015, effective 12/18/2015; SR24-02; 04/23/2023)*

ECUA Code Chapter 15, Section 15-2

Description	Fee if weighed	Fee if no weighed	Fee
Vegetative debris which does not require grinding or additional processing	$10 per ton	$3 per cubic yard	
Vegetative debris which must be ground	$22.84 per ton	$4 per cubic yard	
Reloading fee for each rejected load			$100

14-76 Finished Compost Product *(16-06, 04/28/2016, effective 04/29/2016; SR24-02; 04/23/2023)*

ECUA Code Chapter 15, Section 15-3

Description	Price per cubic yard	Price per cubic ton
1. ECUA shall charge for its finished compost product, based upon the quantity received, per load as follows:		
(a) If sold by the cubic yard:	$10.00	
(b) If sold by the ton:		$20.00
These prices include ECUA's loading the finished compost product into the purchaser's		

14-77 Finely Screened Finished Compost Product *(16-12, 10/27/2016, effective 11.01/2016; SR24-02; 04/23/2023)*

ECUA Code Chapter 15, Section 15-4

Description		Price per cubic yard	Price per cubic ton
1. ECUA shall charge for its finely screened finished compost product, which is screened to one quarter of an inch (0.25 inches), based upon the quantity received, per load as follows:			
(a) If sold by the cubic yard:		$10.00	$10.00
(b) If sold by the ton:			$20.00
These prices include ECUA's loading the finished compost product into the purchaser's vehicle at ECUA's designated loading area.			

14-78. Individual Bags Finished Compost Product *(17-11, 08/24/2016; SR24-02; 04/23/2023)*

ECUA Code Chapter 15, Section 15-5

Description	Price Per Bag
40 lb bags of finished compost product, screened to onehalf of an inch (0.5 inches), plus any applicable taxes	$4.25

Chapter 15

COMPOST

Sec. 15-1. Introduction.

ECUA incorporates vegetative debris into its wastewater treatment process as a bulking agent in composting operations. In addition to the vegetative debris collected by ECUA in its sanitation operations, ECUA also receives vegetative debris from outside sources. It is therefore necessary to establish a fee for receiving and processing that vegetative debris. Additionally, ECUA's composting operations result in a compost product which is desirable for use as a soil amendment by third parties. It is thus necessary for ECUA to establish an appropriate fee for compost product and other charges related thereto.

Sec. 15-2. Charges for Receiving and Processing Organic Vegetative Debris.

ECUA will receive vegetative debris, as that term is defined herein, at its Central Water Reclamation Facility (CWRF) for incorporation into its wastewater treatment operations according to the terms, charges, and conditions set forth herein:

A. *Definition*. As used herein, the term "vegetative debris" shall refer to organic vegetative matter such as tree and shrub trimmings, grass clippings, palm fronds, pine straw, and other similar organic materials generated from landscaping and/or land clearing operations which may serve as a bulking agent in composting operations at the CWRF for the more efficient treatment of wastewater.

(Res. No. SR24-02; 04/23/2024)

B. Vegetative debris which does not require grinding or additional processing prior to being incorporated into ECUA's composting operations may be deposited in the designated area at the CWRF at a specific rate per ton (if weighed) or at a specific rate per cubic yard (if not weighed). Vegetative debris which must be ground before being incorporated into ECUA's composting operations may be deposited in the designated area at the CWRF at a specific rate per ton (if weighed) or at a specific rate per cubic yard (if not weighed). Refer to the ECUA Rate Schedule Section 14-75 for current rates and terms.

(Res. 15-21; 12/17/2015; Res. No. 16-06; 04/28/2016; Res. No. SR24-02; 04/23/2024)

C. *Right to Reject*. ECUA reserves the right to reject any deliveries of vegetative debris which are contaminated with materials which fall outside the definition of that term. ECUA may also reject any deliveries for any other reason, in its sole discretion, including but not limited to the debris' size and/or diameter being such that it cannot be efficiently ground and/or incorporated into ECUA's composting operations. ECUA shall endeavor to make the determination whether to reject a delivery prior to its being unloaded.

(Res. No. SR24-02; 04/23/2024)

1. *Reloading Fee.* In the event the need to reject a delivery becomes apparent after it has been unloaded, ECUA shall charge a reloading fee for each rejected load. Refer to the ECUA Rate Schedule Section 14-75 for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

Sec. 15-3. Charges for Finished Compost Product.

ECUA shall charge for its finished compost product, based upon the quantity received. Refer to the ECUA Rate Schedule Section 14-76 for current rates and terms.

(Res. No. 16-06; 04/28/2016; Res. No. SR24-02; 04/23/2024)

These prices include ECUA's loading the finished compost product into the purchaser's vehicle at ECUA's designated loading area.

(Res. No. SR24-02; 04/23/2024)

15-4. Charges for Finely Screened Finished Compost Product.

ECUA shall charge for its finely screened finished compost product, which is screened to one quarter of an inch (0.25 inches), based upon the quantity received. Refer to the ECUA Rate Schedule Section 14-77 for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

15-5. Charges for Individual Bags Finished Compost Product.

Forty-pound (40 lb) bags of finished compost product, which has been screened to one half of an inch (0.5 inches), shall be sold for a specific price per bag, plus any applicable taxes. Refer to ECUA Rate Schedule Section 14-78 for current rates and terms.

(Res. No. 17-11; 09/28/2017; Res. No. SR24-02; 04/23/2024)

Chapter 16

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 17

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 18

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 19

EMERALD COAST UTILITIES AUTHORITY CODE

RESERVED

Chapter 20

SANITATION SERVICES – SOLID WASTE, RECYCLING, AND YARD TRASH COLLECTION

Sec. 20-1. Definitions.

Bulky waste means any item such as furniture, appliances, and automobile body parts which exceeds forty (40) pounds in weight or four (4) feet in length or which is not suitable for containment in a garbage can or ECUA.

Garbage means any food waste or discarded or useless material *(from Merriam-Webster dictionary)*

Household waste means solid waste, other than bulky waste and loose trash, originating from residential property occupied by not more than five (5) residential units per parcel, together with solid waste from commercial establishments which is not required by ordinance of Escambia County to be collected in dumpsters or roll-on containers.

Loose trash means items such as tree limbs, cardboard boxes bagged material and small appliances weighing not more than forty (40) pounds per item or four (4) feet in length.

Mainland Customers means customers who receive solid waste sanitation services in the greater Pensacola and Escambia County area, not including any area serviced by any private solid waste collectors franchised by Escambia County or City of Pensacola.

Pensacola Beach Customers means customers who receive solid waste sanitation services in Pensacola Beach.

Sanitation means the promotion of hygiene and prevention of disease by maintenance of sanitary conditions, as by removal of sewage and trash. *(from Merriam-Webster dictionary)*

Solid Waste means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from residential habitation; industrial, commercial, mining, and agricultural operations; and community activities. This definition may vary under diverse local, state, provincial and national laws. *(from SWANA glossary of terms)*

Trash means things that are no longer useful or wanted and that have been thrown away *(from Merriam-Webster dictionary)*

(Res. No. 92-45, § II, 12/02/1992; Res. No. SR25-01, 01/28/2025)

Sec. 20-2. Applicability.

ECUA provides collection and disposal of residential and certain commercial solid waste within the unincorporated portion of Escambia County, Florida, referred to as Mainland Customers, excluding those portions of Escambia County served by solid waste collectors franchised by the Board of County Commissioners of Escambia County, and by the City Council of the City of Pensacola. ECUA also serves Pensacola Beach customers. All services and their current related fees, rates, and charges can be found in Chapter 14, Section 14-71 for Mainland Customers, and Section 14-72 for Pensacola Beach Customers.

(Res. No. 92-45, § I, 12/02/1992; 94-10, 09/12/1994; Res. No. SR25-01, 01/28/2025)

Sec. 20-3. Reserved.

(Res. No. 92-45, § II, 12/02/1992; Res. No. 06-13; 09/28/2006)

Sec. 20-4. Service by ECUA containers.

After ECUA has provided the customer with an ECUA container for automated collection, such container shall be used for the collection and disposal of household waste and loose trash. Containers shall not be filled so full as to prevent their lids from being closed.

Sec. 20-4.1 Prohibition of Unauthorized Markings on ECUA Containers.

ECUA containers provided for the collection of household solid waste and loose trash are the property of ECUA. Customers are prohibited from applying any unauthorized markings, including but not limited to political advertisements, commercial advertisements, or other forms of signage or stickers, on ECUA containers. Any violation of this provision may result in the customer being charged for the cost of removing the unauthorized markings or for the replacement of the container, as determined by ECUA.

(Res. No. 92-45, § IV, 12/02/1992; Res. No. SR25-01, 01/28/2025)

Sec. 20-5. Special Collection of Trash.

Any customer not served by an ECUA container who desires to dispose of more than one (1) cubic yard of loose trash during any week, and any customer served by an ECUA container who desires to dispose of loose trash which cannot be placed in such container may contact ECUA to arrange for the collection of such trash. A special charge for the service will apply. Refer to ECUA Rate Schedule Sections 14-71 and 14-72 for current rates and terms.

(Res. No. 92-45, § V, 12/02/1992; Res. No. SR25-01, 01/28/2025)

Sec. 20-6. Bulky Waste.

A. *Disposal by ECUA·* Any customer desiring to dispose of bulky waste may contact ECUA to arrange for special pickup service. A special charge for this service will apply. Refer to ECUA Rate Schedule Sections 14-71 and 14-72 for current rates and terms.

B. *Disposal by Customer:* Any person may transport his own bulky waste provided that the same is disposed of in a disposal site so designated by Escambia County, Florida, and the required fee for such disposal at said site s paid by such person.

(Res. No. 92-45, § VI, 12/02/1992; Res. No. SR25-01, 01/28/2025)

Sec. 20-7. Placement of Waste for Collection.

All containers of household waste, including garbage cans and ECUA containers, and all loose trash and bulky waste to be collected by ECUA shall be placed within three (3) feet of the road right-of-way line of the property served, and as close to the driveway as is practical if there is a driveway. Also, containers need to be separated by three (3) feet in order for collection of the containers by a side-loader arms of the sanitation vehicles. When a residence is situated more than two hundred feet from the nearest public right-of-way service may be provided at another location along a private roadway or driveway if ECUA determines that such roadway or driveway is suitable for use by ECUA vehicles. Waste shall be drained of all free liquids before being placed for collection. All loose trash shall be stacked as compactly as is practical.

(Res. No. 92-45, § VII, 12/02/1992)

Sec. 20-8. Restrictions.

ECUA shall collect only solid waste generated by customers of the ECUA sanitation system. ECUA shall not collect toxic or hazardous substances such as explosives, herbicides, pesticides, paint, solvents, waste oil, swimming pool chemicals, or automobile or truck tire or batteries.

(Res. No. 92-45, § VIII, 12/02/1992)

Sec. 20-9. Customer Accounts.

All utility services provided by ECUA to any service location shall be provided under the same customer account, and the customer in whose name the account is maintained shall be responsible for the payment for all such services. Failure by the customer to pay for any such services shall result in termination of all services provided to the customer by ECUA. Refer to ECUA Rate Schedule Sections 14-71 and 14-72 for current rates and terms.

(Res. No. 92-45, § IX, 12/02/1992; Res. No. SR24-02, 04/23/2024)

Secs. 20-10 - 20-23. Reserved.

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CHAPTER 26

EMERALD COAST UTILITIES AUTHORITY CODE

WASTEWATER COLLECTION AND TREATMENT SYSTEM USE REGULATIONS

SECTION 26-1—GENERAL PROVISIONS

26-1.1 Purpose and Policy

This Chapter sets forth uniform requirements for industrial users of the wastewater facility for the Emerald Coast Utilities Authority (hereinafter "ECUA") and enables ECUA to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.), the general pretreatment regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.). The objectives of this Chapter are:

A. To prevent the introduction of Pollutants into Publicly Owned Treatment Works which will interfere with the operation of a Publicly Owned Treatment Works, including Interference with its use or disposal of municipal sludge; [40 CF. 403.2(a)]
B. To prevent the introduction of Pollutants into Publicly Owned Treatment Works which will pass through the treatment works or otherwise be incompatible with such works; and [40 CFR 403.2(b)]
C. To protect both Wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
D. To improve opportunities to recycle and reclaim municipal Wastewaters and sludges; [40 CFR 403.2(c)]
E. To enable ECUA to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facility is subject.
F. To Prevent the introduction of Pollutants that will increase the potential for SSOs and I & I.

This Chapter shall apply to all industrial users of the wastewater facility. The Chapter authorizes the issuance of IWDPs; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user reporting.

26-1.2 Administration

Except as otherwise provided herein, the Executive Director (hereinafter the "Director") shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to, or duties imposed upon the Director may be delegated by the Director to a duly authorized ECUA employee.

26-1.3 Abbreviations

The following abbreviations, when used in this Chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
CPS – Categorical Pretreatment Standard
EPA – U.S. Environmental Protection Agency
F.A.C. – Florida Administrative Code
FDEP – Florida Department of Environmental Protection
F.S. – Florida Statutes
GPD – gallons per day
I&I – Inflow and/or Infiltration
IU – Industrial User
IWDP – Individual Wastewater Discharge Permit
MDL – Method Detection Limit
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
O&M – Operation and Maintenance
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SSO – Sanitary Sewer Overflow
TSS – Total Suspended Solids
U.S.C. – United States Code
UVQS – Ultraviolet Quenching Substances
UVT - Ultraviolet Light (UV) Transmittance
WWF – Wastewater Facility

26-1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated.

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq. [40 CFR 403.3(b)].

Approval Authority means the Florida Department of Environmental Protection.

ANSI/ADA Standard No. 108 means the American National Standards Institute and American Dentistry association standard for amalgam separators.

Authorized Representative of the User means: [62-625.600(11), F.A.C.]

A. A responsible corporate officer, as defined in Section 26-1.4, if the IU is a corporation;
B. A general partner or proprietor, if the IU is a partnership or sole proprietor respectively;
C. A duly authorized representative of the individual designated in paragraph (A) and (B) above if:

    a) The authorization is made in writing by the individual designated in paragraph (A) and (B) above,
    b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and
    c) The written authorization is submitted to the control authority.

D. If an authorization under paragraph (C) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility and/or environmental matters for the company, a new authorization satisfying the requirements of paragraph (C) above must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative; or
E. A duly authorized government or municipal official, if the IU is a governmental or municipal department.

Bypass means the intentional diversion of Wastewater streams from any portion of an IU's treatment facility. [62-625.200(1), F.A.C.]

Best Management Practices refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 26-2.1 (A) and (B). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage. [62-625.200(2), F.A.C.]

Biochemical Oxygen Demand means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C) , usually expressed as a concentration (e.g., mg/l).

Categorical Industrial User means an IU subject to CPSs under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405-471, as of July 1, 2009, hereby adopted and incorporated by reference. [62- 625.200(3), F.A.C.].

Categorical Pretreatment Standard or *Categorical Standard* means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act that apply to a specific category of IUs and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Control Authority means the *Emerald Coast Utilities Authority* [62-625.200(5), F.A.C.]

Daily Average means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

Daily Maximum Limit means the maximum allowable discharge limit of a Pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

Dental Amalgam means any alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

Dental Discharger means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges Wastewater to a publicly owned treatment works (POTW).

Director means the Executive Director, as defined below.

Discharge means the introduction of Pollutants into a WWF from any nondomestic source regulated under Chapter 403, F.S. [62-625.200(6), F.A.C.]

Domestic Wastewater means Wastewater derived principally from dwellings, business buildings, institutions, and the like, commonly referred to as sanitary wastewater or sewage. Domestic Wastewater shall not include or contain Industrial Wastewater.

Emerald Coast Utilities Authority or ECUA refers to the local governmental body created by the Legislature of the State of Florida under Chapter 2001-324, Laws of Florida, as amended, most notably by Chapter 2004-398, Laws of Florida (changing ECUA's name to its current form). This body, also referred to herein as the Authority or the Control Authority, is an independent special district.

Environmental Protection Agency means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Executive Director means the Executive Director of the Emerald Coast Utilities Authority.

Existing Source means any source of discharge that is not a New Source.

Existing Source. (Dental Discharger) means any dental facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

Florida Department of Environmental Protection or FDEP means Department of Environmental Protection of the State of Florida or the secretary or other duly authorized official of that agency, as the context may require.

Food Establishment Sludge refers to fats, oils, Greases, food scraps, and other grease interceptor contents generated by a food preparation facility using a grease interceptor.

Grab Sample means an individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding fifteen (15) minutes. [62- 625.200(7), F.A.C.]

Grease refers to fats, oils, and other semisolid or solidified material generated as a result of food preparation. Automotive or other machinery oils and lubricants are not classified as Grease for purposes of this Chapter.

Healthcare Facility means any Person that is lawfully authorized to:

A. Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

B. Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

   Healthcare Facility does not include pharmaceutical manufacturers.

Hauled Waste means Wastewater entering a WWF by any means other than a sanitary sewer connection.

Hazardous Waste Pharmaceutical means a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) Section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

Holding Tank Waste means Waste from holding tanks such as those of vessels, chemical toilets, campers, and trailers.

Individual Discharge Permit means a permit which certain non-domestic users are required to obtain from ECUA prior to discharge to the ECUA collection system in accordance with this Chapter.

Industrial User or User means a source of discharge.[62-625.200(8),F.A.C.]

Industrial Wastewater means process and non-process Wastewater from manufacturing and commercial facilities or activities, including the runoff and leachate from areas that receive Pollutants associated with industrial or commercial storage, handling, or processing, and all other Wastewater not otherwise defined as Domestic Wastewater.

Infiltration means water, other than Wastewater, that enters a collection/transmission system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. May be referred to collectively with Inflow as "I&I."

Inflow means water, other than Wastewater, that enters a collection / transmission system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains for springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface run-off, street wash waters, or drainage. May be referred to collectively with Infiltration as "I&I."

Instantaneous Limit means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. [62-625.200(10), F.A.C.]

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: [62-625.200(9), F.A.C.]

A. Inhibits or disrupts a WWF, its treatment processes or operations or its Domestic Wastewater residuals processes, use or disposal; and

B. Is a cause of a violation of any requirement of a WWF permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of Domestic Wastewater residuals in compliance with local regulations or rules of ~~the~~ FDEP and Chapter 403, F.S.

ISO 11143 means the International Organization for Standardization's standard for amalgam separators.

Local Limit refers to specific discharge limits developed and enforced by ECUA upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 26-2.1 (A) and (B).

Medical Waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; pathological wastes; sharps; discarded disposable objects such as needles; human blood, and human blood products and body fluids; body parts; surgical wastes; potentially contaminated laboratory wastes; dialysis wastes; isolation wastes, infectious agents; contaminated bedding; and other materials which in the opinion of the Director represent a significant risk of infection to persons outside the generating facility.

Method Detection Limit means an estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte-specific and matrix-specific and is laboratory dependent. [62-625.200(12), F.A.C.]

Monthly Average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

New Source means: [62-625.200(13), F.A.C.]

A. Any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

   1) The building, structure, facility, or installation is constructed at a site at which no other source is located,
   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 at the same site. In

determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

B. 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 Section (A)(2) or (A)(3) above but otherwise alters, replaces, or adds to existing process or production equipment; or

C. Construction of a New Source, as defined in this Chapter, has commenced if the owner or operator has:

1) Begun, or caused to begin as part of a continuous onsite construction program

(i) Any placement, assembly, or installation of facilities or equipment, or
(ii) 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

2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used 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 this Section.

New Source (Dental Discharger) means any dental facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017.

Noncontact Cooling Water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Significant Categorical Industrial User means an IU that discharges 100 gpd or less of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the pretreatment standard) and: [62-625.200(14), F.A.C.]

A. Has consistently complied with all applicable CPSs and requirements; and
B. Annually submits the certification statement required in Section 26-6.15(A), together with any additional information necessary to support the certification statement; and
C. Never discharges any untreated categorical process Wastewater.

Pass Through means a discharge which exits a WWF into waters of the State or reuse systems in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of a WWF's permit (including an increase in the magnitude or duration of a violation). [62-625.200(15), F.A.C.]

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant refers to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, UVT, toxicity, or odor).

Portable Toilet Waste~~.~~ means human body waste and the receiving liquid and chemicals used in portable toilets.

Pretreatment means the 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 WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Subsection 62-625.410(5), F.A.C. [62-625.200(17), F.A.C.]

Pretreatment Requirements refer to any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an IU. [62- 625.200(19), F.A.C.]

Pretreatment Standards or Standards means any regulation containing Pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the Act or the FDEP under Chapter 403, F.S., which applies to IUs. This term includes prohibitive discharge limits established in Section 26-2. [62-625.200(20), F.A.C.]

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 26-2.1 of this Chapter.

Responsible Corporate Officer means:[62-625.200(23),F.A.C.]

A. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

B. The manager of one or more manufacturing, production, or operating facilities, provided, the manager;

1) Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;
2) Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
3) Can ensure that the necessary systems are established, or actions taken to gather complete and accurate information of control mechanism requirements;
4) Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

Reverse Distributor means any Person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any Person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a Reverse Distributor.

*Sanitary Sewer Overflow (SSO) m*eans an unintentional release of sewage from a collection/transmission system before it reaches facilities intended for the purpose of providing treatment prior to release to the environment.

Septage refers to a nontoxic, non-hazardous mixture of sludge, fatty materials, human feces, and Wastewater removed during the pumping of septic tanks. Excluded from this definition are Industrial Wastewater and the contents of portable toilets, holding tanks, and grease interceptors.

Septic Tank Waste ~~means~~ refers to any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Severe Property Damage means substantial physical damage to property, damage to an IU's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production. [62-625.200(24), F.A.C.]

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Significant Industrial User means, except as provided in paragraphs (~~3~~C) and (~~4~~D) below, the following [62-625.200(25), F.A.C.]:

A. CIUs; and

B. (2) Any other IU that discharges an average of 25,000 gpd or more of process Wastewater to the WWF (excluding Domestic Wastewater, noncontact cooling and boiler blowdown Wastewater); 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 ECUA on the basis that the IU has a reasonable potential for adversely affecting ~~the~~ a WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625.500(2)(e), F.A.C.
C. (3) ECUA may determine that an IU subject to CPSs is a NSCIU in accordance with Section 26-1.4.
D. (4) Upon finding that an IU meeting criteria in paragraph (2) above has no reasonable potential for adversely affecting ~~the~~ a WWF's operation or for violating any pretreatment standard or requirement, ECUA may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with paragraph 62- 625.500(2)(e), F.A.C., determine that such IU is not an SIU.

Slug Discharge means any discharge of a non-routine, episodic nature, which has a reasonable potential to cause an SSO, Interference, or Pass Through, or in any other way violate a WWF's regulations, Local Limits or permit conditions. [62- 625.200(26), F.A.C.]

State means the State of Florida or an agency within the state government having relevant jurisdiction.

Storm Water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or Suspended Solids means the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and is removable by laboratory filtering.

Treatment Plant means that portion of a WWF which is designed to provide treatment (including recycling and reclamation) of Domestic Wastewater and Industrial Wastewater. [62-625.200(27), F.A.C.]

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with CPSs because of factors beyond the reasonable control of the IU. [62-625.200(28), F.A.C.]

UV Transmittance means a fraction of ultraviolet light at a 254 nanometer (NM) wavelength that passes through a water sample.

Wastewater means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to a WWF.

Wastewater Facility or Publicly Owned Treatment Works means any facility which discharges wastes into waters of the state or which can reasonably be expected to be a source of water pollution and includes any or all of the following; the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility. [62-625.200(29), F.A.C.]

SECTION 26-2—GENERAL SEWER USE REQUIREMENTS

26-2.1 Pretreatment Standards: Prohibited Discharges

A. General Prohibitions.

An IU shall not introduce into a WWF any Pollutant which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in Section B below apply to each IU introducing Pollutants into a WWF whether or not the IU is subject to other Pretreatment Standards, or any national, State, or local pretreatment requirements. [62-625.400(1)(a), F.A.C.]

B. Specific Prohibitions.

The following Pollutants shall not be introduced into a WWF: [62-625.400(2), F.A.C.]

1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or the operation of the WWF. This includes waste streams with a closed cup flashpoint of less than one hundred forty (140°) degrees Fahrenheit or sixty (60°) degrees Celsius using test methods specified in 40 CFR § 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five (5%) percent nor any single reading more than ten (10%) percent of the lower explosive limit (LEL) of the meter; [62-625.400(2)(e), F.A.C.]
2) Pollutants which may cause corrosive structural damage to the WWF, but in no case, discharges not having a pH between 5.5 and 12.0, unless the WWF is specifically designed to accommodate such discharges; [62-625.400(2)(b), F.A.C.]
3) Solid or viscous substances which may obstruct the flow in a sewer or otherwise interfere with the operation of the WWF such as, but not limited to: Grease, garbage with particles greater than one-half inch in any dimension, ashes, cinders, sand, perlite, metal, glass, straw, shavings, grass clippings, rags, waste paper, wood, plastic, tar, or asphalt residues.
4) Any Pollutant, including oxygen demanding Pollutants, released in a discharge at a flow rate or Pollutant concentration which will cause Interference with a WWF. In no case shall a Slug Discharge have a flow rate or contain concentrations or quantities of Pollutants that exceed, for any period of time longer than fifteen (15) minutes, more than five (5) times the annual average twenty-four (24) hour concentration, quantities, or flow during normal facility operation; [62-625.400(2)(d), F.A.C.]

5) Any Wastewater having a temperature which may inhibit biological activity in the WWF resulting in interference, but in no case wastewater with a temperature at the introduction into a WWF which exceeds one hundred thirty (130°) degrees Fahrenheit or fifty-four and four tenths (54.4°) degrees Celsius.
6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through; [62-625.400(2)(f), F.A.C.]
7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that will cause acute worker health and safety problems; or [62-625.400(2)(g), F.A.C.]
8) Any trucked or hauled Pollutants, except at the discharge points designated by the Director and discharged in accordance with Section 26-3.4 of this Chapter; [62- 625.400(2)(h), F.A.C.]
9) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating ECUA's NPDES permit;
11) Wastewater containing any radioactive wastes or isotopes except where in compliance with applicable State or Federal regulations;
12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the Director;
13) Any Wastewater containing toxic Pollutants in sufficient quantity either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater collection or treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the WWF, or exceed the limitation set forth in a specific Pollutant limitation or categorical standard, or cause, alone or in conjunction with other sources, the WWF's effluent to fail a toxicity test. A toxic Pollutant shall include but not be limited to any Pollutant identified pursuant to Section 307(a) of the Act. More stringent standards or requirements can be established in permits as well as by resolution.
14) Detergents, surface-active agents, or other substances which might cause excessive foaming in the WWF;
15) Wastewater containing ultraviolet quenching substances (UVQS) or Pollutants that inhibit or substantially decrease the efficiency of the receiving Domestic Wastewater facility, including the effectiveness of the disinfection process. In no case shall an IU's discharge, alone or in conjunction with other sources, reduce the receiving wastewater treatment facility's ultraviolet transmittance (UVT) below the permitted design criteria and/or performance and operation requirements for the disinfection system.

16) *Pharmaceutical Waste.*

a) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributor

17) *Dental Amalgam Waste*. No User shall introduce or cause to be introduced into the WWF the following pollutants, substances, or wastewater other than, and in accordance with the following agreements:

a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

I. For Existing Sources, the One-Time Compliance Report is due no later than October 12, 2020, or no later than ninety (90) days after transfer of ownership.
II. For New Sources, the One-Time Compliance Report is due within ninety (90) days of the start of discharge to the sewer collection system.
III. No Person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
IV. Owners and operators of dental facilities shall ensure that all staff members who handle Dental Amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the Director or designee during normal business hours.
V. Dental Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
VI. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
VII. The use of bulk mercury is prohibited. Only pre-capsulated Dental Amalgam is permitted.

b) All owners and operators of dental vacuum suction systems, except as set forth in Subsections (c) and (d) of this Section, shall comply with the following:

I. An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this Chapter shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of ninety five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified

separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

II. Proof of certification and installation records shall be submitted to the Director within thirty (30) days of installation.

III. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request ~~therefor~~ by the Director or designee during normal business hours. Records shall be maintained for a minimum of three years.

IV. If an amalgam separator is discovered to be malfunctioning, repairs or a replacement must be completed no later than ten (10) business days after discovery. ECUA must be notified in writing within fourteen (14) days of the separator malfunction. The notification shall include estimated duration of malfunction, date of repair or replacement and the specifications of the replacement including manufacturer and model.

c) Facilities with vacuum suction systems that meet all the following conditions may apply to the Director for an exemption to the requirements of Subsection (b) of this Section:

I. The system is a dry vacuum pump system with an air-water separator.

II. The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

III. Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the Director during normal business hours.

IV. The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (a) through (d) may apply for this exemption by written letter to the Director. The Director or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption. An exemption obtained pursuant to this Subsection (~~III~~c) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with Subsection (~~II~~b) of this Section before commencing further operation.

d) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this Section: (1) Orthodontics; (2) Periodontics; (3) Oral and Maxillofacial surgery; (4) Radiology; (5) Oral Pathology or Oral Medicine; (6) Endodontistry and Prosthodontistry.

e) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

I. Submits the following statement to ECUA, signed by an Authorized Representative of the User by the applicable compliance date:

> "This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly an authorized representative of the User in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

II. Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, no more than 5% of dental procedures per year.

III. The dental practice notifies ECUA of any changes affecting the applicability of this certification.

f) Disposal of Hauled Waste from dental facilities to an ECUA WWF is prohibited in accordance with Section 26-3.4.

g) Dental dischargers that fail to comply with this Section may be considered SIUs, and may be subject to the requirements herein, including the compliance monitoring, reporting requirements, and enforcement remedies identified in this Chapter.

C. Surcharge. Any discharge not otherwise prohibited herein but which contains suspended solids, biochemical or chemical oxygen demand, total organic carbon, nitrogen, phosphorus or other contaminants as determined by ECUA in strengths in excess of normal domestic sewage may be subject to surcharge in accordance with a schedule of rates adopted by ECUA. Refer to ECUA Rate Schedule for current rates and terms.

D. Processing or storage of materials. Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to a WWF.

E. Local Limits [62-625.400(4), F.A.C.]

1) No Person shall discharge wastewater containing pollutants in excess of the Local Limits for those pollutants which have been established for ECUA's WWFs using standard procedures, calculations and methods acceptable to FDEP to protect against Pass Through, Interference, protection of WWF employees, and adverse effects on Wastewater residuals disposal. No IU shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by ECUA's Director. Local Limits shall be included as permit conditions and attached to each SIU Wastewater permit issued.
2) The established Local Limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the IU base, potable water quality and Domestic Wastewater characteristics. Modifications to the established Local Limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective thirty (30) days from notice of acceptance of the modified limits by FDEP. WDPs issued to IUs shall be modified in accordance with 26-5.4, to include the new Local Limits.
3) The established Local Limits apply at the point where the Wastewater is discharged to a WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the Director may impose mass limitations in addition to or in place of the concentration-based limitations.

   A copy of the approved Local Limits is available upon request at pretreatment@ecua.fl.gov or by visiting ECUA's website at https://ecua.fl.gov/services/pretreatment-program.The Director may develop BMPs, by resolution, or in IWDPs, to implement Local Limits and the requirements of Section 26-2.1. [62-625.400(3)(d), F.A.C.]

26-2.2 Pretreatment Standards: Categorical Standards

A. CIUs must comply with the CPSs found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471. [62-625.410(1), F.A.C.]
B. Pollutant discharge limits in CPSs will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in CPSs, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use concentration or mass limits. Limits in CPSs shall apply to the effluent of the process regulated by the pretreatment standard, or as otherwise specified by the pretreatment standard. [62-625.410(4)(a), F.A.C.]
C. When a CPS is expressed only in terms of Pollutant concentrations, an IU may request the Director to convert the limits to equivalent mass limits. The Director may convert to equivalent mass limits only if the IU meets all of the following conditions [62-625.410(4)(e), F.A.C.]:

1) Employs, or demonstrates it will employ, water conservation methods and technologies that substantially reduce water use during the term of its permit;
2) Currently uses control and treatment technologies adequate to achieve compliance with the applicable CPS, and have not used dilution as a substitute for treatment;
3) Provides sufficient information to establish the CIU's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the CIU's long-term average production rate, if applicable. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
4) Does not have daily flow rates, production levels, or Pollutant levels that vary more than twenty percent (20%) so that equivalent mass limits are not appropriate to control the discharge; and
5) Has consistently complied with all applicable CPSs during the period prior to the CIU's request for equivalent mass limits.

D. An IU subject to equivalent mass limits based on Section 26-2.2(C) above must: [62-625.410(4)(f), F.A.C.]

1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
2) Record the facility's flow rates through the use of a continuous effluent flow monitoring device;
3) Record the facility's production rates and notify the Director when the production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in Section 26-2.2 (C)(3) above; and
4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 26-2.2(C)(1) above.

E. When developing equivalent mass limits, the Director: [62- 625.410(4)(g)]

1) Must calculate the equivalent mass limits by multiplying the actual average daily flow rate of the regulated process(es) of the IU by the concentration- based daily maximum and Monthly Average standard for the applicable CPS and the appropriate unit conversion factor;
2) Must reassess the equivalent mass limit and recalculate the limit, as necessary, to reflect changed conditions at the facility upon notification from the IU of a revised production rate; and
3) May retain the same equivalent mass limit in subsequent permit conditions if:

a) The IU's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies;

b) The actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 26-2.3 below; and
c) The IU is in compliance with Section 26-13.2.

F. The Director may convert the mass limits of the CPSs in 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual IUs under the following conditions: [62-625.410(4)(i), F.A.C.]

1) When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 C.F.R. Parts 414, 419, and 455; and
2) Document that dilution is not being substituted for treatment as prohibited by Subsection 26-2.3 below.

G. Once incorporated into its permit, the IU must comply with the equivalent limitations developed in this Section in lieu of the CPSs from which the equivalent limitations were derived. [62-625.410(4)(j), F.A.C]
H. Many CPSs specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. [62-625.410(4)(k), F.A.C.]
I. Where process effluent is mixed prior to treatment with Wastewaters other than those generated by the regulated process, ECUA shall impose fixed alternative limits in accordance with Subsection 62-625.410(6), F.A.C. [62-625.410(6), F.A.C.]
J. A CIU may obtain a net/gross adjustment to a CPS in accordance with the following paragraphs of this Section. [62-625.820, F.A.C.]

1) CPSs may be adjusted to reflect the presence of Pollutants in the CIU's intake water in accordance with this Section. Any CIU wishing to obtain credit for intake pollutants must make application to ECUA. [62-625.820(1), F.A.C.]
2) Upon request of the CIU, the applicable standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for Pollutants in the intake water) if the following requirements are met: [62-625.820(2), F.A.C.]

a) Either

I. The applicable CPSs contained in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 specifically provide that they shall be applied on a net basis;

or

II. (ii) The CIU demonstrates the control system it proposes or uses to meet applicable CPSs would, if properly installed and operated, meet the standards in the absence of Pollutants in the intake waters.

b) Credit for generic Pollutants such as BOD, TSS, and oil and Grease shall not be granted unless the CIU demonstrates the constituents of the generic measure in the CIU's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
c) Credit shall be granted only to the extent necessary to meet the applicable CPS, up to a maximum value equal to the influent value. If sufficient data does not exist, additional monitoring shall be required to determine eligibility for credit and compliance with Pretreatment Standards adjusted under this Section.
d) Credit shall be granted only if the CIU demonstrates the intake water is drawn from the same body of water into which the WWF discharges. ECUA may waive this requirement with approval from FDEP in accordance with paragraph 62-625.820(2)(d), F.A.C.

3) When Wastewater subject to a CPS is mixed with Wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR § 403 .6(e).
4) A User may obtain a variance from a CPS if the User can prove, pursuant to the procedural and substantive provisions of 40 CFR § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the CPS.
5) Upon the promulgation of a CPS for a particular industrial subcategory, the categorical standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Director shall notify all affected users of the applicable reporting requirements under Rule 62-625.600, F.A.C.

26-2.3 Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard or requirement, no IU shall ever increase the use of process water, or in any other way attempt, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or requirement. ECUA shall impose mass limitations on IUs which are using dilution to meet applicable Pretreatment Standards or requirements. [62-625.410(5), F.A.C.]

26-2.4 ECUA's Right of Revision

ECUA reserves the right to establish, by Chapter or in IWDPs, more stringent Pretreatment Standards or requirements on discharges to the WWF consistent with the purpose of this Chapter.

26-2.5 New Sewers and Connections

All new sewers and connections to the Wastewater system shall be properly designed and constructed according to standards established by ECUA, FDEP, and/or EPA, as applicable.

SECTION 26-3—PRETREATMENT OF WASTEWATER

26-3.1 Pretreatment Facilities

IUs shall provide Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all CPSs, Local Limits, and the prohibitions set out in Section 26-2.1 of this Chapter within the time limitations specified by EPA, the State, or ECUA, whichever is most stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to ECUA under the provisions of this Chapter.

26-3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director may require an IU to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect ECUA's WWF(s) and determine the IU's compliance with the requirements of this Chapter.
B. The Director may require any Person discharging into a WWF to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An IWDP may be issued solely for flow equalization.
C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of Wastewater containing excessive amounts of Grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director, shall comply with the rules of Chapter 6 - Fats, Oil and Grease Program, and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Chapter 6 - Fats, Oil and Grease

Program, by the IU at their expense. Interceptors and separators not otherwise required by Chapter 6, but required by the Florida Building Code, to prevent the discharge of oil, Grease, sand, or other substances harmful or hazardous to a WWF, shall be of a type and capacity approved by the Director, and shall be so located as to be easily accessible for cleaning and inspection and shall be maintained by an IU, at their expense, in accordance with the Florida Building Code and pursuant to the manufacturer's design and recommendations.

D. IUs with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

26-3.3 Accidental Discharge/Slug Discharge Control Plans

The Director shall evaluate, at least once every two years, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. New SIUs must be evaluated within one (1) year of being designated an SIU. The Director may require any IU to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any IU. An accidental discharge/slug discharge control plan shall contain, at a minimum, the following elements: [62-625.500(2)(b)6, F.A.C.]

A. Description of discharge practices, including nonroutine batch discharges;
B. Description of stored chemicals and containment areas;
C. Procedures for immediately notifying the Director of Slug Discharges, including any discharge that would violate a prohibition~~s~~ in Section 26-2.1(B), with procedures for follow-up written notification within five days, in accordance with Section 26-6.7 below; and
D. If necessary, procedures to prevent adverse impact from any accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), or measures and equipment for emergency response.

26-3.4 Hauled Wastewater Procedures

No IU shall discharge any Hauled Waste, except as follows:

A. Septage, food establishment sludge removed from grease interceptors, and portable toilet waste shall be discharged only at points designated by ECUA; and
B. All other wastes, such as aerobically held sludge from a Wastewater or pretreatment facility or untreated Domestic Wastewater, shall be approved by ECUA before they are brought to a WWF for discharge.
C. Discharge of Hauled Waste shall be subject to all user charges and fees established by resolution of the ECUA Board. Refer to ECUA Rate Schedule for current rates and terms.
D. All Hauled Waste may be permitted by ECUA in accordance with ECUA guidelines. When the Director determines that an IU is contributing to the WWF any of the substances listed

in Subsection 26-2.1, above, in such amounts as to Pass Through or interfere with the operation of the WWF, the Director shall:

1) Advise the IU in writing of the impact of the contribution on the WWF; and
2) Require the IU to obtain an IWDP; or
3) Suspend the IU wastewater treatment service and/or IWDP.

In the absence of an IWDP, all waste haulers must sign and submit a Memorandum of Understanding for Haulers, prior to discharging waste at ECUA's septage-receiving facility.

SECTION 26-4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

[Note: ECUA must control SIUs through individual wastewater discharge permits]. ECUA may establish the authority to use a general permit where certain conditions listed subparagraph 62-625.500(2)(a)7, F.A.C. are met.]

26-4.1 Wastewater Analysis

When requested by the Director, an IU must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

26-4.2 Wastewater Discharge Permit Requirements

A. No IU shall discharge, or cause or permit to be discharged, Industrial Wastewater into any ECUA WWF without the approval of the Director. The Director may require that an IWDP be obtained by an IU whose discharge ECUA may wish to control. These include, but are not limited to, SIUs, groundwater remediation facilities, and surface water collection systems installed for the purpose of preventing storm water contamination.
B. Any violation of the terms and conditions of an IWDP shall be deemed a violation of this Chapter and shall subject the permittee to the sanctions set out in Sections 26-10 and 26-11 of this Chapter. Obtaining an IWDP does not relieve the permittee of the obligation to comply with all federal, state, and local Pretreatment Standards or requirements or with any other requirements of federal, state, and local law.
C. Applications for IWDPs shall be completed and filed with the Director in the form prescribed by ECUA. Within ninety (90) days of receipt of a completed industrial discharge permit application the Director will determine whether or not to issue an IWDP. The Director may deny an application for an IWDP.

26-4.3 Wastewater Discharge Permitting: Existing Connections

Existing SIUs who have not obtained an IWDP from ECUA shall apply for an IWDP within thirty (30) days after the effective date of this Chapter.

26-4.4 Wastewater Discharge Permitting: New Connections

Proposed new users shall apply at least ninety (90) days prior to connecting to or discharging Industrial Wastewater to a WWF. In support of the application, the applicant shall submit information in accordance with Section 26-4.5 below.

26-4.5 Wastewater Discharge Permitting: Permit Application Contents

All IUs required to obtain an IWDP must submit a permit application. The Director may require IUs to submit all or some of the following information as part of a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision:

A. Identifying Information. The IU shall submit the name and address of the facility, including the name of the operator and owners.
B. Permits. The IU shall submit a list of any pollutions control permits held by or for this facility.
C. Description of Operations.

    1) The IU shall submit a brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classification (SIC) codes of the operations carried out by such IU. This description shall include a schematic process diagram which indicates points of discharge to ECUA's WWFs from the regulated processes;
    2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to a WWF;
    3) Number and type of employees and proposed or actual hours of operation, as applicable;
    4) Type and amount of raw materials processed (average and maximum per day);
    5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

D. Time and duration of discharges.
E. The location for monitoring all wastes covered by the permit.
F. Flow Measurement. The IU shall submit information showing the measured average daily and maximum daily flow (in gpd), to ECUA's WWF(s) from each of the following:

    1) Regulated process streams; and
    2) Other streams as necessary to allow for the use of the combined waste stream formula of subsection 62-625.410(6), F.A.C. Verifiable estimates of these flows are permitted, where justified by cost or feasibility considerations.

G. Measurements of Pollutants.

    1) The IU shall identify the Pretreatment Standards applicable to each regulated process.

2) In addition, the IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standard or ECUA) of regulated Pollutants in the discharge from each regulated process.
3) Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
4) In cases where the Pretreatment Standard requires compliance with BMP or a pollution prevention alternative, the IU shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard;
5) Sampling and analysis must be performed in accordance with procedure set out in Section 26-6.11 and 26-6.12.

H. Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the discharge based on section 26-64 B and C. [62-625.600(4)(c)4, F.A.C.]
I. Any other information deemed necessary by the Director to evaluate the permit application.
J. *Signatory and certification requirements.* Each IWDP application and IU report shall contain the following certification statement and shall be signed by an authorized representative of the User, as defined in Section 26-1.4(4):

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SECTION 26-5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

26-5.1 Individual Wastewater Discharge Permit Duration

An IWDP shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit, irrespective of any extension granted. An IWDP may be issued for a period less than five (5) years, at the discretion of the Director. Each IWDP will indicate a specific date upon which it will expire. [62-625.500(2)(a)2.a, F.A.C.]

26-5.2 Individual Wastewater Discharge Permit Contents

A. *Permit conditions.* IWDPs shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges, and fees established by ECUA.
B. Each IWDP shall contain the following:

1) A statement of duration (in no case more than 5 years); [62-625.500(2)(a)2.a, F.A.C.]

2) A statement of non-transferability without prior notification to the Director and without providing a copy of the existing permit to the new owner or operator; [62-625.500(2)(a)2.b, F.A.C.]
3) Effluent limits, including BMPs, based on applicable general Pretreatment Standards found in Chapter 62-625, F.A.C., CPSs, Local Limits, and state and local law; [62-625.500(2)(a)2.c, F.A.C.]
4) Self-monitoring, sampling, reporting, notification and record keeping requirements, including identification of the Pollutants to be monitored, sampling location, sampling frequency, and sample type based on the applicable Pretreatment Standards found in Chapter 62-625, F.A.C., CPSs, Local Limits, and state and local law; [62-625.500(2)(a)2.d, F.A.C.]
5) The process for seeking a waiver for a Pollutant neither present nor expected to be present in the discharge in accordance with Section 26-6.4 B and C or a specific waived Pollutant in the case of an individual permit; [62- 625.500(2)(a)2.e, F.A.C.]
6) A statement of applicable civil penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules shall not extend the compliance date beyond applicable state or federal deadlines; [62-625.500(2)(a)2.f, F.A.C.]
7) Requirements to control Slug Discharges, if determined by the Director to be necessary. [62-625.500(2)(a)2.g, F.A.C.]

C. Each IWDP may contain the following:

1) The unit charge or schedule of user charges and fees for the Wastewater to be discharged to a WWF;
2) Limits on the average and maximum Wastewater constituents and characteristics; although these limits will normally be concentrations, mass limits may be applied where appropriate;
3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
4) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works;
5) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
6) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to a WWF;
7) Requirements for installation and maintenance of inspection and sampling facilities;
8) Compliance schedules which shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable Pretreatment Standards (such events may include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing

and completing construction, beginning and conducting routine operation). No increment of progress shall exceed nine (9) months;

9) Requirements for notice to ECUA of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into ECUA's WWF;
10) Requirements for notification of Slug Discharges;
11) A statement that compliance with the IWDP does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the IWDP;
12) Monitoring, and or fees for special monitoring of ECUA's Wastewater or collection system; and other conditions deemed appropriate by the Director to ensure with these regulations compliance.

26-5.3 Wastewater Discharge Permit Appeal

Wastewater Discharge Permit Appeal. The Director shall provide public notice of the issuance of an IWDP. Any Person or IU may petition the ~~d~~Director to reconsider the terms of a IWDP within sixty (60) days of the notice of the issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
B. In the petition, the appealing party must indicate the IWDP provisions objected to, the reason for the objection, and the alternative condition, if any, it seeks to place in the IWDP.
C. The effectiveness of the IWDP shall not be stayed pending the appeal.
D. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IWDP, not to issue an IWDP, or not to modify an IWDP shall be considered final administrative actions for purposes of judicial review.
E. Aggrieved parties seeking judicial review of the final administrative IWDP decision must do so by filing a complaint with the appropriate court having jurisdiction over matters in Escambia County, Florida within the timeframe established by applicable law.

26-5.4 Individual Wastewater Discharge Permit Modification

The Director may modify an IWDP for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, state, or local Pretreatment Standards or requirements;
B. To address significant alterations or additions to the IU's operation, processes, or Wastewater volume or character since the time of the IWDP issuance;
C. A change in a WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to a WWF, ECUA's personnel, the receiving waters, or a WWFs beneficial sludge use;
E. Violation of any terms or conditions of the IWDP;
F. Misrepresentations or failure to fully disclose all relevant facts in the WDP application or in any required reporting;
G. Revision of or a grant of variance from CPSs pursuant to Rule 62-625.700, F.A.C.;
H. To correct typographical or other errors in the IWDP; or
I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 26-5.5.

26-5.5 Individual Wastewater Discharge Permit Transfer

A. IWDPs may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the IWDP transfer. The notice to the Director must include a written certification by the new owner or operator which:

    1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
    2) Identifies the specific date on which the transfer is to occur; and
    3) Acknowledges full responsibility for complying with the existing IWDP.

B. Failure to provide advance notice of a transfer renders the IWDP void as of the date of facility transfer.

26-5.6 Individual Wastewater Discharge Permit Revocation

A. The Director may revoke an IWDP for good cause, including, but not limited to, the following reasons:

    1) Failure to notify the Director of significant changes to the Wastewater prior to the changed discharge;
    2) Failure to provide prior notification to the Director of changed conditions pursuant to Section 26-6.6 of this Chapter;
    3) Misrepresentation or failure to fully disclose all relevant facts in the IWDP application;
    4) Falsifying self-monitoring reports and certification statements;
    5) Tampering with monitoring equipment;
    6) Refusing to allow the Director timely access to the facility premises and records;
    7) Failure to meet effluent limitations;
    8) Failure to pay fines;
    9) Failure to pay sewer charges;
    10) Failure to meet compliance schedules;
    11) Failure to complete a Wastewater survey or the IWDP application;

12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13) Violation of any Pretreatment Standard or requirement, or any terms of the IWDP or this Chapter.

B. IWDPs shall be voidable upon cessation of operations or transfer of business ownership. All IWDPs issued to an IU are void upon the issuance of a new IWDP to that IU.

26-5.7 Individual Wastewater Discharge Permit Reissuance

An IU with an expiring IWDP shall apply for IWDP reissuance by submitting a complete permit application, in accordance with Section 26-4 of this Chapter, a minimum of ninety (90) days prior to the expiration of the IU's existing IWDP.

26-5.8 Regulation of Waste Received from Other Jurisdictions

A. No wastewater utility, including any governmental entity operating a wastewater collection system, located outside the ECUA service area shall discharge, or cause or permit to be discharged, Wastewater into any ECUA WWF without the approval of the Director. Prior to the discharge of any Wastewater from other jurisdictions, the Director shall enter into a multijurisdictional agreement with the wastewater utility.
B. Prior to entering into an agreement required by Section 26-5.8(A), above, the Director may request the following information from the contributing jurisdiction:

1) A description of the quality and volume of Wastewater discharged to ECUA's WWF by the contributing jurisdiction;
2) An inventory of all IUs located within the contributing jurisdiction that are discharging to a WWF; and
3) Such other information as the Director in his/her discretion may deem necessary.

C. A multijurisdictional agreement, as required by Section 26-5.8(A), above, shall contain the following conditions:

1) A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required BMPs, which are at least as stringent as those set out in Section 26-2.1(D) of this Chapter. The requirement shall specify that such Chapter and limits must be revised as necessary to reflect changes made to this Chapter or Local Limits;
2) A requirement for the contributing jurisdiction to submit a revised IU inventory on at least an annual basis;
3) A provision specifying which pretreatment implementation activities, including IWDP issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the Director;

and which of these activities will be conducted jointly by the contributing jurisdiction and the Director;

4) A requirement for the contributing jurisdiction to provide the Director with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
5) Limits on the nature, quality, and volume of the contributing jurisdiction's Wastewater at the point where it discharges to a WWF;
6) Requirements for monitoring the contributing jurisdiction's discharge;
7) A provision ensuring the Director access to the facilities of all IUs located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
8) A provision specifying remedies available for breach of the terms of the multijurisdictional agreement.
9) Such other information as the Director at his/her discretion may deem necessary.

SECTION 26-6—REPORTING REQUIREMENTS

26-6.1 Baseline Monitoring Reports [62-625.600(1), F.A.C.]

A. Within one hundred eighty (180) days after the effective date of a CPS, or one hundred eighty (180) days after the final administrative decision made upon a category determination request under paragraph 62- 625.410(2)(d), F.A.C., whichever is later, existing CIUs currently discharging to, or scheduled to discharge to a WWF shall submit to the Director a report which contains the information listed in Section 26-6.1(B), below. At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the Director a report which contains the information listed in Section 26-6.1 B(1) through (7), below. New Sources shall include in this report information on the method of pretreatment it intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the information requested in Section 26-6.1 B(1) through (5) of this Chapter. [62-625.600(1), F.A.C.]
B. IUs described above shall submit the information set forth below.

1) Identifying information. The IU shall submit the name and address of the facility, including the name of the operator and owners. [62-625.600(1)(a), F.A.C.]
2) Permits. The IU shall submit a list of any pollution control permits held by or for the facility. [62-625.600(1)(b), F.A.C.]
3) Description of operations. The IU shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) codes of the operations carried out by such IU. This description shall include a schematic process diagram which indicates points of discharge to a WWF from the regulated processes. [62-625.600(1)(c), F.A.C.]

4) Flow measurement. The IU shall submit information showing the measured average daily and maximum daily flow (in gpd), to a WWF from each of the following: [62-625.600(1)(d), F.A.C.]

   a) Regulated process streams; and
   b) Other streams as necessary to allow use of the combined waste stream formula of Subsection 62-625.410(6), F.A.C. The Director shall allow for verifiable estimates of these flows, where justified by cost or feasibility considerations.

5) Measurement of Pollutants. [62-625.600(1)(e), F.A.C.]

   a) The IU shall identify the Pretreatment Standards applicable to each regulated process.
   b) In addition, the IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standard or ECUA) of regulated Pollutants in the discharge from each regulated process.
   c) Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
   d) In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
   e) The IU shall take a minimum of one representative sample to demonstrate data is in compliance with these requirements.
   f) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment, the IU shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Subsection 62-625.410(6), F.A.C., in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Subsection 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted.
   g) Sampling and analysis shall be performed in accordance with Sections 26-6.11 and 26-6.12 of this Chapter.
   h) The IU may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
   i) The BMR shall indicate the time, date and place of sampling, methods of analysis, and test results for each component and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to ECUA's WWF(s).

6) Certification. A statement, reviewed by an Authorized Representative of the User as defined in Section 26-1.4(4) indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional O&M or additional pretreatment is required for the IU to meet the Pretreatment Standards and requirements. [62-625.600(1)(f), F.A.C.]
7) Compliance schedule. If additional pretreatment or O&M will be required to meet the Pretreatment Standards, the IU shall provide such additional pretreatment or O&M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable ~~p~~retreatment Standards. A compliance schedule pursuant to this Section must meet the requirements set out in Section 26-6.2 of this Chapter. [62-625.600(1)(g), F.A.C.]
8) Signature and report certification. All BMRs must be certified in accordance with Section 26-4.5(I) of this Chapter and signed by an Authorized Representative of the User as defined in Section 26-1.4(4). [62-625.600(11), F.A.C.]

26-6.2 Compliance Schedule Progress Reports [62-625.600(2), F.A.C.]

The following conditions shall apply to the compliance schedule required by Section 26-6.1 B(7) of this Chapter:

A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable CPSs (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing, and completing construction); [62-625.600(2)(a), F.A.C.]
B. No increment referred to in Section 26-6.2(A), above, shall exceed nine (9) months; [62-625.600(2)(b), F.A.C.]
C. Within fourteen (14) days following each date in the schedule and the final date for compliance, the IU shall submit a progress report to the Director including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the IU to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director; [62-625.600(2)(c), F.A.C.]

26-6.3 Final Report on Compliance with Categorical Pretreatment Standard Deadline. [62-625.600(3), F.A.C.]

A. Within ninety (90) days following the date for final compliance with applicable CPSs, or in the case of a New Source following commencement of the introduction of Wastewater into a WWF, any IU subject to Pretreatment Standards and requirements shall submit to the Director a report containing the information described in Section 26-6.1 B(4) through (6) of this Chapter. For IUs subject to equivalent mass or concentration limits established

by the Director in Section 26-2.2, this report shall contain a reasonable measure of the IU's long-term production rate.

B. All compliance reports must be certified in accordance with Section 26-4.5(I) of this Chapter and signed by an Authorized Representative of the User as defined in Section 26-1.4(4).
C. Sampling and analysis shall be performed in accordance with Sections 26-6.11 and 26-6.12 of this Chapter.

26-6.4 Periodic Compliance Reports for Categorical Industrial Users [62-625.600(4), F.A.C.]

A. Any CIU, except an NSCIU, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after the commencement of the discharge into a WWF, shall submit to the Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director in accordance with Section 26-6.4(D) of this Chapter, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such CPSs. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 26-6.1 B(4) of this Chapter. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the IU. The IU may request submission of this report in months other than June and December, if based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions. [62-625.600(4)(a), F.A.C.]
B. ECUA may authorize a CIU to waive sampling of a Pollutant regulated by a CPS if the CIU demonstrates the following through sampling and other technical factors: [62-625.600(4)(b), F.A.C.]

    1) The Pollutant is neither present nor expected to be present in the discharge, or the Pollutant is present only at background concentration from intake water and without any increase in the Pollutant due to activities of the CIU; and
    2) The Pollutant is determined to be present solely due to sanitary Wastewater discharged from the facility provided that the sanitary Wastewater is not regulated by an applicable categorical standard and otherwise includes no process Wastewater.

C. The authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in CPS, except as specified in the CPS: [62-625.600(4)(c), F.A.C.]

    1) The monitoring waiver is valid only for the duration of the effective period of the IWDP, but in no case longer than five (5) years. The CIU must submit a new request for the waiver before the waiver can be granted for each subsequent IWDP;
    2) In making a demonstration that a Pollutant is not present, the CIU must provide data from at least one sampling of the facility's process Wastewater prior to any treatment

present at the facility that is representative of all Wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a Pollutant is not present if FDEP's approved method from ~~Rule~~ Chapter 62-4.246, F.A.C., with the lowest MDL for that Pollutant was used in the analysis;

3) The request for a monitoring waiver must be certified in accordance with Section 26-4.5(I) of this Chapter and signed by an authorized representative of the user as defined in Section 26-1.4(4);
4) The authorization must be included as a condition in the CIU's permit. The reasons supporting the waiver and any information submitted by the CIU in its request for the waiver must be maintained by the Director for three (3) years after expiration of the waiver;
5) Upon approval of the monitoring waiver and revision of the CIU's IWDP by the Director, the CIU must certify on each report the statement in Section 26-6.15(B) of this Chapter;
6) In the event that a waived Pollutant is found to be present or is expected to be present based on changes that occur in the CIU's operations, the CIU must immediately notify ECUA and comply with the monitoring requirements of Section 26-6.4(A) of this Chapter or other more frequent monitoring requirements imposed by the Director.

D. ECUA may reduce the requirement in Section 26-6.4(A) of this Chapter to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by FDEP, where the CIU meets all of the following conditions: [62-625.600(4)(d), F.A.C.]

1) The CIU's total categorical Wastewater flow does not:

a) Exceed 0.01 percent (0.01%) of the design dry weather organic treatment capacity of a WWF~~s~~, or five thousand gallons per day (5,000 gpd), whichever is smaller, as measured by a continuous effluent flow monitoring device unless the CIU discharges in batches; or
b) Exceed 0.01 percent (0.01%) of the design dry weather organic treatment capacity of a WWF; and
c) Exceed 0.01 percent (0.01%) of the maximum allowable headworks loading for any Pollutant regulated by the applicable CPS for which approved Local Limits were developed for a WWF in accordance with Subsection 62-625.400(3), F.A.C.

2) The CIU has not been in significant noncompliance in the past two (2) years; and;
3) The CIU does not have daily flow rates, production levels, or Pollutant levels that vary so significantly that decreasing the reporting requirements for this CIU would result in data that are not representative of conditions occurring during the reporting period.

E. CIU's must notify the Director immediately of any changes at its facility causing it to no longer meet the conditions of Section 26-6.4 (D)(1) and (2) above. Upon notification, the CIU must immediately begin complying with the minimum reporting required in Section 26-6.4 A of this Chapter. [62-625.600(4)(e), F.A.C.]

F. All periodic compliance reports must be certified in accordance with Section 26-4.5(I) of this Chapter and signed by an Authorized Representative of the User as defined in Section 26-1.4(4). [62-625.600(11), F.A.C.]
G. Sampling and analysis shall be performed in accordance with Sections 26-6.11 and 26-6.12 of this Chapter. [62-625.600(4)(a), F.A.C.]
H. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements. [62-625.600(6)(g), F.A.C.]
I. If an IU subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 26-6.12 of this Chapter, the results of this monitoring shall be included in the report. [62-625.600(6)(h), F.A.C.]

26-6.5 Periodic Compliance Reports for Industrial Users Not Subject to Categorical Pretreatment Standards [62-625.600(7), F.A.C.]

A. Appropriate reporting will be required from those IUs with discharges that are not subject to CPSs. SIUs that are not subject to CPSs must submit to ECUA at least once every six (6) months (on dates specified by the Director) a description of the nature, concentration, and flow of the Pollutants required to be reported by ECUA. In cases where a Local Limit requires compliance with a best management practice or pollution prevention alternative, the IU must submit documentation required by ECUA to determine the compliance status of the IU.
B. All periodic compliance reports must be certified in accordance with Section 26-4.5(I) of this Chapter and signed by an authorized representative of the user as defined in Section 26-1.4(4). [62-625.600(11), F.A.C.]
C. Sampling and analysis shall be performed in accordance with Sections 26-6.11 and 26-6.12 of this Chapter. [62-625.600(7)(b), F.A.C.]
D. For this report, the IU will be required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements. [62-625.600(6)(g), F.A.C.]
E. If an IU subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 26-6.12 of this Chapter, the results of this monitoring shall be included in the report. [62-625.600(6)(h), F.A.C.]

26-6.6 Reports of Changed Conditions [62-625.600(9), F.A.C.]

All IUs must notify the Director of any significant changes to the IU's operations or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change.

A. The Director may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an IWDP application under Section 26-4 of this Chapter.
B. The Director may re-issue an IWDP under Section 26-5.7 of this Chapter or modify an existing wastewater discharge permit under Section 26-5.4 of this Chapter in response to changed conditions or anticipated changed conditions.
C. For purposes of this requirement, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported Pollutants, shall be deemed significant.

26-6.7 Reports of Potential Problems

A. All IUs shall notify the Director immediately of all discharges that could cause problems to a WWF, including any Slug Discharges and Prohibited Discharges, as defined by Section 26-2.1 of this Chapter. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU. [62-625.600(5), F.A.C.]
B. Within five (5) days following such discharge, the IU shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to a WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.
C. A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Section 26-6.7(A), above. Employers shall ensure that all employees who could cause such a discharge to occur, are advised of the emergency notification procedure.
D. IUs are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge. [62-625.500(2)(b)6, F.A.C.]

26-6.8 Reports from Unpermitted Industrial Users

All IUs not required to obtain an IWDP shall provide appropriate reports to the Director, as the Director may require.

26-6.9 Notice of Violation/Repeat Sampling and Reporting [62-625.600(6)(b), F.A.C.]

If sampling performed by an IU indicates a violation, the IU shall notify the Director within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

26-6.10 Notification of the Discharge of Hazardous Waste [62-625.600(15), F.A.C.]

A. IUs shall notify ECUA and FDEP's hazardous waste and pretreatment authorities in writing of any discharge into a WWF of a substance which, if otherwise disposed of, would be a hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IU~~s~~ discharges more than one hundred (100) kilograms of such waste per calendar month to a WWF, the notification shall also contain the following information to the extent such information is known and readily available to the IU:

1) An identification of the hazardous constituents contained in the wastes,
2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

IUs shall provide notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this Section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 26-6.6 of this Chapter. The notification requirement in this Section does not apply to Pollutants already reported under the self-monitoring requirements of Sections 26-6.1, 26-6.3, 26-6.4, and 26-6.5 of this Chapter. [62-625.600(15)(a), F.A.C.]

B. Dischargers are exempt from the requirements of Section 26-6.10(A), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-730, F.A.C. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-730, F.A.C., requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification. [62-625.600(15)(b), F.A.C.]
C. In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the Director, the FDEP's hazardous waste and pretreatment authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations. [62-625.600(15)(c), F.A.C.]
D. In the case of any notification made under this Section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. [62-625.600(15)(d), F.A.C.]
E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable Federal or State law.

26-6.11 Analytical Requirements

Analytical tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the IU and ECUA shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the IU and ECUA, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C. [62-625.600(1)(e)5.b and c, F.A.C.]

26-6.12 Sample Collection

A. Except in the case of NSCIUs, the reports required in Sections 26-6.1, 26-6.3, 26-6.4, and 26-6.5 of this Chapter shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or ~~production and~~ mass where requested by the Director, of Pollutants contained therein which are limited by the applicable Pretreatment Standards.
B. The reports required in Sections 26-6.1, 26-6.3, 26-6.4, and 26-6.5 shall be based upon data obtained through sampling and analysis performed during the period covered by the report. This data shall be representative of conditions occurring during the reporting period. ECUA will indicate the frequency of monitoring necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and requirements. [62-625.600(6)(c), F.A.C.]
C. For all sampling required by this Chapter, grab samples must be used for pH, temperature, cyanide, total phenols, oil and Grease, sulfide, and volatile organic compounds. For all other Pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by ECUA, the sample must be representative of the discharge and the decision to allow the alternative sampling will be documented in the IU's file. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a twenty-four (24) hour period may be composited prior to analysis as follows: [62-625.600(6)(d), F.A.C.]

    1) Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;
    2) Samples for volatile organics and oil and Grease may be composited in the laboratory; and
    3) Composite samples for other parameters unaffected by the compositing procedures as allowed in FDEP's approved sampling procedures and laboratory methodologies may be authorized by ECUA as appropriate.

D. Oil and Grease samples shall be collected in accordance with Section 26-6.12(3), above, unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and Grease sample. Samples for oil and Grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. [62-625.600(6)(e), F.A.C.]
E. Sampling required in support of the BMR and ninety (90) day compliance report required in Section 26-6.1 and 26-6.3 of this Chapter shall be conducted as follows: [62-625.600(6)(f), F.A.C.]

    1) For IUs where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, temperature, cyanide, total phenols, oil and Grease, sulfide and volatile organic compounds.
    2) For IUs where historical sampling data are available, the Director may authorize a lower minimum.

26-6.13 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports~~,~~ which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

26-6.14 Recordkeeping [62-625.600(14), F.A.C.]

A. Any IU subject to the reporting requirements of this Chapter shall:

    1) Maintain records of all information resulting from any monitoring activities required by this Chapter, including documentation associated with BMPs. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, F.A.C.; and
    2) Maintain for a minimum of three (3) years any records of monitoring results (whether or not such monitoring activities are required by this Chapter), including documentation associated with BMPs and shall make such records available for inspection and copying by ECUA and FDEP. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or ECUA where the IU has been specifically notified of a longer retention period by the Director.

B. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

26-6.15 Certification Statements

A. Certification Statement. The following certification statement is required to be signed and submitted by IUs submitting permit applications in accordance with Section 26-4.7; IUs submitting BMRs in accordance with Section 26-1 B(8); CIUs submitting reports on compliance with the CPS deadlines in accordance with Section 26-6.3 B; CIUs submitting periodic compliance reports in accordance with Section 26-6.4 F; SIUs not subject to CPSs submitting periodic compliance reports in accordance with Section 26-6.5 B; and IUs submitting an initial request to forego sampling of a Pollutant on the basis of Section 26-6.4 C(3). The following statement must be signed by an Authorized Representative of the User as defined in Section 26-1.4:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [62-625.410(2)(b)2, F.A.C.]

B. Annual Certification for NSCIUs—An IU determined to be a NSCIU by the Director in accordance with Section 26-1.4(47~~31~~) must annually submit the following certification statement, signed by an Authorized Representative of the User as defined in Section 26-1.4(4). This certification must accompany any alternative report required by the Director:

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

1) The facility described as [IU name] met the definition of an NSCIU as described in paragraph 62-625.200(25)(c), F.A.C.;
2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3) The facility never discharged more than one hundred (100) gallons of total categorical Wastewater on any given day during this reporting period. This compliance certification is based on the following information: [documentation of basis to continue exemption]." [62-625.600(17), F.A.C.]

C. Certification of Pollutants Not Present. Upon approval of the monitoring waiver and revision of the IU's IWDP, the IU must certify each report with the following statement in accordance with Section 26-6.4 C(5) of this Chapter:

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph 62-625.600(4)(a), F.A.C." [62-625.600(4)(c)5, F.A.C.]

SECTION 26-7—COMPLIANCE MONITORING

26-7.1 Right of Entry: Inspection and Sampling

The Director shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by the IU, compliance or noncompliance with applicable Pretreatment Standards. The Director is authorized to enter any premises of any IU in which a discharge source or treatment system is located or in which records are kept under Subsection 62-625.600(14), F.A.C. to assure compliance with Pretreatment Standards, all requirements of this Chapter, and any IWDP or order issued hereunder. IUs shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. [62-625.500(2)(a)4, F.A.C.]

A. Where an IU has security measures in force which require proper identification and clearance before entry into its premises, the IU shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
B. The Director shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.
C. The Director may require the IU to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated at minimum, at least once annually or per manufacturer's specifications to ensure their accuracy.
D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the IU.
E. Unreasonable delays in allowing the Director access to the IU's premises shall be a violation of this Chapter.

F. If the monitoring facility is constructed in the public right-of-way or easement, the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis. If constructed on public or private property, the monitoring facilities should be provided in accordance with the owner's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the owner to perform independent monitoring activities.

26-7.2 Search Warrants

If ECUA or its representatives have been refused access to a building, structure, property, or any part thereof, other than an owner-occupied family residence, and are able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as a part of a routine sampling program to verify compliance with this chapter or any permit or order issued hereunder , or to protect public health and safety, the Director may apply to a court of competent jurisdiction for the issuance of an inspection warrant in accordance with Section 933.20, F.S., et seq.

SECTION 26-8—CONFIDENTIAL INFORMATION [62-625.800, F.A.C.]

26-8.1 In accordance with Chapter 119, F.S., all information and documents submitted to ECUA are considered to be public information, and as such are available to the public for reading and copying. However, in accordance with Section 403.111, F.S., any information submitted to ECUA in accordance with this Chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, ECUA shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Section 403.111, F.S.

26-8.2 Effluent information and data provided to ECUA in accordance with this Chapter shall be available to the public without restriction.

SECTION 26-9—PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE [62-625.500(2)(b)8, F.A.C.]

The Director shall publish annually notification of IUs which were in significant noncompliance with applicable pretreatment requirements at any time during the previous twelve (12) months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by ECUA that meets the requirements of Sections 50.011 and 50.013, F.S. For the purpose of this Chapter, an IU is in significant noncompliance if its violation meets one or more of the following criteria:

26-9.1 Chronic violations of Wastewater discharge limits defined here as those in which sixty six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude), a numeric Pretreatment Standards or requirement, including Instantaneous Limits; [62-625.500(2)(b)8.a, F.A.C.]

26-9.2 Technical Review Criteria (TRC) violations defined here as those in which thirty three percent (33%) or more of all the measurements taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or requirement including Instantaneous Limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil and Grease, and 1.2 for all other Pollutants except pH); [62-625.500(2)(b)8.b, F.A.C.]

26-9.3 Any other violation of a Pretreatment Standard or requirement (daily maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or Pass Through (including endangering the health of WWF personnel or the general public); [62-625.500(2)(b)8.c, F.A.C.]

26-9.4 Any discharge that has resulted in the Director's exercise of his/her emergency authority under Section 26-10.7 of this Chapter, to halt or prevent such a discharge; [62- 625.500(2)(b)8.d, F.A.C.]

26-9.5 Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an IWDP or enforcement order for starting construction, completing construction, or attaining final compliance; [62-625.500(2)(b)8.e, F.A.C.]

26-9.6 Failure to provide, within forty-five (45) days after the due date, any required reports such as BMRs, reports on compliance with CPS deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; [62- 625.500(2)(b)8.f, F.A.C.]

26-9.7 Failure to accurately report noncompliance; [62-625.500(2)(b)8.g, F.A.C.] and

26-9.8 Any other violation or group of violations, including a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the pretreatment program. [62-625.500(2)(b)8.h, F.A.C.]

SECTION 26-10—ADMINISTRATIVE ENFORCEMENT REMEDIES

26-10.1 Notification of Violation. When the Director finds that an IU has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may serve upon that IU a written notice of violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the Director.

Submission of such a plan in no way relieves the IU of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

26-10.2 Consent Orders. The Director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any IU responsible for noncompliance. Such documents shall include specific action to be taken by the IU to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 26-10.4 and 26-10.5 of this Chapter and shall be judicially enforceable.

26-10.3 Show Cause Hearing.

Notice to show cause. When the Director finds that a User has violated or continue to violate, any provision of this Chapter, an IWDP, or any order issued hereunder, or any other Pretreatment Standard or requirement, the Director may require the User to attend a show cause hearing.

A. Notice of this hearing shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a requirement that the User show cause why the proposed enforcement action should not be taken. The notice shall be hand delivered or served by registered or certified mail at least thirty (30) days prior to the hearing and shall be served on any Authorized Representative of the User. Attendance by the User is mandatory, and failure to comply with such notice may result in the implementation of such other remedies as are provided by this chapter. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
B. The Director, with assistance from the ECUA Attorney, shall chair the show cause hearing. Testimony taken shall be under oath and recorded stenographically.

After conducting the hearing, the Director may impose administrative fines pursuant to Subsection 26-10-6 below and issue such further orders and directives as may be appropriate.

26-10.4 Compliance Orders. When the Director finds that an IU has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may issue an order to the IU responsible for the discharge directing that the IU come into compliance within a specified time. If the IU does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a

compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

26-10.5 Cease and Desist Orders. When the Director finds that an IU has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standard or requirement, or that the IU's past violations are likely to recur, the Director may issue an order to the IU directing it to cease and desist all such violations and directing the IU to:

A. Immediately comply with all requirements; and
B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

26-10.6 Administrative Fines

A. When the Director finds that an IU has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may fine such IU in an amount not to exceed the amount as authorized by ECUA's Enabling Act, Chapter 2022-262, Laws of Florida, Section 18. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
B. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.
C. Refer to ECUA Rate Schedule for current rates and terms.

26-10.7 Emergency Suspensions. The Director may immediately and effectively halt any discharge to a WWF which endangers public health or welfare. The Director may prevent any discharge to a WWF which endangers the environment, or which threatens to interfere with the operation of a WWF. Notice shall be provided to the IU prior to such action. If public health or welfare are not endangered, the IU may respond to the notice. [62-625.500(2)(a)5.b, F.A.C.]

A. Any IU notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an IU's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as he/she deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any individuals. The Director may allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 26.10-8 of this Chapter are initiated against the IU.
B. An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the

harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 26-10.3 or 26-10.8 of this Chapter.

C. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

26-10.8 Termination of Discharge. Any IU that violates the following conditions is subject to discharge termination. Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 26-10.3 of this Chapter why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the IU:

A. Violation of IWDP conditions;
B. Failure to accurately report the Wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;
D. Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring, or sampling; or
E. Violation of the Pretreatment Standards in Section 26-2 of this Chapter.

SECTION 26-11—JUDICIAL ENFORCEMENT REMEDIES

26-11.1 Injunctive Relief. [62-625.500(2)(a)5.a, F.A.C.]

When the Director finds that a IU has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standards or requirement, the Director may petition the Circuit Court for Escambia County, Florida, through ECUA's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the IWDP, or other requirement imposed by this Chapter on activities of the IU. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement(s) for the IU to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an IU.

26-11.2 Civil Penalties

A. An IU that has violated, or continues to violate, any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standards or requirement shall be liable to ECUA for a civil penalty in an amount not to exceed the amount as authorized by ECUA's Enabling Act, Chapter 2022-262, Laws of Florida, Section 18. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. [62-625.500(2)(a)5.a, F.A.C.]

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and any actual damages incurred by ECUA.
C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the IU's violation, corrective actions by the IU, the compliance history of the IU, and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an IU.
E. Refer to ECUA Rate Schedule for current rates and terms.

26-11.3 Remedies Nonexclusive.

The remedies provided for in this Chapter are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with ECUA's enforcement response plan. However, the Director may take other action against any IU when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant IU.

SECTION 26-12—SUPPLEMENTAL ENFORCEMENT ACTION

26-12.1 Penalties for Late Reports

A penalty shall be assessed to any IU for each day that a report required by this Chapter, or a permit or order issued hereunder, is late, beginning five (5) days after the date the report is due. Higher penalties may also be assessed where reports are more than forty-five (45) days late. Actions taken by the Director to collect late reporting penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for late reporting violations. Refer to ECUA Rate Schedule for current rates and terms.

26-12.2 Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue an IWDP to any IU who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Chapter, a previous IWDP, or an order issued hereunder. Refer to ECUA Rate Schedule for current rates and terms.

26-12.3 Water Supply and/or Sewer Service Severance

Whenever an IU has violated or continues to violate any provision of this Chapter, an IWDP, or order issued hereunder, or any other Pretreatment Standards or requirement, water

service (within ECUA's jurisdiction) to the IU and/or sewer service may be severed. Service will recommence, at the IU's expense, only after the IU has satisfactorily demonstrated its ability to comply.

26-12.4 Contractor Listing

IUs which have not achieved compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to ECUA. Existing contracts for the sale of goods or services to ECUA held by an IU found to be in significant noncompliance with Pretreatment Standards or requirements may be terminated at the discretion of the Director.

SECTION 26-13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

26-13.1 Upset [62-625.840, F.A.C.]

A. An Upset does not constitute noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with CPSs if the requirements of Section 26-13.1(C), below, are met.
C. An IU that wishes to establish the affirmative defense of an Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

    1) An Upset occurred and the IU can identify the cause of the Upset;
    2) The IU's facility was, at the time of the Upset, being properly operated; and
    3) The IU has orally submitted the following information to the Director within twenty-four (24) hours of becoming aware of the Upset with a written submission to be provided within five (5) days:

        a) A description of the discharge and cause of noncompliance;
        b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
        c) Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the IU seeking to establish the occurrence of an Upset shall have the burden of proof.
E. IUs shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with CPSs.
F. IUs shall control production of all discharges to the extent necessary to maintain compliance with CPSs upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement

applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

26-13.2 Prohibited Discharge Standards

A. An IU shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Section 26-2.1(A) and the specific prohibitions established in Section 26-2.1(B)(3) though (7) and (9) through (17) of the Chapter, but such defense shall not apply to the specific prohibitions in Sections 26-2.1(B)(1), (2), and (8), where the IU can demonstrate [62-625.400(1)(b), F.A.C.]:

1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
2) Either of the following:

a) A Local Limit designed to prevent Pass Through or Interference was developed in accordance with Subsection 62-625.400(3), F.A.C. for each Pollutant in the IU's discharge that caused Pass Through or Interference and the IU was in compliance with each such Local Limit directly prior to and during the Pass Through or Interference; or
b) If a Local Limit designed to prevent Pass Through or Interference has not been developed in accordance with Subsection 620625.400(3), F.A.C. for the Pollutants that caused Pass Through or Interference, and the IU's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the IU's discharge activity when a WWF was regularly in compliance with a WWF's permit requirements and applicable requirements for Domestic Wastewater residuals.

26-13.3 Bypass [62-625.860, F.A.C.]

A. An IU may allow any Bypass to occur which does not cause Pretreatment Standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provisions of Sections 26-13.2(B) and (C).
B. Bypass Notifications

1) If an IU knows in advance of the need for a Bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the Bypass. If the IU does not know of the need for a Bypass ten days prior to the Bypass then the IU shall notify the Director immediately upon knowledge of the need for the Bypass.
2) An IU shall submit oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours from the time the IU becomes aware of the Bypass. A written submission shall also be provided within

five (5) days of the time the IU becomes aware of the Bypass. The written submission shall contain:

a) A description of the Bypass and its cause;
b) The duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and
c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

C. Prohibition of Bypass

1) Bypass is prohibited, and the Director shall take enforcement action against an IU for a Bypass, unless:

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
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 preventive maintenance; and
c) The IU submitted notices as required under Section 26-13.2(B) of this Section.

2) The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Section 26-13.2(C)(1) of this Chapter.

SECTION 26-14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 26-15—MISCELLANEOUS PROVISIONS

26-15.1 Severability

If any provision of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

26-15.2 Qualifier.

This Chapter contains numerous citations to statutes, codes, rules, and/or regulations, which are placed within brackets [ ]. These citations are provided for reference purposes only. Such citations do not imply that the provisions of this Chapter will automatically change or be affected by amendments, repeals, or modifications to the cited statutes, codes, rules, or regulations. This is in contrast to references to statutes, codes, rules, and/or regulations that are found within the text

of the Chapter itself, which are intended to reference and/or incorporate, as appropriate, the referenced authority as it may be amended from time to time.

SECTION 26-16—EFFECTIVE DATE

This Chapter shall be in full force and effect immediately following its passage and approval by the Florida Department of Environmental Protection, the ECUA Board, and proper publication, as provided by law.

(SR25-163; 12/16/2025)

Chapter 27

WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEM EXPANSION

Sec. 27-1. Extension and upgrading of water and wastewater lines; installation of fire hydrants.

The following provisions shall govern the extension and upgrading of ECUA water and wastewater lines and the installation of fire hydrants. These provisions do not apply to the construction of water distribution or wastewater collection systems or lines to serve property which is undeveloped, or which is being or has recently been developed for sale; the provision of facilities to serve such property is the responsibility of the developer or owner of such property.

A. *Submission of Requests:* Requests for the extension or upgrade of any ECUA water or wastewater line or the installation of fire hydrants may be submitted by any current or potential customer of ECUA or may be initiated by ECUA board or staff. All such requests shall be submitted to the executive director. The Executive Director may approve or disapprove any such request if the estimated cost of the proposed project is within the scope of the authority of the executive director or may refer the request to the ECUA Board or an advisory committee.

B. *Evaluation and Approval:* All such requests shall be evaluated in order to identify those which have significant potential for the elimination or prevention of existing or threatened hazards to public health, improvement of service to existing customers, increasing the ECUA customer base, enhancement or protection of surface or ground water, or the accomplishment of other objectives deemed to be in the best interest of ECUA and the public it serves.

No such request shall be approved unless the proposed project meets the following criteria:

1. The proposed project must serve one (1) or more of the following purposes:

    a. Provision of service to one (1) or more properties which, at the time of the request, are served by privately owned water wells, septic tanks, or sewage treatment plants.
    b. Elimination or prevention of an identified health hazard, such as failing septic tanks or contaminated water wells.
    c. Expansion of the ECUA customer base.
    d. Improved fire protection.
    e. Improved service to existing customers.

2. Any proposed line extension must be in a public right-of-way. In the event the property to be served is not accessible from a public right-of-way, ECUA shall be provided a permanent, recordable easement for access to and the construction, operation and maintenance of the proposed line or lines. Any such right-of-way or easement shall be open and clear of obstructions.

3. The proposed project must meet the requirements of the ECUA Engineering Manual and generally conform to the master plan of ECUA for its water and wastewater systems.

4. The proposed project must be financially feasible. Feasibility shall be determined based on the estimated cost of the proposed project, the availability of funds and the anticipated benefit from the proposed project. Depending on the nature of the benefit to be derived from construction of a project, ECUA may pay the cost of the project, require the person requesting the project to agree to pay part or all of the cost of the project, or levy a special assessment in accordance with ECUA policy.

C. *Fire Protection:*

1. Upon construction by ECUA of any water line having a diameter of six (6) inches or more, ECUA shall install such fire hydrants as ECUA in its discretion deems necessary to provide reasonable fire protection to adjacent properties.

2. Upon request by a customer and approval by ECUA, a fire hydrant may be installed on any water line having a diameter of six (6) inches or more. The requesting customer shall pay the estimated cost of installation, including material, labor and overhead.

3. If a proposed extension or upgrade of a water line for purposes of fire protection is necessary to satisfy permitting requirements, ECUA shall pay a portion of the cost of extending or upgrading such line for a distance of one thousand (1,000) feet from point of connection to an existing line six (6) inches or more in diameter, whichever amount is less. Refer to the ECUA Rate Schedule for current rates and terms. The remainder of the cost of the project shall be paid by the requesting customer. ECUA may in its discretion extend or expand a project of this nature to improve service to customers in the vicinity.

(Res. No. SR24-02; 04/23/2024)

4. No fire hydrant shall be installed on any water line having a diameter less than six(6) inches.

5. The ECUA board may, on an individual basis, approve requests for the installation of fire hydrants and related water lines adjacent to volunteer fire stations, whether on or off public right-of-way. No such request shall be approved unless:

a. The proposed hydrant shall be located on property owned by a governmental agency or entity;

b. ECUA shall be granted any necessary easements for construction, installation, and maintenance; and

c. ECUA shall pay a portion of the cost of installation of fire hydrants. The requesting customer shall pay the remaining cost. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 92-20, § 1, 08/27/1992; Res. No. 93-32, § 1, 11/30/1993; Res. No. 98-07, § 1, 06/25/1998; Res. No. SR24-02; 04/23/2024)

Sec. 27-2. Water and wastewater system expansion - Criteria.

The following provisions shall govern the design, construction, and payment of the cost of construction of certain water and wastewater mains and lift stations to be accepted by ECUA.

A. *Design and Construction:*

1. In new development to which direct connection cannot be made from existing water or wastewater mains, the developer shall install water and wastewater mains and lift stations to serve the development. If required by ECUA, the developer shall design and construct such facilities so as to also serve anticipated growth in the vicinity of the development.

2. The developer shall submit preliminary plans to ECUA for a determination by ECUA as to whether the developer shall be required to construct oversize facilities or increase the depth of any gravity main to serve anticipated growth. Such determination shall be based on the master plan of ECUA for water and wastewater system expansion, land use plans of other units of local government, the anticipated demands which development will place upon the utility systems of ECUA and other factors as may be appropriate.

3. If, based on the foregoing criteria, ECUA determines that it is advisable that oversize facilities be constructed or that the depth of any gravity main be increased in order to serve anticipated growth the developer or engineer of record shall be notified to proceed with the design of such facilities.

4. Design and construction shall be in accordance with criteria established by ECUA and shall be subject to approval of ECUA.

5. The developer shall submit to ECUA "as-built" plans of such facilities.

B. *Reimbursement for Certain Costs of Construction:*

1. Except as provided in paragraph 2 below, ECUA shall construct or shall reimburse the developer for the cost, including professional costs such as engineering or surveying, of construction of any water or wastewater force main ten (10) inches or more in diameter, gravity wastewater main eighteen (18) inches or more in diameter or lift station having a design flow greater than nine hundred fifty (950) gallons per minute.

(Res. No. 99-01, § 1; 02/25/1999)

2. The developer shall be responsible for the cost of providing the following facilities:

a. *Water mains:* Six (6) inch diameter, or such greater size as may be required to serve the proposed development, including at least one (1) connection at the property line for looping to the water distribution system of ECUA. (Water mains of less than six (6) inch diameter may be permitted on an exceptional basis in accordance with good engineering practice and if at least one (1) water main of not less than six (6) inch diameter is available to provide fire protection.)

b. *Wastewater force mains:* Adequate capacity to serve the proposed development.

c. *Wastewater gravity mains:* Eight (8) inch diameter, or such greater size as may be required to serve the proposed development, at such depth as may be required to permit service to the proposed development by gravity connection.

d. *Lift stations:* Adequate capacity to serve the proposed development.

e. *Water and wastewater service laterals:* To the point of connection at the property line.

f. *Connecting mains:* Such mains as may be necessary to connect to the water or wastewater system of ECUA.

3. If ECUA requires the developer to construct any water or wastewater main of greater size or length or at greater depth or of a different character, ECUA shall reimburse the developer for the difference between the cost of construction of those facilities which ECUA requires the developer to construct and the cost of construction of facilities which would be required to meet the criteria set forth in paragraph 2 above.

(Res. No. 92-06, § 1; 03/26/1992)

4. If a development is eligible for reimbursement under the ECUA *Procedure for Review, Approval, and Administration of Sewer Service for New Structures South of Well Line Road,* ECUA shall reimburse the developer for a portion of the cost of construction of wastewater collection facilities to serve the development. Expenditures incurred by the developer in obtaining a determination of feasibility shall not be eligible for reimbursement unless the project is determined to be feasible for ECUA participation. The amount of reimbursement shall initially be determined by subtracting the established rate from the average cost per lot or parcel of the cost of construction of wastewater collection facilities and multiplying the remainder by the number of lots or parcels in the development for which septic tanks are permittable. The initial established rate shall be adjusted in January 2006 and each January thereafter. This adjustment shall be computed by multiplying the established rate by the first Construction Cost Index (CCI) published by *The Engineering News-Record* in the month of January of that year and dividing the product by the CCI published in April 2005 (i.e., 7,355).

The result so obtained shall be rounded to the nearest $50.00. This adjustment shall be effective the date the CCI is first published each January. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 99-08, § 1; 07/29/1999; Res. No. 05-06, § 3; 05/26/2005; Res. No. SR24-02; 04/23/2024)

5. The amount of such reimbursement under paragraphs 3 or 4 above shall be determined by ECUA and shall be based on construction cost data maintained by ECUA or on the lowest of no fewer than three (3) comparative estimates or bids provided by the developer and shall include additional professional costs such as engineering and surveying. Such estimates or bids shall be in sufficient detail to clearly identify those additional construction costs, if any, incurred by the developer in order to comply with such requirements of ECUA.

(Res. No. 99-08, § 1; 07/29/1999)

6. Prior to reimbursement the developer shall submit a certified statement of itemized construction cost, together with written evidence that all such cost has been paid, and shall submit all final documentation, including "as-built" drawings, in accordance with the ECUA Engineering Manual.

(Res. No. 87-20, 08/27/1987; Res. No. 87-23, § 1; 09/24/1987; 1987; Res. No. 90-11, § 1; 08/30/1990; Res. No. 99-08, § 1; 07/29/1999)

Sec. 27-3. Low pressure sewer systems.

ECUA may in its discretion accept for operation and maintenance common force mains associated with low pressure sewer systems in areas in which conventional gravity sewage collection systems may not be feasible. Acceptance of any low pressure sewer system shall be at the sole discretion of ECUA and shall be based on the specific circumstances associated with the proposed installation.

The portion of any low pressure sewer system which may be accepted by ECUA shall be limited to the common force main serving two or more properties. The common force main shall be designed and constructed in accordance with ECUA standards.

Any proposed force main to be accepted by ECUA shall be within public right of way, or within the limits of a permanent, recordable easement in favor of ECUA. Any such right-of- way or easement shall be open and clear of obstructions.

Construction and installation of all components of any individual pump station and connecting force main to the point of connection to the common force main shall be the responsibility of the customer. All on-site improvements, including the associated pumping facility and service line, shall be constructed in accordance with applicable building codes. Individual connections to the common force main shall be constructed by ECUA at the expense of the customer.

Connection of single-family residential systems may be made upon payment of appropriate fees and charges without further review by ECUA engineering department. Connection of systems serving multi-family or commercial facilities shall require approval of the ECUA engineering department in accordance with requirements of ECUA for approval of extensions to the ECUA system, and in accordance with any memorandum of agreement between ECUA and the Florida Department of Environmental Protection then in effect.

(Res. No. 94-3, § 1, 05/26/1994)

Sec. 27-4. Establishment of neighborhood-initiated sewer expansion program.

The provisions of this section shall govern the construction of residential wastewater collection systems at the request of residents of the area to be served.

A. *Petition for Service:* One or more representatives of a neighborhood in which wastewater service is desired may submit a petition for a neighborhood-initiated sewer expansion program. The petition shall:

1. Be submitted on forms to be provided by ECUA.

2. Be signed by the owners of no fewer than sixty percent (60%) of the potentially benefitted properties or by the owners of ten (10) potentially benefitted properties, whichever is greater.

3. Include a commitment by each property owner signing the petition that, if the proposed project is determined to be feasible and is constructed, the owner shall:

a. Abandon any existing septic tank and connect the property to the ECUA wastewater collection system within six (6) months after notice that the system is available for use.

b. Pay the special connection fee specified in subsection C below.

The petition, together with a map indicating the location of the property owned by each of the petitioners, shall be submitted to the Director of Engineering or his/her designee.

B. *Evaluation and Approval*: ECUA will determine whether the project, as originally proposed or as modified because of financial or technical considerations, is financially and technically feasible, and will notify the neighborhood representatives of its findings. Within ninety (90) days after notice that ECUA has determined a project to be financially and technically feasible, or within such longer time as may be allowed by the ECUA Board, the neighborhood representatives shall obtain and provide to ECUA written agreements, on forms provided by ECUA and signed by the owners of no fewer than sixty percent (60%) of the potentially benefitted properties or by the owners often (10) potentially benefitted properties, whichever is greater, to

abandon any existing septic tanks and to connect their property to the ECUA wastewater system within six (6) months after notice that the system is available for use, and to pay the special connection fee specified in subsection C below.

Following receipt of the required number of signed agreements, the ECUA Board will conduct a public hearing to determine whether to proceed with design, bidding and construction of the project.

C. *Special Connection Fee:* Following completion of construction, or at such earlier time as construction costs have been determined, the ECUA Board will conduct a public hearing to establish a special connection fee, which shall apply to each lot or parcel to be served by the project. This hearing may be held in conjunction with a public hearing to determine whether to proceed with design, bidding, and construction of the project.

1. If connection to the ECUA system is made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

2. If connection to the ECUA system is not made within six (6) months after notice is first given to property owners that the system is available for use, the special connection fee shall be at the established rate or an amount equal to one-half (½) of the average cost of construction per lot or parcel to be served by the project, whichever is less, together with simple interest at the rate of eight percent (8%) per year from the date on which notice is first given to property owners that the system is available for use. Interest shall cease to accrue sixteen (16) years after the date on which notice is first given to property owners that the system is available for use.

3. The special connection fee shall either (1) be paid in full prior to connection to the ECUA system or (2) shall be paid in sixty (60) monthly installments, with simple interest at five percent (5%) per year from the date of application for service, to be included in regular monthly billings for utility services. Any owners electing to pay the special connection fee in monthly installments shall sign a Finance Agreement with ECUA.

(Res. No. 98-05, § 1, 03/26/1998; Res. No. SR24-02; 04/23/2024)

Chapter 28

WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEM CONSTRUCTION AND MAINTENANCE REGULATIONS

Art. I. In General, §§ 28-1 - 28-15
Art. II. Water Distribution System, §§ 28-16 - 28-35
Art. III. Wastewater Collection System, §§ 28-36 - 28-55
Art. IV. Penalties and Enforcement, §§ 28-56 - 28-59

ARTICLE I. IN GENERAL

28-1 Definitions

The following definitions shall apply to this chapter:

Adjacent. Situated in a portion of a public right-of-way or easement contiguous to the property to be served and lying within the area between two lines extending from the intersections of the side property lines and the boundary of the right-of-way or easement, and perpendicular to the centerline of the right-of-way or easement.

Available. Adjacent to property to be served, having adequate capacity to accept the wastewater flow from the property, and capable of being connected to a house line, service line, or force line serving the property.

Backflow prevention assembly. A reduced pressure principal backflow prevention assembly or, upon written approval of ECUA, a double check valve backflow prevention assembly.

Connect. To physically join a utility line to an ECUA water main, wastewater collection or transmission main, or any other ECUA facility.

Customer. A person who maintains an account to receive water service, wastewater service, or both, from ECUA, or who has applied for or requested such service.

ECUA inspector. An ECUA employee or designee, assigned to observe construction activity or connections.

Fire line. A water service line designated to provide water for firefighting purposes only.

Force line. A customer owned and maintained pipe used to transport wastewater under pressure from the customer's service location to a point of connection to an ECUA facility.

House line. That portion of a water or wastewater line from a customer's service location to the water meter or wastewater service line serving the property.

Meter box. An enclosure which houses a water meter and its appurtenances.

Person. Any individual, partnership, firm, corporation, or other legal entity, whether governmental or non-governmental.

Premises. The area surrounding a house line, water service line, water meter, water meter box, wastewater service line or force line.

Service line. A pipe located within a public right-of-way or easement that connects a water main to a water meter or that connects a wastewater main to the house line serving the property.

Wastewater main. A pipe which is part of the ECUA wastewater collection system, and which is designed to transport wastewater from a lift station or one or more force lines or wastewater service lines.

Water main. A pipe which is part of the ECUA water. distribution system and which is designed to transport water to be supplied to one or more service locations.

(Res. No. 97-10, 07/24/1997)

Secs. 28-2-28-15. Reserved.

ARTICLE II. WATER DISTRIBUTION SYSTEM

Sec. 28-16. Water System Extensions.

Extensions to the ECUA water distribution system shall be designed and constructed in accordance with the requirements of the most current edition of the ECUA Engineering Manual. Any person proposing to construct an extension to the ECUA water distribution system shall submit to the ECUA Engineering Department, for review and approval, plans and specifications prepared, signed, and sealed by a professional engineer registered in the State of Florida. ECUA will review the plans and specifications for compliance with the ECUA Engineering Manual and policies. Construction shall not commence until ECUA has issued written final approval of the plans and specifications. The contractor retained to install the improvements must provide the ECUA Inspector at least two ECUA working days written notice prior to commencing construction.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-17. Connection to ECUA Water System.

New connections to the ECUA water system shall be applied for by the owner of the property to be served, or by an authorized agent of the owner, using an application form furnished by ECUA. All applicable fees, charges, and security deposits shall be paid prior to making any connection. Connections to the ECUA water system shall be made only by ECUA or by a licensed contractor or licensed plumber. Connections, other than the connection of a house line to the outlet side of a water meter, shall be made only by ECUA or in the presence of an ECUA inspector. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-18. Water Service Lines.

A. *Water main adjacent to property.* If an ECUA water main is located adjacent to the property to be served, ECUA will, for a water meter not to exceed one and one half (1 ½) inches in size, install a service line from the water main to the nearest boundary line of the property to be served and will install a meter box and water meter. For water meters larger than one and one half (1 ½) inches in size, the owner of the property or his designee shall be responsible for installation of a service line from the water main to the nearest boundary line of the property to be served, and for construction of a meter box in accordance with ECUA requirements. ECUA will install a water meter. It will be the responsibility of the customer to connect the house line to the outlet side of the water meter.

B. *Water main not adjacent to property.* If no ECUA water main is located adjacent to the property to be served, the customer may construct an extension to the ECUA water system in accordance with ECUA requirements. If the customer does not construct an extension, ECUA will, upon request, install a water meter at the most feasible point of connection to an ECUA water main. It will be the responsibility of the customer to connect the house line to the outlet side of the water meter. In the event an ECUA water main is subsequently installed adjacent to the property to be served, ECUA will relocate the meter and service line to the boundary line of the property, at no cost to the customer. No meter larger than one and one half (1 ½) inches in size will be installed unless a water main at least six inches in diameter or greater is located adjacent to the property.

C. *Right to relocate.* ECUA retains the right to relocate any service line and/or water meter as it sees fit. No person shall relocate any control valve, service line or connection without prior written consent from ECUA.

(Res. No. 97-10, 07/24/1997)

Sec. 28-19. Water Meters.

A. *Installation.* A water meter and meter box shall be installed by ECUA in accordance with the above section. Provided, however, that meter boxes for meters two inches or larger in size shall be furnished and installed by the customer. Any such meter box installed by a customer shall conform to ECUA specifications.

B. *Customer connection.* Following the installation of a water meter by ECUA, the customer shall be responsible for making connection to the outlet side of the water meter.

C. *Relocation.* No person, other than ECUA personnel or an authorized agent of ECUA, shall relocate any ECUA water meter.

D. *Accuracy.* Water meters furnished by ECUA will be accurate at the time of installation. ECUA will endeavor to keep meters accurate at all times and will replace any meter which, after testing, is found to be not in compliance with industry standards for meter accuracy.

Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02, 04/23/2024)

Sec. 28-20. Temporary Water Service.

Any person desiring a temporary water service shall submit an application to the ECUA Customer Service Department to establish a temporary account. All temporary water services shall be metered. ECUA personnel will connect a water meter to the nearest fire hydrant. The customer shall place a backflow prevention assembly immediately downstream of the water meter. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-21. Fire Lines.

A. *Application for service.* Any person desiring fire line service shall submit an application to the ECUA Customer Service Department. ECUA will provide historical information concerning flows and pressure in the vicinity of the property to be served and will designate a point of connection to a water main.

B. *Connection.* Upon approval by ECUA, the owner's licensed contractor or licensed plumber shall tap the water main at the designated point of connection, construct a fire line from the point of connection to the boundary line of the property to be served, and install an in-ground shut-off valve and an above-ground backflow prevention assembly on the property at the property line. Connection shall be made in the presence of an ECUA inspector and shall be in accordance with ECUA requirements.

Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-22. Maintenance of Distribution System.

A. *ECUA responsibilities.* All water service lines, water meters, and meter boxes installed by ECUA are and shall remain the property of ECUA and shall be maintained by ECUA without cost to the customer, except where there is evidence of tampering or damage to the meter or associated equipment by the customer. In such event, the customer may be subject to prosecution, adjustment of water and wastewater bills, and reimbursement to ECUA for expenses incurred. Repairs to any water service line or water meter or meter box owned by ECUA shall be made only by ECUA or its designee. In no event shall ECUA be responsible for the maintenance of any portion of the premises on or surrounding which a water meter and meter box have been placed. By acceptance of water service from ECUA, each customer assumes responsibility for maintaining, in a safe condition, the premises on and surrounding the water service line, water meter, and water meter box which serve the customer, regardless of whether such premises are owned by the customer.

B. If ECUA determines the service lines from the water meter and meter boxes to the customer's structure and any gate valve on the outlet side of the meter is in violation of the Lead & Copper Rule Revision, 40 CFR Part 141, ECUA shall recommend replacement of the water service lines to bring them into compliance at the customer's expense.

The cost of replacement may be financed by ECUA and shall be paid in no greater than sixty (60) monthly installments, with simple interest at five percent (5%) per year from the date of reconnection of service, to be included in regular monthly billings for utility services. Any owners electing to pay the cost of repairs in monthly installments shall sign a UTILITY CONNECTION FEE NOTICE OF LIEN with ECUA.

C. *Customer responsibilities.* Each customer shall be responsible for maintaining the customer's house line, including all lines and fixtures on the outlet side of the water meter serving the customer, and any gate valve on the outlet side of the meter. However, in the event ECUA damages any portion of a customer's house line, such damage will be repaired by ECUA.

D. *Restoration after repairs.* Following the repair by ECUA of any water service line or water meter or house line of any customer, ECUA will endeavor to restore the premises to their original condition. However, once restoration has been completed, ECUA shall have no responsibility for the maintenance of the premises or the house line of the customer.

(Res. No. 97-10, 07/24/1997; SR24-09, 09/24/24)

Sec. 28-23. Unauthorized Use of Water.

A. *General prohibition.* No person shall, without the prior authorization of ECUA, turn on or cause water to flow from any hydrant, valve, or other facility of ECUA, except in an emergency for the purpose of fighting fire.

B. *Unauthorized use of water.* No water shall be taken from the ECUA water system through connection to any fire hydrant or flush stand, except with the prior written approval of ECUA, or for the purpose of fighting fire.

C. *Fire departments.* Fire department personnel may make temporary connections to fire hydrants and flush stands for testing or training purposes only, with prior notice to ECUA. Under emergency circumstances fire department personnel may make such connections without prior notice but should notify ECUA as soon as is reasonably possible under the circumstances.

(Res. No. 97-10, 07/24/1997)

Sec. 28-24. Supply of Water.

ECUA does not guarantee an uninterrupted supply of water or water at a particular pressure for any purpose. ECUA reserves the right to shut off the water in its mains at any time for the purposes of making repairs or extensions or for other purposes incidental to the public water supply. Depending upon the circumstances, ECUA will make reasonable efforts to notify customers who may be affected by anticipated interruptions in service. ECUA shall have no liability for any damage caused by high or low pressure or by an interruption in service.

(Res. No. 97-10, 07/24/1997)

Secs. 28-25-28-35. Reserved.

ARTICLE III. WASTEWATER COLLECTION SYSTEM

Sec. 28-36. Wastewater System Extensions.

Extensions to the ECUA wastewater collection system shall be designed and constructed in accordance with the requirements of the most current edition of the ECUA Engineering Manual. Any person proposing to construct an extension to the ECUA wastewater collection system shall submit to the ECUA Engineering Department, for review and approval, plans and specifications prepared, signed, and sealed by a professional engineer registered in the State of Florida. ECUA will review the plans and specifications for compliance with the ECUA Engineering Manual and policies. Construction shall not commence until ECUA has issued written final approval of the plans and specifications. The contractor retained to install the improvements must provide the ECUA inspector not less than two ECUA working days' written notice prior to commencing construction.

(Res. No. 97-10, 07/24/1997)

Sec. 28-37. Connection to ECUA Wastewater Collection System.

New connections to the ECUA wastewater collection system shall be applied for by the owner of the property to be served, or by an authorized agent of the owner, using an application form furnished by ECUA. All applicable fees, charges and security deposits shall be paid prior to making any connection. Connections shall be made to the ECUA wastewater collection system only by ECUA or by a licensed contractor or licensed plumber. Connections shall be made only by ECUA or in the presence of an ECUA inspector. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-38. Wastewater Gravity Main Connections.

A. *Existing service lines.* If an ECUA wastewater main is available to the property to be served, ECUA will provide any information in ECUA's records to the owner or the owner's licensed contractor or licensed plumber to assist in locating any existing ECUA service line serving the property.

B. *New service lines.*

1. *Single family residential.* In the case of a request for gravity wastewater service to single-family residential property, ECUA shall provide a wastewater service line from an available wastewater main to the boundary line of the property to be served if it is determined that a service line, in good condition, is not present at the property to be served.

2. *Other than single-family residential.* In the case of a request for gravity wastewater service to property other than single-family residential, it shall be the responsibility of the customer to expose the wastewater main at the proposed point of connection and install an appropriate service connection and service line. All work involving connection to the ECUA system shall be inspected by ECUA before the excavation is closed.

C. *Service not available to property.* Where a gravity wastewater collection system is not available to the property requesting service, connection from the property may require an extension to the collection system (see section 28-36 above).

Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-39. Wastewater Force Main Connections.

If property cannot be served by gravity connection to the ECUA wastewater collection system, a customer may install a wastewater pumping station, and connect the station to the ECUA wastewater system by means of a force line.

A. *Force line connections to gravity wastewater facilities.*

1. Single family residential.

If an ECUA gravity wastewater main is available to the property to be served, ECUA will tap the main and install a service line to the nearest boundary line of the property. It will be the responsibility of the customer to connect a force line to the service line.

If there is not an ECUA gravity wastewater main available to the property to be served, ECUA will tap a gravity wastewater main at the most feasible point of connection. It will be the responsibility of the customer to construct a force line from the service location to the point of connection.

2. Other than the single-family residential.

If an ECUA gravity wastewater main is available to the property to be served, ECUA will designate a point of connection. It will be the responsibility of the customer to retain a licensed contractor or licensed plumber to tap the main at the point of connection and construct a force line from the service location to the point of connection.

If an ECUA gravity wastewater main is not available to the property to be served, ECUA will designate a point of connection. It will be the responsibility of the customer to retain a licensed contractor or licensed plumber to tap the main at the point of connection and construct a force line from the service location to the point of connection.

Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

B. *Force line connections to pressurized wastewater facilities.*

1. *Single-family residential.*

If a pressurized ECUA wastewater main is available to the property to be served, ECUA will tap the pressurized wastewater main and install a service line to the

nearest boundary line of the property. It will be the responsibility of the customer to connect a force line to the service line and install a check valve at the point of connection.

If a pressurized ECUA wastewater main is not available to the property to be served, ECUA will tap a pressurized wastewater main and install a control valve at the most feasible point of connection. It will be the responsibility of the customer to construct a force line from the service location to the control valve and install a check valve at the point of connection.

(Res. No. SR24-02; 04/23/2024)

2. *Other than single-family residential.*

If an ECUA pressurized wastewater main is available to the property to be served, ECUA will designate a point of connection. It will be the responsibility of the customer to retain a licensed contractor or licensed plumber to tap the main, install a control valve and check valve at the point of connection, and construct a force line from the service location to the point of connection.

If an ECUA pressurized wastewater main is not available to the property to be served, ECUA will designate the most feasible point of connection. It will be the responsibility of the customer to retain a licensed contractor or licensed plumber to tap the main, install a control valve and valve box and a check valve at the point of connection, and construct a force line from the service location to the point of connection.

Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-40. Relocation and replacement of Wastewater Facilities.

ECUA retains the right to relocate any wastewater main, control valve, service line or connection, and replace any portions of its wastewater system or convert to a different type of collection system as required to meet the operational needs of its system and provide services to its customers. No person shall relocate any control valve, service line or connection without prior written consent from ECUA.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-09, 09/24/24)

Sec. 28-41. Separate Connections Required.

Each building shall be served by individual house and service lines. Each first floor unit of any multi-family residential or multi-unit commercial structure shall be served by individual house and service lines. However, separate house lines are not required for an appurtenant structure such as a detached garage or workshop not intended for occupation as a permanent residence or place of business.

(Res. No. 97-10, 07/24/1997)

Sec. 28-42. Maintenance of Collection System.

A. *Blockages/Free Flow.*

Each wastewater system customer shall, at the expense of the customer, clear any blockage and maintain free flow in the wastewater house line and service line or force line from the property served to the point at which the wastewater service line or force line connects to a wastewater main. In the event the wastewater house line and service line or force line will not flow, ECUA should be notified. ECUA will check the wastewater main. If it is determined by ECUA that the wastewater main is blocked or in need of repair ECUA will take the necessary action to repair the wastewater main or remove the blockage. If ECUA determines that the source of the blockage is not in the main, the customer or the customer's plumber shall check the wastewater house line and service line or force line to determine whether the line is blocked or broken. If the wastewater house line, service line, or force line is blocked, the customer shall be responsible for clearing the blockage.

B. *Broken service lines.*

1. *Single-family residential customers:*

Each wastewater system customer served by a gravity collection system, and each single-family residential customer served by a force line, shall maintain and keep in good repair the wastewater house line and service line or force line from the customer's property to the curb line. If there is no curb line, the customer shall maintain and keep in good repair the wastewater house line, service line or force line to the edge of roadway.

If a house line or force line is determined to be broken, the location of the break shall be determined by the customer or the customer's plumber. If it is determined that the break is located on the customer's property, the customer shall be responsible for repairing the house line or force line. If it is determined that the break is located in a public right of way or in an easement, it will be the responsibility of the customer or the customer's plumber to determine whether the break is located under a roadway located in the right-of-way or easement. If

the customer or the customer's plumber determines that the break is under the roadway, the customer shall be responsible for having the line exposed to allow for access by ECUA to camera the line to verify the location of the break. Once the line has been exposed, ECUA shall be notified so the line can be inspected to verify the location of the break. If ECUA determines that a break is located under the roadway, ECUA will make necessary repairs. If ECUA determines that a break is not under the roadway, the customer shall be responsible for making any necessary repairs.

2. *Other than single-family residential customers.*

Each customer, other than a single-family residential customer, served by a force line shall maintain and keep in good repair the force line to the point of connection to a wastewater main. A break in a force line serving any customer other than a single-family residential customer shall be repaired by the customer regardless of where such break occurs.

C. *Costs.*

ECUA shall not, under any circumstances, be responsible for the payment of any plumbing or other costs incurred by a customer in investigating or clearing any blockage between the customer's premises and the point of connection to a wastewater main.

ECUA will be responsible for the payment of any plumbing or other costs incurred by a customer in investigating a break, if it determined by ECUA the break is located under the roadway. ECUA shall not be responsible for the payment of any plumbing or other costs incurred by a customer investigating a break if the break is not located under the roadway.

(Res. No. 97-10, 07/24/1997)

Sec. 28-43. Prohibited Discharges.

No person shall discharge or cause to be discharged to any wastewater main or to any other component of the ECUA wastewater collection system:

1. Any storm water, surface water, ground water, roof run-off, subsurface drainage, or unpolluted industrial process waters.

2. Any water, wastewater, or other substance not permitted by the ECUA Wastewater Collection and Treatment System Use Regulations.

(Res. No. 97-10, 07/24/1997)

Sec. 28-44. Impairing, Obstructing, or Damaging Any Wastewater Collection System.

No person shall do any act which may impair or obstruct the flow of or damage any ECUA wastewater main or any other component of the ECUA wastewater collection system, or place therein any substance, solid or liquid, other than the waste products for which the wastewater collection system is provided.

(Res. No. 97-10, 07/24/1997)

Sec. 28-45. Entrance to Wastewater Collection and Treatment System.

No person shall enter any ECUA wastewater main, manhole, lift station, or appurtenance without prior permission of ECUA.

(Res. No. 97-10, 07/24/1997)

Secs. 28-46-28-55. Reserved.

ARTICLE IV. PENALTIES AND ENFORCEMENT

Sec. 28-56. Prohibited Practices.

No person shall:

1. Maliciously or willfully damage or destroy any part of the ECUA water or wastewater collection and treatment systems.

2. Willfully alter, tamper with, injure, or knowingly allow to be altered, tampered with, or injured any meter, pipe, fitting, or other apparatus belonging to ECUA in such a manner as to cause loss or damage or to prevent any meter installed for registering water or wastewater from registering the quantity which would otherwise pass through the same, or in any way to hinder or interfere with the proper action or accurate registration of any mete r, or knowingly use, waste, or allow the waste, by any means, of water passing through any such meter, pipe, line, fitting or other apparatus belonging to ECUA after such meter, pipe, line, fitting, or other apparatus has been tampered with, injured, or altered.

3. Make or cause to be made any connection to the ECUA water distribution or wastewater systems in such manner as to use, without the consent of ECUA, any water or wastewater service, or to cause to be supplied any water or wastewater service to any person, without such service having been reported for payment or such water or wastewater passing through a meter used for measuring and registering the quantity of water or wastewater passing through the same.

4. Use or receive direct benefit from the use of ECUA water or wastewater collection and treatment systems knowing, or under such circumstances as would induce a reason- able person to believe, that such direct benefit has resulted from any tampering with, altering of, or injury to any meter, pipe, line, fitting, or other apparatus owned, used, operated, or controlled by ECUA, for the purpose of avoiding payment.

5. Make any material misrepresentation or concealment in an application for water or wastewater service as to the property or fixtures to be provided with service, or the use to be made of such service.

Use any water or wastewater service for, in connection with, or for the benefit of any user or purpose other than as described in the customer's application for service.

(Res. No. 97-10, 07/24/1997)

Sec. 28-57. Penalties for Violation.

Any person who willfully commits any of the prohibited practices specified by section 28-56 above shall be subject to:

A. A civil penalty per violation. Refer to the ECUA Rate Schedule for current rates and terms.

(Res. No. SR24-02; 04/23/2024)

B. Termination of water service or wastewater service, or both, until such violation has been corrected; and

C. Adjustment of prior bills for water and wastewater service or both.

(Res. No. 97-10, 07/24/1997)

Sec. 28-58. Civil Liability.

Any person who violates any provision of this chapter shall be liable to ECUA for any expense, loss, or damage to ECUA for such violation.

(Res. No. 97-10, 07/24/1997; Res. No. SR24-02; 04/23/2024)

Sec. 28-59. Additional Provision Applicable to Licensed Plumbers and Contractors.

Any person licensed by the State of Florida or by Escambia County to construct water and wastewater utility system improvements, or who is a licensed plumber, or any person who

engages in such activity without being licensed, who violates any provision of this Chapter shall, in addition to being subject to the penalties specified above, be ineligible to bid on ECUA construction projects for a period of one (1) year following the violation or the date on which the violation was discovered by ECUA, whichever shall later occur.

(Res. No. 97-10, 07/24/1997)

Chapter 29

RECLAIMED WATER SYSTEM REGULATIONS

Definitions.

Adjacent	Situated in a portion of a public right-of-way or easement contiguous to the property to be served and lying within the area between two lines extending from the intersections of the side property lines and the boundary of the right-of-way or easement, and perpendicular to the centerline of the right-of-way or easement.
Available	Adjacent to property to be served, having capacity as determined by ECUA to supply Reclaimed Water to the property based on total system demand, specific transmission/distribution capabilities within the subject project area, authorized uses, and/or the estimated cost of providing Reclaimed Water service to the subject project area, and capable of being connected to a Reclaimed Water Service Line serving the property.
Backflow	The reverse flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.
Backflow Prevention Assembly	An assembly to prevent backflow.
Connect	To physically join a utility line to an ECUA water main, Reclaimed Water Main, wastewater collection or transmission main, or any other ECUA facility.
Customer	A Person who maintains an account to receive water service, Reclaimed Water service, wastewater service, sanitation service, or any combination of the four services, from ECUA, or who has applied for or requested such service(s).
Customer Reuse System	Commencing from the ECUA Reclaimed Water Meter Box or Vault, as applicable, the pipe(s), valves, appurtenances, or other accessories which serves the Customer's property for which ECUA is not responsible for maintenance.
ECUA Inspector	An ECUA employee or designee, assigned to observe construction activity or connections.
Fire Line	A water service line designated to provide water for firefighting purposes only.

Person	Any individual, partnership, firm, corporation, or other legal entity, whether governmental or non-governmental.
Premises	The area surrounding the Customer Reuse System, Reclaimed Water Service Line, Reclaimed Water Meter, Reclaimed Water Meter Box or Vault, wastewater service line, or force main.
Reclaimed Water	Water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility as defined in Chapter 373, F.S.
Reclaimed Water Distribution System	A network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute Reclaimed Water from one or more domestic wastewater treatment facilities to one or more users of Reclaimed Water as defined in Chapter 373, F.S.
Reclaimed Water Main	A pipe which is part of the ECUA Reclaimed Water Distribution System, and which is designed to transport Reclaimed Water to be supplied to one or more service locations.
Reclaimed Water Meter Box or Vault	An enclosure which houses a Reclaimed Water meter, pipe, fitting, control valve, or other apparatus.
Reclaimed Water Service Line	A pipe located within a public right-of-way or easement that connects a Reclaimed Water Main to a Reclaimed Water meter, pipe, fitting, or other apparatus within the Reclaimed Water Meter Box or Vault, as applicable, and/or that connects the Reclaimed Water meter, pipe, fitting, or other apparatus within the Reclaimed Water Meter Box or Vault, as applicable, to the Customer Reuse System serving the property.

Sec. 29-1. Reclaimed Water Service

Reclaimed Water (RW) service may be provided within the ECUA service area which complies with the provisions for such service pursuant to Chapter 373, F.S., Chapter 62-610, F.A.C., or as set forth in this Chapter, and is subject to availability.

A. The primary source of RW will be derived from ECUA's three (3) Water Reclamation Facilities. ECUA reserves the right to supplement the RW Distribution System with other sources of water meeting current Florida Department of Environmental Protection (FDEP) requirements as a means of eliminating or mitigating shortfalls in the supply of RW.

B. ECUA does not guarantee an uninterrupted supply of RW or a particular pressure for any purpose. ECUA reserves the right to shut off the RW Mains at any time for the purposes of making repairs, extensions, expansion, upgrading, or for other purposes incidental to the RW Distribution System or RW Supply. Depending upon the circumstances, ECUA will make reasonable efforts to notify customers who may be affected by anticipated interruptions in service. ECUA will have no liability for any damage caused by high pressure, low pressure, or by an interruption in service.

C. The Executive Director, or duly authorized ECUA staff member, will have the authority to establish schedules which restrict the use of RW at certain times, including but not limited to periods of shortages in RW availability or to reduce peak demands on the RW Distribution System.

D. Seasonal RW service may be provided to certain Customers upon a determination of ECUA that RW is available for limited periods of time, subject to the requirements of all federal, state, and local regulations and this Chapter and subject to approval by ECUA.

E. Applicants accepted for RW service will receive an information sheet summarizing the appropriate uses of RW as well as those uses that are prohibited and will agree to abide by the requirements of all federal, state, and local regulations, and this Chapter as a condition for RW service.

F. Where an RW Distribution System has been installed and ECUA has determined RW is available, the installation of a second potable water service line for the purpose of a non-potable demand will be prohibited.

G. *Right to Inspection:* By requesting or accepting RW service, Customer agrees that ECUA, FDEP, the Escambia County Department of Health, and/or other vested regulatory bodies will have the right to enter upon the Premises to determine the presence of any potential hazards to the public potable water system and/or whether the Customer is in compliance with all the requirements of this Chapter.

1. Owners or occupants of Premises where RW is being utilized will allow ECUA or its representative ready access at all reasonable times to all parts of the Premises for the purposes of inspection or in the performance of any of their duties.
2. If ECUA or its representatives have been refused access to a building, structure, property, or any part thereof, other than an owner-occupied family residence, and are able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect to verify compliance with this Chapter or to protect public health and safety, ECUA may terminate RW service.

H. In addition to the requirements of this Chapter, ECUA reserves the right to require additional written agreements from RW Customers whose use or projected use of RW is significant, in ECUA's sole discretion.

Sec. 29-2. Authorized Uses of Reclaimed Water.

FDEP governs the allowed uses of RW. Each of ECUA's three (3) Water Reclamation Facilities operates under an independent operating permit dictating the authorized uses of the RW from that particular facility. For the most up to date authorized uses from each facility, contact ECUA staff or refer to the ECUA website to see the most recent operating permits for:

A.	Central Water Reclamation Facility	FDEP Facility ID FL0559351
B.	Bayou Marcus Water Reclamation Facility	FDEP Facility ID FL0031801
C.	Pensacola Beach Water Reclamation Facility	FDEP Facility ID FL0024007

Sec. 29-3. Unauthorized Uses of Reclaimed Water.

A. *General prohibition:* No Person will, without the prior authorization of ECUA, turn on or cause RW to flow through a valve or other facility of ECUA, except in an emergency for the purpose of fighting fire.

B. *Specific unauthorized uses:* The Customer will not allow the RW to be used as follows:

1. RW will not enter any residential dwelling for any purpose.
2. RW will not be designated as a fire protection source.
3. There will not be any above ground hose bib connections to the RW system. All hose bib connections must be located in below grade, locked vaults, and clearly labeled as being non-potable.
4. RW will not be used to fill swimming pools, hot tubs, wading pools, spas, or similar facilities.
5. Tanker trucks used for transporting products intended for human consumption are prohibited from transporting RW.
6. Transfer of RW to any other Person without written authorization from the ECUA is prohibited.
7. Any purpose other than those specifically allowed by the ECUA facility operating permit or Section 29-2 of this Chapter.

Sec.29-4. Connection to ECUA Reclaimed Water System.

New connections to the ECUA RW Distribution System will be applied for by the owner of the property to be served, or by an authorized agent of the owner, using an application form furnished by ECUA. All applicable fees, charges, and security deposits will be paid prior to making any connection. Connections to the ECUA RW system will be made only by ECUA, a State of Florida licensed contractor, or State of Florida licensed plumber. Refer to the ECUA Rate Schedule for current rates and terms.

Sec. 29-5. Application For Reclaimed Water Service

A. *Application for Connection to Reclaimed Water Distribution Main:* RW service shall be applied for as described below:

1. Commercial Uses: Applications for commercial or industrial RW service will be applied for through the ECUA Engineering Office and will be accompanied by a letter of intent describing the non-potable uses requested by the applicant, site plan, and/or construction plans showing the proposed service. Refer to the ECUA Engineering Manual, as amended, for permitting, design standards, specifications, and construction details.
2. Single Family or Multi-Family Residential Uses: Single family or multi-family residential sites will apply through the ECUA Customer Service Office by completing the application, providing service size requested, and identifying desired RW uses.

B. *Incomplete Applications:* ECUA will act only on complete applications. Persons submitting incomplete applications will be notified within thirty (30) days that the application is deficient, the nature of such deficiency, and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days, ECUA will deny the application or deem the application withdrawn and notify the applicant in writing of such action.

C. *Evaluation of Applications:* Upon receipt of a complete application, ECUA will review and evaluate all data furnished by the Applicant and will approve or deny the application with such conditions and requirements as may be deemed required by ECUA.

Sec. 29-6. Reclaimed Water Rates and Fees

Rates and fees associated with the RW Distribution System are established by the ECUA Board by resolution. Refer to the ECUA Rate Schedule for current rates and terms.

Sec. 29-7. Reclaimed Water System Extension and Upgrading.

The following provisions will govern the extension and upgrading of ECUA's RW Distribution System. These provisions do not apply to an RW System Expansion, i.e. the construction of an RW Distribution System or RW Lines to serve new development, the cost of which is the responsibility of the developer and governed by Section 29-8.

A. *Submission of Requests:* Requests for the extension or upgrade of any ECUA RW Service Line may be submitted by any current or potential Customer of ECUA or may be initiated by the ECUA Board or staff. All such requests will be submitted to the Executive Director. The Executive Director may approve or deny any such request if the estimated cost of the proposed project is within the scope of the

authority of the Executive Director or may refer the request to the ECUA Board.

B. *Evaluation and Approval:* All such requests will be evaluated in order to identify those which have significant potential for the improvement of service to existing Customers, increasing the ECUA Customer base, enhancement or protection of surface or ground water, or the accomplishment of other objectives deemed to be in the best interest of ECUA and the public it serves.

C. No such request will be considered or approved unless the proposed project meets the following criteria as solely determined by ECUA:

1. The proposed project must serve one (1) or more of the following purposes:

    a. Provision of RW service to one (1) or more properties, at the time of the request, served by privately owned water wells which supply water for a usage compatible with the associated RW Distribution System's uses: or
    b. Expansion of the ECUA Customer base; or
    c. Improved service to existing Customers.

2. Any proposed RW Line extension or upgrade must be located within a public right-of-way. In the event the property to be served is not accessible from a public right-of-way ECUA, in its sole discretion, may require that the Customer provide an exclusive, irrevocable, permanent, recordable easement for access to and the construction, operation, and maintenance of the proposed RW Line(s). Any such right-of-way or easement will be open and clear of obstructions and permanent structures.
3. The proposed project must meet the requirements of the ECUA Engineering Manual, as amended, and generally conform to the Master Plan of ECUA for its Reclaimed Water System.
4. The proposed project must be financially feasible. Feasibility will be determined based on the estimated cost of the proposed project, the availability of funds, and the anticipated benefit from the proposed project. Depending on the nature of the benefit to be derived from construction of a project, ECUA may pay the cost of the project, require the Person requesting the project to agree to pay part or all of the cost of the project, or levy a special assessment in accordance with ECUA policy.

Sec. 29-8. Reclaimed Water System Expansion.

The following provisions will govern the design, construction, and payment of the cost of construction of certain RW mains to be accepted by ECUA.

A. *Design and Construction:*

1. In new developments where existing RW Mains are Adjacent to the property and RW is determined to be available by ECUA based on total system demand, specific transmission/distribution capabilities within the subject project area, and FDEP authorized uses exist, the developer will install RW Mains to serve the development. If required by ECUA, the developer will design and construct such facilities so as to also serve anticipated growth in the vicinity of the development.
2. The developer will submit preliminary plans to ECUA for a determination by ECUA staff as to what facilities will be required to be built, pursuant to ECUA's Engineering Manual, as amended, to serve anticipated growth. Such determination will be based on the Master Plan of ECUA for the Reclaimed Water System, land use plans of other units of local government, the anticipated demands which development will place upon the RW Distribution System of ECUA, and other factors as ECUA determines may be appropriate.
3. If, based on the foregoing criteria, ECUA determines that it is advisable that oversized facilities be constructed in order to serve anticipated growth the developer or engineer of record will be notified to proceed with the design of such facilities.
4. Design and construction will be in accordance with criteria established by ECUA and will be subject to approval of ECUA.
5. The developer will submit to ECUA "as-built" plans for such facilities.

B. *Reimbursement for Certain Costs of Design or Construction:*

1. If ECUA requires the developer to design or construct any RW Main of greater size or length or at greater depth or of a different character, ECUA will reimburse the developer for the difference between the cost of construction of those facilities which ECUA requires the developer to construct and the cost of construction of facilities which will be required to meet the criteria set forth in paragraph 2 below, subject to Executive Director or ECUA Board approval.
2. The developer will be responsible for the cost of providing the following facilities:

    a. *Reclaimed Water Mains:* Four (4) inch diameter, or such greater size as may be required to serve the proposed development, including at least one (1) connection at the property line for looping to the RW Distribution System of ECUA. (RW Mains of less than four (4) inch diameter may be permitted on an exceptional basis in accordance with good engineering practice.)

b. *Reclaimed Water Service Lines:* To the point of connection at the property line.

c. *Connecting Mains:* Such Mains as may be necessary to connect to the RW system of ECUA.

Sec. 29-10. Reclaimed Water Service Lines.

A. *Reclaimed Water Main Adjacent to Property:* For a single-family residential property, if an ECUA RW Main is located Adjacent to the property to be served, ECUA will, for a RW service not to exceed one and one half (1 ½) inches in size, install a RW Service Line from the RW Main to the nearest boundary line of the property to be served and will install a RW Meter Box or Vault, as applicable. Within the RW Meter Box or Vault, ECUA will install a RW meter, pipe, fitting, or other apparatus as determined solely by ECUA. For other than single family residential property, the owner of the property or his/her designee will be responsible for installation of a RW Service Line from the RW Main to the nearest boundary line of the property to be served, and for construction of a RW Meter Box or Vault, as applicable, in accordance with ECUA requirements. ECUA will install a RW meter, pipe, fitting, or other apparatus as determined solely by the ECUA. It will be the responsibility of the Customer to connect the Customer's Reuse System to the outlet side of the RW Meter Box or Vault.

B. *Reclaimed Water Main Not Adjacent to Property:* For a single-family residential property, if no ECUA RW Main is located Adjacent to the property to be served, the customer may construct an extension to the ECUA RW system in accordance with ECUA requirements and Section 29-8 of this Chapter. If the Customer does not construct an extension, ECUA may, at its discretion, install a RW Meter Box or Vault, as applicable, and RW meter, pipe, fitting, or other apparatus, as determined solely by ECUA, at the most feasible point of connection to an ECUA RW Main. It will be the responsibility of the Customer to connect the Customer's Reuse System to the outlet side of the RW Meter Box or Vault. In the event an ECUA RW Main is subsequently installed Adjacent to the property being served in this manner, ECUA will relocate the RW Meter Box or Vault and RW Service Line to the boundary line of the property, at no cost to the Customer. For other than single-family residential property, any such extension will be permitted, designed, and constructed in accordance with the ECUA Engineering Manual, as amended.

C. *Right to Relocate:* ECUA retains the right to relocate any RW Service Line and/or RW Meter Box or Vault, and associated equipment as it sees fit. No Person will relocate any control valve, RW Service Line, or connection without prior written consent from ECUA.

Sec. 29-11. Reclaimed Water Meters.

A. *Installation:* If an RW meter is required by ECUA, an RW Meter Box or Vault, as applicable, will be installed by ECUA in accordance with the above section. Provided, however, that RW Meter Vaults for meters two (2) inches or larger in size will be furnished and installed by the Customer at Customer's expense. Any such RW Meter Vault installed by a Customer will conform to ECUA's Engineering Manual, as amended. ECUA may not install a RW meter until final acceptance is issued.

B. *Customer connection:* If an RW meter is installed, the Customer will be responsible for making connection and installing a valve to the Customer's Reuse System on the outlet side of the RW meter for Customer's use.

C. *Relocation:* No Person, other than ECUA personnel or an authorized agent of ECUA, will relocate any ECUA RW meter.

Sec. 29-12. Reclaimed Distribution System Maintenance.

A. *ECUA Responsibilities:* All RW Service Lines, RW Meter Boxes and Vaults, and RW meter, pipe, fitting, or other apparatus installed by ECUA are and will remain the property of ECUA and will be maintained by ECUA. Repairs to any RW Service Line, RW meter, RW Meter Box and Vault, pipe, fitting, or other apparatus owned by ECUA will be made only by ECUA or its designee.

1. These repairs and maintenance will be done without cost to the Customer with the following exceptions:

    a. Where there is evidence of tampering or damage to the ECUA owned equipment by the Customer, the Customer may be subject to prosecution, adjustment of RW bills, and reimbursement to ECUA for expenses incurred.
    b. In no event shall ECUA be responsible for the maintenance of any portion of the Premises on or surrounding which a RW Meter Box or Vault has been placed.

2. In the event ECUA damages any portion of a Customer's Reuse System, such damage will be repaired by ECUA. By acceptance of RW service from ECUA, each Customer assumes responsibility for maintaining, in a safe condition, the Premises on and surrounding the RW Service Line and RW Meter Box or Vault which serve the Customer, regardless of whether such Premises is owned by the Customer. Customer will not install landscaping, fences, or structures that impede access to meter valves, boxes, or vaults.

B. *Customer Responsibilities:* Each Customer will be responsible for maintaining the Customer's Reuse System, including all RW Service Lines and fixtures beginning at the outlet side of the RW Meter Box or Vault serving the Customer. The Customer will install a master control valve to isolate the Customers Reuse System. ECUA may require the Customer to install at its own expense additional valves to assist in cross-connection control inspections of complex systems. ECUA reserves the right to disconnect the service to any Customer that does not properly maintain its system.

1. Irrigation systems will be designed, or existing systems will be adjusted and/or modified, to minimize overspray, runoff, and misting.
2. *Cross-Connection Control:* At all properties where RW service is provided, the Customer will comply with all regulations set forth by Chapter 5 – Cross Connection Control Program, ECUA Code, as amended, including but not limited to the public potable water supply will be protected by an approved backflow prevention device or an air gap. In all Premises where there is RW or other auxiliary water supplies, there will be no physical connection to any potable water. Where such a cross-connection is found, RW service will be disconnected. Before reconnection of the RW service, the public potable water system will be protected against the possibility of future cross-connections, and additional devices may be required as specified by ECUA and installed at the Customer's expense.

C. *Restoration After Repairs:* Following the repair by ECUA of any RW Service Line, RW meter, or associated equipment of any Customer, ECUA will endeavor to restore the Premises to its original condition. However, once restoration has been completed, ECUA will have no responsibility for the maintenance of the Premises or the Customer Reuse System.

D. *Identification:* All pipes and above ground cross-connection control devices accepted into existing systems will be adequately identified by the appropriate system color. The color may be characteristic of the pipe material, added after manufacture of the pipe by a coloring agent, or permanently attached by means of an adhesive-backed tape. There will be a minimum of three (3) colored stripes per length of pipe (located at 10 o'clock, 12 o'clock and 2 o'clock when the pipe is installed) each a minimum of two (2) inches wide. The identifying color for RW Distribution Systems will be Pantone Purple 522C in accordance with Chapter 62-610.469(7)(f), F.A.C.

Sec. 29-13. Prohibited Practices.

No Person shall:

A. Maliciously or willfully damage or destroy any part of the ECUA RW Distribution System.

B. Willfully alter, tamper with, injure, or knowingly allow to be altered, tampered with, or injured any meter, pipe, fitting, or other apparatus belonging to ECUA in such a manner as to cause loss or damage or to prevent any meter installed for registering RW from registering the quantity which would otherwise pass through the same, or in any way to hinder or interfere with the proper action or accurate registration of any meter, or knowingly use, waste, or allow the waste, by any means, of RW passing through any such meter, pipe, line, fitting or other apparatus belonging to ECUA after such meter, pipe, line, fitting, or other apparatus has been tampered with, injured, or altered.

C. Make or cause to be made any connection to the ECUA RW Distribution System in such manner as to use, without the consent of ECUA, any RW service, or to cause to be supplied any RW service to any Person, without such service having been reported for payment or such RW passing through a meter used for measuring and registering the quantity of RW passing through the same.

D. Use or receive direct benefit from the use of the ECUA RW Distribution System knowing, or under such circumstances as would induce a reasonable person to believe, that such direct benefit has resulted from any tampering with, altering of, or injury to any meter, pipe, line, fitting, or other apparatus owned, used, operated, or controlled by ECUA, for the purpose of avoiding payment.

E. Make any material misrepresentation or concealment in an application for RW service as to the property or fixtures to be provided with RW service, or the use to be made of such RW service.

F. Use any RW service for, in connection with, or for the benefit of any use or purpose other than as described in the Customer's application for service.

Sec. 29-14. Terminating Service

ECUA may terminate RW service to any Customer due to any infraction or violation of Federal, State, or local law, Florida Administrative Code 62-610, the ECUA Code, or this Chapter, or any condition that may be determined by ECUA to be detrimental to the system. ECUA has the right to disconnect RW service until the condition is corrected and all costs due to ECUA are paid. These costs may include delinquent billings, connection charges, and payment for any damage caused to the RW Distribution System. Should a terminated RW service be turned on without authorization, ECUA will disconnect the RW service and make an additional charge as established. Refer to the ECUA Rate Schedule for current rates and terms.

Sec. 29-15. Penalties for Violation.

Any Person who willfully commits any infraction or violation of federal, state, or local law, Florida Administrative Code Chapter 62-610, the ECUA Code, or this Chapter, or allows any condition or use of RW determined by ECUA to be detrimental to the system to occur or persist, is subject to the following:

A. A civil penalty or fine per violation. Refer to the ECUA Rate Schedule for current rates and terms; and
B. Termination of RW service, potable water service, or wastewater service, or all of the above, until such violation has been corrected or civil penalty paid; and
C. Adjustment of prior bills for RW; and
D. Termination of service will not preclude ECUA from invoking any other civil remedies that may be appropriate.

Sec. 29-16. Civil Liability.

Any Person who violates any provision of federal, state, or local law, Florida Administrative Code Chapter 62-610, the ECUA Code, or this Chapter will be liable to ECUA for any expense, loss, or damage to ECUA by reason of such violation.

Sec. 29-17. Additional Provision Applicable to Licensed Plumbers and Contractors.

Any Person licensed by the State of Florida or by Escambia County to construct RW Distribution System improvements, or who is a licensed plumber, or any Person who engages in such activity without being licensed, who violates any provision of this Chapter will, in addition to being subject to the penalties specified above, be ineligible to bid on ECUA construction projects subject to the penalties described in Chapter 13 – Purchasing Procedures.

(Res. No. SR26-04, 01/27/2026)

ECUA HISTORY

INDEX OF SPECIAL ACTS CREATING & GOVERNING ECUA

CHAPTER	BILL	DATE	DESCRIPTION	STATUS
81-376	HB 1230	07/09/81	Creating the Escambia County Utilities Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and providing for its powers with respect thereto; establishing its governing body and providing for its membership, qualifications and terms of office; providing for the transfer of the water and sewer systems of the City of Pensacola and Escambia County to the Authority; providing for the transfer of additional utility systems to the Authority; containing other provisions relating to the Authority's budget, management, audits and employees; prohibiting any person, firm, or corporation from using any net in certain salt waters of Escambia County or near the entrances to such waters; providing an exception; providing penalties; providing an effective date.	Repealed by 92-248 and 2001-324
82-390			Not available in the State Library and Archives of Florida	Repealed by 92-248 and 2001-324
83-403	HB 493	08/01/83	Amending Section 4 of Chapter 81-376, Laws of Florida, providing for an elected governing body of Escambia County Utilities Authority; providing qualifications and terms of office; providing compensation for members of the governing body; providing an effective date.	Repealed by 92-248 and 2001-324
83-404	HB 496	08/01/83	Providing that nothing in Chapter 81-376, Laws of Florida, shall be construed to affect any privately owned water and sewer utility operating within Escambia County; adding subsections (o) - (q) to Section 5 of Chapter 81-376, Laws of Florida; continuing regulation of said utilities by the Board of County Commissioners; ratifying any rates for said utilities set or approved between August 1, 1981, and the effective date of this act; authorizing the Board of County Commissioners to use the provisions of S. 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of Florida Public Service commission; providing an effective date.	Repealed by 92-248 and 2001-324
84-427	HB 951	06/18/84	Amending Section 4 of Chapter 81-376, Laws of Florida, as amended; providing for an elected governing body of Escambia County Utilities Authority by 1984; reducing the number of members of the Authority; providing terms of office; creating Section 7-A of Chapter 81-376, Laws of Florida; increasing compensation of members of the Authority; authorizing the Pensacola City Council to impose a franchise fee on the Authority which the Authority may only pass on to in-city system users; providing an effective date.	Repealed by 92-248 and 2001-324
84-428	HB 1098	06/18/84	Amending Section 3 of Chapter 81-376, Laws of Florida, as amended, increasing the purposes of the Authority; amending Section 5(b) and (c) of Chapter 81-376, Laws of Florida, as amended, granting power and authority regarding natural gas; adding subsection (r) to Section 5 of Chapter 81-376, Laws of Florida, as amended, to authorize the Authority to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space or any other interest in real property; adding subsection (s) to Section 5 of Chapter 81-376, Laws of Florida, as amended, granting power to provide utilities services outside the territorial limits of Escambia County; adding subsection (t) to Section 5 of Chapter 81-376, Laws of Florida, as amended, limited power regarding natural gas to areas outside the present franchised area of the City of Pensacola; adding subsection (u) to Section 5 of Chapter 81-376, Laws of Florida, as amended, stating that the Authority shall have no power or authority over any interstate gas pipeline company; amending Section 8(a), (c), and (d) of Chapter 81-376, as amended, to provide rate setting procedure for natural gas; providing for severability; providing for supersecure; providing effective dates.	Repealed by 92-248 and 2001-324
85-410	HB 923	06/20/85	Amending Sections 4, 5, 7, 8, 11, and 18 of Chapter 81-376, Laws of Florida, as amended; revising requirements for filing oaths of office of elected members of the governing board; revising the method for acquiring powers and systems relating to resource recovery or solid waste; providing powers for purchasing gas systems; authorizing the use of S. 367.081(4)(b), Florida Statutes, and rules adopted pursuant thereto; authorizing the establishment of penalties for violation of Authority rules and regulations; revising the method for establishing assessments, rates, fees, and charges; increasing the time permitted for acting on a petition for review of Authority action; making grammatical and editorial changes to improve the clarity of Chapter 81-376, Laws of Florida, providing severability; providing an effective date.	Repealed by 92-248 and 2001-324

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CHAPTER	BILL	DATE	DESCRIPTION	STATUS
86-451	HB 1142	06/23/86	Amending sections 4 and 5 of Chapter 81-376, as amended; authorizing members of the authority to determine their salary and providing a limitation; granting the Authority powers of membership and participation in and ownership of any legal entity created for purposes of a financing program or loan pool under S. 163.01(7)(d), Florida Statutes; providing an effective date.	Repealed by 92-248
89-473	HB 789	07/06/89	Amending Chapter 81-376, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the Authority; providing for the disposition of fines, forefeitures, and penalites imposed for such violations; revising the criteria for selection of the Executive Director; providing an effective date.	Repealed by 92-248 and 2001-324
91-335	SB 894	05/01/91	Amending Section 7.1, Chapter 83-405, Laws of Florida; providing that the Escambia County Civil Service System is applicable to employees of the Escambia County Utilities Authority; relettering paragraphs; amending Section 7.2, Chapter 83-405, Laws of Florida; revising a cross-reference to conform; amending Section 9, Chapter 81-376, Laws of Florida, as amended; providing that employees of the Authority are subject to the civil service system; providing that current employees of the Authority shall not be affected as a result; providing for an interlocal agreement under which the Authority will pay its proportionate share of civil service system costs; providing an effective date.	Section 2 of Chapter 83-405 repealed by 92-248 and 2001-324; Section 2 of Chapter 83-405 repealed by 92-248 and 2001-324; Section 3 repealed by 92-248 and 2001-324;
91-403	HB 2021	05/30/91	Amending Chapter 81-376, Laws of Florida, as amended; providing that a fine, forfeiture, or penalty exceeding $500 but not exceeding $2,000 per day may be imposed for violation of Authority rule or regulation when necessary to carry out a federally mandated program; providing an effective date.	Repealed by 92-248 and 2001-324
91-349	SB 2392	06/01/91	Repealing Chapter 81-376, Laws of Florida, as amended; abolishing the Escambia County Utilities Authority and transferring all powers, duties, assets, and liabilities of the Authority to Escambia County; providing for operation of the utilities system and provision of utilities services; providing for employees of the Authority to become employees of Escambia County; providing an effective date.	Repealed by 2001-324
92-248	SB 2466	04/09/92	Codifying and reenacting provisions relating to the Escambia County Utilities Authority; providing that appointees to citizens' advisory committees shall have no personal or business ties with the Authority that could be construed as a conflict of interest; deleting powers of the Authority to adopt personnel and management policies independent of Escambia County Civil Service Board; repealing Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, and 91-403, Laws of Florida, and Section 3 of Chapter 91-335, Laws of Florida, relating to Escambia County Utilities Authority, to conform; providing an effective date.	Repealed by 2001-324
93-365	HB 581	05/06/93	Amending Chapter 92-248, Laws of Florida; providing for certain water services utilities to provide consumption information to the Escambia County Utilities Authority and to terminate water service on account of nonpayment of charges for utilitiy services furnished by the Escambia County Utilities Authority; providing for reimbursement of the cost; providing an effective date.	Repealed by 2001-324
95-497	HB 1467	06/18/95	Amending Chapter 92-248, Laws of Florida; providing for the terms of office of members of the board of the Escambia County Utilities Authority to commence on the second Tuesday following election; prohibiting a consultant to the Authority from holding certain conflicting employment or contractual relationships; requiring the Authority to use the most cost-effective means of providing, operating, or maintaining resource recovery systems or solid waste system collection, distribution, or disposal systems; encouraging the Authority to contract with private persons on a competitive basis for any and all such systems; prohibiting the Authority from discriminating against private persons who provide such systems; requiring the Authority to seek competitive bids for certain activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems; providing an effective date.	Repealed by 2001-324
97-364			Not available in the State Library and Archives of Florida	Repealed by 2001-324
2001-324	HB 919	05/29/01	**Codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the Authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as Chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.**	**Active**
2004-398	HB 401	06/17/04	**Amending Chapter 2001-324, Laws of Florida; changing the name of the Escambia County Utilities Authority; providing an effective date.**	**Active**

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CHAPTER	BILL	DATE	DESCRIPTION	STATUS
2013-261	COMM. SUB. HB 1069	06/28/13	Amending Chapter 2001-324, Laws of Florida; revising the frequency of a management efficiency audit; providing an effective date.	Active
2022-262	COMM. SUB. HB 1583	06/24/22	Amending Chapter 2001-324, Laws of Florida; providing requirements for filling vacancies on the Emerald Coast Utilities Authority; prohibiting certain members from reelection under certain circumstances; revising personnel guidelines; removing personnel appeals process and procedure; revising the qualifications for the executive director; removing the exclusion of certain personnel from civil service protections; providing an effective date.	Active

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1981.

CHAPTER 81-376

House Bill No. 1230

An act relating to Escambia County; creating the Escambia County Utilities Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and providing for its powers with respect thereto; establishing its governing body and providing for its membership, qualifications and terms of office; providing for the transfer of the water and sewer systems of the City of Pensacola and Escambia County to the authority; providing for the transfer of additional utility systems to the authority; containing other provisions relating to the authority's budget, management, audits and employees; prohibiting any person, firm, or corporation from using any net in certain salt waters of Escambia County or near the entrances to such waters; providing an exception; providing penalties; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Authority Created.--There is hereby created and established a local governmental body, corporate and politic, to be known as the "Escambia County Utilities Authority," hereinafter referred to as the "authority."

Section 2. Legislative Findings.--The Legislature finds and declares that the health, welfare and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: That the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public; that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county; that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized; and that the consolidation of utility systems may eliminate duplicative staff functions and positions.

Section 3. Purposes.--The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida. It is further the purpose of this act to repose in the authority all powers with respect to water and sewer, and such

other additional utilities as may be hereafter designated as provided in sections 5(1) and 7(c) herein, which are now, in the future could be, or could have been but for this act, exercised by the City of Pensacola or Escambia County, Florida.

Section 4. Governing Body.--

(a) The governing body of the Authority shall consist of seven (7) members who shall each be an elector of Escambia County. Two of the members shall be members of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"), and shall be appointed by the Board. Two (2) of the members shall be members of the City Council of the City of Pensacola (hereinafter referred to as the "Council"), and shall be appointed by the Council.

The members of the Council and the Board so appointed shall, while serving as members of the Authority, be duly elected members of the Board or the Council if serving either the two (2) or four (4) year terms for which they were elected. If no member of the Council or the Board serving the term for which elected is available to fill a position on the Authority herein designated to be filled by a member of the Board or the Council, the Board or Council may appoint any member of the Board or Council who is available to serve to fill such position.

The fifth member shall be appointed by the Board; the sixth member shall be appointed by the Council. The seventh member shall be appointed by the six members so appointed. In the event that the six appointed members of the governing body of the Authority should be unable to agree upon a seventh member, then the seventh member shall be appointed jointly by the Board and the Council. Such appointment shall be approved by the Council and the Board, voting as separate entities.

The duties undertaken by the members of the Board and the Council so appointed shall be deemed to be additional duties of the offices of county commissioner and city councilman, respectively.

(b) The terms of the original appointees shall be staggered. The Board shall appoint one member for a two-year term and shall appoint one member for a three-year term. The Council shall also appoint one member for a two-year term and one member for a three-year term. The term of the fifth, sixth, and seventh members shall be four years. The members first appointed shall serve their terms as designated in this paragraph and until their successors shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four (4) years. Upon the expiration of a term of office or upon the occasion of a vacancy for any reason, a successor shall be appointed in the same manner as the original appointment was made; provided, however, that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly appointed and qualified.

(c) Members shall be eligible for reappointment. Any member may be removed by a majority vote of the entity responsible for such member's original appointment.

(d) Before entering upon his duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the Office of the Clerk of the Circuit Court of Escambia County.

(e) The Authority members who are members of the Board shall serve without compensation from the Authority, but shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority. The Authority members who are members of the Council may be paid compensation by the City in an amount determined by the City for undertaking the additional duties and responsibilities set forth herein. Such members shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority.

(f) As compensation for performance of duties and responsibilities set forth herein, the three remaining members of the Authority shall receive from the Authority the sum of two hundred dollars ($200.00) per month, and shall also receive from the Authority one hundred dollars ($100.00) per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval by the Authority. Adjustments or increases to amounts of compensation and expense allowance herein set forth may be made upon recommendation by resolution of the Authority and approval by majority vote of both the Board and the Council, voting as separate entities.

(g) The authority shall elect a chairman and vice-chairman from the members of the authority, each of whom shall serve for one (1) year or until his successor is chosen. The chairman (or the vice-chairman in the chairman's absence) shall preside at all meetings of the authority and shall perform such additional duties as prescribed by the members or in the by-laws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all rules and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such rules and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to insure that a copy of the agenda will be available at least three (3) days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than twenty-four (24) hours notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed

an agency or authority of the county for purposes of s. 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 5. Powers.--The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(a)(1) The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates or other evidences of indebtedness, including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates or other evidences of indebtedness authorized to be issued by this act may be validated in the manner prescribed in chapter 75, Florida Statutes. Any complaint for validation permitted by the preceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds or revenues, of whatever kind or nature, and may specify the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

(2) In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(b) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the board, the City of Pensacola or the council, or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, and water supply, including, but not limited to, the powers granted under chapters 125 and 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida.

(c) All powers granted to municipalities with regard to sewage collection and disposal and to water supply granted to municipalities pursuant to chapter 170 and chapter 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under said chapter 170, Florida Statutes.

(d) The power to fix, pledge to establish, or establish, levy, and impose fees, assessments, rates, and charges for the use or benefit of any such systems or facilities, and to alter and amend same from time to time, which fees, assessments, rates and charges, together with other revenues and receipts, shall result in the authority receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(e) The authority may exercise the power of eminent domain as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the board or the council) of the jurisdiction in which the subject property is located.

(f) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to structure the rate classifications so that the costs of any improvements to or expansions of the systems are borne by those users of the systems within the area served by such improvements or expansions.

(g) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the contruction, operation, and maintenance of the systems, facilities, or functions under jurisdiction of authority, and to comply with all requirements and conditions imposed in connection therewith.

(h) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(i) The authority shall have all other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this law.

(j) The authority shall have all privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(k) Any power granted herein may be exercised by resolution of the authority duly adopted and recorded in its minutes.

(l) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the council and the board, voting as separate entities, the authority, with respect to these specified utility systems, shall be vested with all powers set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems.

(m) The authority shall have only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(n) No listing of powers included in this act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.

Section 6. Public Purpose.--The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola; that the authority is performing an essential governmental function; that all property of said authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes; and that all bonds, notes, revenue certificates or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be non-taxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

Section 7. Transfer of Assets and Liabilities--

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of ten million dollars ($10,000,000.00) as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. Provided, however, that if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating the county's Water and Sewer District Number One, then such obligations shall be transferred to the authority, otherwise the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Provided, further, that the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations, whereupon all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities and assets of the city's and county's water and sewer systems. To consummate the sale as

aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When said transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. Provided, however, that accounts receivable and debts of the city and the county which are due and payable prior to the date of said transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority, the council, and the board, and upon payment of fair compensation by the authority, the council and the board shall be authorized to transfer to the authority, and the authority shall be authorized to accept any resource recovery system or solid waste collection, distribution, or disposal system of either. The amount of such compensation shall be agreed upon by the council, the board, and the authority. Provided, however, that the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness, issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized; provided, however, that nothing herein contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, and pledged, notwithstanding the provisions of any other law; provided, however, that ad valorem taxes may be so provided and used only after full compliance with the Constitution of the State of Florida; provided, further, that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

Section 8. Rate Setting Procedure.--

(a) The authority shall fix the initial schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water or sewer system of the authority.

(b) After the system or systems shall have been in operation, the authority may revise such schedule of rates, fees, and charges from time to time. Such rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(d). The authority shall charge and collect the rates, fees, and charges so fixed or revised.

(c) Such rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed and/or upon the number and size of sewer connections, or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, or upon the number or average number of persons residing or working in or otherwise connected with such premises, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water supply system, an additional charge may be made therefor or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g)(1) No rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and/or organizations who have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Such publication, mailing, and posting of notice shall occur at least fourteen (14) days prior to the public hearing. Said hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect.

(2) A copy of the schedule or schedules of such rates, fees, and charges as finally fixed in such resolution shall be kept on file in the office of the Clerk of the Circuit Court in the county and shall be open to inspection by all parties interested. The rates, fees, or charges so fixed for any class of users or property served shall be extended to cover any additional property thereafter served which falls within the same class without the necessity of any hearing or notice.

(3) Any change or revision of any rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established as hereinabove provided.

Section 9. Personnel.--

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority, fix their compensation, and adopt personnel and management policies. These policies shall provide for an appellate process to be available to employees against whom disciplinary or other official action has been taken, as and with the express limitations provided herein.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities which theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain Interlocal Agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees

may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his election, within thirty (30) days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

Section 10. Personnel Appeals Board.--

(a) There shall be appointed a Personnel Appeals Board comprised of two (2) members appointed by the authority, two (2) members chosen by employees of the authority classified below the level of department head, and one (1) member appointed by the other four (4) members. The members of the board shall serve a term of one (1) year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 12. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.

(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may have had under any civil service or personnel system of the City of Pensacola or Escambia County.

Section 11. Process and Procedure.--

(a) Any person wishing to appeal an action of the authority which directly affects his substantial interests may file a petition for review within ten (10) days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within fifteen (15) days of receipt.

(b) If the petition is granted, the petitioner, or his counsel, shall be afforded an opportunity, at a mutually convenient time and place, and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to

the authority's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision of the authority shall have the same rights and remedies which would have been available to him under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 12. Executive Director.--The authority shall employ and fix the compensation of an executive director who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his entire working time to the performance of his duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science or engineering, or, alternatively, must be a licensed and registered engineer. The executive director shall have at least six (6) years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the Personnel Appeals Board.

Section 13. Fiscal Year and Budget.--The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget which shall be balanced and which shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 14. Execution of Documents; Payment of Bills.--All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the the authority to determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

Section 15. Annual Audit.--The authority shall be required to complete an annual compliance and financial audit of the fiscal activities of the authority by a private certified public accounting firm, which shall report to the authority concerning its findings and recommendations.

Section 16. Management Efficiency Audit.--The authority shall contract for a management efficiency audit by a private firm within one (1) year of the effective date of the act and at intervals of at

least three (3) years thereafter, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

Section 17. Transition Provisions.--Within fifteen (15) days after the effective date of this act, the city and the county shall make their initial appointments to the authority. Within fifteen (15) days thereafter, the authority shall conduct its first meeting and appoint its seventh member. Within fifteen (15) days thereafter, the authority shall appoint its executive director and elect its officers, and shall thereupon assume the duties and responsibilities of the Escambia County Water and Sewer Utilities Authority created pursuant to a certain Interlocal Agreement entered into between the city and the county on November 25, 1980. The authority shall give its highest priority to taking all actions necessary for transferring to its ownership and control the water and sewer systems of the city and the county and shall cooperate with the city and the county to complete the transfer of the systems and the transfer of employees to the authority from the city and the county by October 1, 1981, or as soon thereafter as is practicable.

Section 18. Citizens' Advisory Committee.--The authority shall make provision for and appoint a Citizens' Advisory Committee, immediately upon the members of the authority taking office.

Section 19. Severability.--If any section, subsection, paragraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the Legislature hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Section 20. Construction.--Sections 1 through 19 shall be liberally construed to effectuate the purposes set forth herein.

Section 21. No person, firm, or corporation may set or cause to be set or fish or cause to be fished any net whatsoever within the salt waters of Grand Lagoon Subdivision, located in Escambia County, Florida, as platted in plat book 8, page 37 of the public records of Escambia County, which plat includes a portion of Lot 7, Section 22, Township 3 South, Range 31 West, or within 300 feet of the entrances to such waters. This section, however, shall not be construed to prohibit fishing in such waters with hand-operated cast nets during such seasons as are established by law.

Section 22. Any person, firm, or corporation which violates section 21 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 23. Any person, firm, or corporation which violates section 23 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 24. Sections 21 through 25 shall take effect upon becoming a law. Section 1 through section 20 shall take effect on August 1, 1981, unless the Secretary of State has received before

said date a certified copy of a resolution by a majority of the full membership of the City Council of the City of Pensacola or the Board of County Commissioners of Escambia County disavowing said sections, in which case sections 1-19 shall be null and void.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 9, 1981.

CHAPTER 81-377

House Bill No. 1062

An act relating to Franklin County; amending section 2 of chapter 67-1063, Laws of Florida, to permit night shrimping from July 15 until December 31; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 2 of chapter 67-1063, Laws of Florida, is amended to read:

Section 2. Prohibitions.--Trawling or fishing for shrimp or otherwise catching or trying to catch shrimp in Apalachicola Bay, St. George Sound and St. Vincent Sound in Franklin County:

(1) Is unlawful between the hours of sunrise and sundown from July 15 until September 15.

~~(2) Is unlawful between the hours of sundown and sunrise from September 15 until December 31.~~

(2)~~(3)~~ Is lawful any time from January 1 until July 15 and September 15 until December 31.

Section 2. This act shall take effect July 1, 1981.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1981.

CHAPTER 81-378

House Bill No. 863

An act relating to the City of Freeport, Walton County, Florida; amending section 3 of chapter 63-1352, Laws of Florida, providing for the appointment of the city clerk and city marshal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 3 of chapter 63-1352, Laws of Florida, is amended to read:

(c) Specify the geographic locations and size of interconnections of sewer mains to be constructed by the county and from which the city will collect sewage and other liquid wastes delivered to said interconnections by the county. The city will charge the county rates, fees, and charges based on the actual costs, such as trunk sewers, intercepting sewers, pumping stations, treatment and disposal works actually used by the city in the collection, transportation, and treatment of sewage and other liquid wastes from said interconnections; and the city may, upon agreement with the county, charge special fees if the county does not reduce or eliminate its discharge to the Tampa system according to a mutually acceptable schedule.

(d) Set rates, fees, and charges for such services that are just and equitable. In the event no agreement can be reached setting rates, fees, and charges, upon request of either party, such rates, fees, and charges, except the special fees provided for in paragraph (c), shall be set by the rate setting committee pursuant to section 5 of this act.

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

Approved by the Governor June 15, 1983.

Filed in Office Secretary of State June 16, 1983.

CHAPTER 83-403

House Bill No. 493

An act relating to Escambia County; amending section 4 of chapter 81-376, Laws of Florida; providing for an elected governing body of the Escambia County Utilities Authority; providing qualifications and terms of office; providing compensation for members of the governing body; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 4 of chapter 81-376, Laws of Florida, is amended to read:

Section 4. Governing Body.--

(a) The initial governing body of the Authority shall consist of seven (7) members who shall each be an elector of Escambia County. Thereafter, as provided for in subsection (b), all members of the governing body of the Authority shall be elected.

The initial appointees to the governing body of the Authority shall be appointed as follows: Two (2) of the members shall be members of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"), and shall be appointed by the Board. Two (2) of the members shall be members of the City Council of the City of Pensacola (hereinafter referred to as the "Council"), and shall be appointed by the Council.

The members of the Council and the Board so appointed shall, while serving as members of the Authority, be duly elected members of the

Board or Council if serving either the two (2) or four (4) year terms for which they were elected. If no member of the Council or the Board serving the term for which elected is available to fill a position on the Authority herein designated to be filled by a member of the Board or the Council, the Board or Council may appoint any member of the Board or Council who is available to serve to fill such position.

The fifth member shall be appointed by the Board; the sixth member shall be appointed by the Council. The seventh member shall be appointed by the six members so appointed. In the event that the six appointed members of the governing body of the Authority should be unable to agree upon a seventh member, then the seventh member shall be appointed jointly by the Board and the Council. Such appointment shall be approved by the Council and the Board, voting as separate entities.

The duties undertaken by the members of the Board and the Council so appointed shall be deemed to be additional duties of the offices of county commissioners and city councilman, respectively.

(b) ~~The terms of the original appointees shall be staggered. The Board shall appoint one member for a two year term and shall appoint one member for a three year term. The Council shall also appoint one member for a two year term and one member for a three year term. The term of the fifth, sixth, and seventh members shall be four years.~~ The members initially ~~first~~ appointed shall serve their terms as ~~designated in this paragraph and~~ until their successors shall be duly elected under the provisions of this subsection ~~appointed and qualified~~. Successors to members shall be elected by a majority of their electors in nonpartisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.

The successors of the members of the Board and Council appointed to the governing body of the Authority, as well as the fifth member appointed by the Board, shall be elected by districts under the district plan of the Board. Each such successor shall be an elector of the district from which he is elected and shall be elected by the qualified electors of that respective district. There shall be no successor for the sixth member appointed by the Council and the seventh member appointed by the six other appointed members.

The first successor elected for Districts Two and Four shall be elected at the general election held in 1984. The first successors elected for Districts One, Three and Five shall be elected at the general election held in 1986. The successor of each such member shall be elected ~~appointed~~ for a term of four (4) years. Upon the expiration of a term of office a new successor to the office shall be elected as designated in this paragraph, however, upon the occasion of a vacancy for any reason of any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed upon recommendation by resolution of the Authority and approval by majority vote of both the Board and Council, voting as separate entities. ~~or~~ Upon the occasion of a vacancy for any reason, of a member of the initial governing body of the Authority which vacancy occurs prior to his replacement

by election, a successor shall be appointed in the same manner as the initial ~~original~~ appointment was made.~~, provided, however, that~~ Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected. ~~appointed and qualified.~~

(c) Members shall be eligible for reelection. ~~reappointment. Any member may be removed by a majority vote of the entity responsible for such member's original appointment.~~

(d) Before entering upon his duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the Office of the Clerk of the Circuit Court of Escambia County.

(e) ~~The~~ Appointed Authority members who are members of the Board shall serve without compensation from the Authority, but shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority. ~~The~~ Appointed Authority members who are members of the Council may be paid compensation by the City in an amount determined by the City for undertaking the additional duties and responsibilities set forth herein. Such members shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority.

(f) As compensation for performance of duties and responsibilities set forth herein, elected ~~the three remaining~~ members of the Authority shall receive from the Authority the sum of three ~~two~~ hundred dollars ($300.00) ~~($200)~~ per month, and shall also receive from the Authority one hundred dollars ($100.00) per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval by the Authority. Adjustments or increases to amounts of compensation and expense allowance herein set forth may be made upon recommendation by resolution of the Authority and approval by majority vote of both the Board and Council, voting as separate entities.

(g) The Authority shall elect a chairman and vice-chairman from the members of the Authority, each of whom shall serve for one (1) year or until his successor is chosen. The chairman (or the vice-chairman in the chairman's absence) shall preside at all meetings of the Authority and shall perform such additional duties as prescribed by the members or in the by-laws of the Authority. The Authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the Authority shall have one vote. The Authority may adopt by-laws and may make all rules and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such rules and regulations shall provide for notice of all public meetings and shall

provide that an agenda shall be prepared by the Authority in time to insure that a copy of the agenda will be available at least three (3) days before any regular meeting of the Authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than twenty-four (24) hours notice. The Authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The Authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The Authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the Authority shall be open to the public. The Authority shall be deemed an agency or authority of the county for purposes of s. 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 2. This act shall take effect on August 1, 1983.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1983.

CHAPTER 83-404

House Bill No. 496

An act relating to Escambia County; providing that nothing in Chapter 81-376 shall be construed to affect any privately owned water or sewer utility operating within Escambia County; adding subsections (o)-(q) to section 5 of chapter 81-376, Laws of Florida; continuing regulation of said utilities by the Board of County Commissioners; ratifying any rates for said utilities set or approved between August 1, 1981, and the effective date of this act; authorizing the Board of County Commissioners to use the provisions of s. 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Legislative Purpose.--The legislature finds that there is a need to clarify that Chapter 81-376, Laws of Florida, was intended to grant to the Escambia County Utilities Authority the regulatory authority set forth therein only over those utilities previously owned or operated by political subdivisions, including Escambia County and the City of Pensacola, and was not intended to convey to the Escambia County Utilities Authority any regulatory power or authority over those privately owned utilities under the jurisdiction of the Board of County Commissioners of Escambia County on the effective date of said law.

Section 2. Subsections (o), (p), and (q) are added to section 5 of chapter 81-376, Laws of Florida, to read:

provide that an agenda shall be prepared by the Authority in time to insure that a copy of the agenda will be available at least three (3) days before any regular meeting of the Authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than twenty-four (24) hours notice. The Authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The Authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The Authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the Authority shall be open to the public. The Authority shall be deemed an agency or authority of the county for purposes of s. 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 2. This act shall take effect on August 1, 1983.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1983.

CHAPTER 83-404

House Bill No. 496

An act relating to Escambia County; providing that nothing in Chapter 81-376 shall be construed to affect any privately owned water or sewer utility operating within Escambia County; adding subsections (o)-(q) to section 5 of chapter 81-376, Laws of Florida; continuing regulation of said utilities by the Board of County Commissioners; ratifying any rates for said utilities set or approved between August 1, 1981, and the effective date of this act; authorizing the Board of County Commissioners to use the provisions of s. 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Legislative Purpose.--The legislature finds that there is a need to clarify that Chapter 81-376, Laws of Florida, was intended to grant to the Escambia County Utilities Authority the regulatory authority set forth therein only over those utilities previously owned or operated by political subdivisions, including Escambia County and the City of Pensacola, and was not intended to convey to the Escambia County Utilities Authority any regulatory power or authority over those privately owned utilities under the jurisdiction of the Board of County Commissioners of Escambia County on the effective date of said law.

Section 2. Subsections (o), (p), and (q) are added to section 5 of chapter 81-376, Laws of Florida, to read:

Section 5. Powers.--The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(o) Nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the Board of County Commissioners of Escambia County. The Board of County Commissioners shall continue to exercise such powers, duties, and functions with regard to said privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981.

(p) Any rates set or approved for any privately owned utility by the Board of County Commissioners between August 1, 1981, and the effective date of this act shall remain in full force and effect and shall not be subject to challenge because of any provision of Chapter 81-376, Laws of Florida.

(q) The Board of County Commissioners is authorized to utilize the provisions of s. 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the board exercises rate-making authority or approval, subject to the limitations of said statutes and rules.

Section 3. This act shall take effect August 1, 1983.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 9, 1983.

CHAPTER 83-405

House Bill No. 819

An act relating to Escambia County; providing for and continuing a Civil Service Board for merit system protection; providing for compensation, tenure, appointments, qualifications, officers, and meetings of the Civil Service Board; providing responsibility of the Board of County Commissioners, District School Board, and all other elected County and School District officers to annually establish or adjust base pay ranges, pay longevity pay, and authority to make discretionary merit adjustments; providing voting procedures; providing for Civil Service Rules governing administration of the pay plan; providing for holidays and days of mourning; providing for funding of the civil service system; establishing a percentage funding level for operating budgets; providing a funding allocation and procedure; providing for facilities; providing for classification and wage surveys; providing for applicability and for exemptions; providing Civil Service Board duties and responsibilities; providing for appeals, classification and assignment of classes to pay grades, recruiting and examination, records, and legal counsel; providing effect of Civil Service Board decisions; establishing employee

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1984.

CHAPTER 84-427

House Bill No. 951

An act relating to Escambia County; amending s. 4 of chapter 81-376, Laws of Florida, as amended; providing for an elected governing body of the Escambia County Utilities Authority by 1984; reducing the number of members of the Authority; providing terms of office; creating section 7-A of chapter 81-376, Laws of Florida; increasing compensation of members of the authority; authorizing the Pensacola City Council to impose a franchise fee on the authority which the authority may only pass on to in-city system users; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 4 of chapter 81-376, Laws of Florida, as amended by chapter 83-403, Laws of Florida, is amended to read:

Section 4. Governing Body.--

(a) The initial governing body of the Authority shall consist of seven (7) members who shall each be an elector of Escambia County. Thereafter, as provided for in subsection (b), all members of the governing body of the Authority shall be elected.

The initial appointees to the governing body of the Authority shall be appointed as follows: Two (2) of the members shall be members of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"), and shall be appointed by the Board. Two (2) of the members shall be members of the City Council of the City of Pensacola (hereinafter referred to as the "Council"), and shall be appointed by the Council.

The members of the Council and the Board so appointed shall, while serving as members of the Authority, be duly elected members of the Board or Council if serving either the two (2) or four (4) year terms for which they were elected. If no member of the Council or the Board serving the term for which elected is available to fill a position on the Authority herein designated to be filled by a member of the Board or the Council, the Board or Council may appoint any member of the Board or Council who is available to serve to fill such position.

The fifth member shall be appointed by the Board; the sixth member shall be appointed by the Council. The seventh member shall be appointed by the six members so appointed. In the event that the six appointed members of the governing body of the Authority should be unable to agree upon a seventh member, then the seventh member shall be appointed jointly by the Board and the Council. Such appointment shall be approved by the Council and the Board, voting as separate entities.

The duties undertaken by the members of the Board and the Council so appointed shall be deemed to be additional duties of the offices of county commissioners and city councilman, respectively.

(b) The members initially appointed shall serve their terms until their successors shall be duly elected under the provisions of this subsection. Successors to members shall be elected by a majority of their electors in partisan ~~nonpartisan~~ elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.

The successors of the members of the Board and Council appointed to the governing body of the Authority, and ~~as well as~~ the successor of the fifth member appointed by the Board, shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board. Each such successor shall be an elector of the district from which he is elected and shall be elected by the qualified electors of that respective district. There shall be no successor for the sixth member appointed by the Council and the seventh member appointed by the six other appointed members, and the terms of such appointed members shall expire upon the commencement of the terms of the members elected pursuant to this paragraph.

The first successors ~~successor~~ elected for Districts Two and Four ~~shall be elected~~ at the general election held in 1984 shall be elected to a 2-year term. The first successors elected for Districts One, Three and Five ~~shall be elected~~ at the general election held in 1984 shall serve for a 4-year term ~~1986~~. Thereafter, ~~The successor of~~ each ~~such~~ member shall be elected for a term of four (4) years. Upon the expiration of a term of office a new successor to the office shall be elected as designated in this paragraph, however, upon the occasion of a vacancy for any reason of any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed upon recommendation by resolution of the Authority and approval by majority vote of both the Board and Council, voting as separate entities. Upon the occasion of a vacancy for any reason in the term of office of a member of the initial governing body of the Authority which vacancy occurs prior to his replacement by election, a successor shall be appointed in the same manner as the initial appointment was made. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.

(c) Members shall be eligible for reelection.

(d) Before entering upon his duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the Office of the Clerk of the Circuit Court of Escambia County.

(e) Appointed Authority members who are members of the Board shall serve without compensation from the Authority, but shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority. Appointed

Authority members who are members of the Council may be paid compensation by the City in an amount determined by the City for undertaking the additional duties and responsibilities set forth herein. Such members shall be entitled to reimbursement from the Authority for expenses in accordance with the requirements of Section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval of the Authority.

(f) As compensation for performance of duties and responsibilities set forth herein, elected members of the Authority shall receive from the Authority the sum of <u>five</u> ~~three~~ hundred dollars (<u>$500.00</u> ~~$300.00~~) per month, and shall also receive from the Authority <u>two</u> ~~one~~ hundred dollars (<u>$200.00</u>) ~~($100.00)~~ per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from the Authority for additional, unusual or extraordinary expenses upon approval by the Authority. ~~Adjustments or increases to amounts of compensation and expense allowance herein set forth may be made upon recommendation by resolution of the Authority and approval by majority vote of both the Board and Council, voting as separate entities.~~

(g) The Authority shall elect a chairman and vice-chairman from the members of the Authority, each of whom shall serve for one (1) year or until his successor is chosen. The chairman (or the vice-chairman in the chairman's absence) shall preside at all meetings of the Authority and shall perform such additional duties as prescribed by the members or in the by-laws of the Authority. The Authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the Authority shall have one vote. The Authority may adopt by-laws and may make all rules and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such rules and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the Authority in time to insure that a copy of the agenda will be available at least three (3) days before any regular meeting of the Authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than twenty-four (24) hours notice. The Authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The Authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The Authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the Authority shall be open to the public. The Authority shall be deemed an agency or authority of the county for purposes of s. 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 2. Section 7-A of chapter 81-376, Laws of Florida, is created to read:

Section 7-A. Franchise fees.--The Pensacola City Council is hereby authorized to impose a franchise fee upon the Escambia County Utilities Authority System; provided, however, that the Escambia County Utilities Authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1984.

CHAPTER 84-428

House Bill No. 1098

An act relating to Escambia County; amending section 3 of chapter 81-376, Laws of Florida, as amended, increasing the purposes of the authority; amending section 5(b) and (c) of chapter 81-376, Laws of Florida, as amended, granting power and authority regarding natural gas; adding subsection (r) to section 5 of chapter 81-376, Laws of Florida, as amended, to authorize the authority to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space or any other interest in real property; adding subsection (s) to section 5 of chapter 81-376, Laws of Florida, as amended, granting power to provide utilities services outside the territorial limits of Escambia County; adding subsection (t) to section 5 of chapter 81-376, Laws of Florida, as amended, limiting power regarding natural gas to areas outside the present franchised area of the City of Pensacola; adding subsection (u) to section 5 of Chapter 81-376, Laws of Florida, as amended, stating that the Authority shall have no power or authority over any interstate gas pipeline company; amending section 8(a), (c), and (d) of chapter 81-376, Laws of Florida, as amended, to provide rate setting procedure for natural gas; providing for severability; providing for supersedure; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 3 of chapter 81-376, Laws of Florida, as amended, is amended to read:

Section 3. Purposes.--The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with repsect to certain utility systems within the territorial limits of Escambia County, Florida~~,~~, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, ~~and~~ sewer, and natural gas, and such other additional utilities as may be hereafter designated as provided in sections 5(l) and 7(c) herein, which are now, in the future could be, or could have been but for this act, exercised by the City of Pensacola or Escambia County, Florida.

Section 7-A. Franchise fees.--The Pensacola City Council is hereby authorized to impose a franchise fee upon the Escambia County Utilities Authority System; provided, however, that the Escambia County Utilities Authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1984.

CHAPTER 84-428

House Bill No. 1098

An act relating to Escambia County; amending section 3 of chapter 81-376, Laws of Florida, as amended, increasing the purposes of the authority; amending section 5(b) and (c) of chapter 81-376, Laws of Florida, as amended, granting power and authority regarding natural gas; adding subsection (r) to section 5 of chapter 81-376, Laws of Florida, as amended, to authorize the authority to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space or any other interest in real property; adding subsection (s) to section 5 of chapter 81-376, Laws of Florida, as amended, granting power to provide utilities services outside the territorial limits of Escambia County; adding subsection (t) to section 5 of chapter 81-376, Laws of Florida, as amended, limiting power regarding natural gas to areas outside the present franchised area of the City of Pensacola; adding subsection (u) to section 5 of Chapter 81-376, Laws of Florida, as amended, stating that the Authority shall have no power or authority over any interstate gas pipeline company; amending section 8(a), (c), and (d) of chapter 81-376, Laws of Florida, as amended, to provide rate setting procedure for natural gas; providing for severability; providing for supersedure; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 3 of chapter 81-376, Laws of Florida, as amended, is amended to read:

Section 3. Purposes.--The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with repsect to certain utility systems within the territorial limits of Escambia County, Florida~~,~~, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, ~~and~~ sewer, and natural gas, and such other additional utilities as may be hereafter designated as provided in sections 5(l) and 7(c) herein, which are now, in the future could be, or could have been but for this act, exercised by the City of Pensacola or Escambia County, Florida.

Section 2. Subsections (b) and (c) of section 5 of chapter 81-376, Laws of Florida, as amended, are amended and subsections (r), (s), (t) and (u) are added to said section to read:

Section 5. Powers.--The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(b) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the board, the City of Pensacola or the council, or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, ~~and~~ water supply, and natural gas, including, but not limited to, the powers granted under chapters 125 and 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, ~~and~~ chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(c) All powers granted to municipalities with regard to sewage collection and disposal, ~~and to~~ water supply, and nautral gas granted to municipalities pursuant to chapter 170 and chapter 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessment under said chapter 170, Florida Statutes.

(r) The power to purchase, own, convey, sell, lease, rent or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(s) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, Florida, but adjacent thereto, if capacity is available.

(t) All powers granted to the authority by this act regarding natural gas shall only apply to areas outside the present franchised area of the City of Pensacola.

(u) Nothing herein shall be construed to affect any interstate gas pipeline company. The Authority shall have no power or authority over any interstate gas pipeline company.

Section 3. Subsections (a), (c) and (d) of section 8 of chapter 81-376, Laws of Florida, are amended to read:

Section 8. Rate Setting Procedure.--

(a) The authority shall fix the initial schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water, ~~or~~ sewer **system**, or natural gas system of the authority.

(c) Such rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed and/or

upon the number and size of sewer connections, or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, or upon the number or average number of persons residing or working in or otherwise connected with such premises, or upon the quantity of natural gas consumed, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water or natural gas furnished to any building or premises is such that it imposes an unreasonable burden upon the water or natural gas supply system, an additional charge may be made therefor or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water or natural gas consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water or natural gas to such building or premises.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. All laws or parts of laws in conflict herewith are superseded to the extent of such conflict.

Section 6. Sections 2 through 10 shall take effect upon becoming a law, except that section 1 of this act shall take effect October 1, 1984.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1984.

CHAPTER 84-429

House Bill No. 1099

An act relating to the City of Pensacola; amending section 5(b) of chapter 61-2655, Laws of Florida, relating to the General Pension and Retirement System; transferring jurisdiction for decisions regarding disability pensions of certain employees from the Pension Board of the city to the Personnel Appeals Board of the Escambia County Utilities Authority; amending section 7(a) of chapter 61-2655, Laws of Florida, as amended, regarding disability not occurring in the line of duty; providing for severability; providing for supersedure of inconsistent law; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (b) of section 5 of chapter 61-2655, Laws of Florida, as created by chapter 83-500, Laws of Florida, is amended to read:

line at Station 255 + 44.78 as shown on the State of Florida right-of-way map for Section No. 48530-2601, Road No. 399 on file in Map Book 1 at Page 210 of the records of Escambia County, Florida, lying between the Gulf of Mexico and Big Sabine, containing 372.25 acres of land, more or less, above the water line.

Section 2. All future leasing of property owned by Escambia County on Santa Rosa Island of previously unleased property shall in all other respects conform to Section 125.35 of the Florida Statutes.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 7, 1985.

CHAPTER 85-410

House Bill No. 923

An act relating to the Escambia County Utilities Authority, Escambia County; amending sections 4, 5, 7, 8, 11, and 18 of chapter 81-376, Laws of Florida, as amended; revising requirements for filing oaths of office of elected members of the governing board; revising the method for acquiring powers and systems relating to resource recovery or solid waste; providing powers for purchasing gas systems; authorizing the use of s. 367.081(4)(b), Florida Statutes, and rules adopted pursuant thereto; authorizing the establishment of penalties for violation of authority rules and regulations; revising the method for establishing assessments, rates, fees, and charges; increasing the time permitted for acting on a petition for review of authority action; making grammatical and editorial changes to improve the clarity of chapter 81-376, Laws of Florida; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (d), (f), and (g) of section 4 of chapter 81-376, Laws of Florida, as amended by chapter 83-403, Laws of Florida, are amended to read:

Section 4. Governing Body.--

(d) Before entering upon his duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the Office of the Secretary of State.

(f) As compensation for performance of duties and responsibilities set forth herein, elected members of the authority and their successors shall receive from the authority the sum of $500 per month, and shall also receive from the authority $200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from

the authority for additional, unusual, or extraordinary expenses upon approval by the authority.

(g) The authority shall elect a chairman and vice-chairman from the members of the authority, each of whom shall serve for 1 year or until his successor is chosen. The chairman (or the vice-chairman in the chairman's absence) shall preside at all meetings of the authority and shall perform such additional duties as prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than 24 hours notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed an agency or authority of the county for purposes of s. 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 2. Subsections (p) and (q) of section 5 of chapter 81-376, Laws of Florida, as created by chapter 83-404, Laws of Florida, are repealed, subsections (d), (e), (f), (k), (l) and (o) are amended, paragraphs (r), (s), (t) and (u) are amended and redesignated as subsections (p), (q), (r), and (t) respectively, and new subsections (s) and (u) are added to said section to read:

Section 5. Powers.--

(d) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(e) The power to set, fix, pledge to establish, or establish, levy, and impose assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(f) The authority may exercise the power of eminent domain as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the board or the council) of the jurisdiction in which the subject property is located.

(k) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(l) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all powers set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(o) Nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the board. The Board of County Commissioners shall continue to exercise such powers, duties, and functions with regard to said privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The board and the authority are authorized to utilize the provisions of s. 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the board and the authority exercises rate-making authority or approval, subject to the limitations of said statutes and rules.

(p) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(q) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, Florida, but adjacent thereto, if capacity is available.

(r) All powers granted to the authority by this act regarding natural gas shall only apply to areas outside the present franchised area of the City of Pensacola.

(s) The city is hereby specifically authorized and directed to convey to the authority those assets of its gas system located north of the Ten Mile Road in Escambia County and the authority is authorized and directed to accept such assets upon the authority providing written notice to the city that the authority is capable of providing natural gas service with their own distribution system within the authority's franchise areas which the city is currently serving with permission of the present franchisee without causing interruption of natural gas service to the customers thereto. Provided, however, that such conveyance by the city is conditioned upon payment by the authority to the city of the appraised value of said assets. The appraisal method shall be replacement cost less accrued depreciation. Such appraisal value shall be determined by an appraiser selected by the city, one appraiser selected by the authority and a third appraiser selected by those two appraisers. In the event of disagreement among the three appraisers, the value placed upon the assets by the third appraiser shall be final.

(t) Nothing herein shall be construed to affect the interstate transmission of natural gas. The authority shall have no power or authority over the interstate transmission of natural gas.

(u) The power to establish penalties including the imposition of fines for the violations of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services.

Section 3. Subsection (c) of section 7 of chapter 81-376, Laws of Florida, is amended to read:

Section 7. Transfer of assets and liabilities.--

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation shall be agreed upon by the governmental body, and the authority. Provided, however, that the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness, issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized; provided, however, that nothing contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

Section 4. Subsections (a), (b), (c), (d), and (g) of section 8 of chapter 81-376, Laws of Florida, are amended to read:

Section 8. Rate setting procedure.--

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems or facilities, to be paid by the user or the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, sewer, natural gas or other additional utility systems of the authority.

(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(e). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed and/or upon the number and size of sewer connections, or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, or upon the number or average number of persons residing or working in or otherwise connected with such premises, or upon the quantity of natural gas consumed, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of assessments, rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water or natural gas furnished to any building or premises is such that it imposes an unreasonable burden upon the water or natural gas supply systems, an additional charge may be made therefor or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water or natural gas consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water or natural gas to such building or premises.

(g)(1) Except as hereinafter provided in paragraph (2), no assessments, rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and/or organizations who have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the public hearing. Said hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users, or property served shall be extended to cover any additional users or property thereafter served which fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as herein-above provided.

Section 5. Subsection (a) of section 11 of chapter 81-376, Laws of Florida, is amended to read:

Section 11. Process and procedure.--

(a) Any person wishing to appeal an action of the authority which directly affects his substantial interests may file a petition for review within 10 days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days of receipt.

Section 6. Section 18 of chapter 81-376, Laws of Florida, is amended to read:

Section 18. Citizens' advisory committee.--The authority shall make provision for and appoint a citizens' advisory committee or committees.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 8. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1985.

An act relating to the City of Pensacola, Escambia County; amending section 6 of chapter 21483, Laws of Florida, 1941, as amended, relating to the automatic retirement of employees; repealing section 8 of chapter 1713, Laws of Florida, 1957, relating to the maximum age for employment in the fire department; superseding existing laws relating thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 6 of chapter 21483, Laws of Florida, 1941, as amended, is amended to read:

Section 6. Any employee or person, subject to the provisions of this act attaining the age of seventy (70) ~~sixty--five--(65)~~ years shall be automatically retired and shall cease to draw his compensation as such employee, but shall become immediately entitled to the pension or benefits provided hereby. In the event of doubt as to the attainment of such age the Civil Service Board shall make inquiry and determine such fact after due notice to interested parties; provided that the provisions of this section shall not become operative until January 1, 1960, the former law remaining in effect until such date.

Section 2. Section 8 of chapter 1713, Laws of Florida, 1957, is hereby repealed.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1986.

CHAPTER 86-451

House Bill No. 1142

An act relating to the Escambia County Utilities Authority; amending sections 4 and 5 of chapter 81-376, Laws of Florida, as amended; authorizing members of the authority to determine their salary and providing a limitation; granting the authority powers of membership and participation in and ownership of any legal entity created for purposes of a financing program or loan pool under s. 163.01(7)(d), F.S.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (f) of section 4 of chapter 81-376, Laws of Florida, as amended by chapters 83-403, 84-427, and 85-410, Laws of Florida, is amended to read:

Section 4. Governing Body.--

(f) As compensation for performance of duties and responsibilities set forth herein, elected members of the authority and their successors shall receive from the authority monthly an amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly

by members of the district school board of Escambia County, and shall also receive from the authority $200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.

Section 2. Subsection (v) is added to section 5 of chapter 81-376, Laws of Florida, as amended by chapters 83-404, 84-428, and 85-410, Laws of Florida, to read:

Section 5. Powers.--The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(v) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth in s. 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 23, 1986.

CHAPTER 86-452

House Bill No. 1143

An act relating to the General Pension and Retirement Fund of the City of Pensacola; amending subsection B. of section 1 of chapter 61-2655, Laws of Florida, as amended; modifying the method of electing members of the pension board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection B. of section 1 of chapter 61-2655, Laws of Florida, as amended, is amended to read:

Section 1. Pension board.

B. Three of the members of the board shall consist of the current presiding mayor of the City of Pensacola, or his appointed representative who shall serve at the pleasure of the mayor; and two members who shall be active, contributing participants of the general pension and retirement fund and who shall be elected by a plurality vote of active, contributing participants of the fund, said election to be held at the same time as the election of members of the executive committee of the classified service of the City of

testimony which may lead to relevant evidence. In case of disobedience by any person of an order of a board or subpoena issued by a board, or upon the refusal of a witness to testify or produce evidence on any matter regarding which he may be lawfully questioned, a county court judge of the county in which the person lawfully resides, upon application of any member of the board, shall compel obedience when appropriate in a proceeding for contempt. Each witness who is subpoenaed before the board shall be furnished attendance fees and mileage as provided for witnesses in civil cases in the courts of this state. Such payments shall be made by the party calling the witness except that with respect to any witnesses called by the board; payments shall be made by the sheriff upon presentation of proper vouchers and approval by three members of the board at the prehearing conference.

(e) A board shall, by majority vote, dispose of the appeal for which it was appointed by making findings of fact and issuing a written decision. Such decision must either sustain or not sustain the action being appealed. If an action by the sheriff is not sustained by a board, the board shall order such remedial action as is appropriate which may include reinstatement with back pay and may modify any personnel action which was the subject of the appeal. No board shall have the authority to impose on any employee any penalty which is more harsh than that which formed the basis of the appeal.

(f) The decision of a board is final and binding on the employee and the sheriff.

Section 4. All certified and noncertified persons in the employ of the office of the sheriff, on the effective date of this act, who have served for a period of 1 calendar year or more as of such date, shall be permanent employees subject to the provisions of this act. All other employees shall become permanent employees subject to the provisions of this act upon reaching their 1 calendar year service anniversary date as provided in section 1.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval July 6, 1989.

Filed in Office Secretary of State July 6, 1989.

CHAPTER 89-473

House Bill No. 789

An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the authority; providing for the disposition of fines, forfeitures, and penalties imposed for such violations; revising the criteria for selection of the executive director; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (b) of section 4 of chapter 81-376, Laws of Florida, as amended, is amended to read:

Section 4. Governing body.—

(b) The members initially appointed shall serve their terms until their successors shall be duly elected under the provisions of this subsection. Successors to members shall be elected by a majority of their electors in nonpartisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the supervisor of elections of Escambia County.

The successors of the members of the board and council appointed to the governing body of the authority, and the successor of the fifth member appointed by the board, shall be elected in the primary and general elections held in 1984, by districts under the district plan of the board. Each such successor shall be an elector of the district from which he is elected and shall be elected by the qualified electors of that respective district. There shall be no successor for the sixth member appointed by the council and the seventh member appointed by the six other appointed members, and the terms of such appointed members shall expire upon the commencement of the terms of the members elected pursuant to this paragraph.

The first successors elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. The first successors elected for Districts One, Three, and Five at the general election held in 1984 shall serve a 4-year term. Thereafter, each member shall be elected for a term of 4 years. Upon the expiration of a term of office a new successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Upon the occasion of a vacancy for any reason in the term of office of a member of the initial governing body of the authority which vacancy occurs prior to his replacement by election, a successor shall be appointed in the same manner as the initial appointment was made. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.

Section 2. Subsection (u) of section 5 of chapter 81-376, Laws of Florida, as amended, is amended to read:

Section 5. Powers.—

(u) The power to establish civil penalties including the imposition of fines for the violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce said rules and regulations adopted pursuant to this section, by suit for injunction or other appropriate action in the courts of the state.

Section 3. Section 12 of chapter 81-376, Laws of Florida, as amended, is amended to read:

Section 12. Executive director.—

The authority shall employ and fix the compensation of an executive director who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his entire working time to the performance of his duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.

Section 4. Section 21 of chapter 81-376, Laws of Florida, as amended, is renumbered as section 25.

Section 5. Section 21 of chapter 81-376, Laws of Florida, as amended, is created to read:

Section 21. Enforcement and penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a non-criminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed $500 for each violation. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(u) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies, and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 6. This act shall take effect upon becoming a law.

Became a law without the Governor's approval July 6, 1989.

Filed in Office Secretary of State July 6, 1989.

Became a law without the Governor's approval May 1, 1991.

Filed in Office Secretary of State April 30, 1991.

CHAPTER 91-335

Senate Bill No. 894

An act relating to Escambia County; amending s. 7.1, ch. 83-405, Laws of Florida; providing that the Escambia County Civil Service System is applicable to employees of the Escambia County Utilities Authority; relettering paragraphs; amending s. 7.2, ch. 83-405, Laws of Florida; revising a cross-reference to conform; amending s. 9, ch. 81-376, Laws of Florida, as amended; providing that employees of the authority are subject to the civil service system; providing that current employees of the authority shall not be affected as a result; providing for an interlocal agreement under which the authority will pay its proportionate share of civil service system costs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection 7.1 of section 7 of chapter 83-405, Laws of Florida, is amended to read:

SECTION 7. APPLICABILITY.

7.1 Covered Positions and Exemptions. The career Civil Service system established by this Act shall be a permanent service and shall apply to and include all employees serving in positions now existing, or hereafter created, in Escambia County, including employees of the Escambia County Utilities Authority and non-instructional employees or positions of the District School Board, except the following who shall be exempt from the career Civil Service:

(a) Elected officials or persons appointed by the Governor.

(b) Members of county and local boards and county commissions.

(c) Members of advisory councils or committees or similar boards paid only for attendance at meetings.

(d) The County Attorney and any Assistant Attorneys, or secretaries employed by or under him or her.

(e) Attorneys serving as legal counsel.

(f) Persons of highly technical or professional training maintaining an independent practice in their chosen professions and employed by the county on a part-time basis.

(g)~~(h)~~ Patient or inmate help in charitable, penal and correctional institutions.

(h)~~(i)~~ District School Board:

The chief executive officer and all department heads as approved by the District School Board.

Instructional personnel as defined in Section 228.041(9), Florida Statutes.

Administrative personnel as defined in Section 228.041(10), Florida Statutes.

Secretary to Superintendent of Schools.

Secretary to District School Board.

Secretary to Administrative Assistant to Superintendent of Schools.

Director of Automated Office Systems.

Director of Public Information.

Assistant Director for School Plant Planning.

Auditors.

(i)~~(j)~~ Board of County Commissioners:

The chief executive officer and all department heads as approved by the Board of County Commissioners.

(j)~~(k)~~ Property Appraiser's Office:

Chief Deputy Property Appraiser.

Secretary to the Property Appraiser.

Three Deputy Appraisers to the Property Appraiser.

Confidential Secretary to each Deputy Property Appraiser.

Data Managers to the Property Appraiser.

Data Programmers to the Property Appraiser.

Chief Appraiser to the Property Appraiser.

(k)~~(l)~~ Tax Collector's Office:

Ad Valorem Tax Administrator.

Motor Vehicle License Administrator.

Data Programmers.

Data Coordinators to the Tax Collector.

Three Administrative Assistants.

(l)~~(m)~~ Clerk of Courts' Office:

Chief Deputy Clerk of Courts.

Secretary to Clerk of Courts.

Five Administrative Assistants to Clerk of Courts.

(m)~~(n)~~ Sheriff's Department:

Chief Deputy Sheriff.

Five Administrative Assistants.

(n)~~(o)~~ Comptroller's Office:

Chief Deputy Comptroller.

Secretary to the Comptroller.

Four Administrative Assistants to Comptroller.

Data Coordinator to Comptroller.

Finance Officer.

Audit Supervisor.

General Accounting Supervisor.

Data Processing Manager, Programmers & Analysts.

Auditors.

(o)~~(p)~~ Supervisor of Election's Office:

Chief Deputy Supervisor of Elections.

Secretary to Supervisor of Elections.

Data Coordinator to Supervisor of Elections.

Qualifying Officer to the Supervisor of Elections.

(p)~~(q)~~ Manager of Santa Rosa Island Authority.

(q)~~(r)~~ One secretary to each Judge of Circuit and County Courts.

(r)~~(s)~~ The employees of Century Memorial Hospital.

(s)~~(t)~~ Student assistants as defined by Civil Service Rule provided, however, that the appointing authorities shall report the identity of any students and their general duties to the Civil Service Board.

Section 2. Subsection 7.2 of section 7 of chapter 83-405, Laws of Florida, is amended to read:

7.2 Additional Positions Eligible for Exemption. In addition to those positions described in paragraphs (a) through (s)~~(t)~~ in subsection 7.1, the following positions may, by rule of the Board, also be exempt from the career Civil Service:

(a) Registered nurses and medical doctors.

(b) The executive head and a deputy or deputies to the executive head and other positions of each county agency as warranted by the size and complexity of the organization, scope of programs and nature of the positions. Where more than one deputy is required in an exempt position by an agency, justification must be submitted to and be approved by the Board.

(c) Confidential assistant or secretary to an exempt official.

(d) Employees of the Escambia County Public Health Trust organized and existing pursuant to Chapter 154, Florida Statutes.

Section 3. Section 9 of chapter 81-376, Laws of Florida, as amended by section 1 of chapter 82-390, Laws of Florida, is amended to read:

Section 9. Personnel.—

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority and; fix their compensation within the guidelines established by the Escambia County Civil Service Board; and to adopt personnel and management policies when not preempted by Escambia County Civil Service Rules. ~~These policies shall provide for an appellate process to be available to employees against whom disciplinary or other official action has been taken, as and with the express limitations provided herein.~~

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities which theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain Interlocal Agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his election, within thirty (30) days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who prior to being transferred to the authority were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the same rights under said system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing said system, and shall include but shall not be limited to the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of s.

112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its General Pension and Retirement Fund.

(f) Employees of the Escambia County Utilities Authority are subject to the Civil Service System of Escambia County and to the policies and rules of the Civil Service Board.

Section 4. No person who is employed by the Escambia County Utilities Authority immediately prior to the effective date of this act may be terminated or demoted, nor may the salary of any such person be reduced, as a result of this act.

Section 5. The Escambia County Utilities Authority and the Escambia County Civil Service Board shall enter into an interlocal agreement under which the authority will pay to the board the authority's proportional share of the cost of operating the civil service system. The agreement must be reviewed no less frequently than biennially and modified when necessary.

Section 6. This act shall take effect October 1, 1991.

Became a law without the Governor's approval May 1, 1991.

Filed in Office Secretary of State April 30, 1991.

CHAPTER 91-336

Senate Bill No. 1050

An act relating to Big Corkscrew Island Fire Control and Rescue District, Collier County; amending s. 1, ch. 77-535, Laws of Florida; extending the boundaries of the district; providing for referendums.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1 of chapter 77-535, Laws of Florida, is amended to read:

Section 1. All that area of land located in Collier County, Florida, described as:

Range 27 East, Township 47 South; Range 28 East, Township 47 South; Range 27 East, except Sections 29, 30, 31, and 32, Township 48 South;~~,~~ Range 28 East, Township 48 South; Range 29 East, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Township 48 South; Range 28 East, except Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Township 49 South; Range 29 East, except Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Township 49 South;~~,~~ all of said lands being located in Collier County as set forth in the public records,

is hereby created and established as a fire control and rescue district known as the Big Corkscrew Island Fire Control and Rescue District.

and to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, ~~of the Interstate 95~~ in Palm Beach County, Florida, and the owners of a majority of the parcels within the District as a whole or a majority of the landowners within the area to be benefited are in favor of said election, then the Board of Supervisors shall cease constructing, improving, or maintaining said road or roads or facilities providing potable water distribution and waste water collection systems to those lands within the District lying East of Canal 18 of the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, ~~of the Interstate 95~~ in Palm Beach County, Florida, on a date agreeable to the entity which elects to assume such obligation, but in no event later than thirty (30) days after the meeting of the Board of Supervisors wherein the election and vote are communicated to the Board. Pursuant to this provision, and with the agreement of the electing entity, the District may transfer equipment, water, sanitary sewage lines, funds, materials, and obligations to the electing entity.

Section 17. The Board of Supervisors of South Indian River Water Control District is hereby authorized to issue bonds to pay for the purchase of equipment, the construction and improvement of dedicated roads and road rights-of-way including the swales thereof within the District, all drainage improvements within the District, and all potable water distribution and waste water collection systems improvements for those lands within the District lying East of Canal 18 of the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, ~~of the Interstate 95~~ in Palm Beach County, Florida. The provisions of ss. 298.16 through 298.52, Florida Statutes, as well as all other applicable laws, shall be followed by the Board of Supervisors of South Indian River Water Control District in Palm Beach County, Florida, in issuing said bonds.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 31, 1991.

Filed in Office Secretary of State May 30, 1991.

CHAPTER 91-403

House Bill No. 2021

An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; providing that a fine, forfeiture, or penalty exceeding $500 but not exceeding $2,000 per day may be imposed for violation of authority rule or regulation when necessary to carry out a federally mandated program; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 21 of chapter 81-376, Laws of Florida, as amended by chapter 89-473, Laws of Florida, is amended to read:

Section 21. Enforcement and Penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed $500 for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding $500 but not exceeding $2,000 per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than $500 in order for the authority to carry out a federally mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to subsection ~~section~~ 5(u) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies, and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

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

Became a law without the Governor's approval May 30, 1991.

Filed in Office Secretary of State May 29, 1991.

CHAPTER 91-404

House Bill No. 2035

An act relating to the Fort Myers Beach Library District, Lee County; amending s. 5, ch. 65-1823, Laws of Florida; deleting provisions relating to acceptance of the district's annual budget by the Board of County Commissioners of Lee County or the Lee County Tax Assessor; amending s. 8, ch. 65-1823, Laws of Florida; requiring the Lee County Tax Collector to distribute taxes collected on behalf of the district in the manner prescribed by general law; amending s. 10, ch. 65-1823, Laws of Florida; requiring the treasurer of the district to make a report at each regular meeting of the district board; deleting the duty to file a copy of the report with the Lee County Board of County Commissioners; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

bers of the authority may own or operate a business at the Pompano Beach Farmers Market; providing that owning or leasing a building or real estate under jurisdiction of the authority shall not prohibit an individual from serving on the authority; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (4) of section 2 of chapter 90-487, Laws of Florida, are amended to read:

Section 2. Membership and organization.—

(1) The authority shall consist of seven members, each serving a term of 3 years, except for the initial appointees, of whom three shall serve terms of 2 years, and four shall serve terms of 3 years, as hereinafter provided. The members shall have an interest in the economic success and redevelopment of the Pompano Beach Farmers Market, ~~insofar as practical, be representatives of civic, agricultural, government, and business interests. Six members of the authority shall be selected by the Commission of the City of Pompano Beach, and one member shall be selected by the Commissioner of Agriculture of the State of Florida.~~ Three members of the authority shall be appointed by the Commissioner of Agriculture of the State of Florida and four members shall be appointed by the Commission of the City of Pompano Beach. The chairman of the authority shall be selected by the Commissioner of Agriculture. Up to three of the members of the authority appointed by the city commission may be owners or operators of businesses directly or indirectly involved in agricultural activities pertaining to the Pompano Beach Farmers Market; and such persons shall not be prohibited from serving on the authority based upon their owning or leasing a building or real property under the jurisdiction of the authority.

(4) The authority shall organize as soon as practicable after the effective date of this act. The authority shall by majority vote elect ~~a chairman and~~ such ~~other~~ officers as the authority provides for in its bylaws. The authority may create such ~~other~~ offices as it deems necessary to accomplish the purpose of this act.

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

Became a law without the Governor's approval June 8, 1991.

Filed in Office Secretary of State June 7, 1991.

CHAPTER 91-349

Senate Bill No. 2392

An act relating to Escambia County; repealing ch. 81-376, Laws of Florida, as amended; abolishing the Escambia County Utilities Authority and transferring all powers, duties, assets, and liabilities of the authority to Escambia County; providing for operation of the utilities system and provision of utilities services; providing for employees of the authority to become employees of Escambia County; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 81-376, Laws of Florida, as amended by chapters 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, and 89-473, Laws of Florida, is repealed October 1, 1992.

Section 2. On the effective date of this act, all powers, duties, assets, and liabilities of the Escambia County Utilities Authority are transferred to the Board of County Commissioners of Escambia County. The board may contract with any private entity for the operation of the utilities system operated by the authority, and for the provision of utility services provided by the authority, before the effective date of this act, or the board may undertake such activities itself. On the effective date of this act, employees of the Escambia County Utilities Authority become employees of Escambia County.

Section 3. This act shall take effect October 1, 1992.

Became a law without the Governor's approval June 1, 1991.

Filed in Office Secretary of State May 31, 1991.

CHAPTER 91-350

Senate Bill No. 2396

An act relating to the Central Broward Drainage District, Broward County; amending s. 4d., ch. 61-1439, Laws of Florida, as amended; revising the legal description of zone 2 and zone 3 of the district; amending s. 4g., ch. 61-1439, Laws of Florida, as amended; increasing the allowable compensation for the board of commissioners of the district; providing requirements for the board of commissioners in procuring services, goods, supplies, and materials; specifying the maximum contract amount that the board of commissioners may enter into without advertising for bids; providing circumstances under which the board of commissioners may procure services without competitive bids; providing that this act takes precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection d. of section 4 of chapter 61-1439, Laws of Florida, as amended by section 2 of chapter 70-479, section 1 of chapter 85-388, and section 2 of chapter 87-506, Laws of Florida, is amended to read:

Section 4. Board of commissioners.—

d. The six zones of the entire district are as follows:

Zone 1: Beginning at the intersection of the north side of the north bank of the North New River Canal with the west line of Section 4, Township 50 South, Range 40 East, Broward County, Florida; thence, run southeasterly along the north side of the north bank of said canal to the intersection of said

Section 4. It is found and determined that notice of intention to apply for this legislation was given in the time, form, and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared severable.

Section 6. This act shall take effect only upon the approval by referendum of Section 2 of this act, by a majority of the votes cast in a referendum in which those voting are limited to qualified electors of the downtown within the area being added to the downtown by this act, except that this section shall take effect upon becoming a law. The referendum shall be conducted pursuant to the provisions of chapter 65-1541, Laws of Florida, as amended. The referendum shall be held within 180 days of this section becoming a law.

Became a law without the Governor's approval April 9, 1992.

Filed in Office Secretary of State April 8, 1992.

CHAPTER 92-248

Senate Bill No. 2466

An act relating to Escambia County; codifying and reenacting provisions relating to the Escambia County Utilities Authority; providing that appointees to citizens' advisory committees shall have no personal or business ties with the authority that could be construed as a conflict of interest; deleting powers of the authority to adopt personnel and management policies independent of the Escambia County Civil Service Board; repealing chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, and 91-403, Laws of Florida, and section 3 of chapter 91-335, Laws of Florida, relating to the Escambia County Utilities Authority, to conform; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Authority created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the "Escambia County Utilities Authority," hereinafter referred to as the "authority."

Section 2. Legislative findings.—The Legislature finds and declares that the health, welfare, and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: That the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public; that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county;

that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized; and that the consolidation of utility systems may eliminate duplicative staff functions and positions.

Section 3. Purposes.—The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, sewer, and natural gas, and such other additional utilities as may be hereafter designated as provided in sections 5(c) and 7(c) herein, which are now, in the future could be, or could have been, but for this act, exercised by the City of Pensacola or Escambia County, Florida.

Section 4. Governing body.—

(a) The initial governing body of the authority shall consist of seven members who shall each be an elector of Escambia County. Thereafter, as provided for in subsection (b), all members of the governing body of the authority shall be elected.

(1) The initial appointees to the governing body of the authority shall be appointed as follows:

a. Two of the members shall be members of the Board of County Commissioners of Escambia County (hereinafter referred to as the "board"), and shall be appointed by the board. Two of the members shall be members of the City Council of the City of Pensacola (hereinafter referred to as the "council"), and shall be appointed by the council. The members of the council and the board so appointed shall, while serving as members of the authority, be duly elected members of the board or the council if serving either the 2-year or 4-year terms for which they were elected. If no member of the council or the board serving the term for which elected is available to fill a position on the authority herein designated to be filled by a member of the board or the council, the board or council may appoint any member of the board or council who is available to serve to fill such position.

b. The fifth member shall be appointed by the board; the sixth member shall be appointed by the council. The seventh member shall be appointed by the six members so appointed. In the event that the six appointed members of the governing body of the authority should be unable to agree upon a seventh member, then the seventh member shall be appointed jointly by the board and the council. Such appointment shall be approved by the council and the board, voting as separate entities.

(2) The duties undertaken by the members of the board and the council so appointed shall be deemed to be additional duties of the offices of county commissioner and city councilman, respectively.

(b) The members initially appointed shall serve their terms until their successors shall be duly elected under the provisions of this subsection. Successors to members shall be elected by a majority of their electors in nonpartisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the

office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.

(1) The successors of the members of the board and council appointed to the governing body of the authority, and the successor of the fifth member appointed by the board, shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the board. Each such successor shall be an elector of the district from which he is elected and shall be elected by the qualified electors of that respective district. There shall be no successor for the sixth member appointed by the council and the seventh member appointed by the six other appointed members, and the terms of such appointed members shall expire upon the commencement of the terms of the members elected pursuant to this paragraph.

(2) The first successors elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. The first successors elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter, each member shall be elected for a term of 4 years. Upon the expiration of a term of office, a new successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Upon the occasion of a vacancy for any reason in the term of office of a member of the initial governing body of the authority which vacancy occurs prior to his replacement by election, a successor shall be appointed in the same manner as the initial appointment was made. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.

(c) Members shall be eligible for reelection.

(d) Before entering upon his duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the Office of the Secretary of State.

(e) Appointed authority members who are members of the board shall serve without compensation from the authority, but shall be entitled to reimbursement from the authority for expenses in accordance with the requirements of section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval of the authority. Appointed authority members who are members of the council may be paid compensation by the city in an amount determined by the city for undertaking the additional duties and responsibilities set forth herein. Such members shall be entitled to reimbursement from the authority for expenses in accordance with the requirements of section 112.061, Florida Statutes, as amended from time to time. Such members may also receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval of the authority.

(f) As compensation for performance of duties and responsibilities set forth herein, elected members of the authority and their successors shall receive from the authority monthly an amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly by members of the District School Board of Escambia County, and shall also re-

ceive from the authority $200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Such members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.

(g) The authority shall elect a chairman and a vice chairman from the members of the authority, each of whom shall serve for 1 year or until his successor is chosen. The chairman, or the vice chairman in the chairman's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes; and all records of the authority shall be open to the public. The authority shall be deemed an "agency" or "authority of the county" for purposes of section 286.011, Florida Statutes, the "Government in the Sunshine Law."

Section 5. Powers.—

(a) The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(1)a. The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates, or other evidences of indebtedness, including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates, or other evidences of indebtedness authorized to be issued by this act may be validated in the manner prescribed in chapter 75, Florida Statutes. Any complaint for validation permitted by the pre-

ceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds, or revenues, of whatever kind or nature, and may specify the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests, and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

b. In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(2) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the board, the City of Pensacola, or the council, or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, water supply, and natural gas, including, but not limited to, the powers granted under chapter 125, chapter 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(3) All powers granted to municipalities with regard to sewage collection and disposal, water supply, and natural gas granted to municipalities pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under chapter 170, Florida Statutes.

(4) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(5) The power to set, fix, pledge to establish, or establish, levy, or impose assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(6) The power of eminent domain, as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the board or the council) of the jurisdiction in which the subject property is located.

(7) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the construction, operation, and maintenance of the sys-

tems, facilities, or functions under jurisdiction of the authority, and to comply with all requirements and conditions imposed in connection therewith.

(8) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(9) All other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this act.

(10) All privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(11) Only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(12) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(13) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, but adjacent thereto, if capacity is available.

(14) The power to establish civil penalties, including the imposition of fines, for the violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce the rules and regulations adopted pursuant to this section, by suit for injunction or other appropriate action in the courts of the state.

(15) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth in section 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

(b) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(c) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(d) No listing of powers included in this act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.

(e) Nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the board. The board of county commissioners shall continue to exercise such powers, duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The board and the authority are authorized to utilize the provisions of section 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the board exercises ratemaking authority or approval, subject to the limitations of such statutes and rules.

(f) All powers granted to the authority by this act regarding natural gas shall only apply to areas outside the present franchised area of the City of Pensacola.

(g) The city is hereby specifically authorized and directed to convey to the authority those assets of its gas system located north of the Ten Mile Road in Escambia County, and the authority is authorized and directed to accept such assets upon the authority providing written notice to the city that the authority is capable of providing natural gas service with their own distribution system within the authority's franchise areas that the city is currently serving with permission of the present franchisee without causing interruption of natural gas service to the customers thereto; provided, however, that such conveyance by the city is conditioned upon payment by the authority to the city of the appraised value of such assets. The appraisal method shall be replacement cost, less accrued depreciation. Such appraisal value shall be determined by an appraiser selected by the city, one appraiser selected by the authority, and a third appraiser selected by those two appraisers. In the event of disagreement among the three appraisers, the value placed upon the assets by the third appraiser shall be final.

(h) Nothing herein shall be construed to affect the interstate transmission of natural gas. The authority shall have no power or authority over the interstate transmission of natural gas.

Section 6. Public purpose.—The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola;

that the authority is performing an essential governmental function; that all property of such authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes; and that all bonds, notes, revenue certificates, or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be nontaxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

Section 7. Transfer of assets and liabilities.—

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of $10 million as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. However, if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating the county's Water and Sewer District Number One, then such obligations shall be transferred to the authority; otherwise, the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Furthermore, the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations; whereupon, all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities, and assets of the city's and county's water and sewer systems. To consummate the sale as aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When such transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. However, accounts receivable and debts of the city and the county that are due and payable prior to the date of such transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept, any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation

shall be agreed upon by the governmental body and the authority. However, the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Nothing herein contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority, on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, or pledged, notwithstanding the provisions of any other law; provided, however, that ad valorem taxes may be so provided and used only after full compliance with the Constitution of the State of Florida, and provided further that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

Section 8. Franchise fees.—The Pensacola City Council is hereby authorized to impose a franchise fee upon the Escambia County Utilities Authority System; provided, however, that the authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

Section 9. Rate setting procedure.—

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, natural gas, or other additional utility systems of the authority.

(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(a)(5). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such prem-

ises, upon the quantity of natural gas consumed, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the ratemaking procedure.

(d) In cases where the amount of water or natural gas furnished to any building or premises is such that it imposes an unreasonable burden upon the water or natural gas supply systems, an additional charge may be made therefor, or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water or natural gas consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g)(1) Except as hereinafter provided in paragraph (2), no assessments, rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and organizations that have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the public hearing. Such hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users or property served shall be extended to cover any additional users or property thereafter served that fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to

be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as hereinabove provided.

Section 10. Personnel.—

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority and fix their compensation within the guidelines established by the Escambia County Civil Service Rules.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities that theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain interlocal agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his election, within 30 days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who prior to being transferred to the authority were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the

same rights under such system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing such system, and shall include, but shall not be limited to, the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of section 112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its general pension and retirement fund.

(f) Employees of the authority are subject to the civil service system of Escambia County and to the policies and rules of the Civil Service Board.

Section 11. Personnel appeals board.—

(a) There shall be appointed a personnel appeals board comprised of two members appointed by the authority, two members chosen by employees of the authority classified below the level of department head, and one member appointed by the other four members. The members of the board shall serve a term of 1 year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or of employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 13. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel, and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.

(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may have had under any civil service or personnel system of the City of Pensacola or Escambia County.

Section 12. Process and procedure.—

(a) Any person wishing to appeal an action of the authority that directly affects his substantial interests may file a petition for review within 10 days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days of receipt.

(b) If the petition is granted, the petitioner, or his counsel, shall be afforded an opportunity, at a mutually convenient time and place and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to the authority's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall

hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision of the authority shall have the same rights and remedies that would have been available to him under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his entire working time to the performance of his duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.

Section 14. Fiscal year and budget.—The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget that shall be balanced and that shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 15. Execution of documents; payment of bills.—All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent, or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, and legally due and payable and that the authority has funds on hand to make payment.

Section 16. Annual audit.—The authority shall be required to complete an annual compliance and financial audit of the fiscal activities of the authority by a private certified public accounting firm, which shall report to the authority concerning its findings and recommendations.

Section 17. Management efficiency audit.—The authority shall contract for a management efficiency audit by a private firm within 1 year of the effective date of the act, and at intervals of at least 3 years thereafter, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

Section 18. Transition provisions.—Within 15 days after the effective date of this act, the city and the county shall make their initial appointments to the authority. Within 15 days thereafter, the authority shall conduct its first meeting and appoint its seventh member. Within 15 days thereafter, the authority shall appoint its executive director and elect its officers and shall thereupon assume the duties and responsibilities of the Escambia County Water and Sewer Utilities Authority created pursuant to a certain interlocal agreement entered into between the city and the county on November 25, 1980. The authority shall give its highest priority to taking all actions necessary for transferring to its ownership and control the water and sewer systems of the city and the county and shall cooperate with the city and the county to complete the transfer of the systems and the transfer of employees to the authority from the city and the county by October 1, 1981, or as soon thereafter as is practicable.

Section 19. Citizens' advisory committee.—The authority shall make provision for and appoint a citizens' advisory committee or committees. The appointees to such committees shall have no personal or business ties with the authority that could be construed as a conflict of interest.

Section 20. Enforcement and penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed $500 for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding $500, but not exceeding $2,000 per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than $500 in order for the authority to carry out a federally mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(a)(14) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 21. Construction.—The provisions of this act shall be liberally construed to effectuate the purposes set forth herein.

Section 22. Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, and 91-403, Laws of Florida, and section 3 of chapter 91-335, Laws of Florida, are hereby repealed.

Section 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 24. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 9, 1992.

Filed in Office Secretary of State April 8, 1992.

CHAPTER 92-249

Senate Bill No. 2488

An act relating to Manatee County; establishing the merger of the Oneco-Tallevast and Samoset Fire Control Districts into the Southern Manatee Fire and Rescue District; defining jurisdiction of the district; providing authority to levy special assessments; providing a schedule of special assessments; providing for impact fees; providing for consolidation of the Oneco-Tallevast and Samoset Fire Control Districts; repealing conflicting sections of chapters 84-477 and 84-481, Laws of Florida, as amended; providing severability; providing for liberal interpretation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Incorporation.—Upon this act becoming a law, all of the unincorporated lands in Manatee County, as described in this act, shall become and be incorporated into and as an independent special fire district. Such special fire district shall become and be a public municipal corporation, having the powers and duties herein specified under the name of the Southern Manatee Fire and Rescue District.

Section 2. Jurisdiction.—The lands to be incorporated within the Southern Manatee Fire and Rescue District are located in Manatee County, Florida, and are described as follows:

Begin at the northwest corner of the southwest quarter of the northwest quarter of Section 36, Township 34 South, Range 17 East, thence run generally east along the south line of the city limits of the City of Bradenton and an easterly extension thereof to the center line of the Braden River at a point in Section 33, Township 34 South, Range 18 East; provided however that those unincorporated enclaves located within the corporate limits of the City of Bradenton within Sections 29 and 32, Township 34 South, Range 18 East are included; thence meandering the center line of the Braden River in a southeasterly, southerly and southwesterly direction to a point where the Braden River intersects the east line of Section 30, Township 35 South, Range 19 East; thence south to the line dividing Manatee County and Sarasota County which point is the Southeast corner of Section 31, Township 35 South, Range 19 East; then west to the Southeast corner of Section 36, Township 35 South, Range 17, East; thence north to the Northeast corner of Section 36, Township 35 South, Range 17 East; thence west to the Southwest corner of Southeast corner of Section 25, Township 35 South, Range 17 East; thence north to the north line of said Section 25, Township 35 South, Range 17 East; thence West to the Southwest corner of Section 24, Township 35 South, Range 17 East; thence north to the point of beginning.

Section 13. Exemptions.—This act does not apply to:

(A) Contractors in work on bridges, roads, streets, highways, or railroads, ~~or utilities~~ and services incidental thereto.

(E) Public utilities, including telecommunications companies as defined in s. 364.02(7), on construction, maintenance, and development work performed by their ~~own work forces~~ employees, which work, including, but not limited to work on bridges, roads, streets, highways, or railroads, and is incidental to their business.

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

Became a law without the Governor's approval May 14, 1993.

Filed in Office Secretary of State May 13, 1993.

CHAPTER 93-365

House Bill No. 581

An act relating to Escambia County; amending chapter 92-248, Laws of Florida; providing for certain water service utilities to provide consumption information to the Escambia County Utilities Authority and to terminate water service on account of nonpayment of charges for utility services furnished by the Escambia County Utilities Authority; providing for reimbursement of the cost; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (e) of section 5 of chapter 92-248, Laws of Florida, is amended, and subsection (i) is added to said section, to read:

Section 5. Powers.—

(e) Except as is hereinafter provided, nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the board. The board of county commissioners shall continue to exercise such powers, duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The board and the authority are authorized to utilize the provisions of section 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the board exercises ratemaking authority or approval, subject to the limitations of such statutes and rules. Any publicly owned or privately owned water utility operating within Escambia County on or after August 1, 1981, under any franchise, permit, or other authorization from the authority, the board, or the state shall:

(1) Promptly provide to the authority as soon as it is available a copy of its complete water service consumption information with regard to water service customers of such utility who are also sewer service or solid waste service customers of the authority or of an entity with which the authority has an agreement under subsection (i); and

(2) Upon certification by the authority that any such customer has failed to pay charges for sewer service or solid waste service furnished by the authority or by an entity with which the authority has an agreement under subsection (i) and has been given notice and a reasonable opportunity to pay such charges, discontinue furnishing water to such customer and disconnect the water supply system of such customer until all such charges and other charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full.

For purposes of interpreting Florida Administrative Code Rule 25-30.320, the authority shall be considered an "affiliated utility" of any such water utility. The authority shall promptly reimburse to such cooperating water utility the reasonable cost of providing a copy of its water service billing information and of disconnecting its water service.

(i) The authority shall enter into an agreement with each entity furnishing solid waste collection service to customers who are required by the board to subscribe for such service. Upon certification to the authority by such entity that a customer has failed to pay charges for solid waste service furnished by it and has been given notice and a reasonable opportunity to pay such charges, the authority:

(1) Shall, if the customer is a customer of water from the authority, discontinue furnishing water to such customer and disconnect the water supply of such customer until all such charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full; or

(2) Shall certify the information provided by such entity to any utility providing water service to the customer, if the customer is also a customer of water from the water utility. The entity shall promptly reimburse the authority for amounts paid to a water utility under subsection (e) on its behalf.

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

Became a law without the Governor's approval May 6, 1993.

Filed in Office Secretary of State May 5, 1993.

CHAPTER 93-366

House Bill No. 747

An act relating to Collier County; amending ch. 78-494, Laws of Florida, relating to the Immokalee Water and Sewer District; providing for a change in the qualifications of board members; requiring board members to be registered voters and residents of the district; requiring a quorum of four

CHAPTER 95-497

House Bill No. 1467

An act relating to Escambia County; amending chapter 92-248, Laws of Florida; providing for the terms of office of members of the board of the Escambia County Utilities Authority to commence on the second Tuesday following election; prohibiting a consultant to the authority from holding certain conflicting employment or contractual relationships; requiring the authority to use the most cost-effective means of providing, operating, or maintaining resource recovery systems or solid waste system collection, distribution, or disposal systems; encouraging the authority to contract with private persons on a competitive basis for any and all such systems; prohibiting the authority from discriminating against private persons who provide such systems; requiring the authority to seek competitive bids for certain activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (2) of subsection (b) and subsection (g) of section 4 of chapter 92-248, Laws of Florida, are amended to read:

Section 4. Governing body.—

(b)

(2) The first successors elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. The first successors elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter, each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a new successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Upon the occasion of a vacancy for any reason in the term of office of a member of the initial governing body of the authority which vacancy occurs prior to his replacement by election, a successor shall be appointed in the same manner as the initial appointment was made. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.

(g) The authority shall elect a chairman and a vice chairman from the members of the authority, each of whom shall serve for 1 year or until his successor is chosen. The chairman, or the vice chairman in the chairman's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member

of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chairman upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes; and all records of the authority shall be open to the public. The authority shall be deemed an "agency" or "authority of the county" for purposes of section 286.011, Florida Statutes, the "Government in the Sunshine Law." In addition to the provisions of the Code of Ethics for Public Officers and Employees, part III of chapter 112, Florida Statutes, no consultant to the authority shall have or hold any employment or contractual relationship with a business entity other than the authority in connection with any contract in which the consultant personally participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while the consultant. However, this provision shall not preclude the award of any contract to a consultant if such contract is awarded after open competitive bidding, and if the consultant submits the low bid.

Section 2. Subsection (c) of section 5 of chapter 92-248, Laws of Florida, is amended to read:

Section 5. Powers.—

(c)(1) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utility systems shall only apply to areas outside the corporate limits of the city unless the council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(2) In providing, operating, or maintaining resource recovery systems or solid waste collection, distribution, or disposal systems, the authority shall use the most cost-effective means of providing such systems and is encouraged to contract with private persons on a competitive basis for any and all such systems in order to ensure that such services are provided on the most cost-effective basis. In accordance with s. 403.7063, Florida Statutes, the authority shall not discriminate against pri-

vate persons who provide resource recovery systems or solid waste collection, distribution, or disposal systems.

(3) The authority shall seek competitive bids for all construction-related activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems when the estimated total cost of construction will exceed $5,000.

Section 3. This act shall take effect upon becoming law.

Became a law without the Governor's approval June 18, 1995.

Filed in Office Secretary of State June 16, 1995.

CHAPTER 95-498

House Bill No. 1515

An act relating to Volusia County; creating the "City of Deltona Charter"; providing legislative intent; establishing the City of Deltona; providing municipal powers; providing for election of a City Commission, and providing for membership, qualifications, terms, and powers and duties of its members, including the Mayor; providing for a Vice Mayor; providing for compensation and expenses; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, recording, and distribution of technical codes; prohibiting certain interference with City employees, which shall constitute malfeasance in office; establishing the fiscal year, providing for adoption of annual budget, and providing for increase, reduction, and transfer of appropriations; providing limitations to Commission's bonding or contracting authority; providing for appointment of City Manager and City Attorney; providing for removal, compensation, and filling of vacancies; providing qualifications and powers and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing land description of the city and its districts; providing for dissolution of the Deltona Fire District and for transfer of its assets and liabilities; providing for continuation of personnel and services; providing for the repeal of chapters 69-1707, 73-646, 83-532, 83-533, 84-538 and 90-415, Laws of Florida, relating to the Deltona Fire District; providing for continuation and dissolution of the Deltona Area Municipal Services District and for transfer of its assets and liabilities; providing for continuation and dissolution of the Unincorporated Area Municipal Services and Taxing Unit; providing for future charter amendment; providing for review; providing for standards of conduct in office; providing a transitional schedule and procedures for first election; providing for creation and establishment of City; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and land use regulations; providing for accelerated entitlement to state-shared revenues; providing for referendum.

CHAPTER 2001-324

House Bill No. 919

An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Escambia County Utilities Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority, including all current legislative powers granted to the authority by its several legislative enactments, to repeal certain obsolete provisions, to restore words inadvertently omitted in the preparation of Chapter 97-364, Laws of Florida, and to delete gender-specific references.

Section 2. Chapters 92-248, 93-365, 95-497, and 97-364, Laws of Florida, relating to the Escambia County Utilities Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Escambia County Utilities Authority is recreated and reenacted to read:

Section 1. Authority created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the "Escambia County Utilities Authority," hereinafter referred to as the "authority." The authority is hereby declared to be an independent special district.

Section 2. Legislative findings.—The Legislature finds and declares that the health, welfare, and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: that the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public; that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county; that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized; and that the consolidation of utility systems may eliminate duplicative staff functions and positions.

Section 3. Purposes.—The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and

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otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, sewer, and such other additional utilities as may be hereafter designated as provided in sections 5(c) and 7(c) herein, which are now, in the future could be, or could have been, but for this act, exercised by the City of Pensacola or Escambia County, Florida.

Section 4. Governing body.—

(a) The governing body of the authority shall consist of five members. Members shall be elected by a majority of their electors in partisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.

(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.

(c) Members shall be eligible for reelection.

(d) Before entering upon his or her duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the office of the Secretary of State.

(e) As compensation for performance of duties and responsibilities set forth herein, members of the authority and their successors shall receive from the authority monthly an amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly by members of the District School Board of Escambia County, and shall also receive from the authority $200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.

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(f) The authority shall elect a chair and a vice chair from the members of the authority, each of whom shall serve for 1 year or until his or her successor is chosen. The chair, or the vice chair in the chair's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chair upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an "agency" within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an "agency" within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed an "agency" or "authority of the county" for purposes of section 286.011, Florida Statutes, the "Government in the Sunshine Law." In addition to the provisions of the Code of Ethics for Public Officers and Employees, part III of chapter 112, Florida Statutes, no consultant to the authority shall have or hold any employment or contractual relationship with a business entity other than the authority in connection with any contract in which the consultant personally participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while the consultant. However, this provision shall not preclude the award of any contract to a consultant if such contract is awarded after open competitive bidding, and if the consultant submits the low bid.

Section 5. Powers.—

(a) The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:

(1)a. The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates, or other evidences of indebtedness, including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge

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by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates, or other evidences of indebtedness authorized to be issued by this act may be validated in the manner prescribed in chapter 75, Florida Statutes. Any complaint for validation permitted by the preceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds, or revenues, of whatever kind or nature, and may specify the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests, and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

b. In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(2) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the Board, the City of Pensacola, or the City Council of the City of Pensacola (hereinafter referred to as the "Council"), or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, and water supply, including, but not limited to, the powers granted under chapter 125, chapter 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(3) All powers granted to municipalities with regard to sewage collection and disposal and water supply granted to municipalities pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under chapter 170, Florida Statutes.

(4) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(5) The power to set, fix, pledge to establish, or establish, levy, or impose assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and

amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(6) The power of eminent domain, as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the Board or the Council) of the jurisdiction in which the subject property is located.

(7) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the construction, operation, and maintenance of the systems, facilities, or functions under jurisdiction of the authority, and to comply with all requirements and conditions imposed in connection therewith.

(8) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(9) All other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this act.

(10) All privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(11) Only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(12) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(13) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, but adjacent thereto, if capacity is available.

(14) The power to establish civil penalties, including the imposition of fines, for the violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce the rules and regulations adopted pursuant to this section, by suit for injunction or other appropriate action in the courts of the state.

(15) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth

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in section 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

(b) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(c)(1) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the Council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(2) In providing, operating, or maintaining resource recovery systems or solid waste collection, distribution, or disposal systems, the authority shall use the most cost-effective means of providing such systems and is encouraged to contract with private persons on a competitive basis for any and all such systems in order to ensure that such services are provided on the most cost-effective basis. In accordance with section 403.7063, Florida Statutes, the authority shall not discriminate against private persons who provide resource recovery systems or solid waste collection, distribution, or disposal systems.

(3) The authority shall seek competitive bids for all construction-related activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems when the estimated total cost of construction will exceed $5,000.

(d) No listing of powers included in this act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.

(e) Except as is hereinafter provided, nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the Board. The Board shall continue to exercise such powers,

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duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the Board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The Board and the authority are authorized to utilize the provisions of section 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the Board exercises ratemaking authority or approval, subject to the limitations of such statutes and rules. Any publicly owned or privately owned water utility operating within Escambia County on or after August 1, 1981, under any franchise, permit, or other authorization from the authority, the Board, or the state shall:

(1) Promptly provide to the authority as soon as it is available a copy of its complete water service consumption information with regard to water service customers of such utility who are also sewer service or solid waste service customers of the authority or of an entity with which the authority has an agreement under subsection (i); and

(2) Upon certification by the authority that any such customer has failed to pay charges for sewer service or solid waste service furnished by the authority or by an entity with which the authority has an agreement under subsection (i) and has been given notice and a reasonable opportunity to pay such charges, discontinue furnishing water to such customer and disconnect the water supply system of such customer until all such charges and other charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full.

For purposes of interpreting Florida Administrative Code Rule 25-30.320, the authority shall be considered an "affiliated utility" of any such water utility. The authority shall promptly reimburse to such cooperating water utility the reasonable cost of providing a copy of its water service billing information and of disconnecting its water service.

(f) The authority shall enter into an agreement with each entity furnishing solid waste collection service to customers who are required by the Board to subscribe for such service. Upon certification to the authority by such entity that a customer has failed to pay charges for solid waste service furnished by it and has been given notice and a reasonable opportunity to pay such charges, the authority:

(1) Shall, if the customer is a customer of water from the authority, discontinue furnishing water to such customer and disconnect the water supply of such customer until all such charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full; or

(2) Shall certify the information provided by such entity to any utility providing water service to the customer, if the customer is also a customer

of water from the water utility. The entity shall promptly reimburse the authority for amounts paid to a water utility under subsection (e) on its behalf.

Section 6. Public purpose.—The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola; that the authority is performing an essential governmental function; that all property of such authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes; and that all bonds, notes, revenue certificates, or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be nontaxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

Section 7. Transfer of assets and liabilities.—

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of $10 million as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. However, if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating to the county's Water and Sewer District Number One, then such obligations shall be transferred to the authority; otherwise, the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Furthermore, the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations; whereupon, all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities, and assets of the city's and county's water and sewer systems. To consummate the sale as aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When such transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered

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into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. However, accounts receivable and debts of the city and the county that are due and payable prior to the date of such transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept, any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation shall be agreed upon by the governmental body and the authority. However, the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Nothing herein contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority, on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, or pledged, notwithstanding the provisions of any other law; provided, however, that ad valorem taxes may be so provided and used only after full compliance with the Constitution of the State of Florida, and provided further that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

Section 8. Franchise fees.—The Council is hereby authorized to impose a franchise fee upon the authority system; provided, however, that the authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

Section 9. Rate setting procedure.—

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, or other additional utility systems of the authority.

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(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(a)(5). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such premises, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g)(1) Except as hereinafter provided in paragraph (2), no assessments, rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After

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the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and organizations that have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the public hearing. Such hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users or property served shall be extended to cover any additional users or property thereafter served that fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as hereinabove provided.

Section 10. Personnel.—

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority and fix their compensation within the guidelines established by the Escambia County Civil Service Rules.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City

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of Pensacola Department of Utilities that theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain interlocal agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his or her election, within 30 days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who, prior to being transferred to the authority, were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the same rights under such system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing such system, and shall include, but shall not be limited to, the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of section 112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its general pension and retirement fund.

(f) Employees of the authority are subject to the civil service system of Escambia County and to the policies and rules of the Civil Service Board.

Section 11. Personnel appeals board.—

(a) There shall be appointed a personnel appeals board comprised of two members appointed by the authority, two members chosen by employees of

the authority classified below the level of department head, and one member appointed by the other four members. The members of the board shall serve a term of 1 year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or of employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 13. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel, and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.

(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may have had under any civil service or personnel system of the City of Pensacola or Escambia County.

Section 12. Process and procedure.—

(a) Any person wishing to appeal an action of the authority that directly affects his or her substantial interests may file a petition for review within 10 days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days of receipt.

(b) If the petition is granted, the petitioner, or his or her counsel, shall be afforded an opportunity, at a mutually convenient time and place and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to the authority's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision of the authority shall have the same rights and remedies that would have been available to him or her under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in

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science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.

Section 14. Fiscal year and budget.—The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget that shall be balanced and that shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 15. Execution of documents; payment of bills.—All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent, or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, and legally due and payable and that the authority has funds on hand to make payment.

Section 16. Management efficiency audit.—The authority shall contract for a management efficiency audit by a private firm within 1 year of the effective date of the act, and at intervals of at least 3 years thereafter, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

Section 17. Citizens' advisory committee.—The authority shall make provision for and appoint a citizens' advisory committee or committees. The appointees to such committees shall have no personal or business ties with the authority that could be construed as a conflict of interest.

Section 18. Enforcement and penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed $500 for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding $500 but not exceeding $2,000 per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than $500 in order for the authority to carry out a federally

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mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(a)(14) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 19. The provisions of this act shall be liberally construed to effectuate the purposes set forth herein.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application and to this end the provisions of this act are declared severable.

Section 4. Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, 91-403, 92-248, 93-365, 95-497, and 97-364, Laws of Florida, and section 3 of chapter 91-335, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.

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CHAPTER 2004-398

House Bill No. 401

An act relating to Escambia County; amending chapter 2001-324, Laws of Florida; changing the name of the Escambia County Utilities Authority; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1 of section 3 of chapter 2001-324, Laws of Florida, is amended to read:

Section 1. Authority created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the "Emerald Coast ~~Escambia County~~ Utilities Authority," hereinafter referred to as the "authority." The authority is hereby declared to be an independent special district.

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

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.

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CHAPTER 2013-261

Committee Substitute for House Bill No. 1069

An act relating to the Emerald Coast Utilities Authority, Escambia County; amending chapter 2001-324, Laws of Florida; revising the frequency of a management efficiency audit; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 16 of section 3 of chapter 2001-324, Laws of Florida, is amended to read:

Section 16. Management efficiency audit.—The authority shall contract for a management efficiency audit by a private firm ~~within 1 year of the effective date of the act, and~~ at intervals of at least 5 ~~3~~ years ~~thereafter,~~ to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

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

Approved by the Governor June 28, 2013.

Filed in Office Secretary of State June 28, 2013.

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CHAPTER 2022-262

Committee Substitute for House Bill No. 1583

An act relating to Emerald Coast Utilities Authority, Escambia County; amending ch. 2001-324, Laws of Florida; providing requirements for filling vacancies on the Emerald Coast Utilities Authority; prohibiting certain members from reelection under certain circumstances; revising personnel guidelines; removing a personnel appeals board; revising the personnel appeals process and procedure; revising the qualifications for the executive director; removing the exclusion of certain personnel from civil service protections; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (b) and (c) of section 4, subsections (a) and (f) of section 10, section 11, subsection (a) of section 12, and section 13 of section 3 of chapter 2001-324, Laws of Florida, are amended to read:

Section 4. Governing body.—

(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the "Board"). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected. <u>If the Governor fails to make an appointment within 90 days after the date of the vacancy, the chair of the Board shall nominate two persons from the district in which the vacancy occurred as potential candidates to fill the vacancy. The remaining members, excluding the chair, shall select by majority vote one of the two nominees to fill the vacancy.</u>

(c) Members shall be eligible for reelection. <u>Any person elected to two consecutive full terms as a member of the Board subsequent to July 1, 2021, is not eligible for election to the Board for the next succeeding term.</u>

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Section 10. Personnel.—

(a) The authority may adopt policies for the appointment, removal, or suspension of ~~is empowered to appoint, remove, and suspend~~ employees or agents of the authority and fix their compensation, which policies shall be no less protective than the protections required under part II of chapter 110, Florida Statutes ~~within the guidelines established by the Escambia County Civil Service Rules~~.

~~(f) Employees of the authority are subject to the civil service system of Escambia County and to the policies and rules of the Civil Service Board.~~

Section 11. Personnel disciplinary proceedings ~~appeals board~~.—The authority shall conduct all employee or agent disciplinary proceedings according to its policies adopted pursuant to section 10, which shall be no less protective than the rules of the Department of Management Services, or its successor, adopted pursuant to s. 110.227, Florida Statutes, as may be subsequently amended, including, without limitation, proceedings for corrective action, termination of employees or agents, and appeals. Notwithstanding the foregoing, nothing contained herein shall be deemed to subject the authority to the jurisdiction of the Department of Management Services, including the authority within the definition of the term "agency" for purposes of chapter 110, Florida Statutes, or to require appeals to be handled by the Public Employees Relations Commission. The authority may engage the services of administrative law judges through the Division of Administrative Hearings to render nonbinding recommended orders to the executive director for such appeals.

~~(a) There shall be appointed a personnel appeals board comprised of two members appointed by the authority, two members chosen by employees of the authority classified below the level of department head, and one member appointed by the other four members. The members of the board shall serve a term of 1 year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or of employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 13. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel, and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.~~

~~(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~have had under any civil service or personnel system of the City of Pensacola or Escambia County.~~

Section 12. Process and procedure.—

(a) Any person wishing to appeal a termination of services; assessment of fees, charges, or fines; notice of claim of lien; or increase in security deposit ~~an action of the authority~~ that directly affects his or her substantial interests may file a petition for review within 10 days after ~~of~~ the date the ~~complained of~~ action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days after ~~of~~ receipt.

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the Emerald Coast Utilities Authority at the time of the vacancy of the position ~~City of Pensacola in 1981~~. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. ~~The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.~~

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

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.

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