

Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:
March 18, 2025

Agenda Item Number: O-2

Action Required:
Yes

Department:
Legal

Sponsor:
Nicholas W. Mulick, Esq.

Subject:

Proposed Amendments to District General Rules and Regulations

Summary:

The Board will consider adoption of amendments to the District General Rules and Regulations to clarify certain provisions; revise certain sections to reflect changes in District policies; correct scrivener's errors; and correct grammatical errors.

Reviewed / Approved

Financial Impact

Attachments

Operations: _____
Administration: _____
Finance: _____
District Counsel: _____
District Clerk: _____
Engineering: _____

\$

Funding Source:
N/A

Budgeted:
N/A

1. Proposed amended Rules and Regulations
2. Red-lined version of proposed amended Rules and Regulations

Approved By: 
General Manager

Date: 3/11/2025

RESOLUTION NO. 05-2025

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE KEY LARGO WASTEWATER TREATMENT DISTRICT GENERAL RULES AND REGULATIONS; TO CLARIFY CERTAIN PROVISIONS; REVISE CERTAIN SECTIONS TO REFLECT DISTRICT POLICY CHANGES; CORRECT SCRIVENER’S ERRORS; CORRECT GRAMMATICAL ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 4 (2) of the Key Largo Wastewater Treatment District (“the District”) Charter authorizes the District Board of Commissioners (“the Board”) to adopt rules and regulations necessary for the effective exercise of its powers; and

WHEREAS, the District has promulgated General Rules and Regulations (“the Rules”) pursuant to Section 4 (2); and

WHEREAS, upon review of the Rules, the Board has determined there is a need to update the Rules to clarify certain provisions of the Rules; implement changes in District policies and procedures; revise certain sections of the Rules to correct scrivener’s errors and correct grammatical errors; and

WHEREAS, the Board believes it is in the best interests of the District and its customers to amend the Rules as reflected in Exhibit “A” to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

Section 1. RECITALS. The above recitals are true and correct and incorporated into this Resolution by reference.

Section 2. AMENDED DISTRICT RULES AND REGULATIONS. The District General Rules and Regulations are amended in the form attached hereto as “Exhibit A.”

Section 3. EFFECTIVE DATE. Key Largo Wastewater Treatment District General Rules and Regulations, as amended herein, shall become effective immediately.

Section 4. RATIFICATION. Except as amended herein, all of the terms, provisions, and requirements of the District General Rules and Regulations are hereby ratified and shall remain in full force and effect.

Section 5. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designees and General Counsel are authorized to take all actions necessary to implement the terms and conditions of this Resolution.

RESOLVED AND ADOPTED THIS 18 DAY OF MARCH 2025.

The foregoing RESOLUTION was offered by Commissioner _____, who moved its approval. The motion was seconded by Commissioner _____, and, being put to a vote, the result was as follows:

	AYE	NAY
Chairman Rodriguez	_____	_____
Commissioner Heim	_____	_____
Commissioner Maloney	_____	_____
Commissioner Schwartz	_____	_____
Commissioner Majeska	_____	_____

The Chairman thereupon declared this Resolution duly passed and adopted the 18th day of March 2025.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
Nicolas Rodriguez, Chairman

ATTEST:

Approved as to form and legal sufficiency:

Shannon McCully, Clerk

Nicholas W. Mulick, General Counsel

SEAL

EDITED 3/8/2025 37thDRAFT

redline/blueline

FINAL DRAFT

Key Largo Wastewater Treatment District General Rules and Regulations



~~March 2023~~

APRIL 2025

These General Rules and Regulations supersede all previous versions.

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Article I. General

Section 1.01 District Description and Organization.

- (a) The Key Largo Wastewater Treatment District is an Independent Special District authorized by the Key Largo Wastewater Treatment District Act (Chapter 2002-337, Florida Statutes, as amended.) The ~~principal principle~~ function of the District is to perform such acts as necessary for the sound planning, acquisition, development, operation, and maintenance of a Wastewater management system to serve the island of Key Largo, an unincorporated portion of Monroe County, Florida. The District complies with the operating and reporting requirements of Chapter 189, Florida Statutes as applicable to Special Districts.
- (b) The District is not subject to the Florida Administrative Procedure Act (Chapter 120, Florida Statutes) or the Uniform Rules of Procedure (Title 28, Florida Administrative Code.)

Section 1.02 District Service Area.

The District's Service area includes the territory consisting of the island of Key Largo, including all lands east of Tavernier Creek, including Tavernier, Key Largo, and Cross Key, with the exception of Ocean Reef, all in Monroe County, Florida.

Section 1.03 District Board of Wastewater Commissioners.

- (a) The District is governed by an elected Board of five wastewater Commissioners.
- (b) The District shall exercise, through the Board, all powers enumerated in the Key Largo Wastewater Treatment District Act including, but not limited, to the power to adopt rules and regulations relating to the exercise of such powers for the regulation of the use and supply of wastewater systems for the District's service area, and shall also exercise such other authority as may exist under general or special law, and all authority implied by or necessary or appropriate to the same.
- (c) The Board governs the policymaking and other statutorily prescribed duties and powers of the District pursuant to the Key Largo Wastewater Treatment District Act. ~~The Board may act only adopting a resolution at a publicly noticed meeting.~~
- (d) The Board may, by resolution, delegate the authority to a Commissioner or other person to take any actions reasonably necessary and appropriate to implement a Board resolution. In the absence of such delegation of authority, an individual Commissioner has no authority to take or refrain from taking any action on behalf of the District or to direct any other person to do so.
- (e) In order to carry out their legislative duties, Commissioners may request information, research or support from the General Manager, Senior Staff Members, Department Managers, or the District's Counsel and consultants provided that any such request is not unduly burdensome or excessive, i.e., will not take more than 12 hours per month. The District's staff shall have the right (but is not obligated) to ask the full Board to authorize the request if the request is unduly burdensome. ~~Notwithstanding the foregoing, an individual Commissioner is authorized to request District Counsel to provide legal services on behalf of the District.~~

Section 1.04 District General Manager.

The General Manager oversees the day-to-day operation of the District as authorized or directed by the Board.

Section 1.05 District Clerk.

The District Clerk is ~~the person~~ responsible for receiving, recording, filing, and transmitting District documents, recording District business, and acting generally as the initial point of contact for persons seeking to conduct business with the District.

Section 1.06 District Office Location, Address, Telephone Number.

The office location and address are 103355 Overseas Highway, Key Largo, Florida, 33037.
The telephone number is (305) 451-4019.

~~The main office of the District is located at 103355 Overseas Highway, Key Largo Florida 33037e. The mailing address is POBox 491, Key Largo Florida 33037. The telephone number is (305)451 4019.~~

Section 1.07 District Customer Service ~~Office~~ Hours.

The District customer service ~~office~~ hours are from 8:30A.M. to 4:30P.M., ~~8:00Am to 5:00PM~~ Monday through Friday, except Official Holidays.

Section 1.08 Conducting Business with the District.

Unless otherwise specifically provided in these rules, all comments, correspondence, communications, or requests for information should be directed to the Clerk or General Manager at the District Office.

Section 1.09 District Meetings.

All meetings of the Board are public meetings conducted in accordance with section 286.011, Florida Statutes, including the maintenance and recordation of official minutes. Board decisions are made at District Meetings. In addition, a meeting of the Board may include one or more segments as described below:

- (a) Workshops are gatherings of members of the Board or its staff as designated by the Board for the purposes of discussion of District business and projects, at which time rule drafting may occur but no official vote may be taken nor rule or regulation adopted. Such workshops shall be open to the public, but it shall be within the discretion of the Board whether or not to permit public comment.
- (b) Public hearings are public gatherings of the Board for the purpose of obtaining information and receiving public comment on activities proposed by the Board, but at which no official action may be taken nor rule or regulation adopted.
- (c) Public forums or community meetings are public gatherings of the Board and/or designated representatives for the sole purpose of exchanging information and receiving public comment on activities relative to the District, but at which no official action may be taken nor rule or regulation adopted.

Section 1.10 Handicap Access to Meetings.

Whenever the District has scheduled a meeting at which official acts are to be taken and has received, at least forty-eight (48) hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, there shall be provided a manner by which such person may attend the meeting or the meeting shall be rescheduled to a site accessible to such person. If a physically handicapped person objects in writing to the use of human physical assistance in lieu of the construction or use of ramps or other mechanical devices, such human physical assistance shall not be used in lieu of ramps or mechanical devices.

Section 1.11 Rules and Regulations Development and Adoption.

The District operates under rules and regulations ~~which are~~ approved by the Board.

- (a) Rules and Regulations Development. The adoption, amendment, or repeal of District rules and regulations (including rates) shall occur at public meetings.
- (b) Drafting of Rules and Regulations. ~~Any person may propose new or amended rules or regulations for Board consideration and possible adoption.~~ Prior to placing draft rules or regulations on the Board agenda, District staff shall prepare a summary overview of the proposed rule, including preliminary text and other information for Board consideration.
- (c) Public Notice. Except in cases where the Board determines that immediate adoption of a rule or regulation is appropriate, the District shall publish public notice of the proposed rule or regulation in one or more newspapers that are regularly distributed within the District service area. The notice shall describe the purpose and effect of the proposed rule or regulation, shall include information for the public to obtain a copy, and shall set forth the time and place of the public meeting at which the proposed rule or regulation shall be considered for adoption. The Board may, in its discretion, require that more than one publication of the proposed rule or regulation be made. The publication shall be made not less than seven days prior to the meeting at which the proposed rule or regulation shall be considered for adoption.
- (d) Public Input. The District shall receive and maintain all public input relative to rules and regulations as part of the permanent record. The permanent record shall include any written comments from the public and comments of speakers made at public meetings. The Board may, ~~at its discretion,~~ hold more than one public meeting to receive input as to any proposed rule or regulation.
- (e) Recordkeeping. The District Clerk shall maintain records of the District's rules and regulations.

Section 1.12 Access to Public Records. ¹

- (a) The District encourages maximum public participation by all persons affected by its activities. All District public records, as that term is defined in Chapter 119, Florida Statutes, may be inspected and copied at the District's main office during office hours, unless otherwise restricted by law.
- (b) All District public records, as that term is defined in Chapter 119, Florida Statutes, may be inspected and copied at the District's main office during office hours, unless otherwise restricted by law ~~All forms and instructions used by the District in conducting its business are available without cost at the main office. Copies of other public records held by the District may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes.~~

¹ Section 1.12 amended by Res #? to include Section 1.13.

- (c) All forms and instructions used by the District in conducting its business are available without cost at the main office. Copies of other public records held by the District may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes. ~~If more than ten (10) pages are requested to be copied, and if more than 30 minutes of work by the District staff is necessary to produce the requested public records, the dollar amount shall be based on the District's cost per copy. The cost of electronic records taking more than 30 minutes to produce shall be based on General Manager decision. The District may require that the copies be made at its convenience within a reasonable time to be picked up by the recipient or forwarded to the recipient. In that event, the person seeking the public records must pay the cost of such copies and the estimated postage fee in advance.~~
- (d) A request to inspect public records shall be referred to the District Clerk, who will coordinate the production of such records and, in conjunction with District Counsel, shall assert any applicable exemption pursuant to Section 119.071, Florida Statutes.
- (e) Public records requests may be made orally or in writing including email requests, and shall be acknowledged by the District Clerk in writing. All oral requests and responses shall be recorded in written form and a copy of the record of the request and production shall be maintained on file by the District Clerk.
- (f) The District may charge the fees allowed by law for production and copying, including without limitation, the special fees allowed for the extensive use of information technology, resources, or labor cost. The District may charge \$1.00 per page for certified copies or a greater charge as may be subsequently allowed by law
- (g) If more than ten (10) pages are requested to be copied, and if more than 30 minutes of work by the District staff is necessary to produce the requested public records, the dollar amount shall be based on the District's cost per copy. The cost of electronic records taking more than 30 minutes to produce shall be based on General Manager decision. The District may require that the copies be made at its convenience within a reasonable time to be picked up by the recipient or forwarded to the recipient. In that event, the person seeking the public records must pay the cost of such copies and the estimated postage fee in advance.

Section 1.13 [Rescinded](#) ² ~~Limitation of Access to Records.~~

~~1.13. It is the policy of the District to permit maximum participation by each and every person affected by its activities.~~

~~Public records requests may be made orally or in writing. When a Person asks to see public records, the request will be referred to the Clerk, who will coordinate the production of such records and, in conjunction with District Counsel, will assert, on behalf of the District, any applicable privilege. All oral requests and responses will be recorded in written form and a copy of the record of the request and production will be maintained on file. The District may charge the fees allowed by law for production and copying, including without limitation, the special fees allowed for the extensive use of information technology, resources, or labor cost. The District will charge \$1.00 per page for certified copies or a greater charge as may be subsequently allowed by law.~~

² Section 1.13 deleted by Res #? and incorporated into Section 1.12

Article II. District Procurement of Goods and Services

The District procures goods and services pursuant to the District Procurement Policy.³

³ Article revised by Resolution 18-10-10 to incorporate District Procurement Policy by reference on 10/05/10
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Article III. Provision of Wastewater Service in General

Section 3.01 Availability of Wastewater Service.

The existence of a force main adjacent to or near the premises of an applicant for wastewater service does not necessarily mean that such service is available to that location. Wastewater service in areas where only force mains exist may require the installation of a wastewater collection system. The availability of wastewater service shall be determined by the District. The District ~~will~~ shall, in its discretion, provide gravity collection systems, vacuum collection systems, low pressure collection systems, or force main points of service in various areas of the District after consideration of cost, reliability, and other factors, as well as the recommendations of staff and design professionals.⁴

Section 3.02 Wastewater Connections.

- (a) Connections to ~~Installations on~~ Private Property. The customer is obligated to provide a lateral connection between any improvements and the point of service. The customer must ensure that permitting and construction of laterals, and abandonment of On-Site Treatment Disposal Systems (OSTDS), are performed in compliance with applicable law and the District's then-current Minimum Design and Construction Standards and Specifications for Wastewater Systems.⁵ ~~The District will design and construct wastewater facilities in a manner, and in locations, the District believes shall provide for cost effective and efficient collection and transmission of wastewater. The owner of private property is entitled and obligated to provide a lateral connection between any improvements and the point of service. Whenever wastewater service is required, the owner must ensure that permitting and construction of laterals, and abandonment of septic tanks are performed in compliance with applicable law and the District's then-current Minimum Design and Construction Standards and Specifications for Wastewater Systems~~
- (b) Cross-Connections. Any physical arrangement or connection of pipes, fixture, or other water facility between a system containing water and a system containing wastewater or any other substance is prohibited. Should such a connection be determined to exist, the District may ~~shut off~~ terminate service until such time as the connection or arrangement of systems has been properly reconnected to the District's satisfaction.
- (c) **Contiguous Properties.** No customer may extend wastewater lines across a public street, alley, or other public or private highway or property not owned by that customer.

Section 3.03 Duty to Make Payment.

A customer that receives wastewater service from the District is responsible for all fees and charges incurred in connection with the rendering of Service. Failure to pay fees and charges ~~amounts due to the District~~ within the time designated for payment may result in the shutting off ~~disconnection~~ of wastewater service until all amounts due the District have been paid in full.

Section 3.04 District Powers to Collect Amounts Due.

- (a) The District is authorized to fix and collect rates, rentals, fees, and charges for the use of any wastewater system facilities.
- (b) The District may provide for reasonable penalties against any user for any charges that are delinquent.

⁴ Last sentence added by Resolution 18-10-10 ~~on 10/05/10.~~

⁵ Section 3.02(a) amended by Res #? to clarify rule.⁸²

- (c) Charges that remain unpaid for thirty (30) days or more shall be deemed delinquent. The District may shut off wastewater services until such delinquent charges, together with interest and penalties and fees for shutting off and restoring services are fully paid. ~~In the event that a delinquency occurs and the delinquent charges are not paid and remain delinquent for 30 days or more, the District may discontinue and shut off services until such delinquent charges, together with interest, penalties, and fees for shutting off, discontinuing, and restoring such services are fully paid.~~
- (d) The District may recover delinquent charges, together with interest, penalties, and fees for shutting off, discontinuing, and restoring such services, together with reasonable attorneys' fees, other expenses by suit in any court of competent jurisdiction, and by any other lawful means of enforcement.
- (e) **Rescinded.** ~~⁶ Any and all power or authority available to the District to enforce the use of its facilities whenever and wherever they are available and enforce, recover or collect any rates, fees or charges imposed by the District are cumulative, supplemental and alternative. The District is not constrained to select a single approach, nor is it constrained to seek a single remedy in enforcing any power or authority available to it.~~
- (f) **Rescinded.** ~~⁷ The District will use reasonable diligence to provide continuous service, but will not be liable to the customer for damages or loss caused by system failure or interruption of service.~~
- (g) The District reserves the right to transfer debts owed by ~~an owner~~ a customer for service provided to a given premises to any other active account of the customer for **assessments and or** service, and to take appropriate measures for securing payment of such debt.

Section 3.05 Duty to Protect District Property.

- (a) The customer is under a duty to exercise due care to protect any District wastewater facilities that are located on the customer's property.
- (b) The customer may not allow anyone access to such facilities, except for the District's agents or persons otherwise authorized by law, each of whom shall first display to the customer identification and evidence of authorization for entry.
- (c) **In the event** ~~When the~~ District facilities are damaged by contractors, governmental agencies, or others, the District shall repair such damage and charge the total cost thereof to the persons causing the damage.
- (d) In the event of any loss or damage to the District's property or any wastewater facilities **is caused by arising from** the negligence or intentional misuse by the customer, its agents, invitees, or assignees, the total cost of replacing such loss or repairing such damage shall be charged to the customer. ~~to the owner at cost.~~

⁶ [Section 3.04\(e\) deleted by Res#?](#)

⁷ [Section 3.04\(f\) deleted by Res # ?](#)

Section 3.06 Tampering.

- (a) Tampering with water meters or the District's wastewater system components or facilities, including but not limited to, collection mains, manholes, force mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, or enclosures is prohibited by section 812.14, Florida Statutes.
- (b) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any person found in a civil action to have violated the provisions of section 812.14, Florida Statutes, may be liable to the District in an amount equal to 3 times the amount of services unlawfully obtained or \$1,000.00, whichever is greater.
- (c) The customer ~~owner~~ must promptly report any Tampering to the District and is responsible for any Tampering caused by its agents or other persons using the premises with or without the ~~customer's owner's~~ consent.
- (d) Upon ~~receipt of notification by either an individual or employee of the District~~ the District's determination that there is reasonable cause to suspect that Tampering with District's property or facilities has occurred at any premises served by the District, the District shall cause an investigation to be made of those premises.
- (e) If an on-site inspection ~~confirms~~ ~~verifies~~ that Tampering has occurred, the District ~~shall~~ ~~will~~ charge a Tampering investigation charge to cover its expenses in conducting said investigation and ~~shall~~ take measures to deter further Tampering. Refer to District Fee Schedule. ⁸ ~~Any Tampering that results in a substantial reduction in the cost of services received by a person, the District will charge a tampering charge.~~
- (f) Anyone found Tampering with the District's wastewater system shall be responsible for costs of investigation, such repairs as are necessary, and all other appropriate charges. ⁹ ~~If it is reasonably established that the Person who has tampered with District facilities is the same Person who occupied or resided at the site at the time of the Tampering, then that Person will be responsible for the Tampering Charge and all other appropriate charges. However, if that Person demonstrates that another party is responsible for the Tampering, the District will use such demonstration as its basis to pursue appropriate and adequate restitution for said Tampering from the other party demonstrated to have been the one doing the Tampering.~~
- (g) Tampering ~~shall~~ ~~will~~ be presumed to have been caused by the customer ~~or owner that receives~~ ~~receiving~~ monetary or other economic benefit therefrom.
- (h) Tampering ~~that results~~ ~~resulting~~ in a substantial reduction in the cost of services received by a customer ~~shall~~ ~~will~~ be presumed to have been known to the customer if not reported to the ~~authority~~ ~~District~~ within one billing period after the reduction in the cost of the service received becomes evident. In such event it ~~will~~ ~~shall~~ be presumed that the Tampering was willfully allowed to persist by the customer.
- (i) The District may, without prior written authorization, confiscate any materials or facilities that are connected to the ~~District's authority's~~ wastewater system for use as evidence in further legal proceedings.
- (j) For Tampering Charges Refer to District Fee Schedule. ¹⁰ ~~See Section 9.05~~

⁸ Section 3.06(e) amended by Res # ? to refer to Article XIII District Fee Schedule.

⁹ Section 3.06(f) amended by Res # ? to clarify the rule.

¹⁰ Section 3.06(j) amended by Res # ? to refer to Article XIII District Fee Schedule and replaces 9.05(c).

- (k) In cases of FKAA meter by-pass, or meter reversal, straight connection or other form of Tampering that results in a substantial reduction in the cost of service, the account of the customer shall be back billed based on the estimated amount of wastewater flow for which the District has not yet received payment. This estimate shall be based upon One hundred and fifty percent (150%) of the average water consumption during the previous six (6) Active Account months prior to the time such meter Tampering is found to have occurred, or in the event the customer does not have a history of six (6) active account months, one hundred and fifty percent (150%) of the average water consumption for a customer served by the District with a similar class of service during the most recent one (1) year period for which such figures are available : ¹¹
- (l) The District may recover damages incurred as a result of Tampering, by any lawful means including, but not limited to, bringing a civil action in a court of competent jurisdiction for damages, including cost of suit and reasonable attorney fees. ¹²

Section 3.07 Inspection of Customer Installation.

- (a) All installations of wastewater facilities or changes therein are subject to inspection by the District to ensure that piping, equipment and other facilities have been installed in accordance with the District's Minimum Design and Construction Standards and Specifications.
- (b) The District has the right, but not the duty, to inspect the customer's installation prior to rendering service and from time to time thereafter to ascertain the ~~customer's~~ ~~owner's~~ compliance with District rules and regulations, but the District assumes no responsibility whatsoever for any defects that are not detected by such inspection.

Section 3.08 Customer's Duty to Maintain. ~~Installation~~

- (a) The customer may not utilize any appliance or device which may adversely affect wastewater service. The District reserves the right to ~~shut off~~ ~~withhold or discontinue~~ wastewater service whenever any such apparatus or device is being used.
- (b) The customer's apparatus and equipment must be maintained in sound operating condition in accordance with standard practice, the rules and regulations of the District, and all other governmental regulations applicable thereto.
- (c) No changes in the customer's apparatus or equipment that materially affects the proper operation of the District's wastewater facilities may be made without the prior written consent of the District. The customer is liable for any damage resulting from a violation of this provision. ~~No changes in the owner's installation that will materially affect the proper operation of the District's wastewater facilities may be made without the prior written consent of the District. The customer is liable for any damage resulting from a violation of this provision.~~
- (d) ~~Any~~ Violation of this subsection may result in ~~shut off~~ ~~termination~~ of service or any other action available to the District by law. ~~Petitions for enforcement~~ The District may request declaratory relief; temporary or permanent equitable relief; ~~imposition of fines,~~ ~~any fine~~ forfeiture, ~~penalty~~ or other remedy provided by statute; ~~or~~ any combination of the foregoing. ~~or, in the absence of any other specific authority, a fine is not to exceed \$1000.00 .~~ Refer to the District Fee Schedule. ¹³

¹¹ Section 3.06(k) amended by Res # ? to clarify rule and include wording from Sections 9.05(d) & 9.05(d)(i)

¹² Section 3.06(l) amended by Res # ? to clarify rule and include wording from Section 9.05(e)

¹³ Section 3.08(d) amended by Res #? to refer to Article XIII District Fee schedule.

Section 3.09 Customer Compliance with District Rules and Regulations.

- (a) The ~~owner/~~ customer must comply with the District's rules and regulations as duly adopted or as they may subsequently be revised, or amended.
- (b) ~~The District has the right to refuse to provide service or discontinue service.~~ Failure to comply with the requirements of this subsection may result in a shut off ~~disconnection~~ of service.

Section 3.10 District License to Enter upon Property. ¹⁴

- (a) As a condition of connection to District wastewater service, the owner ~~and~~ or legal occupant of the property upon which required facilities extensions and connections are located grants a license to the District to enter upon the subject ~~affected~~ property for the following purposes:
 - (i) To inspect the installation or connection. The District has the right, but not the duty, to make on-site inspections.
 - (ii) To ~~discontinue and~~ shut off services to delinquent accounts.
 - (iii) To maintain, repair, replace or remove the District's property.
 - (iv) For other purposes incidental to performance or termination of wastewater service.
- (b) In the event any person unlawfully prohibits or unreasonably impedes the District's access to the property, wastewater service may be shut off. ~~The owner may not impede free access to any District facilities or other infrastructure connected to or served by District facilities.~~

~~(c) In the event the District is unable to obtain access, wastewater service may be terminated.~~

Section 3.11 District Right to Refuse to Provide Service. ¹⁵

~~No payment of costs, submittal of an application or other act to receive, Wastewater Service will guarantee such Service~~ The District has the right to refuse to extend service on the basis of a use detrimental to the system, lack of payment of required fees or charges, or for any other reason which, in the judgment of the District, applying sound engineering principles, will cause the extension not to be in the District's best interest.

Section 3.12 Discontinuance or Shutting Off ~~Termination~~ of Service.

The District may shut off ~~discontinue or terminate~~ wastewater service to any customer who violates the provisions of these rules, including, but not limited to, delinquency of any amounts owed to the District.

¹⁴ [Section 3.10\(c\) deleted by Res #?](#)

¹⁵ [Section 3.11 amended by Res#? to delete the first sentence and supersedes Resolution 18-10-10. *Heading revised by Res 18-10-10 on 10/05/10.*](#)

Article IV. Mandatory Connection

Section 4.01 Mandatory Connection Findings.

The District has ascertained, determined, and declared that:

- (a) The Florida Legislature has identified the Florida Keys as an area of critical state concern; pollution and questionable water quality resulting from the absence of adequate wastewater treatment throughout the Florida Keys is a threat to the environment and the health, safety and welfare of landowners and persons inhabiting the Florida Keys.
- (b) The Florida Legislature has charged the District with the responsibility to ~~plan and~~ provide ~~for water and sewer systems within the Florida Keys~~ wastewater collection and advanced wastewater treatment disposal within the District's boundaries and requires mandatory connection for all properties where connection is available and to enforce the use of its wastewater facilities whenever and wherever they are accessible.
- (c) The Florida Legislature has empowered the District to both prohibit the use of and mandate the use of wastewater facilities within the Florida Keys.
- (d) The Florida Legislature has authorized, and Monroe County has enacted, local legislation that requires connection to a central sewage system within specified time periods, even if the affected property is receiving treatment from a lawful and adequate Onsite Sewage Treatment and Disposal System.
- (e) The District has embarked upon the creation of wastewater system to manage and treat wastewater and improve the water quality in the Florida Keys. The presence of the District's wastewater facilities is intended to enhance and benefit the environment and the health, safety and general welfare of landowners and persons inhabiting the Florida Keys.
- (f) In addition to the requirements of Florida statutes, mandatory connection to the District's wastewater system is required by the District's agreements with lenders. ~~Mandatory connection to the District's wastewater system is fundamental to the successful financing, creation, and operation of the District's wastewater system.~~
- (g) Mandatory connections to a governmental utility system and the subsequent charges flowing therefrom have long been held to be a proper exercise of a governmental power to regulate and protect the welfare of the public.

Section 4.02 Duty to Connect. ¹⁶

- (a) The customer occupying ~~owner of~~ an improved parcel of land must, at the customer's ~~the owner's~~ expense, connect to the District's wastewater system upon written notification that the District's wastewater facilities are available for connection, as that term is defined in applicable law.

~~(b) Where the District's wastewater system is available to premises with an existing wastewater treatment facility or OSTDS, the owner must decommission, abandon, or otherwise disconnect from the existing wastewater treatment facility or OSTDS in accordance with the requirements of applicable law, and must connect the buildings on the property or premises to the District's wastewater system.~~

¹⁶ Section 4.02(b) & 4.02(c) deleted by Res #? and s87 persedes Resolution 18-10-10 and Board action on 3/1/2011.
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~~(c) Where the premises is improved with one or more buildings capable of generating wastewater that would enter the District's wastewater facilities, but no building on the premises is capable of being used in a manner that might generate wastewater, the District shall, in its discretion, grant one or more **temporary deferrals** of the connection requirement provided herein at the request of the owner. In order to receive a deferral of the connection requirement, the owner must complete an application for **deferral** under penalty of perjury, setting forth the basis for the application. Any and all deferrals granted under this provision shall expire upon the earlier of the following: issuance of a certificate of occupancy by a government authority with responsibility for such matters, or actual connection of any building on the premises to the District's wastewater facilities and use of the plumbing facilities for sanitary purposes.~~

Section 4.03 Failure to Connect. ¹⁷

(a) In the event a customer fails or refuses to connect to the District's wastewater facilities within the time specified after receipt of written notification of the availability of service, the District reserves the right to compel the customer to connect to the District's wastewater facilities by any lawful means, including, but not limited to, judicial process and shall proceed to collect all system development charges, monthly charges, and other charges to which the District would be entitled had the customer connected to the District's wastewater facilities. The District further reserves the right to refer the matter to the Monroe County Code Compliance Department for appropriate action. In the event the District elects to avail itself of judicial process to compel the customer to connect to the District's wastewater facilities, the District shall seek to recover all damages incurred by the District, including costs of suit and reasonable attorney fees. ~~An owner that fails or refuses to connect its premises to the District's wastewater facilities within the time specified after receipt of written notification of the availability of service is responsible for the payment of all fees and charges imposed by the District in connection with the provision of wastewater service, even if the premises does not actually receive wastewater service due to the failure of the owner to connect to the District wastewater facilities.~~

~~(b) In the event an owner fails or refuses timely to connect the premises or a building to the District's wastewater facilities within the time prescribed herein, the District will provide support and assistance to the owner to facilitate connection. However, if the owner fails or refuses to take reasonable steps to achieve connection, the District shall refer the matter to Monroe County Code Enforcement for further action.~~

~~(c) Notwithstanding the foregoing, the District reserves the right to compel connection by any lawful means, including judicial process, and shall proceed to collect all SDC charges, monthly charges, and other charges to which the District would be entitled if the owner had connected the premises to the District wastewater facilities. In the event the District is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the District including attorney fees and court costs will be assessed to the owner.~~

~~(d) The District will undertake reasonable efforts to assist owners who qualify for low income assistance to obtain such assistance. If it reasonably appears to the District that an owner will qualify for such assistance but the assistance is not yet available, the District will, in its discretion, grant a reasonable extension of the time to connect and the time at which monthly charges and other charges begin to accrue against that owner.~~

Section 4.04 Rescinded ¹⁸ ~~-Suspension or Termination of Service by Customer.~~

¹⁷ Section 4.03 amended by Res#? to clarify 4.03(a) and delete subsections 4.03(b), 4.03(c), & 4.03(d), and supersedes Resolution 18-10-10 this section revised by Res 418-10-10 on 15/05/2010

¹⁸ Section 4.04 deleted by Res #? and supersedes District Board action on 4/5/2011.

~~**DELETED.RED.ORIGINAL.** The District does not permit temporary suspension of wastewater service. The District will permit termination of wastewater service by a customer if the customer submits a verified statement showing that the customer has sold or terminated the customer's tenancy in the property being served.~~

Article V. Rescinded ¹⁹ Classes of Wastewater Service

The District renders wastewater service to various classes of customers as described in the District Rate Resolution

Article VI. Provision of Wastewater Services to Unimproved Parcels

Section 6.01 Rescinded ²⁰ ~~Unimproved Parcel in an Improved Subdivision. In a case where the District is constructing wastewater facilities within an improved subdivision, the District will, in its discretion, provide wastewater facilities to unimproved parcels within the subdivision when the District concludes that the best interest of the District would be served thereby.~~

Section 6.02 Rescinded ²¹ ~~Developer's Agreement for Future Wastewater Service.~~

- (a) ~~Prior to the commencement of construction of facilities or structures on individual Premises or on an approved development, the District may enter into a Developer's Agreement with an Owner/Developer for the purpose of assuring the availability of Wastewater Service to the development upon completion of construction. Such assurance is conditioned upon fulfillment by the Owner/Developer of the requirements of the Developer's Agreement for Service.~~
- (b) ~~The Owner/Developer must pay in advance of Board approval all System Development Charges, and other fees and charges required under the Developer's Agreement.~~
- (c) ~~Failure to comply with the terms of the Developer's Agreement may result in the District declining to provide Wastewater Service upon completion of the development, until the terms of the Developer's Agreement are fully satisfied, including payments of applicable assessments and Delinquent Account penalties.~~
- (d) ~~The execution of a Developer's Agreement does not exempt the Owner/Developer from compliance with the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems and the obligation to obtain all requisite federal, State, and local governmental permits, licenses, or approvals.~~
- (e) ~~The Developer's Agreement is not an agreement for Service.~~
- (f) ~~The District shall charge a plan review fee. See Section 9.01.~~
- (g) ~~These provisions apply equally to a redevelopment of a previously developed property where the redevelopment consists of changes in parcel configurations, and/or utility infrastructure.~~

Section 6.03 Location ~~Construction and Connection~~ of Systems on Private Property ²²

It is District policy not to construct wastewater collection and transmission systems on private property. However, the Board may authorize construction of systems on Common Interest Realty Association (CIRA) Properties (ie condominiums) as provided in various District non-ad valorem assessment resolutions. ~~In general, it is the policy of the District not to construct wastewater collection and systems on private property. However, as provided in the various District non-ad valorem assessment resolutions, the District may construct collection systems on a Single-Lot Common Interest Properties as defined in the various District non-ad valorem assessment resolutions.~~

Section 6.04 Rescinded Unique Properties Project..

²⁰ Section 6.01 deleted by Res # ?.

²¹ Section 6.02 deleted by Res # ? and supersedes Resolution 18-10-10.

²² Section 6.03 amended by Res #? to clarify rule and supersedes Resolution 18-10-10 this paragraph revised by Resolution 18-10-10 on 10/05/2010

Article VII. Extension of Wastewater Facilities.

Section 7.01 General.

This Section provides information regarding the District's specifications, requirements, and procedures for obtaining ~~a commitment for~~ wastewater service to new or existing facilities on a property. These general requirements ~~must be adhered to by persons desiring to obtain service. will also be followed by persons desiring to obtain service for an existing or proposed single family dwelling.~~ **must be adhered to by persons desiring to obtain service.**

Section 7.02 Planned Extension of Wastewater Facilities ²³

~~.(a)The District has adopted the Monroe County Sanitary Wastewater Master Plan, as a comprehensive planning document for the implementation of wastewater service within the District. Such wastewater master plan outlines recommendations for the District to effectuate the provision of wastewater service within the District. The District may also adopt one or more facilities plans showing planned development and implementation of wastewater facilities. In case of any inconsistency between the Monroe County Sanitary Wastewater Master Plan and a District facilities plan, the District facilities plan shall control, except that the District shall comply with Section 403.086(10)(b), Florida Statutes, as amended by Ch. 2010-205, Laws of Florida.~~

- (a) The District shall establish rates, fees, and charges to recover the costs of system development, operation, and maintenance ~~..As funding is available, the District shall construct Wastewater Collection, Treatment, and Disposal Systems.~~

Section 7.03 Extension of Wastewater Facilities on Request.

- (a) An owner seeking to obtain a commitment for wastewater service from the District for new development or re-development of an existing property that may require the installation or extension of wastewater facilities must identify system capacity needs for, or must have previously identified the number of EDU's corresponding to the anticipated requirements of the project. The owner must ~~complete and~~ provide to the District sufficient information for the District to determine whether extension of wastewater facilities to the new development or re-development is practicable and in the District's best interest.
- (b) Acceptance of Wastewater Facilities located within an easement available to the District is subject to the exercise of sound engineering judgement taking into consideration the size of the facilities, topography and maintenance and operating constraints. Generally, rights-of-way or easements located along rear or side-lots should be avoided.
- (c) Prior to acceptance, the owner must provide a written warranty (in a format approved by the District) on all wastewater facilities, wherein the contractor guarantees correction of any defects in the work for a period of three years (or five years in the case of a lift station and Vacuum station pump and motor assemblies) from the Date of final DEP certification. This obligation must be secured by a maintenance bond or irrevocable letter of credit, up to the amount of one hundred and ten percent (110%) of actual construction cost.

²³ [Section 7.02\(a\) deleted by Res #?, 7.02\(b\) is titled 7.02\(a\), and supersedes Resolution 18-10-10](#) ~~Last sentence added by Resolution 18-10-10 on 1~~

- (a) The District shall adopt Minimum Design and Construction Standards and Specifications for wastewater systems.
- (b) Placement of Collection System Components.
 - (i) For vacuum collection systems, the District shall place connection points (cleanout boxes) so as to minimize the length of pipe required to reach the vacuum pits. ~~In general, The District's objective is to design a collection systems so as to achieve maximum efficiency. The District shall design a vacuum collection system so as to serve all properties using the minimum number of vacuum pits. Normally, vacuum pits shall be located near the corners of properties to be served~~
 - (ii) In cases where significant obstacles are encountered, the District shall vary from the general standard for location of vacuum pits or connection points to avoid the obstacles. Significant obstacles are physical objects that should be avoided in order to meet regulatory requirements, minimize construction costs and impacts, and preserve community values including underground utilities, underground rocks and structures, champion trees, and other similar or dissimilar objects. The General Manager is authorized to implement these variations in consultation with the District Engineer. Any customer who requests relief from the General Manager under this provision may seek Board review of a refusal by the General Manager to grant such relief. ~~For vacuum collection systems, the District will place connection points (cleanout boxes) so as to minimize the pipe required to reach the vacuum pits~~
 - (iii) The Field Operations Manager has the authority to relocate a vacuum pit or collection point up to five feet from the design location, provided that the relocation does not impact more than a single property. If the relocation impacts more than a single property, the Field Operations Manager must obtain approval from the District engineer. ~~In cases where significant obstacles are encountered, the District will vary from the general standard for location of vacuum pits or connection points to avoid the obstacles. Significant obstacles are physical objects that should be avoided in order to meet regulatory requirements, minimize construction costs and impacts, and preserve community values including underground utilities, underground rocks and structures, champion trees, and other similar or dissimilar objects. The General Manager and engineering staff are authorized to implement these variations without approval by the Board.~~
 - (iv) If a customer requests a connection point be relocated ~~by more than five (5) feet~~, the customer shall complete a "Sewer Relocation Change Request" form and pay the relocation fee at least three (3) business days before the relocation shall be scheduled. The District shall grant the request unless the General Manager determines that the relocation is not in the District's best interest. Relocation Fee shall be calculated by the District at the time the request is approved. ~~Further, the District will, in its discretion, increase the number of vacuum pits in a neighborhood and revise the locations of the vacuum pits and connection points where these variations would appear to benefit a large number of properties in the neighborhood by reducing the cost or complexity of connecting properties to the system. The General Manager is authorized to implement these variations in consultation with the District Engineer without approval by the Board. Any customer who requests relief from the General Manager under this provision may seek Board review of a refusal by the General Manager to grant such relief.~~
 - (v) ~~In addition to the foregoing, a field inspector has the authority to relocate a vacuum pit or collection point up to five feet from the design location, provided that the relocation does not impact more than a single property. If the relocation impacts more than a single property, the field inspector must obtain approval from a District engineer.~~

²⁴ Section 7.04 amended by Res #? to change Section title, amend subsections .7.04(b)(i-iv) and delete subsections 7.04(b)(v)&(vi) and supersedes Board action of 2/1/2011. ~~Subsection (b) added by District Board on 2/1/2011.~~

- (vi) ~~If, prior to installation of a connection point, a property owner requests relocation of a connection point by more than five feet, and the District does not approve the relocation under the standards above, the property owner may request the District to relocate the connection point by completing a "Sewer Connection Location Change Request" and paying the District for the relocation at the rate of \$50.00 per foot, subject to a minimum charge of \$500.00. The customer must file the relocation request at least three business days prior to the scheduled installation of the connection point. The District will grant the request unless the General Manager determines that the relocation would result in harm to the collection system.~~

Article VIII. Wastewater Acceptance, Testing, Monitoring and Pretreatment

Section 8.01 Purpose and Policy.

- (a) The District shall ~~will~~ not accept any wastewater that fails to meet the District's treatment standards. Prior to accepting wastewater from any customer, other than a residential customer, the District may require that the customer demonstrate that the wastewater meets the District's standards.
- (b) The discharge of pollutants harmful to the District's wastewater system structures and biological processes is ~~are~~ prohibited. Industrial users may be subject to monitoring and pretreatment requirements.²⁵
- (c) The introduction of storm water, ground water, air-conditioning condensate, closed-system cooling water or other uncontaminated water is prohibited. If the introduction of such water is suspected, the District may require the customer to investigate the cause of the introduction of the water and to make the necessary repairs or modifications to prevent further introduction. The observance of excessive flow or water with elevated conductivity indicating elevated salinity are potential causes to suspect such introduction.²⁶
- (d) Rescinded. ^{27 28}
- (e) Waste Stream Monitoring. The District may require certain customers, such as restaurants and other uses that include food preparation facilities that may produce wastewater containing high levels of Biochemical Oxygen Demand (BOD), to institute a self-monitoring program. The customer may be required, at its own expense, to have samples of the wastewater discharge from its facility collected and analyzed for BOD. The data generated shall be used to determine the Excess Strength Surcharge to be added to the customer's wastewater bill. ²⁹
- (f) Testing. ³⁰ ~~Initial Testing.~~
 - (i) ~~(f)~~ The initial sampling of waste streams which are suspected to be of excess strength shall consist of four separate sampling events conducted over a period of not more than 28 Days. Where possible, flow proportioned 24-hour composite samples shall be collected. Otherwise, single grab samples collected at a period of maximum use of the facility may be substituted with District approval. All sampling shall conform to the requirements of Sections 1060 and 5010 of Standard Methods for the Examination of Water and Wastewater. Sampling shall be performed by qualified personnel trained in sampling of waste streams. The District shall be notified of the sampling schedule and shall be afforded the opportunity to witness the sampling. The District, at its discretion, may collect samples concurrently with sampling by the owner or may collect samples on an independent schedule.
 - (ii) ~~(g)~~ The samples shall be analyzed for BOD in accordance with Method 5210 B of Standard Methods for the Examination of Water and Wastewater. The 5-Day BOD Test shall be performed by a laboratory currently certified by the Florida Department of Health Office of Laboratory Services to perform this analysis. If any of the testing results fail to meet the Quality Control and Quality Assurance criteria of Sections 1020, 1030 and 5020 of Standard Methods for the Examination of Water and Wastewater, those

²⁵ Section 8.01(b) added by Rule Change #16 on 8/23/06.

²⁶ Section 8.01(c) added by Rule Change #16 on 8/23/06.

²⁷ Section 8.01(d) repealed by Resolution 18-10-10 on 10/05/10.

²⁸ Section 8.01(d) added by Rule Change #16 on 8/23/06.

²⁹ Section 8.01(e) added by Resolution 18-10-10 on 10/05/10.

³⁰ Section [8.01\(f\) amended by Res #? to change title and rename subsections \(f\)&\(g\)&\(h\) and supersedes Res 18-10-10.](#)

results shall be discounted and the waste stream re-sampled. When four satisfactory test results are obtained, the average of these four values shall be used to establish the initial Extra Strength Surcharge.

- (iii) ~~(ii)~~ Subsequent Testing: Each facility found to be discharging wastewater of excess strength shall be placed on a monthly sampling schedule. Once each month, the waste stream shall be sampled and analyzed according the criteria established above. Each month, the oldest data point shall be discarded and the most recent data point included, resulting in a four sample running average. This running average shall be recalculated each month to establish the extra strength surcharge for that billing period.

Article IX. Fees and Charges

The District is authorized to impose fees and charges, as appropriate, for the construction, operation, and maintenance of its wastewater system. Rates, fees, and charges shall be established by the Board.

Refer to Article X for System Impact Charges.

Section 9.01 Plan Review Fee.³¹

- (a) **Plan Reviews:** . ~~The District provides typical plans and specifications for connection of single-family residences and single-unit non-residential buildings serviced by a vacuum connection with maximum monthly flows of less than 1,000 gallons per day to the District wastewater facilities. The District does not charge a fee to review plans or to inspect installations of typical connections by a licensed plumbing contractor.~~
- (i) Plans for single family residences connecting by gravity laterals to cleanouts provided by the District will not be reviewed by the District. The District reserves the right to inspect the installation and witness testing of the gravity laterals.
- (ii) Plans for single family residences connecting to District infrastructure via pumped flow will be reviewed by the District to determine if the proposed pumping system is compatible with the District's point of connection. The District reserves the right to inspect the installation and witness testing of these permitted connections.
- (iii) Plans for multi-family residential properties or residential properties with multiple buildings will be reviewed by the District for compliance with District construction standards and compliance with Florida Department of Environmental Protection (FDEP) regulatory requirements. The District reserves the right to inspect the installation and witness testing of these connections.
- (iv) Plans for all non-residential properties and mixed-use properties shall be reviewed by the District for compliance with District construction standards and compliance with FDEP regulatory requirements. The District reserves the right to inspect the installation and witness testing of these connections.....
- (b) The District does not charge a fee to review plans or inspect installations of typical single family connections done by a licensed plumbing contractor. For all other connections: Refer to the District Fee Schedule. ³² ~~For all other connections, the District will charge fees according to the following schedule:~~
- (i) ~~Rescinded. Five hours of plan review and inspection of multi-family residential connection: \$50 per Dwelling Unit with a minimum charge of \$250. Additional time will be charged at a rate of \$165 per hour.~~
- (ii) ~~Rescinded. Five hours of plan review and inspection of non-residential connection: \$50 per EDU with a minimum charge of \$250. Additional time will be charges at a rate of \$165 per hour.~~

Section 9.02 ~~Rescinded.~~ ³³ ~~System Development Charge~~

~~System Development Charges are established according to Assessment Resolutions adopted by the District using the methodology outlined in Article X.~~

³¹ Section 9.01(a) amended by Res #? To clarify and add subsections, and supersedes Res.02-03-18. Amended by Resolution 02-03-18 on March 6, 2018.

³² Section 9.01(b) amended by Res #? to clarify rule and delete subsections 9.07(b)(i) and 9.07(b)(ii).

³³ Section 9.02 deleted by Res #?.

(a) Monthly Base Charge for Customers Receiving Water From FKAA:

- (i) Each customer receiving wastewater service from the District shall pay a monthly base charge. The amount of the monthly base charge is based on the number of equivalent dwelling units (EDUs) assigned to the customer's account as calculated pursuant to the District rules and regulations in effect at the time of calculation. Refer to the District Fee Schedule. ~~.For each customer that is the sole FKAA customer owning or occupying a tax parcel assessed by the District and connected to a collection system transmission main, or other piping operated and maintained by the District, the Monthly Base Charge is \$27.13 per Dwelling Unit or Equivalent Dwelling Unit reflected in the most recent assessment of the tax parcel.—.~~
- (ii) For each customer that is one of several FKAA customers occupying a portion of a tax parcel assessed by the District and connected to a collection system, transmission main, or other piping operated and maintained by the District, the monthly base charge ~~is \$27.13~~ shall be multiplied by the number of dwelling units or equivalent dwelling units attributed to that customer. Refer to the District Fee Schedule.
- (iii) ~~For each FKAA customer owning or occupying a tax parcel that has not yet been assessed by the District, the District will calculate the number of dwelling units or equivalent dwelling units attributable to the tax parcel and to the customer in the manner provided in the District's most recent final non-ad valorem assessment resolution, and will calculate the customer's Monthly Base Charge on that basis until the District has assessed the tax parcel. After the District has assessed that tax parcel, the monthly base charge for that customer will be calculated in the manner provided in other paragraphs of this section.~~
- (iv) In addition to a monthly base charge provided herein, the District may impose BOD surcharges as provided in Section 9.04 (Pretreatment Fees.)
- (v) There shall be no monthly base charge for FKAA meters coded as irrigation or fire meters, or with a location class that indicates the water shall be used solely for irrigation or fire. ~~For FKAA meters coded as Fire or Irrigation meters, there will be no monthly base charge.~~
- (vi) The Monthly Base Charge for a Laundromat is ~~\$27.13~~ shown in the District Fee Schedule.
- (vii) Alternative Water Supply (billed by FKAA) ~~wastewater service monthly charge~~: The District shall ~~charge~~ impose a monthly flat fee. ~~of \$44.14 per month~~ Refer to the District Fee Schedule.

³⁴ Section 9.03 amended by Res #? to refer to Article XIII District Fee Schedule, to delete subsection 9.03(a)(iii), and supersedes Resolutions 20-06-13 and 16-10-10⁹⁸

- (b) Monthly Volumetric Charge for customers receiving water from FCAA: ³⁵
- (i) For each ~~FCAA~~ customer with a residential use meter, a monthly volumetric charge is ~~\$4.26~~ imposed per 1,000 gallons of water billed, as reflected on the customer's FCAA monthly statement. Refer to the District Fee Schedule. ~~The maximum monthly volume for which the monthly volumetric charge shall will be billed is 12,000 gallons per residential dwelling unit.~~
 - (ii) For each ~~FCAA~~ customer with a non-residential use meter, a monthly volumetric charge is ~~\$4.26~~ imposed per 1,000 gallons of water billed, as reflected on the customer's FCAA monthly statement. Refer to the District Fee Schedule. ~~There is no maximum monthly volume for which the monthly volumetric charge shall will be billed on non-residential use meters.~~
 - (iii) There shall be no monthly volumetric charges for FCAA meters coded as irrigation or fire, or with a location class that indicates the water will be used solely for fire or irrigation. ~~For water meters coded in FCAA records with a location class that indicates that the water be used solely for fire or irrigation, there will be no monthly volumetric charges.~~
- (c) Direct Billing (Customers Receiving Bills Directly from KLWTD) ³⁶ Reserved for Future Use.
- (i) ~~Boating facilities pump-out systems connected to the District's wastewater system:~~
 - 1) ~~a the annual base charge is \$500 and shall be billed semi-annually.~~
 - 2) ~~a volumetric charge is \$17.82 per thousand gallons of wastewater discharged into the District's system and shall be billed semi-annually.~~
 - (ii) ~~Alternative Water Supply, Wastewater Service monthly charge: The District shall charge flat fee. of \$44.14 per month for Alternative Water Supply Wastewater Service. Moved to 9.03(a)(ii)~~
- (d) Suspension ~~Deferral~~ of Wastewater Service Fees: ³⁷
- (i) A customer may apply for a temporary suspension of the Monthly Base Charge provided that there is no longer a building on the premises capable of generating wastewater entering the District's wastewater system. ~~If, under the provisions of Section 4.02(c), the customer's premises is improved with one or more buildings capable of generating wastewater that would enter the District's wastewater Facilities, but no such building on the premises is capable of being used in a manner that might generate wastewater, the customer may apply for a temporary deferral of wastewater monthly billing.~~
 - (ii) The approval of suspensions is at the discretion of the General Manager subject to review by the Board. ~~Approval of deferrals applied for under the provisions of this section are at the sole discretion of the General Manager.~~
 - (iii) Upon GM approval, such suspension ~~deferral~~ shall expire the earlier of:
 - 1) such date as the Monroe County Building Department issues a certificate of occupancy (CO) or;
 - 2) such date as the customer reconnects to the central wastewater system ~~or;~~
 - 3) ~~sixty (60) calendar Days.~~
 - (iv) ~~Damages to premises caused by natural disasters, including but not limited to hurricane, storm damage or flood do not qualify for a deferral under this Section~~

³⁵ Section 9.03(b)(i) amended by Res #? to refer to Article XIII District Fee schedule, delete the 12,000 gallon maximum monthly volume, and supersedes Resolutions 15-2022 and 22-12-19.

³⁶ Section 9.03(c) amended by Res #? to be reserved for future use.

³⁷ Section 9.03(d) amended by Res #? to clarify rule and delete subsections 9.03(d)(iii)3) & 9.03(d)(iv).

Section 9.04 Pretreatment Fees

The Wastewater Discharge from certain facilities, even when passed through properly sized and maintained grease interceptors, may contain elevated levels of Biochemical Oxygen Demand "BOD". A BOD surcharge shall be applied to the customer's sewer bill for wastewater discharges with a BOD in excess of 500 parts per million. The surcharge shall be applied by multiplying the Monthly Volumetric Charge by the ratio of the customer's BOD divided by 375.³⁸

Section 9.05 ~~Rescinded Tampering Charge~~³⁹

~~The charges for Tampering are as follows:~~

- ~~(a) Investigation Charge \$75.00.~~
- ~~(b) Tampering Charge \$150.00.~~
- ~~(c) Repeat Occurrence \$300.00.~~
- ~~(d) In cases of meter by-pass, or meter reversal, straight connection or other form of Tampering that results in a substantial reduction in the cost of Service, the account of the Customer will be back billed based on the estimated amount of Wastewater flow not paid for. This estimate will be based upon:
 - ~~(i) One hundred and fifty percent (150%) of the average water consumption during the previous six (6) Active Account months prior to the time such meter Tampering is estimated to have occurred, or in the event the Customer does not have a history of six (6) Active Account months, one hundred and fifty percent (150%) of the average water consumption for a Customer served by the District with a similar Class of Service during the most recent one (1) year period for which such figures are available.~~
 - ~~(ii) When the meter has not been disturbed, the Customer will be back billed for the amount of Wastewater flow, as indicated by the water meter, for which payment has not been received by the District.~~~~
- ~~(e) Any further legal action deemed appropriate will also be pursued, and all costs associated therewith are assessable to and charged to the Customer, including attorney fees.~~

Section 9.06 Service Charges⁴⁰

- (a) The District reserves the right to **will** charge a service charge for each instance in which wastewater service is **shut off terminated** or in which the District is required to travel to the premises of the customer to investigate or respond to what is ultimately determined to be a violation of the KLWTD General Rules and Regulations. **Refer to District Fee Schedule.**
- ~~(b) For service provided between the hours of 8am and 4pm during business days will be at the regular service charge of \$20.00. Service provided at customer's request between the hours of 4:00pm and 8:00 am, or on weekends and holidays, will be at the emergency service charge of \$60.00.~~
- ~~(c) Service orders received after 4:00 P.M. on business days will be deemed received on the following business day and processed at the regular service charge, unless emergency service is specifically requested by the customer.~~

³⁸ Section 9.04 added by Resolution 18-10-10.

³⁹ [Section 9.05 deleted by Res #? and relocated to Section 3.06.](#)

⁴⁰ [Section 9.06 amended by Res #? to amend 9.06\(a\) to refer to Article XIII District Fee Schedule, and delete subsections 9.06\(b\) & 9.06\(c\).](#)

The District may initiate a review of customer accounts when the District determines it is in the District's best interest. Such a review may result in adjustments to the monthly base charge (FKAA bill).

- (a) Non-residential customers may request a review and adjustment of their monthly base charge in accordance with the provisions of this section. ~~Adjustments of fees and charges for wastewater service. It is the policy of the District to permit customers to question and seek adjustments to certain types of charges, as follows:~~

(i) **Monthly Base Charge**

- 1) An EDU assignment may be recalculated for one (1) or more of the following reasons: ~~if a customer occupying a portion of a tax parcel believes that their water usage should be recalculated due to one of the following conditions, the customer may request an adjustment according to the provisions of the section.~~
 - a) **Change of Business Use.** If, as a result of a change of business occupation, the use of all or a portion of a particular tax parcel changes, ~~shall change~~ upon the customer's request the District shall review and may ~~will~~ recalculate the EDU assignment for that customer by applying the ~~new~~ classification that describes the new use of the portion of that tax parcel. If necessary, the District shall ~~will~~ use a reasonable method to estimate the tax parcel's projected water use ~~of for the tax parcel~~ by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular tax parcel shall be subject to review initiated by the District.
 - b) **Change of Mixed Use.** If, as a result of a lawful conversion of a portion of all or a part of a particular mixed-use tax parcel from a non-residential unit to a dwelling unit or from a dwelling unit to a non-residential unit, the customer requests a review by the District, the District ~~will~~ shall review and may recalculate the EDU assignment for the portion of the entire tax parcel applicable. ~~to the customer's request.~~ If necessary, the District shall ~~will~~ use a reasonable method to estimate the projected water use for the tax parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular tax parcel shall be subject to review initiated by the District.
 - c) **Pattern of Usage Change.** If the customer believes that the long-term pattern of actual water consumption is ~~greater or~~ less than the amount used to calculate the EDU's assigned to the customer's portion of the tax parcel billed water use, the customer may request that the District review and, if appropriate, adjust the EDU assignment for that portion of the particular tax parcel applicable to the customer's request. Should a change be merited, all tenants of that particular tax parcel shall ~~would~~ be subject to review initiated by the District.
 - d) Irrigation or Fire Meter Installation. If an irrigation meter or fire meter is installed, a credit may be applied to the customer's monthly base charge (FKAA bill).
 - i) The customer must request a credit in writing to the District no earlier than twelve (12) months after such irrigation or fire meter is installed. Such request must include:
 - a. proof of installation of the irrigation or fire meter; and
 - b. proof that FKAA has approved the installation of the irrigation or fire meter and has adjusted the FKAA water bill to reflect the same; and
 - c. the twelve (12) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.

⁴¹ Section 9.07 amended by Res#? to clarify and rewrite 9.07 (delete subsection 2), amend and relocate subsection 3) into subsection 9.07(a), and relocate subsection 9.07(ii) to subsection 9.07 d)), and supercedes Resolution 03-2023 ~~Resolution 03-2023 on March 7, 2023 to include the former Section 11.06 in its entirety.~~

ii) An EDU assignment for the monthly base charge will be calculated based upon the methodology in the latest applicable assessment resolution associated with the tax parcel using the twelve (12) months of adjusted data.

(iii) Such credit shall be calculated by applying the number of EDU's calculated on the updated water flow for the twelve (12) most recent months of FKAA water bills following the installation of the irrigation or fire meter above and deducting that EDU calculation from the actual base charge billed for the same period. Only months where a wastewater base charge was billed shall be eligible for a credit.

iv) Should the final determination of the Board be to approve such request the customer shall be entitled to a calculated credit of wastewater base charges for the period beginning on the date of the installation of the irrigation meter or fire meter.

(v) If the Board approves the customer's request, the customer's account will be automatically reviewed annually for the two years following the request using twenty four and thirty six months of data respectively. The customer shall NOT be entitled to further credits (or back charges) based on those reviews.

(vi) Should it be determined that a customer is using an irrigation or fire meter specifically to evade wastewater charges by using such meters to provide potable water services which may be introduced into the wastewater system:

- a. the customer's account will be automatically reviewed based upon water usage of all meters, including those being improperly used for potable water, and
- b. the billing will be adjusted from the time of original request forward and the customer shall be responsible for the adjust increased billing retroactively, and
- c. District staff will notify FKAA of such findings and the customer may face further fines or penalties as are levied by FKAA, and
- d. such a violation is considered by the District as "Tampering."

2) ~~If a customer is the sole occupant of a tax parcel for which the non-ad valorem assessment changes due to a customer or District initiated review pursuant to the applicable assessment resolution pertaining to that parcel, the **Monthly Base Charge** for the customer will be adjusted **prospectively** to reflect that recalculation.~~

3) ~~If such a change is incidental to the installation of an **irrigation or fire meter**, the customer shall be entitled to a credit to their FKAA bill as follows and under the following conditions:~~

a) ~~The customer must request a credit in writing to the District assessment coordinator no earlier than twelve (12) months after such irrigation or fire meter is installed. In addition to the provisions of section 9.079b) below, included with the request must be:~~

~~i) Proof of installation of the irrigation or fire meter.~~

~~ii) Proof that FKAA has approved the installation of the irrigation or fire meter and has adjusted your FKAA water bill to reflect the same.~~

~~iii) The twelve (12) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.~~

~~iv) An EDU assignment will be calculated based upon the methodology in the latest applicable assessment resolution associated with the tax parcel using the twelve (12) months of adjusted data listed in item (iii) above.~~

~~v) The procedures from Section 9.07(b)(iv) and Section 9.07(b)(v) below shall govern the request.~~

~~vi) Should the final determination of the Board be to approve such request the customer shall be entitled to a calculated partial credit of wastewater base charges for the shorter of:~~

~~— a. the period beginning on the date of the installation of the irrigation meter or fire meter or,~~

~~— b. the twenty-four most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.~~

~~(vii) Such credit shall be calculated by applying the number of EDU's calculated on the updated water flow to the period calculated in paragraph (iii) above and deducting that from the actual base charge billing for the same period. Only months where a wastewater base charge was billed shall be eligible for a partial credit.~~

b) ~~If the Board approves the customer's request, the customer's account will be automatically reviewed annually for the two years following the request using twenty four and thirty six months of data respectively. The EDU assignment shall be adjusted through the procedures outlined in 9.07(b)(iv) and 9.07(b)(v) based upon those subsequent reviews. The customer shall NOT be entitled to further credits (or back charges) based on those reviews.~~

c) ~~Should it be determined that a customer is using an irrigation or fire meter specifically to avoid wastewater charges by using such meters to provide potable water services which may be introduced into the wastewater system:~~

~~i) The customer's account will be automatically reviewed based upon water usage of all meters, including those being improperly used for potable water.~~

~~ii) The billing will be adjusted from the time of original appeal forward and the customer shall be responsible for the adjust increased billing retroactively.~~

~~iii) District staff will notify FKAA of such findings and the customer may face further fines or penalties as are levied by FKAA.~~

~~iv) Such a violation is considered by the District as "Tampering" and shall be subject to additional fees and actions as outlined in Section 9.05 above.~~

(ii) Monthly Volumetric Charge

~~Except under one of the circumstances below and at the sole discretion of General Manager, there shall be no adjustment of a Monthly Volumetric Charge for any given month. They include:~~

- ~~1) The customer provides proof of and FKAA confirms an error in the meter reading.~~
- ~~2) The customer has properly filed for and successfully obtained a credit from FKAA under the FKAA Leak Abatement Program. The credit of wastewater charges shall be calculated based upon \$4.26 times the number of gallons that the FKAA has credited as part of their abatement credit divided by 1,000.~~

(b) Review of Monthly Base Charge Procedure:⁴² *Procedure for District Review*

(i) Request for Review.

- 1) The District may initiate a review of the EDUs assigned to a tax parcel.
- 2) The owner of a tax parcel may request that the District review a tax parcel's EDU assignment used to calculate the monthly base charge by submitting an application provided by the District Clerk. The application must include:
 - a) a concise statement of the facts supporting the request for review and, if applicable, a statement of all disputed issues of material fact.
 - b) such other information the applicant believes to be material to the request.
 - c) Description of the relief the applicant is seeking.

(ii) Filing Application.

- 1) The application must be submitted to the District Clerk using US Postal service, or other third party service, facsimile, electronic mail (email), or in person to the District office.
- 2) Upon receipt at the District, the application shall be promptly time/date stamped received by the District Clerk.

(iii) Staff Review

- 1) The District may conduct one (1) or more informal discussions with the applicant and may request additional information and documentation.
- 2) An application is not considered complete until all additional information and documentation have been received and deemed sufficient.
- 3) District staff shall review, and if appropriate, recalculate the EDU's for the parcel using the methodology in Section 10.02(a)-(i) (Calculation of EDUs for Improved Nonresidential or Mixed Use tax Parcels.)
- 4) Staff shall endeavor to complete its review within fifteen (15) days of receipt of a complete application.
- 5) Upon completion of its review, staff shall prepare and submit a recommendation to the Board.
- 6) The District Clerk shall transmit, by US Postal Service and email, a copy of staff's recommendation to the applicant.
- 7) Within fifteen (15) days after receipt of the staff's recommendation, if the applicant disagrees with staff's recommendation, the applicant may request the Board hold a public hearing on the request.
- 8) The District Clerk shall place the request and staff recommendation on the Board's regular meeting agenda not less than thirty (30) days after staff issues its recommendation.

(c) Board Consideration.

- (i) The Board may accept, reject or modify the staff recommendation or, if the Board concludes that there are issues of material fact, the Board may schedule a public hearing.
- (ii) The Board's decision shall be the District's final action on the request.

(d) Monthly Volumetric Charge per 1000 Gallons (FKAA bill).

⁴² Section 9.07(b) amended by Res #? to rewrite and completely replace rule 9.07(b).

(i) Except under one of the circumstances below and with the concurrence of the General Manager, there shall be no adjustment of a Monthly Volumetric Charge.

- 1) The customer provides proof of and FCAA confirms an error in the meter reading.
- 2) The customer has properly filed for and successfully obtained a credit from FCAA under the FCAA Leak Abatement Program. The adjustment of wastewater charges shall be calculated based upon the volumetric rate applicable at the time of the leak multiplied by the number of gallons that the FCAA has credited pursuant to its Leak Abatement Program.

9.07(b) COMPLETELY DELETED AND REPLACED BY NEW 9.07(b) above..

9.07 (b) Procedure for District Review.

~~(9.07)(b)(i) A customer may request adjustment of monthly charges at any time within sixty (60) days after the date of a bill for wastewater service. The District shall not be obligated to make any adjustment of monthly charges unless a written request is received within sixty (60) days of the bill date, unless otherwise addressed in the provisions of this Section. The District may initiate a review and possible adjustment of monthly charges at any time.~~

~~(9.07)(b)(ii) .. A customer request for review must contain:~~

~~(9.07)(b)(ii) 1) A concise statement of the facts upon which the owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate.~~

~~(9.07)(b)(ii) 2) The rules, statutes, and other legal authority that the owner contends form the basis for relief.~~

~~(9.07)(b)(ii) 3) A demand for the relief the customer believes is appropriate; and~~

~~(9.07)(b)(ii) 4) Such other information which the owner believes to be material to the request for review.~~

~~(9.07)(b)(iii) . The request for review must be delivered to the District Customer Service Department where upon receipt, it shall be appropriately logged and time stamped. Acceptable methods of delivery includes US Postal service or other third party delivery service, facsimile, electronic mail (email) or in person.~~

~~(9.07)(b)(iv) The District shall review the customer request using the following process:~~

~~(9.07)(b)(iv) 1) .District staff will exercise due diligence to undertake review of a customer request promptly. If practicable, District staff will issue a recommendation decision to the Board within fifteen (15) business days after receipt of a completed customer request for review.~~

~~(9.07)(b)(iv) 2) . At any time prior to or during staff review, the District may conduct one or more informal discussions with the owner, and may request additional information and documentation. A request is not considered complete until after all additionally requested documentation has been submitted to the District.~~

~~(9.07)(b)(iv) 3) The assessment coordinator will review the EDU assignment of the customer's account, using the methodology provided in the most recent non-ad valorem assessment resolution under which the District assessed the tax parcel. If the customer's account is one of two or more accounts for service on a single tax parcel, and the assessment coordinator finds that there is sufficient evidence to change the EDU assignment for the requested account, the assessment coordinator will also review the EDU assignment for the entire parcel and all other customer accounts for service on the tax parcel.~~

~~(9.07)(b)(iv)3) a). If the review results in a recommended increase in the EDU assignment for the tax parcel, the assessment coordinator will submit the increase to the Board for review under paragraph (v) below. If the Board accepts the increased EDU assignment, the increased EDU assignment will apply to all future monthly charges and to all future non-ad valorem assessments for the tax parcel.~~

~~(9.07)(b)(iv)3) b) — If the review results in a recommendation of no change in the EDU assignment for the tax parcel, but results in a recommendation of a change in the EDU assignment for the account of the customer, the assessment coordinator will submit the change to the Board for review under paragraph (v) below.~~

~~(9.07)(b)(iv)3) c) . if the review results in a recommendation for reduction of the EDU assignment for the account of a customer, the General Manager may at the General Manager's discretion, grant temporary relief to the customer by reducing the customer's EDU assignment for future monthly billings to the recommended number of EDU's. Upon Board action to approve, reject, or amend the recommended reduction, the District will retroactively adjust monthly billings from the date of temporary relief.~~

~~(9.07)(b)(iv)3) d) . The District Clerk will mail a copy of the recommended decision to the customer who requested the review, the owner of the tax parcel and all other customers of that tax parcel receiving FCAA billing whose EDU assignment would be affected by the change at the time as the recommended decision is submitted to the Board.~~

~~(9.07)(b)(v) — Upon issuance of the recommended decision by staff, the District Clerk will place the recommended decision on the Board agenda for a meeting not less than thirty (30) days after the issuance of the recommended decision. Within fifteen (15) days after mailing of the recommended decision, the owner of the affected tax parcel may request that the Board hold a public hearing on the request for review, specifying any disputed facts that the owner considers material to the decision. During the meeting at which the Board is scheduled to consider the request for review, the Board may decide to accept, or modify the recommended decision, or if the Board concludes that any disputed issues of material fact, the Board may schedule a public hearing on the request for review. The Board's decision to accept or modify the recommended decision, or the Board's decision on the request for review after a public hearing shall be the final District action on the request for review.~~

Article X. ~~System Development Assessment Charges (SDC) and~~ System Impact Charges (SIC) ⁴³

Section 10.01 ~~System Development Charge (SDC) and~~ System Impact Charge (SIC).

The System Impact Charge ("SIC") is a charge to new customers and to existing customers who modify, add, or construct facilities that impose a potential increased demand on the District's wastewater facilities.

- (a) The SIC is in addition to any amount that may be expended by the customer ~~owner/customer~~ for system improvements and other fees required by the District.
- (b) The SIC includes the calculations listed in Section 10.02 plus any additional direct or indirect fees incurred by the District to extend service to the tax parcel.
- (c) The SIC is due and payable in full at the time of imposition by the Board.
- (d) For the purpose of calculating the SIC, the wastewater treatment plant capacity fee, force main pipe capacity fee, and connection fee published in the latest final assessment resolution before the effective date of the applicable charge shall be used.
- (e) The SIC is dependent upon the EDU assignment as calculated in Section 10.02 and the tax parcel's classification as follows:
 - (i) **Residential Tax Parcels.** For residential wastewater service, the EDU SDC is the sum of:
 - 1) A wastewater treatment plant capacity fee per dwelling unit, plus
 - 2) A force main pipe capacity fee per dwelling unit, plus
 - 3) A connection fee for connection to the wastewater system.
 - (ii) **Non-Residential Tax Parcels.** For non-residential wastewater service, the EDU SDC is the sum of:
 - 1) A wastewater treatment plant capacity fee per EDU, plus
 - 2) A force main pipe capacity fee per EDU, plus
 - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the wastewater system.
 - (iii) **Laundromats.** For purposes of calculating EDU SDC's, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.
 - (iv) **Mixed-Use Tax Parcels.** For mixed-use wastewater service, the EDU SDC is the sum of:
 - 1) A wastewater treatment plant capacity fee per EDU, plus
 - 2) A force main pipe capacity fee per EDU, plus
 - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the wastewater system.
 - 4) For purposes of calculating EDU's, a Mixed-Use tax parcel shall be assigned at least one EDU for each dwelling unit plus at least one EDU. If the number of EDU's calculated on the basis of flow is greater than the number of dwelling units plus one, the Mixed-Use tax parcel shall be assigned the greater number of EDU's.

⁴³ Article X amended by Res #? to convert all future system impacts to SIC calculations, delete SDC calculations, delete subsections 10.01(b)(v)4), 10.01(b)(vi) & (vii) , 10.01(c), 10.01(d), and supersedes Resolution 21-08-14, added by Resolution 21-08-14 on August 19, 2014.¹⁰⁷

(v) **Unique Residential Parcel.** For a Unique residential parcel, the **EDU SDC** is the sum of:

- 1) A wastewater treatment plant capacity fee per dwelling unit, plus
- 2) A force main pipe capacity fee per dwelling unit, plus
- 3) A connection fee per required grinder pump system. ~~plus~~
- 4) Rescinded

(vi) Rescinded

(vii) Rescinded.

~~(c)-Rescinded.~~

~~(c)(i)-Rescinded~~

~~1)Rescinded~~

~~2)Rescinded~~

~~(c)(ii)-Rescinded.~~

~~(c)(iii)-Rescinded~~

~~(d) Rescinded.~~

(f) For non-residential or mixed-use parcels the tax parcel SIC includes the calculations set forth in Section 10.02 plus any additional direct or indirect costs incurred by the District to extend service to the tax parcel.

The following paragraphs are deleted.

~~10.01 *The System Development Charge (“SDC”) is the initial charge to each tax parcel representing a portion of the capital costs related to the construction of the District’s wastewater management facilities.*~~

~~10.01(a) *The SDC is in addition to any amount that may be expended by the customer owner/customer for system improvements and other fees required by the District.*~~

~~10.01(b) *Upon adoption of the final assessment resolution, the SDC (also known as the Initial Prepayment Amount) for each tax parcel shall become due. The SDC is dependent upon the EDU assignment if applicable as calculated in Section 10.02 below and the tax parcel’s classification as follows*~~

~~10.01 (b)(v) 4. *A low pressure equipment fee per required grinder pump system*~~

~~10.01 (b)(vi) ***Vacant Parcel.** The initial SDC for a vacant parcel will be the same as the SDC for a residential tax parcel improved with one dwelling unit.. Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.*~~

~~10.01(b)(vii) ***Vacant Single-Family, Unique Residential Parcel.** The initial SDC for a vacant single-family, unique residential parcel shall be the same as the SDC for a vacant parcel as stated in Section 10.01(e)(vi). Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction*~~

~~10.01(c) *The **System Impact Charge (“SIC”)** is a charge to new customers and to existing customers who modify, add, or construct facilities that impose a potential increased demand on the District’s wastewater facilities. The SIC is in addition to any amount that may be expended by the customer owner/customer for system improvements and other fees required by the District.*~~

~~10.01(c)((i) ***Effective Date of System Impact Charge.** The effective date of the system impact charge will be the earlier of:*~~

~~10.01(c)(i) 1).The date the owner of a particular tax parcel requests review of a tax parcel whereby such review shall cause a system impact charge to accrue or~~

~~10.01(c)(i),.The date that an exclusion shall be removed in accordance with Section 10.04(f) below.~~

~~10.01(c)(ii) -The SIC includes calculations listed in Section 10.01(b) above plus any additional direct or indirect fees incurred by the District to extend service to the tax parcel.~~

~~10.01(c)(iii) .System Impact Charges (SIC) are due and payable in full at the time of imposition by the Board.~~

~~10.01(d) For the purpose of calculating System development charge or system impact charge wastewater treatment plant capacity fee, force main pipe capacity fee, connection fee and if applicable, low pressure equipment fee published in the latest final assessment resolution before the effective date of the applicable charge shall be used.~~

~~For the purposes of calculating EDU's for an improved Non-Residential tax parcel or Mixed-Use tax parcel the District will:~~

- (a) The District shall review ~~Review~~ the available metered water consumption (in gallons) for each ~~qualified~~ FKAA water meter attributable to a particular tax parcel during the thirty-six (36) consecutive months immediately prior to the year in which the calculation is made. The calculation shall include only those qualified water meters that are not assigned specifically to a dwelling unit or a laundromat.
 - (i) To account for unusually high readings, the District may, ~~at the District's discretion for the purposes of calculation,~~ adjust any particular monthly reading that exceeds three times the standard deviation plus the mean of the data to a number equal to the mean of all readings in the evaluation period.
 - (ii) A customer may submit sufficient proof that a particular reading is unusually high due to a leak. The District may replace that particular reading with a number equal to the mean of the remaining readings. Such replacement is limited to one reading per twelve (12) contiguous months of data. ~~If an owner of a tax parcel shall submit to the District sufficient proof that a particular reading is unusually high due to a leak the District may, at the District's sole discretion, replace that particular reading with a number equal to the mean of the remaining readings. Such replacement is limited to one reading per twelve (12) contiguous months of data.~~
 - (iii) ~~If the owner of a particular tax parcel requests the re-calculation of EDU assignment in accordance with Section 10.08 for the reason stated in Section 10.08(c) (iii)5) thereof, the District will base the calculation on the twelve (12) consecutive months beginning with the monthly reading immediately following the installation of the irrigation meter.~~
- (b) The District shall identify the highest three (3) consecutive months in the calculation period defined in paragraph(a) above using the adjusted, if applicable, and calculate their average.
- (c) Divide the resulting average in paragraph (b) above by 5,010, and round the quotient up to the next one-tenth.
- (d) If the tax parcel contains dwelling units, add 1 EDU for each dwelling unit on the tax parcel to the result of paragraph (c) above.
- (e) If the tax parcel contains a laundromat, add 1 EDU for each laundromat on the tax parcel together with the result of Paragraph (c) and the number of EDUs calculated in paragraph (d) above.
- (f) If the tax parcel has more than one FKAA meter, first the EDU assignment for each meter shall be calculated using the methodology in paragraph (a - e) above, then added together to calculate the final EDU assignment for the tax parcel. ~~If more than one qualified water meter is attributable to a particular tax parcel, the EDU assignment for each meter, calculated by using methods described in paragraphs (a - e) above, will be added together to calculate the EDU assignment for the parcel.~~
- (g) In no case shall the number of EDU's assigned to the parcel be less than 1.0.
- (h) If there is no data for water consumption ~~for by~~ a tax parcel, the District ~~shall will~~ use a reasonable method to estimate the projected water use for the tax parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.

Section 10.03 Assessments Imposed Against Government Property.

- (a) If assessments are imposed against government property, the District shall first attempt to collect the assessments following the procedures in the Uniform Assessment Collection Act.
- (b) If the owner of a tax parcel does not remit the assessment to the Monroe County Tax Collector, the District shall provide assessment bills by first class mail to the owner of each affected parcel of government property. The bill shall be accompanied by a copy of the written notice sent to the owner as prepared according to the Uniform Assessment Collection Act, and a demand for payment.
- (c) Assessments imposed against governmental property shall be due on the same date as assessments against other tax parcels within the assessment area and, if applicable, shall be subject to the same discounts for early payment.
- (d) An assessment on government property shall become delinquent if it is not paid within thirty (30) Days from the due date. The District shall notify the owner of any government property that is delinquent in payment of its assessment within sixty 60 Days from the date such assessment was due. Such notice shall state in effect that the District shall initiate a mandamus or other appropriate judicial action to compel payment.
- (e) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for reasonable costs and expenses incurred by the District, including reasonable legal fees, in collection of such delinquent assessments and any other costs incurred by the District as a result of such delinquent assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

Section 10.04 Exclusion from Non-ad Valorem Tax Roll. ⁴⁵

~~Excluded Parcels—General Provisions~~

- (a) The owner of a tax parcel subject to an SDC assessment may request that the tax parcel be excluded from the non-ad valorem tax roll for either of the following reasons: ~~The owner of any tax parcel listed on an assessment roll may request that the tax parcel be excluded from the assessment roll using procedures outlined in Section 10.08 below.~~
 - (i) The tax parcel is being conveyed or has been conveyed to the Monroe County Land Authority, or any other federal, state, or local agency, for the purpose of protecting the natural environment, providing public access, preserving wildlife habitat areas, or providing access to the management of acquired lands under the provision of Chapter 380, F.S., and/or Monroe County Code Section 2-397. To qualify for the exclusion, the property owner must submit proof acceptable to the District that:
 - 1) The conservation parcel has been or shall be purchased for conservation purposes.
 - 2) The conservation parcel is not capable of being improved with facilities that generate wastewater.
 - 3) A copy of a purchase and sale agreement for the subject tax parcel signed by the seller and buyer.

⁴⁵ Section 10.04 is amended by Res#? to amend which types of parcels qualify to be excluded from the non-ad valorem tax rolls, revises & adds subsections from current 10.05 & 10.06 rules, deletes current subsection 10.04(e).
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- (ii) Minimum Tax Bill. If a particular tax parcel, by virtue of any resolution duly passed by the Board of County Commissioners of Monroe County under the provisions of Section 197.212 F.S. (Minimum Tax Bill) shall not otherwise receive an annual tax notice, the District, at the District's sole discretion, may exclude the tax parcel from the non-ad valorem assessments.
- 1) Should a tax parcel be so designated, all non-ad valorem assessments and any fees associated with any tax certificates issued incidental to the collection of any non-ad valorem assessments shall be credited to the tax parcel.
 - 2) Should the owner of a tax parcel receiving such notice wish NOT to be excluded, they may notify the District in writing and such removal proceedings shall cease.
- (b) The owner must certify on a recordable instrument that if the then current owner later desires wastewater service to the parcel, or should the parcel contain a structure or facilities capable of creating wastewater that will enter the District's wastewater system, the owner agrees to pay the full direct and indirect District costs of providing the same. ~~*The District will consider, as grounds for exclusion of a tax parcel, any fact that show the tax parcel to be an excluded parcel as defined under one or more of the provisions in Section 10.05 or Section 10.06 below.*~~
- (c) Removal of an SDC Exclusion.
- (i) Subsequent to exclusion, should an excluded parcel contain a structure or facility capable of creating wastewater that shall enter the District's wastewater facilities, the exclusion shall become null and void and the District shall impose an SIC calculated in accordance with Section 10.01. Such SIC shall be due and payable in full at the time the exclusion is removed.
 - (ii) If the District, in its sole discretion, later provides wastewater service to the tax parcel at the owner's request, the District shall impose an SIC calculated in accordance with Section 10.01. Such SIC shall be due and payable in full at the time the exclusion is removed. ~~*To be considered, the parcel may not contain a structure or Facility capable of creating wastewater that wil enter the District's wastewater facilities.*~~
- (d) Non-ad valorem wastewater assessments paid prior to exclusion shall not be refunded or credited. ~~*The owners must certify that if they later desire wastewater services to the tax parcel or should the tax parcel, they agree to pay the full direct and indirect District costs of providing the same.*~~
- ~~*(e) If the District agreed that the tax parcel should be excluded from the assessment roll as a waived parcel, the tax parcel shall be excluded for the assessment roll if all of the owners duly execute a recordable instrument acknowledging that the owners are waiving any obligation of the District to provide wastewater service to the tax parcel.*~~
- (e) Exclusion Request Procedure.
- (i) The District may exclude a tax parcel when it deems appropriate.
 - (ii) A customer may request that the parcel be excluded from the non-ad valorem tax roll by submitting a form provided by the District Clerk. The completed form must include:
 - a) A concise statement of facts supporting the request for exclusion, and, if applicable, a statement of all disputed issues of material fact.
 - b) Such other information the applicant believes to be material to the request.
 - c) Description of the relief the applicant is seeking.

- (f) Filing Form
 - (i) The completed filing form must be submitted to the District Clerk using the US Postal service, or other third party service, facsimile, electronic mail (email) or in person to the District office.
 - (ii) Upon receipt by the District Clerk, the form shall be promptly time/date stamped.
- (g) Staff Review
 - (i) The District may conduct one (1) or more informal discussions with the applicant and may request additional information and documentation.
 - (ii) The filing form is not considered complete until all information and documentation have been received and deemed sufficient.
 - (iii) District staff shall review, and if appropriate, recommend that the tax parcel be excluded.
 - (iv) Staff shall endeavor to complete its review within fifteen (15) days after receipt of complete application.
 - (v) Upon completion of its review, staff shall prepare and submit a recommendation to the Board.
 - (vi) The District Clerk shall transmit, by US Postal service and email, a copy of the staff's recommendation to the applicant.
 - (vii) **NEW.BLUE.** The District Clerk shall endeavor to place staff's recommendation on the Board's regular meeting agenda not more than thirty (30) days after staff issues its recommendation.
- (h) Board Consideration
 - (i) The Board may accept or reject staff's recommendation or may schedule a public hearing after concluding there are issues of material fact.
 - (ii) The Board's decision shall be the District's final action on the request.

Section 10.05 Rescinded.⁴⁶ ~~— Excluded Parcels — Exemptions~~

~~In a case where the District has determined, in its sole discretion, that wastewater facilities shall not be provided to a parcel, such parcel shall be classified as "Exempt" and will not be subject to a System Development Charge. Parcel's must meet one or more of the following criteria:~~

~~(a) The tax parcel has been aggregated with one or more other adjoining tax parcel as recorded with the Monroe County Property Appraiser's office, and the aggregated parcels will receive wastewater service as a single property.~~

~~(i) In such case, the deleted tax parcel shall not be subject to an SDG.~~

~~(ii) The portion of SDG paid to date on the deleted tax parcel shall be credited to the surviving tax parcel.~~

~~(iii) Should such credit exceed the existing balance of the surviving tax parcel, the excess may be refunded under the provisions of Section 10.16 below.~~

(b) Deleted.

~~(c) The tax parcel cannot be improved consistent with existing zoning regulations or other legal constraints.~~

⁴⁶ Section 10.05 is deleted by Res#?

~~(d) The tax parcel cannot be improved due to physical conditions of the property that preclude improvement.~~

~~(e) The District has determined that, for reasons not otherwise specified in this Section and consistent with Federal, State and local regulations, the tax parcel shall not be provided with a connection.~~

Section 10.06 [Rescinded](#).⁴⁷ ~~Excluded Parcels—Exemptions~~

~~(a) Under certain circumstances, the owner of a particular tax parcel subject to assessment of a SDC may waive the right to receive wastewater service and request the District suspend collection of the SDC and all future non-ad valorem assessments on the excluded tax parcels under one of the following designations:~~

~~(i) A **Contiguous Vacant Parcel** is defined as a vacant parcel immediately adjacent to a tax parcel served by the District and connected to the District's central wastewater collections system.~~

~~1) owners of contiguous vacant parcels may request a waiver provided that:~~

~~a) The use of the contiguous tax parcel is a subsidiary to the use of the assessed parcel and~~

~~b) That the parcel(s) subject to the waiver will not be improved with structures or facilities that might generate wastewater that will enter the District's wastewater facilities.~~

~~2) For purposes of this subsection, a contiguous tax parcel may be separated by a street or right-of-way from the assessed tax parcel.~~

~~3) Owners of the assessed tax parcel may request waivers for more than one parcel provided that the additional parcels are contiguous to the original parcel or another waived parcel included in the request.~~

~~4) The portion of the SDC paid to date on the excluded tax parcel shall be credited to the served tax parcel.~~

~~5) Should such credit exceed the existing balance of the served tax parcel, the excess may be refunded under provisions of Section 10.16 below.~~

~~6) Requests for waivers must adhere to the time provisions and procedures in Section 10.08 below to be considered.~~

~~(ii) **Tier 1 (One) Vacant Parcel**~~

~~1) Owners of vacant parcels designated as Tier I may apply for a waiver provided that:~~

~~a) The tax parcel is a vacant parcel and,~~

~~b) The tax parcel is classified as "Tier I" by the Monroe County Division of Growth Management.~~

~~2) Upon application by the owner(s) and verification of Tier I vacant status, the District shall remove any unpaid current non-ad valorem assessments and remove the tax parcel from all future non-ad valorem assessment rolls.~~

~~3) System Development Charges and non-ad valorem wastewater assessments paid prior to the effective date of the exclusion for Tier I parcels shall not be refunded.~~

~~(iii). **Conservation Parcel. Conservation Parcel.** If a vacant tax parcel is being conveyed to the Monroe County Land Authority or any other Federal, State or local agency for the purpose of protecting the natural environment, providing public access, preserving wildlife habitat areas, or providing access to management of acquired lands under the provisions of Chapter 380, F.S. and/or Monroe County Code~~

⁴⁷ [Section 10.06 deleted by Res #?](#)

~~section 2-397, the owner(s) may request the District exclude the tax parcel and waive all future assessments of the SDC for that parcel.~~

~~In the event that the tax parcel has unpaid KLWTD assessments, the District shall waive all such assessments and redeem any District related charges pertaining to any tax certificates on such tax parcel to facilitate the parcel conveyance.~~

~~All such conservation parcels purchased by any governmental entity for conservation purposes shall hereafter be excluded from the Key Largo Wastewater Treatment District's System Development Charge, provided that the governmental entity has submitted to the District documentation showing that:~~

~~the conservation parcel has been or shall be purchased by the governmental entity for conservation purposes, and~~

~~the conservation parcel is not capable of being improved with facilities that shall generate wastewater.~~

~~System Development Charges and Non-ad valorem wastewater assessments paid prior to the effective date of the exclusion for conservation parcels shall not be refunded.~~

~~**Minimum Tax Bill.** If a particular tax parcel, by virtue of any resolution duly passed by the Board of County Commissioners of Monroe County under the provisions of Section 197.212 F.S. (Minimum Tax Bill) shall not otherwise receive an annual tax notice, the District, at the District's sole discretion, shall exclude the tax parcel from the non-ad valorem assessment roll.~~

~~Should a tax parcel be so designated, all non-ad valorem assessments and any fees associated with any tax certificates issued incidental to the collection of any non-ad valorem assessments shall be credited to the tax parcel.~~

~~Prior to removing a tax parcel from the assessment roll under this provision, the District shall notify the parcel owner by first class mail to the address listed on the tax bill thirty (30) days prior to the date the tax parcel is to be reviewed by the Board of Commissioner for removal.~~

~~Should the owner of a tax parcel receiving such notice wish NOT to be excluded, they may notify the District in writing and such removal proceedings shall cease.~~

~~The owners must certify that if they later desire wastewater service to the parcel, they agree to pay the full direct and indirect District costs of providing the same.~~

Section 10.07 Subdivided ~~and Combined~~ Tax Parcels. ⁴⁸

(a) If any tax parcel shown on the non-ad valorem assessment roll is subdivided after the date of the final assessment resolution;

(i) The newly designated tax parcel shall be subject to an SIC. ~~the provisions of the final assessment resolution applicable to the parent tax parcel.~~

~~(ii) The newly designated tax parcel shall be subject to an SDC in accordance with Section 10.01 with the exception of~~

~~(iii) For the purpose of calculating the newly designated tax parcel's SDC, the wastewater treatment plant capacity fee, force main pipe capacity fee, and connection fee and if applicable, low pressure equipment fee published in the final assessment resolution applicable to the parent tax parcel shall be used.~~

⁴⁸ Section 10.07 is amended by Res #? to delete combined parcels from non-ad valorem calculation adjustments, delete subsections 10.07(a)(ii) through the end of rule 10.07.

~~(iv) The SDC may be paid using the Initial Prepayment Option in accordance with Section 10.11 below or the Annual Assessment payment program under provisions in Section 10.12 below. In the event that the Annual Assessment payment program is used, the number of payments shall not exceed the number of remaining payments on the parent tax parcel's annual Assessment payment program.~~

~~(v) If the effective date of subdivision of the parent tax parcel is more than twenty (20) years after the effective date of the final assessment resolution applicable to that tax parcel, the resulting SDC shall be calculated as an SIC in accordance with Section 10.01(c) above and shall be due in full at the time such SIC is effective.~~

~~(b) If any two or more previously assessed, contiguous tax parcels are combined through the Monroe County Property Appraiser, the provisions of Section 10.05(a) shall apply.~~

Section 10.08 [Rescinded](#) ⁴⁹ ~~– Conditions and Procedures for Requesting a Review of the Initial Prepayment Amount / System Development Charge.~~

- ~~(a) calculation of an SDC for a tax parcel is made on the basis of the state of development of the tax parcel known to exist at the time of calculation of the SDC, using one of the applicable tax parcel classifications in Section 10.01(b).~~
 - ~~(b) Owners of a particular tax parcel who believe that their tax parcel was erroneously assessed, the initial prepayment amount was erroneously calculated or the circumstances pertaining to the state of the tax parcel have changes (warranting a review) may request a review under the provisions of this Section.~~
 - ~~(c) Conditions for Request—The owner of a tax parcel may request a review for one or more of the following reasons:
 - ~~(i) They believe that their tax parcel was erroneously assessed.~~
 - ~~(ii) believe that the initial prepayment amount for their tax parcel was not accurately computed.~~
 - ~~(iii) believe that their usage has changed because of one or more of the following reasons:
 - 1) ~~Change of Use~~
 - 2) ~~Change of Business Use~~
 - 3) ~~Change of Dwelling Use~~
 - 4) ~~Pattern of Use Change~~
 - 5) ~~Irrigation Meter.~~ If the owner of a tax parcel believes that a significant portion of the water usage on which the District is calculating the EDU assignment for that tax parcel is used for purposes that do not burden District's wastewater facilities, the owner may apply to FKAA for the installation of a separate irrigation meter on the property.~~~~
- ~~(d) Time for Request.~~
 - ~~(i) The owner of a contiguous vacant tax parcel who desires the parcel to be designated as an excluded parcel under the of Section 10.06(a)(i) above must request this review before the later of September 30, 2014 or the fifth (5th) year following initial assessment.~~

⁴⁹ [Section 10.08 is deleted by Res #?](#)

- ~~(ii) The owner of a non-residential tax parcel who desires the parcel be reviewed for one or more of the stated in Section 10.08(c)(iii) above must request this review before the later of September 30, 2014 or the third (3rd) year following initial assessment.~~
- ~~(iii) All other requests submitted pursuant to this Section must be submitted no later than the last business day before August 31 of the year in which the annual non-ad valorem assessment roll is submitted.~~
- ~~(iv) Requests submitted after September 1 shall be considered requests for the next tax year and shall have no impact on the current year's non-ad valorem assessment.~~
- ~~(v) All recalculations resulting from requested submitted and reviewed under the provisions of the Section shall have immediate impact on the EDU assignment of the tax parcel for the purposes of monthly billing upon being regularly approved by Board of Commissioners.~~
- ~~(vi) A mailed request for review shall be considered timely if it is postmarked on or before the last day allowed for review.~~
- ~~(vii) The District shall review and, if appropriate, recalculate the SDC for a tax parcel upon:

 - 1) receipt of a request for review submitted in accordance with Paragraph d of this Section,
 - 2) when the District becomes aware that the use of the tax parcel shall change in a way that may increase or decrease the demand on the District's wastewater facilities,
 - 3) subsequent to previous adjustments which have been duly approved by the Board, the initial prepayment amount will be automatically reviewed annually for the two years following the initial review using twenty-four (24) and thirty-six months (36) of data respectively, or
 - 4) at the District's own instance.~~
- ~~(viii) If the adjustment to the SDC for a tax parcel results in an increase in the annual assessment, the District will hold a public hearing prior to making the adjustment as required by the Uniform Assessment Collection Act.~~
- ~~(e) Contents of Request. A request for review must contain:

 - (i) a concise statement of the facts upon which the owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate;
 - (ii) copy of the rules, statutes, and other legal authority that the owner contends form the basis for relief requested;
 - (iii) a demand for the relief which the owner believes is appropriate; and
 - (iv) for request of waivers for contiguous vacant parcels (under the provisions of Section 10.06(a)(i) above) or Tier I Vacant Parcels (under the provisions of Section 10.06(a)(ii) above) payment in the amount of two hundred dollars (\$200); and.
 - (v) such other information that the owner believes to be material to the request for review.~~
- ~~(f) Procedure for filing request.

 - (i) The request for review must be delivered or mailed to the District in writing.
 - (ii) The District's Assessment Coordinator will review the request and exercise due diligence to issue a recommendation to the Board within fourteen (14) Business Days after receipt of a completed request for review.
 - 1) Prior to issuing the recommended decision, the assessment coordinator may conduct one or more informal discussions with the owner, and may request additional information and documentation.~~

- 2) ~~If requested by the owner, the District may extend the time for issuance of a recommendation.~~
 - 3) ~~The District Clerk or designee shall mail the recommendation to the owner and deliver a copy of the recommendation to the Board.~~
 - 4) ~~Upon issuance of the District's recommendation, the District Clerk shall place the recommendation on the Board agenda for a meeting not less than thirty (30) days after issuance of the recommendation.~~
 - 5) ~~Within fifteen (15) days after mailing the recommendation, the owner may request that the Board hold a public hearing, specifying any disputed facts that the owner considers material to the recommendation.~~
- (g) Board Review.
- (i) ~~The Board may accept or modify the recommendation or, if the Board concludes that there are disputed issues of material fact, the Board may schedule a public hearing.~~
 - (ii) ~~The Board's decision to accept or modify the recommendation after a public hearing, shall be the final District action on the request for review.~~
 - (iii) ~~Any adjustments to the EDU assignment shall be effective upon the Board's decision.~~
 - (iv) ~~Any adjustment to the SDC by the Board:~~
 - 1) ~~If issued on or before August 31, shall be applied to the next non-ad valorem assessment, or~~
 - 2) ~~If issued after August 31 shall be applied to the following year's non-ad valorem assessment.~~
 - (v) ~~Should the adjustment to the SDC result in an increase and such increase be effective later than twenty (20) years after the date of initial assessment, the amount of the increase shall be due in full immediately upon the Board's decision.~~

Section 10.09 Imposition of Assessments.

- (a) Assessments shall be imposed for each year in which any portion of the adjusted prepayment amount remains outstanding, the amount of which shall be computed in accordance with Section 10.13(e) below.⁵⁰
- (b) Upon the adoption of the final annual assessment resolution for each year, assessments to be collected by means of the Uniform Assessment Collection Act shall constitute a lien upon the assessed parcels, equal in rank and dignity with the liens of all State, County, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until the tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act.⁵¹
- (c) The lien shall be deemed perfected upon adoption by the District of the annual assessment resolution and shall attach to the real property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes.

⁵⁰ Amended by Resolution 17-08-15 ~~on August 4, 2015.~~

⁵¹ Amended by Resolution 17-08-15 ~~on August 4, 2015.~~

Section 10.10 ~~Rescinded.~~⁵² ~~System Development Charge (SDC) / Initial Prepayment Amount~~

- (a) ~~Upon adoption of the final assessment resolution, the SDC initial prepayment amount for each tax parcel shall become due.~~
- (b) ~~The initial prepayment amount for each tax parcel shall be calculated in accordance with Section 10.01.~~

Section 10.11 Initial Prepayment Option.

- (a) Prior to close of business on the last regular business day of August of any year, the owner of a tax parcel subject to an SDC may pay any amount of the SDC up to the remaining balance in full, by remitting such payment to the District.
- (b) The amount of all prepayments made pursuant to this section shall be final. The District shall not be required to refund any portion of a prepayment.
- (c) After August 31 of any tax year, any outstanding portion of the SDC shall be subject to a non-ad valorem assessment calculated in accordance with Section 10.13(e).

Section 10.12 Adjusted Prepayment Amount.

The adjusted prepayment amount for each tax parcel shall be an amount equal to the initial prepayment amount minus the sum of all calculated principal payments due ~~(as defined in)~~ pursuant to Section 10.13(b)(ii) as certified annually on the preceding years' tax rolls or pre-paid by or on behalf of the owner of a particular tax parcel directly to the District.

Section 10.13 Computation Method: Annual Non-Ad Valorem Assessment Roll.

- (a) Assessments shall be imposed for the applicable tax year and each succeeding tax year following the final assessment resolution applicable to the tax parcel in which any portion of the adjustment prepayment amount remains outstanding and shall be collected through the non-ad valorem assessment roll certified to the tax collector for collection in the manner authorized by the Uniform Assessment Collection Act. The annual interest rate applicable to the annual debt service component calculation for each non-ad valorem assessments roll shall be published in the final annual assessment resolution.
- (b) The **Annual Debt Service Component** shall be calculated for each calendar year in which the initial prepayment amount (or adjusted prepayment amount, if applicable) of the tax parcel is outstanding as follows:⁵³
 - (i) The District shall first calculate an annual interest rate equal to the lesser of the District borrowing rate or eight percent (8%).
 - (ii) The District shall next calculate the amount of principal due for the tax parcel by dividing the tax parcel's initial prepayment amount (or adjusted prepayment amount, if applicable) by the number of remaining years the assessment is payable, which shall initially be for a period of twenty (20) years.

⁵² [Section 10.10 deleted by Res#?](#)

⁵³ Amended by Resolution 17-08-15 ~~on August 4, 2015.~~

- (iii) The District shall then determine the interest due by multiplying the annual interest rate computed in Paragraph (1) above by the initial prepayment amount (or adjusted prepayment amount, if applicable.)
- (iv) The annual debt service component is then calculated as the sum of the amounts determined in (2) and (3) above.
- (c) The **Collection Cost Component** represents the proportional share of the total charge levied by the Monroe County Tax Collector to collect all assessment for the given tax year, which is estimated at 0.2% of the total annual assessment.
- (d) The **Statutory Discount Amount** shall be computed for each tax parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments. Such amount shall be calculated by deducting the sum of the annual debt service component and the collection cost component, from the quotient of the sum of the annual debt service component and the collection cost component divided by 96%.
- (e) The **Annual Assessment** for each tax parcel shall be computed as the sum of the annual debt service component from Section 10.13(b), the collection cost component from Section 10.13(c) and the statutory discount amount from Section 10.13(d).

Section 10.14 Optional Prepayment.

- (a) The owner of each tax parcel subject to the assessments shall be deemed to have prepaid all future unpaid assessments upon payment of an amount equal to the sum of the most recently calculated adjusted prepayment amount for such tax parcel minus the principal portion of the current year's annual assessment.
- (b) The District shall not be required to refund any portion of a prepayment.

Section 10.15 ~~Mandatory~~ Prepayment. ⁵⁴

- (a) The owner of a tax parcel subject to the assessment shall immediately prepay the adjusted prepayment amount for such tax parcel minus the principal portion of the current year's annual assessment, **if a tax certificate** has been issued and remains outstanding in respect of the tax parcel, and the District at its sole option elects to accelerate the assessment.

~~(b) The owner of a non-residential tax parcel subject to the assessment shall immediately prepay the adjusted prepayment amount for such tax parcel minus the principal portion of the current year's annual assessment prior to sale or transfer of that tax parcel.~~

- (i) ~~Mandatory Prepayment under this provision may be waived by the District at its sole option if the receiving owner of the non-residential tax parcel agrees to and assumes the assessment.~~
- (ii) ~~Such tax parcels are not eligible for waivers under the provisions of Section 10.04. or Section 10.05 or Section 10.06 above.~~
- (iii) ~~Such tax parcels shall not be eligible for an adjustment of their SDC under any of the provisions of Section 10.08(b)(iii).~~

- (b) The District shall not be required to refund any portion of a prepayment.

⁵⁴ [Section 10.15 amended by Res #? to delete current subsection 10.15\(b\) and title subsection 10.15\(c\) to \(b\).](#)

Section 10.16 [Rescinded](#).⁵⁵ ~~Procedures for Request of Refund~~

- ~~(a) Tax parcel owners who wish to request a full or partial refund of an overpayment of an SDC may do so under the provisions of this Section. The decision to issue a refund is at the sole discretion of the District. Under no circumstances shall the District be required to refund any portion of a prepayment or overpayment.~~
- ~~(b) Notwithstanding paragraph (a) above, if the District determines that a tax parcel was erroneously assessed, the tax parcel owner shall be entitled to a full refund of all SDCs, interest, fees and any other charges reasonably related to the erroneously assessed SDC under the provisions listed below.~~
- ~~(c) Tax parcels which have received a credit under the provisions of Section 10.06(a)(i) above (Contiguous Vacant parcels) or Section 10.07(b) above (Combined Tax Parcels) and hold a credit balance on the surviving parcel after such credit shall not be entitled to a refund after the later of September 30, 2014 or September 30 of the fifth (5th) year following the initial assessment.~~
- ~~(d) Request for Refunds must be submitted in writing. If a refund is requested as part of a review or waiver, such request must be included with the request for review or waiver.~~
- ~~(e) the event the District, at the District's sole discretion, determines that a refund is due and payable, the refund amount is limited to the amount paid by the current owner of the tax parcel.~~

Section 10.17 General Provisions.

- (a) **Method of Collection.** The assessments shall be collected pursuant to the Uniform Assessment Collection Act.
- (b) **Severability.** If any clause, section, or provision of these [General](#) Rules and Regulations shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said [General](#) Rules and Regulations shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.
- (c) **Conflict.** In the event that any portion of these [General](#) Rules and Regulations, or application thereof, conflicts with any State or Federal law, such State or Federal law shall prevail.

⁵⁵ [Section 10.16 deleted by Res #?](#)

Article XI. Billing and Payment for Service⁵⁶

Section 11.01 FCAA Billing.

The District has entered into a billing agreement with the Florida Keys Aqueduct Authority. FCAA's billing and payment procedures shall apply.

Section 11.02 Direct Billing.

(a) Procedure:

- (i) The District may elect to bill customers directly. ~~for providing wastewater service.~~
- (ii) Customers shall be billed on a one (1) time, semi-annual, quarterly or monthly basis.
- (iii) See the District Fee Schedule ~~Section 9.03(e)~~ for billing charges.
- (iv) Billing ~~shall~~ will commence based on the earlier of terms of a signed agreement or initiation of service. ~~upon initiation of service or the mandatory connection date, whichever is earlier.~~
- (v) Payments for services are due and payable within thirty (30) days of receipt of the bill. Non-receipt of a bill by the customer ~~shall~~ will not release the customer from the duty to make reasonable inquiry as to the amount of the bill and prompt payment thereof, on or about its due date, in accordance with the customer's billing cycle.

(b) Returned Checks:

- (i) The District ~~shall~~ will impose a Returned Check Charge for each dishonored check that is returned by the bank. Only cash, cashier's checks, or money orders ~~shall~~ will be accepted as payment for checks which have been dishonored. The customer's account ~~shall~~ will be annotated upon receipt of a dishonored check. Issuance of two (2) dishonored payments within an eighteen (18) month period ~~shall~~ will preclude the acceptance of another check for a period of 12 months from date of settlement of the first dishonored check, or Bank Draft. During this time only cash, cashier's checks or money orders shall be accepted for payment.

(c) Delinquent Accounts:

- (i) An account ~~shall~~ will be considered delinquent if payment for service is not received by the District by the due date. If the due date falls on a weekend or official Holiday, the due date shall ~~will~~ be extended to the next business day. In the event partial payment of a bill is made, that portion of the bill not paid within thirty (30) days of billing ~~shall~~ will be considered delinquent.
- (ii) Delinquent Accounts ~~shall~~ will be charged a Delinquent Account Charge. Refer to District Fee Schedule.⁵⁷ ~~in the amount greater of \$4.00 or ten percent (10%) of the total amount that is the delinquent outstanding balance.~~
- (iii) Service may be ~~shut off~~ discontinued if the total delinquent amount that is past due is not received by the District within thirty (30) days after the due date.
- (iv) For service to be restored the customer must request restoration of service and pay all amounts due, including the applicable Service Charge.
- (v) In the event the account has been final billed as a result of account delinquency, service ~~shall~~ will not be restored until the customer has paid all applicable fees, outstanding balances due, and service charges.

⁵⁶ Article XI amended entirely by Resolution 03-2023 on March 7, 2023 and supersedes Resolution 21-08-14. 2014.

⁵⁷ Section 11.02(c)(ii) emended by Res#? to referenc¹²² District Fee Schedule

- (vi) Notwithstanding any other provision of these rules, when wastewater service is subject to [shut off termination](#) due to account delinquency, the District may restore such service prior to payment of all amounts due, provided the customer has entered into a negotiated payment agreement.
- (vii) Failure to pay amounts due the District within the time designated for payment [shall will](#) result in the District exercising all reasonable business efforts to collect such unpaid amount, including delinquent fees, interest, attorney fees and filing charges.

Section 11.03 Rescinded ⁵⁸

Section 11.04 Rescinded ⁵⁹

Section 11.05 Rescinded ⁶⁰

Section 11.06 Rescinded ⁶¹

⁵⁸ Section moved from 11.03 to 11.02(a)(ii) in its entirety by Resolution 03-2023 [on March 7, 2023](#).

⁵⁹ Section moved from 11.04 to 11.02(b) in its entirety by Resolution 03-2023 [on March 7, 2023](#).

⁶⁰ Section moved from 11.05 to 11.02(c) in its entirety by Resolution 03-2023 [on March 7, 2023](#).

⁶¹ Section moved from 11.06 to Section 9.07 in its entirety by Resolution 03-2023 [on March 7, 2023](#).

Article XII. Vessel Sanitary Wastewater⁶²

Section 12.01 Purpose.

- (a) The rules provided herein are applicable to commercial and non-commercial boating facilities such as marinas, community boat basins and similar facilities that:
 - (i) meet the District's wastewater requirements; and
 - (ii) provide sanitary wastewater pump-out services for vessels.
- (b) The District shall accept sanitary wastewater discharge from boating facilities meeting the District's standards for acceptance.
- (c) Vessel wastewater entering the District's wastewater collection system shall contain only sanitary wastewater and must not contain contaminants deleterious to the District's wastewater treatment facilities, including but not limited to, wash-down water, engine flushing water and bilge water.
- (d) Discharge of wastewater with a visible sheen from fuel or oil is prohibited.

Section 12.02 Requirements for Connection

- (a) Pump-out systems may, but are not required to, connect to the District's wastewater collection system.
- (b) Each pump-out system connection to the KLWTD collection system shall have received all required permits or approvals from Monroe County and any state or federal regulatory agency having jurisdiction over the pump-out system, and must conform to all requirements of the KLWTD Construction Standards.
- (c) The pump-out system must be a commercially available positive displacement pumping system with product specifications approved by the District. The pump-out system must have a totalizing elapsed time meter indicating the accumulated run time for the pump-out system.
- (d) The pump-out system must have a non-clogging flow meter with totalizer on the discharge side of the pump-out system pump. The meter must be calibrated at least annually by a licensed professional.
- (e) The pump-out system must be maintained by a licensed professional contractor under an annual maintenance contract with the property owner. Maintenance inspections must be performed and documented at least semi-annually. The maintenance contract must be submitted to the District prior to final approval of the connection.
- (f) The property owner must grant an access easement to the District to allow for inspections of the pump-out system by District staff.
- (g) For pump-out systems connecting to the District's vacuum collection system, the pumping rate shall not exceed:
 - (i) buffer tank 30 gallons per minute.
 - (ii) vacuum pit 10 gallons per minute.
- (h) For pump-out systems connecting to the District's force main system:

⁶² Article XII added by Resolution 03-2023 on March 24, 2023.

- (i) the design must be completed by a Professional Engineer licensed in the State of Florida to ensure that pumping capabilities are sufficient and that safeguards are in place to prevent back-feeding of sewage from the District's pressurized force main should a break or other failure of the onsite pump-out system occur.
- (ii) the designed discharge pressure of a pump-out system must be compatible with the operating pressures in the District's force main at the point of connection.

Section 12.03 Fees and Charges

- (a) See [the District Fee Schedule](#) ~~Section 9.03(c)~~ for Base and Volumetric charges.
- (b) Boating facilities shall be required to pay, prior to connection, all direct and indirect fees incurred by the District to extend service to the pump put system.
- (c) The District shall read the pump-out meter(s) semi-annually and record the total volume of all vessels' wastewater pumped from the boating facility.

Article XIII. District Fee Schedule ⁶³

Rule # FEE

3.06 Tampering:

- 3.06(e) Investigation: ~~\$150.00~~ ~~\$75.00~~
- 3.06.(e) Charge ~~\$300.00~~ ~~\$150.00~~
- 3.06(e) 1st Repeat Occurrence ~~\$450.00~~ ~~\$300.00~~
- 3.06(e) 2nd Repeat Occurrence \$700.00
- 3.06(e) 3rd Repeat Occurrence \$1,000.00

3.08 Customer's Duty to Maintain:

- 3.08(d) Fine not to exceed \$1,000.00.

9.01 Plan Review Fee:

- 9.01(b) **Multi-family** 5 hours ~~\$90.00~~ ~~\$50.00~~ per dwelling subject to ~~\$450.00~~ ~~\$250.00~~ minimum charge, and ~~\$210.00~~ ~~\$165.00~~ per each hour over 5 hours.

- Non-residential** 5 hours ~~\$90.00~~ ~~\$50.00~~ per EDU subject to ~~\$450.00~~ ~~\$250.00~~ minimum charge, and ~~\$210.00~~ ~~\$165.00~~ per each hour over 5 hours.

9.03 Fees and Charges for Wastewater Service:

- 9.03(a)(i) ~~\$28.81~~ ~~\$27.13~~ monthly base charge per dwelling unit or EDU reflected in the most recent assessment of the tax parcel.
- 9.03(a)(ii) ~~\$28.81~~ ~~\$27.13~~ monthly base charge per dwelling times # of dwellings or EDU's attributed to that customer.
- 9.03(a)(vi) ~~\$28.81~~ ~~\$27.13~~ monthly base charge.
- 9.03(a)(vii) ~~\$46.88~~ ~~\$44.14~~ monthly charge (Alternative charge billed by FKAA)
- 9.03(b)(i) ~~\$5.42~~ ~~\$4.26~~ per 1,000 gallons.
- 9.03(b)(ii) ~~\$5.42~~ ~~\$4.26~~ per 1,000 gallons.

9.06 Service Charges:

- 9.06 8:00am-4:00pm business days ~~\$20.00~~.
- 4:00pm-8:00am or weekends or holidays ~~\$60.00~~.

9.07 Adjustment of Monthly Fees and Charges:

- 9.07(a)(ii) 2) ~~\$4.52~~ ~~\$4.26~~ per 1,000 gallons times # of gallons FKAA credited.

11.02 Direct Billing:

- 11.02(c)(ii) Greater of \$4.00 or 10% of total delinquent outstanding balance.

12.03 Vessel Sanitary Wastewater Fees and Charges (billed semi-annually)

- 12.03(a) Annual Base Charge ~~\$531.00~~ ~~\$500.00~~
- Volumetric Charge per each 1,000 gallons ~~\$18.92~~ ~~\$17.82~~

⁶³ [Article XIII added by Res#?](#)

Article XIV. Definitions and Construction of Terms ⁶⁴

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to these rules; and the term “hereafter” means after, and the term “heretofore” means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

“**Act**” or “**the Act**” refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

“**Active Account**” means that Service exists between an ~~an Owner/~~customer and the District, under which the District stands ready to serve and service is rendered or available on demand and payment for said service is made or due from the recipient.

“**Adjusted Prepayment Amount**” means the amount required to prepay the assessment for each tax parcel against which a non-ad valorem assessment is levied pursuant to this resolution: (A) following issuance of the original obligations as computed pursuant to Section 10.13 hereof and (B) revised annually pursuant to Section 10.12 hereof.

“**Alternative Water Supply Wastewater Service**” means wastewater service to a property that is used exclusively for residential purposes and that receives potable water by a means other than the customer’s FCAA water meter. An example of Alternative Water Supply Wastewater Service is wastewater service to a home that uses a rainwater collection system for its potable water supply.⁶⁵

“**Annual Assessment Resolution**” means the resolution adopted by the District approving 1) an Assessment Roll, 2) establishing the adjusted cost for specific components of the Assessment Roll including but not limited to the connection, capacity and equipment costs applicable to all tax parcels initially assessed that year and 3) the interest rate used to calculate the assessment roll for that specific tax year in accordance with the Uniform Assessment Collection Act.

“**Annual Debt Service Component**” means the amount computed for each tax parcel pursuant to Section 10.13(b) hereof.

“**Assessment Area**” means the ~~proposed~~ initial wastewater assessment area described in Section ~~10.02~~ 1.02 hereof.

~~DELETE RED ORIGINAL. “Assessment Coordinator” means a Person or Persons designated by the District to be responsible for coordinating Assessments.~~

“**Assessment Roll**” means a roll of non-ad valorem charges prepared by the District and certified to the Monroe County Tax Collector for collection. ~~Annually, the District may prepare a preliminary and, upon review~~

“**Assessment**” means a charge imposed by the District against real property within the assessment area to fund the capital cost of utility improvements or the operating cost of related services, as provided for in the District assessment resolutions. The assessment may represent a portion of the total system development charge as calculated herein and in accordance with the Uniform Assessment Collections Act or may represent the entire system development charge where applicable.

“**Biological Oxygen Demand**” or “**BOD**” means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It also

⁶⁴ [Article XIV is amended by Res#? to re-title the Article from XIII](#)

⁶⁵ Definition added by Resolution 20-06-13 ~~on June 12, 2013.~~

means a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-day period as specified in Chapter 62-160, FAC.⁶⁶

“**Board**” means the Board of Commissioners of the Key Largo Wastewater Treatment District.

“**Business Day**” means the period of each Day from 8:00 A.M. to 5:00 P.M*., Monday through Friday, excluding the District’s Official Holidays. (*Customer Service Hours are from 8:30AM to 4:30PM.)

“**Capital Cost**” means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal, or replacement (including demolition, environmental mitigation, and relocation) of the wastewater management facilities, and imposition of the assessment under generally accepted accounting principles ~~principals~~; and including reimbursement to the District for any funds advanced for capital cost and interest on any interfund, intrafund, or temporary construction loan for such purposes.

“**Collection Cost Component**” means the amount computed for each tax parcel pursuant to Section 10.13(c) hereof.

“**Collection Cost**” means the estimated cost to be incurred by the District in connection with the collection of assessments for a particular tax year including, but not limited to, costs associated with billing and collection, financing charges, and other charges or costs associated with the use of the Uniform Assessment Collection Act.⁶⁷

“Connection” – refer to “Service Connection”. ⁶⁸

“Connection Points” means cleanout boxes. ⁶⁹

“**Contiguous Vacant Parcel**” means a vacant parcel immediately adjacent to a tax parcel served by the District and connected to the Districts central wastewater collections system.

“**County**” means Monroe County, a political subdivision of the State of Florida.

“**Cross-Connection**” means any physical arrangement whereby a water supply is connected, directly or indirectly, with any other system capable of imparting contamination to the supply as the result of backflow.

“**Customer**” means any person is entitled to receive wastewater service. ~~that accepts or receives wastewater service.~~

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

“**Delinquent Account Charge**” means the charge billed customers when all or part of the payment on their account has become delinquent. ~~The Delinquent Account Charge is based on the outstanding balance as shown in Section 11.02(c).~~

“**Delinquent Account**” or “**Delinquency**” means that for an active account, payments for satisfaction of some or all past and current fees and charges are past due by at least two bill payment cycles. ~~of said active account, but service has not yet been shut off discontinued.~~

⁶⁶ Definition added by Rule Change #16 on August 26, 2006.

⁶⁷ Amended by Resolution 17-08-15 ~~on August 4, 2015.~~

⁶⁸ Definition added by Res#?

⁶⁹ Definition added by Res#?

“Department of Environmental Protection” or **“FDEP”** means the State of Florida Department of Environmental Protection.

“Department of Health” or **“DOH”** means the State of Florida Department of Health.

“Developer” means a person developing property for resale, rental, or lease, to which wastewater service may be provided by the District.

“Discharge” means the introduction of pollutants into a wastewater system from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

“District Fee Schedule” means the District’s list of fees and charges imposed by the District. ⁷⁰

“District Borrowing Rate” means the District’s weighted average borrowing rate based on the average interest rate of debt instruments issued by the District to fund the project cost of the wastewater management facilities, which are secured by proceeds of the assessments.

“District Obligation” means an original obligation secured by proceeds of the assessments.

“District” means the Key Largo Wastewater Treatment District.

“Dwelling Unit” means a single unit designated or intended for one-family occupancy (a household of one or more persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, one residential condominium unit (whether in a single-unit building or a multiple-unit building), or one mobile home or recreational vehicle space not regulated under Chapter 513, F.S. An Employee Housing Unit that is part of a Commercial Accommodation facility is not a Dwelling Unit.⁷¹

“Easement” means any legal right for the specific use of land owned by others.

“Enforcement” means actions taken in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.

“Equivalent Dwelling Unit” or **“EDU”** means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage.⁷²

“Excluded Parcel” means a tax parcel, as determined by the District, that shall not receive a special benefit from construction of the District wastewater management facilities and accordingly, not be included in the District’s tax roll. To be designated as an excluded parcel, the tax parcel must not be improved with facilities or structures that generate, or might generate, sewage that shall be managed by the District wastewater management facilities.

“FAC” means the Florida Administrative Code.

“Final Assessment Resolution” means the resolution that shall confirm, modify, or repeal this resolution and that shall be the final proceedings for imposition of assessments described in this resolution.

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

⁷⁰ [Definition added by Res#?](#)

⁷¹ Definition added by Resolution 20-06-13 ~~on June 18, 2013.~~

⁷² Definition added by Resolution 20-06-13 ~~on June 18, 2013.~~

“**FKAA**” means the Florida Keys Aqueduct Authority.⁷³

“**Force Main**” means a pipe owned by the District and used to transmit wastewater from a pump station to a treatment facility.

“**General Manager**” means the General Manager of the Key Largo Wastewater Treatment District.

“**Government Property**” means a tax parcel owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

“**Initial Prepayment Amount**” means the amount required to pay in full the system development charge for a particular tax parcel prior to being included in the annual assessment roll as set forth in the applicable assessment resolution.

“**Irrigation Meter**” means a particular type of meter as defined and installed by the Florida Keys Aqueduct Authority as an “Irrigation Meter” for parcels commercial properties that have excessive potable water use that does not enter return to the wastewater system.

“**KLWTD Rules and Regulations**” means the Key Largo Wastewater Treatment District General Rules and Regulations as may from time to time be amended.

“**KLWTD**” means the Key Largo Wastewater Treatment District.

“**Laundromat**” means a stand-alone laundry business that provides self-service and non-self-service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination. “Laundromat” does not include laundry facilities that are located in or otherwise associated with a commercial accommodation.⁷⁴

“**Minimum Design and Construction Standards and Specifications**” means the engineering design and construction specification demands of the District related to wastewater facilities constructed by any developer, owner, customer or user, which are adopted by reference in these rules.

“**Mixed-Use Tax Parcel**” means a tax parcel improved with a structure or group of structures, comprising one or more dwelling units, and one or more units that are not a dwelling unit, or a laundromat.

“**Monthly Base Charge**” means the monthly recurring charge based on the EDU assignment of the billed entity and charged as described in Section 9.03.

“**Monthly Volumetric Charge**” means the monthly charge based upon the volume of potable water used by the billed entity and charged as described in Section 9.03(b).⁷⁵

“**Multi-Family, Unique Residential Parcel**” means a unique residential parcel intended for more than one dwelling unit and less than seven dwelling units.

“**Non-Ad Valorem Assessment**” means assessments which are not based upon millage and which can become a lien against a homestead as permitted by s. 4, Art. X of the State Constitution. Non-ad valorem assessments are based on the improvement or service cost allocated to a property and are levied on a benefit unit basis, rather than on value.

⁷³ Definition added by Resolution 20-06-13 ~~on June 18, 2013~~.

⁷⁴ Definition added by Resolution 20-06-13 ~~on June 18, 2013~~.

⁷⁵ Definition added by Resolution 20-06-13 ~~on June 18, 2013~~.

“Non-Residential Tax Parcel” means a tax parcel classified by the Property Appraiser as other than “residential” and that is improved with a structure or structures, no part of which is a dwelling unit.

“Office” means the District office located at 103355 Overseas Highway, Key Largo FL. ⁷⁶

“Official Holidays” means those holidays observed by the District and include: New Year's Day, Birthday of Martin Luther King, Jr. (third Monday in January), President's Day, Memorial Day, Juneteenth Day, Independence Day, Labor Day, Columbus Day, Veterans' Day (November 11), Thanksgiving Day, Friday after Thanksgiving and Christmas Day, and one optional day as designated by the General Manager. Any holiday falling on a Saturday shall be observed on the preceding Friday and any holiday falling on a Sunday shall be observed on the following Monday.⁷⁷

“On-Site Treatment and Disposal System” or **“OSTDS”** means a wastewater treatment system utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit, on-site wastewater nutrient reduction system, package sewage treatment facilities.

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

“Original Obligations” means that portion of a series of bonds or other evidence of indebtedness, including without limitation notes, commercial paper, capital leases, or any other obligations issued or incurred to finance the project cost of the District wastewater management facilities.

“Owner” means a person who is the record owner of any tax parcel. ~~premises~~.

“Parcels” means properties that are classified as residential, or non-residential ,or laundromats, or mixed-use, or unique residential. Also refer to “Tax Parcel”.

“Person” means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, ~~masculine or feminine~~, private or governmental, as the context may require.

“Plan Review” means the District’s review of development or re-development plans to determine impact on wastewater service.

“Point of Service” means: the point where the District’s wastewater facilities connect to customer-installed, owned, operated and maintained facilities. The point of service shall generally be at the point where the building gravity wastewater service lateral intersects the right-of-way line or, in the event a utility easement exists adjacent to the right-of-way line, at the point where the building wastewater service lateral intersects the utility easement line furthest from the main.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

“Public Records” means District documents available to the public. ⁷⁸

⁷⁶ Definition added by Res#?

⁷⁷ Definition amended by Res #? and supersedes Resolution 03-03-18 ~~on March 6, 2018~~.

⁷⁸ Definition added by Res#?

“**Premises**” means any and all real property and tangible personal property affixed to real property served or capable of being served by the District ~~as a result of the existence of a service connection.~~

“**Pretreatment**” means reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a wastewater collection or treatment system.

“Private Property” means tax parcels owned by individuals or groups, distinct from public or government owned property. ⁷⁹

~~“Project Cost” means (A) the aggregate Initial Prepayment Amount of all tax parcels subject to the assessment prior to any prepayments, (B) the Transaction Cost associated with the District obligations attributable to District wastewater management facilities, (C) interest accruing on such District obligations for such period of time as the District deems appropriate, (D) the debt service reserve fund or account, if any, established for the District obligations attributable to District wastewater management facilities, and (E) any other costs or expenses related thereto.~~

“**Property Appraiser**” means the Monroe County Property Appraiser.

“**Qualified Water Meter**” means a water meter which provides service to a tax parcel and has a service type designation of “WRES” or “WNONRES” according to FCAA records.

~~“Related Service” means the operation and maintenance of a Utility Improvement.~~

“**Residential Tax Parcel**” means a tax parcel improved with a structure or structures that are comprised exclusively of dwelling units and their appurtenances, such as garages, sheds, swimming pools, and boat docks.

“**Returned Check**” or “**Bank Draft**” charge is a charge based on the estimated administrative cost of collecting the amount due from the tendered check or bank draft that was not honored by the payer’s bank as provided by Chapter 832.07, Florida Statutes.

“**Service Charge**” means the charge ~~assessed customers~~ to reinstate service, or per event, when the District travels to the Premises or for administrative processing by the District. ⁸⁰

“**Service Connection**” means the physical attachment of the District’s facilities to those facilities of any property through which wastewater service is deliverable.

“**Service Lateral**” means the pipe which connects the District’s collection facilities to the service connection at the point of service. Said pipe is typically situated on private property and is owned, operated and maintained by the owner.

~~“Service Unit” means premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other wastewater generating fixtures, and used for a single residential or non-residential use. Service units fall into the general categories of permanent, boat slip/dock/berth, and mobile.~~

“**Service**” means the readiness to accept or the acceptance of wastewater from a customer at a point of service by the District.

⁷⁹ [Definition added by Res #?](#)

⁸⁰ [Definition amended by Res#? for clarification.](#) 132

“**Sewer**” means any pipe, conduit, or other device used to collect and transport wastewater and from which storm water, surface water, and groundwater are generally excluded. As the context requires, the term is synonymous with the term wastewater or other terms incorporating such term therein.

“**Single-Family, Unique Residential Parcel**” means a unique residential parcel intended for a single dwelling unit.

“**Sludge**” means any solid or semisolid waste generated from a wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

“**State**” means the State of Florida.

“**Statutory Discount Amount**” means the amount computed for each tax parcel subject to the assessments pursuant to Section 10.13(d) hereof.

“**Suspension**” means that the monthly base charge will not be imposed. ⁸¹

“**System Impact Charge**” or “**SIC**” is a charge for imposing to new customers and to existing customers who modify, add, or construct facilities that impose a potential increased demand on the District’s wastewater facilities. ⁸² ~~The SIC is in addition to any amount that may be expended by the owner/customer for system improvements and other fees required by the District.~~

“**System Development Charge**” or “**SDC**” means the initial charge to each tax parcel representing a portion of the capital costs related to the construction of the District’s wastewater management facilities.

“**Tampering**” means any willful alteration or interference with a water meter or wastewater system components and facilities owned by the District, except for turning the valve associated with the water meter for the purpose of temporary disconnection of Service. Tampering includes obtaining unauthorized service to a premises or location.

“**Tax Collector**” means the Monroe County Tax Collector.

“**Tax Parcel**” means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“**Tax Roll**” means the real property ad valorem tax assessment roll maintained by the Monroe County Tax Collector for the purposes of the levy and collection of ad valorem taxes.

“**Tier I**” or “**Tier One**” is a tier designation assigned by the Monroe County Division of Growth Management to a parcel located within Monroe County that identifies it as “environmentally sensitive land.”

~~“**Transaction Cost**” means the costs, fees, and expenses incurred by the District in connection with the issuance and sale of any series of District obligations, including without limitation (A) rating agency and other financing fees; (B) the fees and disbursement of bond counsel and disclosure counsel, if any; (C) the underwriter’s discount; (D) the fees and disbursements of the District’s financial advisor; (E) the costs of preparing and printing the District obligations; (F) the fees payable in respect of any bond or reserve account insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with the issuance of such District obligations.~~

⁸¹ [Definition added by Res #?](#)

⁸² [Definition amended by Res#? for clarification.](#) 133

“Uniform Assessment Collection Act” means the method of collecting non-ad valorem assessments provided in Chapter 197.3632, Florida Statutes.

“Unique Residential Parcel” means a residential tax parcel which can only deliver wastewater to the main collection system by means of a pumping mechanism and by connecting either to a low pressure collection system or to a transmission main. A unique residential parcel does not include a residential multi-family tax parcel consisting of more than six dwelling Units or a tax parcel for which the District has provided a connection point capable of receiving wastewater by gravity, such as a gravity collection system or a vacuum pit.

“User” means any person responsible for the discharge of wastewater into a wastewater system.

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

“Vacant Parcel” means a tax parcel ([excluding parcels having construction permits](#)) that is unimproved with any structures or facilities such as quick-connect fixtures for recreational vehicles that might generate wastewater. ⁸³ ~~but does not include a tax parcel for which permits have been issued for construction.~~

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

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

“Wastewater Management Facilities” means all facilities acquired, designed, constructed, installed, reconstructed, renewed, or replaced by the District for the purpose of collecting, transporting, and treating Wastewater and disposing of the byproducts of such treatment. In general, wastewater management facilities may be characterized as one of three types: collection system, transmission main, and treatment plant. ⁸⁴

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

“Waste Stream Monitoring” means a self-monitoring program for high BOD levels. ⁸⁵

⁸³ [Definition amended by Res #? for clarification.](#)

⁸⁴ Definition added by Resolution 20-06-13 ~~on June 18, 2013.~~

⁸⁵ [Definition added by Res #?](#)