January 27, 2020

TO: ALL INTERESTED PROPOSERS

REQUEST FOR PROPOSAL: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

PROPOSAL NUMBER: 190-0107-NC (SS)

PROPOSAL SUBMITTAL IS DUE: February 4, 2020 @ 3:00 P.M.

ADDENDUM NO. 1

Following is additional information, clarifications, questions and responses relative to referenced Request for Proposal (RFP):

QUESTION(S)/RESPONSE(S):

1. Question: Please confirm whether that Section 6.5 will govern payment to the Consultant, where Section 6.5 allows for monthly invoices for services performed.
   Response: Yes.

2. Question: Please confirm that in Section 6.5 the word “Consultant” will replace the word “Supplier.”
   Response: Consultant and Supplier are implied to be the same. Language will not be changed.

3. Question: Please confirm that Section 7 is not applicable to this contract, where it calls for lump sum payments for tasks completed for the Basic Services as defined in Section 3.10, but Section 3.10 is not in the sample contract.
   Response: Section 7 tasks in this area as placeholders until negotiated with the awarded firm.

   The word Section 3.10 is replaced with Section 3.1.

4. Question: In Section 22.1, where termination is such a severe sanction, will the County agree that termination will be for, “Failure of the Consultant to fulfill or abide by any material terms or conditions.”
   Response: This language will remain as written.

5. Question: Does the front cover and introduction tab count towards the page limit?
   Response: Yes, all pages count towards the one hundred (100) page limit.
6. Question: I did not see in the format tabs where to include a scope description. If it isn’t listed and we decide to include one, is it applicable to place in the additional information section?

Response: Each proposer shall use their best judgement to complete their submittal.

All other specifications, terms and conditions remain the same.

Please remember to acknowledge receipt of this Addendum in Section G, Page 27 under Addendum No.1 and return with completed proposal package.

Sincerely,

Merry Celeste

Merry Celeste, CPPB
Division Director
Purchasing and Risk Management
Cut along the outer border and affix this label to your sealed proposal envelope to identify it as a “Sealed Proposal”. Be sure to include the name of the company submitting the proposal where requested.

SEALEO PROPOSAL • DO NOT OPEN

SEALEO PROPOSAL NO.: 190-0107-NC (SS)

RFP TITLE: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

DUE DATE/TIME: February 4, 2020 @ 3:00 p.m.

SUBMITTED BY: ___________________________ (Name of Company)

DELIVER TO: PURCHASING DEPARTMENT Board of County Commissioners Annex Building –6th Floor 400 South Fort Harrison Avenue Clearwater, FL 33756

Please Note:

From time to time, addenda may be issued to this proposal. Any such addenda will be posted on the same Web site, http://www.pinellascounty.org/purchase/CCNA.htm, from which you obtained this proposal. Before submitting your proposal you should check our Web site to download any addenda that may have been issued. Please remember to sign and return Addenda Acknowledgement Form with completed proposal package if applicable.
### PINELLAS COUNTY PURCHASING

**RFP**

**PROFESSIONAL SERVICES**

**NON-CONTINUING CONTRACT**

**REVISED:** 08-2019

**SUBMIT TO:**

PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS
400 S. FT. HARRISON AVENUE
ANNEX BUILDING – 6TH FLOOR
CLEARWATER, FL 33756

**ISSUE DATE:**

January 6, 2020

**RFP NUMBER:** 190-0107-NC (SS)

PROPOSAL SUBMITTALS RECEIVED AFTER SUBMITTAL DATE & TIME WILL NOT BE CONSIDERED

<table>
<thead>
<tr>
<th>TITLE: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services</th>
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<tr>
<td>SUBMITTAL DUE: February 4, 2020 @ 3:00 P.M. AND MAY NOT BE WITHDRAWN FOR 120 DAYS FROM DATE LISTED ABOVE.</td>
</tr>
<tr>
<td>DEADLINE FOR WRITTEN QUESTIONS: January 23, 2020 BY 3:00 P.M.</td>
</tr>
<tr>
<td>SUBMIT QUESTIONS TO: SUE STEELE, CPPB AT <a href="mailto:ssteele@pinellascounty.org">ssteele@pinellascounty.org</a></td>
</tr>
<tr>
<td>Phone: 727-464-4776  Fax: 727/464-3925</td>
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**THE MISSION OF PINELLAS COUNTY**

Pinellas County Government is committed to progressive public policy, superior public service, courteous public contact, judicious exercise of authority and sound management of public resources to meet the needs and concerns of our citizens today and tomorrow.

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**PROPOSER MUST COMPLETE THE FOLLOWING**

NO CHANGES REQUESTED BY A PROPOSER WILL BE CONSIDERED AFTER THE RFP OPENING DATE AS ADVERTISED. BY SIGNING THIS PROPOSAL FORM YOU ARE AGREEING TO ALL PROPOSAL TERMS AND CONDITIONS, INCLUDING ALL INSURANCE REQUIREMENTS.

**PROPOSER (COMPANY NAME):**

D/B/A

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City, State Zip</th>
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<tr>
<td>Company Email Address</td>
<td>Phone</td>
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Proper Corporate Identity is needed when you submit your proposal, especially how your firm is registered with the Florida Division of Corporations. Please visit [www.sunbiz.org](http://www.sunbiz.org) for this information.

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**I HEREBY AGREE TO ABIDE BY ALL TERMS AND CONDITIONS OF THIS RFP & CERTIFY I AM AUTHORIZED TO SIGN THIS RFP FOR**

**AUTHORIZED SIGNATURE**

**PRINT NAME & TITLE**

RETURN THIS FORM WITH YOUR PROPOSAL
1. **SUBMISSION OF PROPOSAL:**

   (a) Proposals will be opened immediately after the proposal submittal date and time (3:00 PM) by the Pinellas County Purchasing Department, 400 South Fort Harrison Avenue, Annex Building, 6th Floor, Clearwater, FL 33756. The public may attend the proposal opening, but may not immediately review any proposals submitted. The names of respondents only will be read aloud at the time of opening. Pursuant to Florida Statute, Section 119.071(1)(b)2, all proposals submitted shall be subject to review as public records 30 days from opening, or earlier if an intended decision is reached before the 30-day period expires. Late proposals will not be accepted.

   (b) Proposals and changes thereto shall be enclosed in sealed envelopes or packages, addressed to the Purchasing Department, Pinellas County. The name and address of the firms, the date and hour of the proposal submittal, and the title shall be placed on the outside of the envelope.

   (c) Proposals must follow the format of the RFP and structure their responses to follow the sequence of the RFP when submitting a proposal. County staff will evaluate the proposals received, based on responsiveness to the evaluation criteria and based on the information being provided in the required sequence.

   (d) Proposers must have experience in work of the same or similar nature, and must provide references that will satisfy the County. Proposer must furnish a reference list of at least four (4) customers for whom they have performed similar services and must provide information as specified in Section D.

   (e) Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead County to declare any such term non-negotiable. Proposer’s desire to take exception to a non-negotiable term will not disqualify it from consideration for award.

2. **WRITTEN REQUESTS FOR INTERPRETATIONS/CLARIFICATIONS:**

   No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing (mail or fax) to the Purchasing Department and received no later than the deadline specified in RFP. Responses to questions may be handled as an addendum if the response would provide clarification to requirements of the proposal. All such addenda shall become part of the contract documents. The County will not be responsible for any other explanation or interpretation of the proposed RFP made or given prior to the award of the contract. The Purchasing Department will be unable to respond to questions received after the specified deadline.

3. **RIGHTS OF PINELLAS COUNTY IN REQUEST FOR PROPOSAL PROCESS:**

   In addition to all other rights of the County under Florida law, the County specifically reserves the following:

   a) Pinellas County reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual proposer does not require negotiation with others.

   b) Pinellas County reserves the right to select the proposal that it believes will serve the best interest of Pinellas County.

   c) Pinellas County reserves the right to reject any or all Requests for Proposals. The respective constitutional officer, county administrator on behalf of the board of county commissioners or within his/her delegated financial approval authority, or director of purchasing, within his/her delegated financial approval authority shall have the authority when the public interest will be served thereby to reject all proposals or parts of proposals at any stage of the procurement process through the award of the contract.

   d) Pinellas County reserves the right to cancel the entire Request for Proposal.

   e) Pinellas County reserves the right to remedy or waive minor informalities or irregularities, or immaterial errors in the Request for Proposal or in proposals submitted.

   f) Pinellas County reserves the right to request any necessary clarifications or proposal data without changing the terms of the proposal.
4. **COSTS INCURRED BY PROPOSERS:**
   All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

5. **ORAL PRESENTATION:**
   An oral presentation may be requested at the evaluation committee’s discretion. If an oral presentation is requested, it will be based on the evaluation of the written proposal’s submitted, a minimum of three (3) highest ranked firms, (if at least three firms submitted and are deemed qualified to proceed) shall be shortlisted and may be invited to an oral presentation. The average scores from the written evaluation phase will be carried forward (for shortlisted firms) and combined with average scores from the oral presentation process for one total average score potential of 2,000 points. (1,000 points from the written and 1,000 points from the oral).

6. **CONFLICT OF INTEREST:**
   
   a) The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder. The Proposer further represents that no person having any such interest shall be employed by him/her during the agreement term and any extensions. In addition, the Proposer shall not offer gifts or gratuities to County Employees as County Employees are not permitted to accept gifts or gratuities. By signing this proposal document, the Proposer acknowledges that no gifts or gratuities have been offered to County Employees or anyone else involved in this competitive proposal process.

   b) The Proposer shall promptly notify the County’s representative, in writing, by certified mail, of all potential conflicts of interest for any prospective business association, interest, or other circumstance, which may influence or appear to influence the Contractor’s judgment or quality of services being provided hereunder. Such written notification shall identify the prospective business association, interest or circumstance, the nature of work that the Proposer may undertake and request an opinion of the County as to whether the association, interest or circumstance would, in the opinion of the County, constitute a conflict of interest if entered into by the Proposer. The County agrees to notify the Proposer of its opinion, by certified mail, within thirty days of receipt of notification by the Proposer.

   c) It is essential to government procurement that the process be open, equitable and ethical. To this end, if potential unethical practices including but not limited to collusion, receipt or solicitation of gifts and conflicts of interest (direct/indirect) etc. are observed or perceived, please report such activity to:

   Pinellas County Clerk of Circuit Court – Division of Inspector General

   (727) 45FRAUD (453-7283)
   Fax – 727-464-8386

7. **WITHDRAWAL OF PROPOSAL:**
   A proposal may be withdrawn prior to the time set for the proposal submittal, based on a written request from an authorized representative of the firm; however, a proposal may not be withdrawn after the time set for the proposal submittal for a period of time as specified.

8. **LATE PROPOSAL OR MODIFICATIONS:**
   Proposal and modifications received after the time set for the proposal submittal will not be considered; however, modifications in writing received prior to the time set for the proposal submittal will be accepted. In addition, late proposals will not be accepted, will be rejected and will be returned for any reason. The time clock stamp located in Pinellas County Purchasing Department shall be the official time stamp. This upholds the integrity of the proposal process.

9. **LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:**
   The laws of the State of Florida apply to any purchase made under this Request for Proposal. Proposers shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Equal Employment Opportunity (EEO), Minority Business Enterprise (MBE), and OSHA as applicable to this contract.
10. **RIGHT TO AUDIT:**
Pinellas County reserves the privilege of auditing a vendor’s records as such records relate to purchases between Pinellas County and said vendor. Such audit privilege is provided for within the text of the Pinellas County Code §2-156 through §2-176(j). Records should be maintained for five (5) years from the date of final payment.

11. **SCRUTINIZED COMPANIES AND PUBLIC ENTITIES CRIME ACT:**
Contractor is directed to the Florida Public Entity Crime Act, Fla. Stat. 287.133, and Fla. Stat. 287.135 regarding Scrutinized Companies, and Contractor agrees that its bid and, if awarded, its performance of the agreement will comply with all applicable laws including those referenced herein. Contractor represents and certifies that Contractor is and will at all times remain eligible to bid for and perform the services subject to the requirements of these, and other applicable, laws. Contractor agrees that any contract awarded to Contractor will be subject to termination by the County if Contractor fails to comply or to maintain such compliance.

12. **COUNTY INDEMNIFICATION:**
If the CONSULTANT is an individual or entity licensed by the state of Florida who holds a current certificate of registration under Chapter 481, Florida Statutes, to practice architecture or landscape architecture, under Chapter 472, Florida Statutes, to practice land surveying and mapping, or under Chapter 471, Florida Statutes, to practice engineering, and who enters into a written agreement with the COUNTY relating to the planning, design, construction, administration, study, evaluation, consulting, or other professional and technical support services furnished in connection with any actual or proposed construction, improvement, alteration, repair, maintenance, operation, management, relocation, demolition, excavation, or other facility, land, air, water, or utility development or improvement, the CONSULTANT will indemnify and hold harmless the COUNTY, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the CONSULTANT and other persons employed or utilized by the CONSULTANT in the performance of the Agreement.

13. **TERMINATION:**
   a) Pinellas County reserves the right to terminate this contract without cause by giving thirty (30) days prior notice to the contractor in writing of the intention to terminate or with cause if at any time the contractor fails to fulfill or abide by any of the terms or conditions specified.
   
   b) Failure of the contractor to comply with any of the provisions of this Agreement shall be considered a material breach of Agreement and shall be cause for immediate termination of the Agreement at the discretion of Pinellas County.
   
   c) In the event sufficient budgeted funds are not available for a new fiscal period, the County shall notify the Proposer of such occurrence and Agreement shall terminate on the last day of current fiscal period without penalty or expense to the County.
   
   d) In addition to all other legal remedies available to Pinellas County, Pinellas County reserves the right to terminate and obtain from another source, any items which have not been delivered within the period of time stated in the proposal, or if no such time is stated, within a reasonable period of time from the date of order as determined by Pinellas County.

14. **ASSIGNMENT/SUBCONTRACTING/CORPORATE ACQUISITIONS AND/OR MERGERS:**
The Contractor shall perform this contract. No assignment or subcontracting shall be allowed without prior written consent of the County. If a proposer intends to subcontract a portion of this work, the proposer must disclose that intent in the proposal. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the County within thirty (30) business days of Contractor’s notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the County, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the County awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purpose of this Agreement.
15. **LOBBYING:**
Lobbying shall be prohibited on all County competitive selection processes and purchasing contract awards pursuant to this division, including, but not limited to, requests for proposals, requests for quotations, requests for qualifications, bids or the award of purchasing contracts of any type. The purpose of this prohibition is to protect the integrity of the procurement process by shielding it from undue influences prior to the contract award, or the competitive selection process is otherwise concluded. However, nothing herein shall prohibit a prospective bidder/proposer/protestor from contacting the Purchasing Department or the county attorney's office to address situations such as clarification and/or pose questions related to the procurement process.

Lobbying of evaluation committee members, County government employees, elected/appointed officials, or advisory board members regarding requests for proposals, requests for quotations, requests for qualifications, bids, or purchasing contracts, by the bidder/proposer, any member of the bidder's/proposer's staff, any agent or representative of the bidder/proposer, or any person employed by any legal entity affiliated with or representing a bidder/proposer/protestor, is strictly prohibited from the date of the advertisement, or on a date otherwise established by the Board, until either an award is final, or the competitive selection process is otherwise concluded. Any lobbying activities in violation of this section by or on behalf of a bidder/proposer shall result in the disqualification or rejection of the proposal, quotation, statement of qualification, bid or contract.

For purposes of this provision, "lobbying" shall mean influencing or attempting to influence action or non-action, and/or attempting to obtain the goodwill of persons specified herein relating to the selection, ranking, or contract award in connection with any request for proposal, request for quotation, request for qualification, bid or purchasing contract through direct or indirect oral or written communication. The final award of a purchasing contract shall be the effective date of the purchasing contract.

Any evaluation committee member, County government employee, elected/appointed official, or advisory board member who has been lobbied shall immediately report the lobbying activity to the Director.

16. **PROTEST PROCEDURE:**
As per Section 2-162 of County Code

(a) **Right to Protest.** A Vendor who is aggrieved by the contents of the bid or proposal package, or a Vendor who is aggrieved in connection with the recommended award on a bid or proposal solicitation, may file a written protest to the Director, as provided herein. This right to protest is strictly limited to those procurements of goods and/or services solicited through invitations to bid or requests for proposals, including solicitations pursuant to F.S. § 287.055, the "Consultants’ Competitive Negotiation Act." No other actions or recommendations in connection with a solicitation can be protested, including: (i) requests for quotations, negotiations, qualifications or letters of interest; (ii) rejection of some, all or parts of bids or proposals; (iii) disqualification of bidders or proposers as non-responsive or non-responsible; or (iv) recommended awards less than the mandatory bid or proposal amount. Protests failing to comply with the provisions of this section shall not be reviewed.

(b) **Posting.** The Purchasing Department shall post the recommended award on or through the departmental website.

(c) **Requirements to Protest.**

1. If the protest relates to the content of the bid or proposal package, a formal written protest must be filed no later than 5:00 p.m. EST on the fifth full Business Day after issuance of the bid or proposal package.

2. If the protest relates to the recommended award of a bid or proposal, a formal written protest must be filed no later than 5:00 p.m. EST on the fifth full Business Day after posting of the award recommendation.

3. The formal written protest shall identify the protesting party and the solicitation involved; include a statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances or other legal authorities which the protesting party deems applicable to such grounds; and specifically request the relief to which the protesting party deems itself entitled by application of such authorities to such grounds.

4. A formal written protest is considered filed with the County when the Purchasing Department receives it. Accordingly, a protest is not timely filed unless it is received within the time specified above by the Purchasing Department. Failure to file a formal written protest within the time period specified shall constitute a waiver of the right to protest and result in relinquishment of all rights to protest by the bidder or proposer.
SECTION A – GENERAL CONDITIONS

(d) **Sole Remedy.** These procedures shall be the sole remedy for challenging the content of the bid or proposal package or the recommended award.

(e) **Lobbying.** Protestors and anyone acting on their behalf, are prohibited from attempts to influence, persuade, or promote a bid or proposal protest through any other channels or means, and contacting any County official, employee, advisory board member, or representative to discuss any matter relating in any way to the solicitation being protested, other than the Purchasing Department's or county attorney's office to address situations such as clarification and/or pose questions related to the procurement process. The prohibitions provided for herein shall begin with the filing of the protest and end upon the final disposition of the protest; provided, however, at all times protestors shall be subject to the procurement lobbying prohibitions in section 2-189 of this Code. Failure to adhere to the prohibitions herein shall result in the rejection of the protest without further consideration.

(f) **Time Limits.** The time limits in which protests must be filed as specified herein may be altered by specific provisions in the bid or proposal.

(g) **Authority to Resolve.** The Director shall resolve the protest in accordance with the documentation and applicable legal authorities and shall issue a written decision to the protestor no later than 5:00 p.m. EST on the tenth full Business Day after the filing thereof.

(h) **Review of Director's Decision.**

1. The protesting party may request a review of the Director's decision to the county administrator by delivering written request for review of the decision to the Director by 5:00 p.m. EST on the fifth full Business Day after the date of the written decision. The written notice shall include any materials, statements, and arguments which the bidder or proposer deems relevant to the issues raised in the request to review the decision of the Director.

2. The county administrator shall issue a decision in writing stating the reason for the action with a copy furnished to the protesting party no later than 5:00 p.m. EST on the seventh full Business Day after receipt of the request for review. The decision shall be final and conclusive as to the County unless a party commences action in a court of competent jurisdiction.

(i) **Stay of Procurement During Protests.** There shall be no stay of procurement during protests.

17. **INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:**
Proposers shall use the original RFP Form(s) provided by the Purchasing Department and enter information only in the spaces where a response is requested. Proposers may use an attachment as an *addendum* to the RFP Form(s) if sufficient space is not available on the original form for the proposer to enter a complete response. Any modifications or alterations to the original RFP documents by the proposer, whether intentional or otherwise, will constitute grounds for rejection of a RFP. Any such modifications or alterations a proposer wishes to propose must be clearly stated in the proposer’s RFP response and presented in the form of an addendum to the original RFP documents.

18. **SERVICES AGREEMENT:**
A written agreement, in substantially the form attached, incorporating the Request for Proposal and the successful proposal will be prepared by the County, signed by the successful proposer and presented to the Board of County Commissioners, County Administrator or Director of Purchasing for approval and signature.

19. **OWNERSHIP OF DOCUMENTS:**

A. Drawings, specifications, designs, models, photographs, reports, surveys, calculations, and other data provided in connection with this RFP are and shall remain the property of the County whether the project for which they are made is executed or not. Such finished or unfinished documents, data, calculations, studies, surveys, specifications, drawings, maps, models, photographs and reports prepared by the Consultant shall be delivered by the Consultant to the County at the conclusion of the project or the termination of the Consultant’s services.

B. When such documents are provided to other parties, the Consultant shall ensure return of the County’s property.
20. **INDEPENDENT CONTRACTOR STATUS AND COMPLIANCE WITH THE IMMIGRATION REFORM AND CONTROL ACT OF 1986:**
Consultant acknowledges that it is functioning as an independent contractor in performing under the terms of this contract, and it is not acting as an employee of Pinellas County. The consultant acknowledges that it is responsible for complying with the provisions of the Immigration Reform and Control Act of 1986, located at 8 U.S.C. Section 1324, et seq., and regulations relating thereto. Failure to comply with the above provisions of the contract shall be considered a material breach and shall be ground for immediate termination of the contract.

21. **PROHIBITION AGAINST CONTINGENT FEE:**
The consultant warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the consultant to solicit or secure this contract and that he has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the consultant, any fee, commission, percentage, gift or any other consideration, contingent upon or resulting from the award or making of this contract.

22. **TRUTH IN NEGOTIATIONS:**
The Consultant certifies to truth-in-negotiation and that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. Further, the original contract amount and any additions thereto shall be adjusted to exclude any significant sums where the County determines the contract price was increased due to inaccurate, incomplete or non-current wage rates and other factual unit costs. Such adjustments must be made within one (1) year following the end of the contract.

23. **JOINT VENTURES:**
All Proposers intending to submit a proposal as a Joint Venture are required to have filed proper documents with the Florida Department of State, the Division of Professions, Construction Industry Licensing Board and any other state or local licensing Agency prior to submitting the proposal (see Section 489.119 Florida statutes).

Joint Venture Firms must provide an affidavit attesting to the formulation of a joint venture and provide either proof of incorporation as a joint venture or a copy of the formal joint venture Agreement between all joint venture parties, indicating their respective roles, responsibilities and levels of participation for the project.

24. **PAYMENT/INVOICES:**
SUPPLIER shall submit invoices for payment due as provided herein with such documentation as required by Pinellas County and all payments shall be made in accordance with the requirements of Section 218.70 et seq, Florida Statutes, “The Local Government Prompt Payment Act.” Invoices shall be submitted to the address below unless instructed otherwise on the purchase order, or if no purchase order, by the ordering department:

Finance Division Accounts Payable
Pinellas County Board of County Commissioners
P. O. Box 2438
Clearwater, FL 33757

Each invoice shall include, at a minimum, the Supplier’s name, contact information and the standard purchase order number. In order to expedite payment, it is recommended the Supplier also include the information shown in below. The County may dispute any payments invoiced by SUPPLIER in accordance with the County’s Dispute Resolution Process for Invoiced Payments, established in accordance with Section 218.76, Florida Statutes, and any such disputes shall be resolved in accordance with the County’s Dispute Resolution Process.
INVOICE INFORMATION:

**Supplier Information**  Company name, mailing address, phone number, contact name and email address as provided on the PO

**Remit To**  Billing address to which you are requesting payment be sent

**Invoice Date**  Creation date of the invoice

**Invoice Number**  Company tracking number

**Shipping Address**  Address where goods and/or services were delivered

**Ordering Department**  Name of ordering department, including name and phone number of contact person

**PO Number**  Standard purchase order number

**Ship Date**  Date the goods/services were sent/provided

**Quantity**  Quantity of goods or services billed

**Description**  Description of services or goods delivered

**Unit Price**  Unit price for the quantity of goods/services delivered

**Line Total**  Amount due by line item

**Invoice Total**  Sum of all of the line totals for the invoice

Pinellas County offers a credit card payment process (ePayables) through Bank of America. Pinellas County does not charge vendors to participate in the program; however, there may be a charge by the company that processes your credit card transactions. For more information please visit Pinellas County purchasing website at [www.pinellascounty.org/purchase](http://www.pinellascounty.org/purchase).

25. **TAXES:**
The County is exempt from all state and federal sales, use, transportation and excise taxes. Taxes of any kind and character, payable on account of the work performed and materials furnished under the award, shall be paid by the proposer and deemed to have been included in the RFP. The Laws of the State of Florida provide that sales and use taxes are payable by the proposer upon the tangible personal property incorporated in the work and such taxes shall be paid by the proposer and be deemed to have been included in the RFP.

26. **DISPUTE RESOLUTION FOR PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS IN MATTERS OF INVOICE PAYMENTS:**
Payment of invoices for work performed for Pinellas County Board of County Commissioners (County) is made, by standard, in arrears in accordance with Section 218.70, et. seq., Florida Statutes, the Local Government Prompt Payment Act.

If a dispute should arise as a result of non-payment of a payment request or invoice the following Dispute Resolution process shall apply:

A. Pinellas County shall notify a vendor in writing within ten (10) days after receipt of an improper invoice, that the invoice is improper. The notice should indicate what steps the vendor should undertake to correct the invoice and resubmit a proper invoice to the County. The steps taken by the vendor shall be that of initially contacting the requesting department to validate their invoice and receive a sign off from that entity that would indicate that the invoice in question is in keeping with the terms and conditions of the agreement. Once sign off is obtained, the vendor should then resubmit the invoice as a “Corrected Invoice” to the requesting department which will initiate the payment timeline.
SECTION A – GENERAL CONDITIONS

1. Requesting department for this purpose is defined as the County department for whom the work is performed.

2. Proper invoice for this purpose is defined as an invoice submitted for work performed that meets prior agreed upon terms or conditions to the satisfaction of Pinellas County.

B. Should a dispute result between the vendor and the County about payment of a payment request or an invoice then the vendor should submit their dissatisfaction in writing to the Requesting Department. Each Requesting Department shall assign a representative who shall act as a “Dispute Manager” to resolve the issue at departmental level.

C. The Dispute Manager shall first initiate procedures to investigate the dispute and document the steps taken to resolve the issue in accordance with section 218.76 Florida Statutes. Such procedures shall be commenced no later than forty-five (45) days after the date on which the payment request or invoice was received by Pinellas County, and shall not extend beyond sixty (60) days after the date on which the payment request or invoice was received by Pinellas County.

D. The Dispute Manager should investigate and ascertain that the work, for which the payment request or invoice has been submitted, was performed to Pinellas County’s satisfaction and duly accepted by the Proper Authority. Proper Authority for this purpose is defined as the Pinellas County representative who is designated as the approving authority for the work performed in the contractual document. The Dispute Manager shall perform the required investigation and arrive at a solution before or at the sixty (60) days’ timeframe for resolution of the dispute, per section 218.76, Florida Statutes. The County Administrator or his or her designee shall be the final arbiter in resolving the issue before it becomes a legal matter. The County Administrator or his or her designee will issue their decision in writing.

E. Pinellas County Dispute Resolution Procedures shall not be subject to Chapter 120 of the Florida Statutes. The procedures shall also, per section 218.76, Florida Statutes, not be intended as an administrative proceeding which would prohibit a court from ruling again on any action resulting from the dispute.

F. Should the dispute be resolved in the County’s favor interest charges begin to accrue fifteen (15) days after the final decision made by the County. Should the dispute be resolved in the vendor’s favor the County shall pay interest as of the original date the payment was due.

G. For any legal action to recover any fees due because of the application of sections 218.70 et. seq., Florida Statutes, an award shall be made to cover court costs and reasonable attorney fees, including those fees incurred as a result of an appeal, to the prevailing party If it is found that the non-prevailing party held back any payment that was the reason for the dispute without having any reasonable lawful basis or fact to dispute the prevailing party’s claim to those amounts.

27. INSURANCE:
Notice: The Contractor/Vendor must provide a certificate of insurance and endorsement in accordance with the insurance requirements listed below (Section C). Failure to provide the required insurance within a ten (10) day period following the determination or recommendation of the highest ranked firm may result in the County to vacate the original determination or recommendation and proceed with recommendation to the second highest ranked firm.

28. PUBLIC RECORDS/TRADE SECRETS:
Pinellas County Government is subject to the Florida Public Records law (Chapter 119, Florida Statutes), and all documents, materials, and data submitted to any solicitation as part of the response are governed by the disclosure, exemption and confidentiality provisions relating to public records in Florida Statutes. Except for materials that are “trade secrets” or “confidential” as defined by applicable Florida law, ownership of all documents, materials, and data submitted in response to the solicitation shall belong exclusively to the County.

To the extent that Proposer/Bidder/Quoter desires to maintain the confidentiality of materials that constitute trade secrets pursuant to Florida law, trade secret material submitted must be identified by some distinct method that the materials that constitute a trade secret, and Proposer/Bidder/Quoter shall provide an additional copy of the proposal/bid/quote that redacts all designated trade secrets. By submitting materials that are designated as trade secrets and signature of the Proposer/Bidder/Quoter Signature Page, Proposer/Bidder/Quoter acknowledges and agrees:
(i) that after notice from the County that a public records request has been made for the materials designated as a trade secret, the Proposer/Bidder/Quoter shall be solely responsible for defending its determination that submitted material is a trade secret that is not subject to disclosure at its sole cost, which action shall be taken immediately, but no later than 10 calendar days from the date of notification or Proposer /Bidder/Quoter will be deemed to have waived the trade secret designation of the materials;

(ii) that to the extent that the proposal/bid/quote with trade secret materials is evaluated, the County and it officials, employees, agents, and representatives in any way involved in processing, evaluating, negotiating contract terms, approving any contract based on the proposal/bid/quote, or engaging in any other activity relating to the competitive selection process are hereby granted full rights to access, view, consider, and discuss the materials designated as trade secrets through the final contract award;

(iii) to indemnify and hold the County, and its officials, employees, agents and representatives harmless from any actions, damages (including attorney's fees and costs), or claims arising from or related to the designation of trade secrets by the Proposer/Bidder/Quoter, including actions or claims arising from the County's non-disclosure of the trade secret materials.

(iv) that information and data it manages as part of the services may be public record in accordance with Chapter 119, Florida Statues and Pinellas County public record policies. Proposer/Bidder/Quoter agrees prior to providing goods/services it will implement policies and procedures to maintain, produce, secure and retain public records in accordance with applicable laws, regulations, and County Policies, which are subject to approval by the County, including but limited to the Section 119.0701, Florida Statues.

Notwithstanding any other provision in the solicitation, the classification as trade secret of the entire proposal/bid/quote document, line item and/or total proposal/bid/quote prices, the work, services, project, goods, and/or products to be provided by Proposer/Bidder/Quoter, or any information, data, or materials that may be part of or incorporated into a contract between the County and the Proposer/Bidder/Quoter is not acceptable to the County and will result in a determination that the proposal/bid/quote is nonresponsive; the classification as trade secret of any other portion of a proposal/bid/quote document may result in a determination that the proposal/bid/quote is nonresponsive.

29. PUBLIC RECORDS – CONTRACTOR’S DUTY

If the Contractor has questions regarding the application of Chapter 119, Florida Statutes, to the Contractor’s duty to provide public records relating to this contract, contact the Pinellas County Board of County Commissioners, Purchasing Department, Operations Manager custodian of public records at 727-464-3311, purchase@pinellascounty.org, Pinellas County Government, Purchasing Department, Operations Manager, 400 S. Ft. Harrison Ave, 6th Floor, Clearwater, FL 33756

30. SMALL BUSINESS ENTERPRISE (SBE) PROGRAM

It is the policy of the Board of County Commissioners that SBE certified firms have the maximum opportunity to participate on County projects either as a prime or sub-consultant. To be certified as a Pinellas County SBE, firms must apply through Pinellas County Economic Development. To qualify for the SBE program, your firm must serve a commercially useful function; must be located in one of four (4) counties (Pinellas / Hillsborough / Pasco / Manatee) and have annual sales of goods and services not exceeding the maximum three (3) year average of three (3) million dollars for goods/services or gross revenues not exceeding eight (8) million dollars for construction and not exceed a maximum of three (3) year average of fifty (50) employees.

To apply for the SBE Program, please visit the Pinellas County Economic Development website at https://pinellascounty.sbecompliance.com/
SECTION B – SPECIAL CONDITIONS

Proposal Title: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services
Proposal Number: 190-0107-NC (SS)

1. INTENT:
The purpose of this competitive process is to ensure Pinellas County compliance with Section 287.055 Florida Statutes known as the “Consultants’ Competitive Negotiation Act” (CCNA). The CCNA establishes contracting procedures by which counties must select architects, professional engineers, landscape architects, and surveyors and mappers (“Professional Firms”) for architectural, engineering, landscaping and mapping services (“Professional Services”). The CCNA process allows for professional firms to be chosen on quality of personnel, minority business enterprise consideration, past performance, willingness to meet time and budget requirements, location, workload, and volume of work previously awarded to each Professional Firm by the County.

2. PERIOD OF CONTRACT:
Services performed pursuant to this contract shall remain in effect for thirty-six (36) consecutive calendar months from the commencement date on the Notice to Proceed. This Agreement shall become effective on the date of execution of the Agreement.

3. EVALUATION CRITERIA for Written Proposals:
Following is the criteria that will be used by the County to evaluate and score responsive written proposals. Proposers shall include sufficient information to allow the County to thoroughly evaluate and score their proposals. Each proposal submitted shall be evaluated and ranked by an evaluation committee. A minimum of three (3) highest ranked firms (if at least three firms submitted and are deemed qualified to proceed) shall be shortlisted and invited to an oral presentation. The average written scores from the short listed firms are carried forward. Final ranking recommendation is based on the combined average scores obtained for a total potential 2,000 points.

   a. Ability of Firm and its Professional Personnel. Willingness and Ability to Meet Schedule and Budget Based on Current and Projected Workload. 425 Points
      1. Reviews the level of qualifications and experience of the firm and project team and appropriateness of the organization of the project team.
      2. Reviews the professional resources available to properly provide services as requested in the RFP document.
      3. Reviews the project team to insure the team proposed contains all of the critical disciplines required.
      4. Prime team proposed should have exceptional professional resources to properly provide services.
      5. The project manager and proposed team should be uniquely qualified to provide the desired services.
      6. Evaluates the workload commitments that will impact the firm's ability to complete services on schedule.
      7. The submittal should demonstrate that the firm has adequate time available and personnel to compete services on schedule and additional backup staffing capability in the event of unforeseen circumstances.

   b. Firm Experience with Projects of Similar Size and Past Performance 375 Points
      1. Reviews the firms experience with projects of similar size, type and scope and the performance on those specific projects.
      2. The prime firm must have adequate, recent (within the past five years) experience with projects of similar type as defined in the RFP document.
      3. Experience pertaining to specific Pinellas County projects may also be considered. Pinellas County staff shall not however furnish references for such projects.
      4. The scope of services provided should represent projects that are similar to those defined in the RFP document.
      5. The overall performance of the firm relative to projects of similar size and scope should be evaluated.
      6. Evaluation of the firm’s understanding of the overall project including the scope of work which may include but is not limited to; studies performed that affect the project, key design elements and effect on the community involved.
      7. Evaluation of the firm’s overall approach including experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance and quality control, issues and methods employed to avoid cost overruns and project delays.
SECTION B – SPECIAL CONDITIONS

**c. Volume of Work Previously Awarded by the County** 50 Points

Pre-populated by the Purchasing Department, the purpose of this criterion is to effect an equitable distribution of contracts. This criterion is evaluated based on all CCNA Non-Continuing contracts awarded to a firm during the two (2) previous completed fiscal years through to current date. The date utilized for establishing award shall be the date the Board of County Commissioners or County Administrator initially awards the contract. The points are worth 5 percent of the overall points available and are distributed as follows:

- $0 - $200,000 – five (5%) percent of points available
- $200,001 - $400,000 – four (4%) percent of points available
- $400,001 – 600,000 – three (3%) percent of points available
- $600,001 - $800,000 – two (2%) percent of points available
- $800,001 - $1,000,000 – one (1%) percent of points available
- Over $1,000,000 – zero (0%) percent of points available

Based on a typical 1,000 point evaluation scoring process, a firm deemed to be in the $0-$200,000 category threshold would be allotted 50 points etc.

**d. Minority Business Status** 25 Points

Provides points pre-populated by the Purchasing Department for minority business status as designated by the State of Florida. If the firm, or its sub-consultant, is designated as a minority business by the Florida State Office of Supplier Diversity, Department of Management Services, five (5%) percent of the total evaluation points are awarded. If the firm does not have minority business status as per the Florida State Office of Supplier Diversity, Department of Management Services, zero (0%) percent of the points available are awarded.

**e. Pinellas County Small Business Enterprise (SBE) Status** 100 Points

Provides points pre-populated by the Purchasing Department for SBE status as designated by Pinellas County. To qualify, a firm or its sub consultants must be located in one of four (4) counties (Pinellas / Hillsborough / Pasco / Manatee) and have annual sales of goods/services not exceeding the maximum three (3) year average of three (3) million dollars or gross revenues not exceeding eight (8) million dollars for construction and not exceed a maximum three (3) year average of fifty (50) employees.

Prime firm or sub-consultant must directly associate Small Business Enterprise (SBE) and be an integral part as defined by CCNA Florida Statute Section 287.055 and cannot consist of vendors or suppliers from office supply, printing services, etc.

If the prime firm is certified as a Pinellas County SBE, 100 points will be awarded. If the prime firm is not a certified Pinellas County SBE and utilizes one (1) certified Pinellas County SBE as sub-consultant, fifty (50) points will be awarded. If the prime firm utilizes more than one (1) certified Pinellas County SBE as sub-consultant, seventy five (75) points will be awarded. Failure to utilize certified sub-consultants, as presented in your submittal and evaluated accordingly may affect future awards to your company. A prime firm or sub-consultant must be certified through Pinellas County Economic Development as an SBE prior to submission of your proposal document. If the prime firm nor any of its sub-consultants are not certified as a Pinellas County SBE, zero (0%) percent of the points available will be awarded.

Proposer must provide complete SBE Status Form (Attachment A).

**f. Location** 25 Points

Provides points pre-populated by the Purchasing Department. Evaluates the location of the project team relative to Pinellas County including the prime firm and project manager. If firm has an established office located in Pinellas, Manatee, Hillsborough or Pasco counties, 25 points are awarded. If not, no points will be awarded.

**Total 1,000 Points**
4. **EVALUATION CRITERIA for Oral Presentations**

   An oral presentation may be requested at the evaluation committee’s discretion. The average scores from the written evaluation phase will be carried forward (for the shortlisted firms deemed qualified to proceed) and combined with average scores from the oral presentation process for one total average score potential of 2,000 points.

   a. **Understanding of Project /Firm Qualifications**  
      500 Points

      1. Evaluation of the firm’s understanding of the overall project including the scope of work which may include but is not limited to; studies performed that affect the project, key design elements and effect on the community involved.

      2. Evaluation of the firm’s qualifications and qualifications of the individuals proposed for the project including the project manager and staff of the firm to be assigned. Qualifications shall include but not be limited to experience with similar projects, management experience, firm experience etc.

   b. **Ability to Provide Required Services Within the Schedule and Budget**  
      300 Points

      Evaluation of the firm’s overall approach including experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance and quality control, issues and methods employed to avoid cost overruns and project delays.

   c. **Managerial Methods used to Plan, Design and Administer the Project**  
      200 Points

      Evaluation of the overall approach to the project proposed by the firm and the appropriateness of the methods proposed to plan, design and administer the project in relation to the scope of work and County requirements.

5. **TIME LINE:**

   Following is a listing of actions and anticipated dates; the County reserves the right to change the dates, if necessary.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 6, 2020</td>
<td>Advertising &amp; Publishing RFP</td>
</tr>
<tr>
<td>N/A</td>
<td>Pre-proposal Conference</td>
</tr>
<tr>
<td>Jan 23, 2020</td>
<td>Deadline for Questions/Clarifications</td>
</tr>
<tr>
<td>Feb 4, 2020</td>
<td>Proposals due in Purchasing by 3:00 p.m. Public bid opening to follow immediately.</td>
</tr>
<tr>
<td>Feb 2020</td>
<td>Evaluation of the RFP</td>
</tr>
<tr>
<td>Feb 2020</td>
<td>Recommendation due to Purchasing from Department</td>
</tr>
<tr>
<td>May 2020</td>
<td>Submit recommendation to Board for Award of Contract</td>
</tr>
</tbody>
</table>

6. **INFORMATION PACKAGE:**

   Request for Letters of Interest for Professional Services As Governed by Florida Statute 287.055

   1) "Professional services" is defined as those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

   2) An award may not be issued without proof that your firm is registered with the Florida Division of Corporations, as per Florida Statute §607.1501 (http://www.flsenate.gov/Laws/Statutes/2011/607.1501).

   3) A foreign corporation (foreign to the State of Florida) may not transact business in this state until it obtains a certificate of authority from the Department of State. Please visit www.sunbiz.org for this information on how to become registered.
7. **SUBMITTAL REQUIREMENTS:**

Please review this document carefully. Offers that are accepted by the county are binding contracts. All documents and submittals shall be received by the Purchasing Department on or before date and hour specified for receipt (see page #1). Late proposals will be returned unopened.

Submittal of current SF-330 (federal Standard Form), Part I and II, with all sections completed. SF-330 can be obtained from U. S. General Services Administration (GSA) website - [http://gsa.gov/forms](http://gsa.gov/forms), then select Standard Form on the menu and go to the 330.

The submittals shall be in the format of Standard Forms (SF) 330. The submittal shall be limited to one hundred (100) pages, must be in format of a 3 ring loose leaf binder. The selection of the firms will be based on the information provided on the forms and in the additional sections.

A contractor may submit a response as a prime and also be a subcontractor to another firm.

Note: Standard Form (SF) 330 - Part II should be submitted for each firm and for each subcontractor.

Submittal requirements must be indexed and listed in the order described below:

A. **Introduction Tab**

1) Letter of Interest by corporate office or principal of the firm.
2) Specific Professional services to be offered (please delineate each service your firm offers).
3) Table of Contents.

B. **Tab 1 - Standard Form (SF) 330 – Part I & II**

Should be a Maximum of 50 pages and fully completed as required by the law governing Standard Form (SF) 330.

Please furnish a list of ten (10) projects, where multiple team members worked together, if possible, illustrating the proposed team’s qualifications for performance pertaining to this project. The County does not request nor require an amount greater than ten (10) projects be submitted. Your firm will not be penalized if more than ten (10) projects are furnished as part of your submittal; however, submitting more than ten (10) projects will not provide your firm an advantage during the evaluation process.

Note: Information submitted in Tab 2 through Tab 6 should be a maximum of 50 pages.

C. **Tab 2 - Statements and Documentation**

1) Proof of licenses/certifications
2) Provide proof of proper State of Florida business licensure and professional certifications/registration(s) in the State of Florida.
3) Provide proof of corporate registration to operate in the State of Florida by the Department of State, Division of Corporations. Information concerning certification with the Secretary of State can be obtained at: [http://ccfcorp.dos.state.fl.us/index.html](http://ccfcorp.dos.state.fl.us/index.html). Must be active status.
4) Provide Certificate of Florida Small and Minority Business issued by the Florida State Office of Supplier Diversity, Department of Management Services (if applicable).
5) Provide Attachment A: Small Business Enterprise (SBE) Status Form
6) Provide certificate for each firm claiming Pinellas County SBE status, issued by the Pinellas County Economic Development (if applicable).
7) State and provide address, phone number, contact, etc., if firm has an established office located in Pinellas, Manatee, Hillsborough or Pasco counties.

D. **Tab 3 - Certificate(s) of Insurance**

Section C reflects the insurance requirements deemed necessary for this project by County Risk Management. It is not necessary to have this level of insurance in effect at the time of submission, but certificates indicating that the insurance is currently carried, or acknowledgment from the carrier indicating upgrade availability will speed the review process.
SECTION B – SPECIAL CONDITIONS

E. Tab 4 - Key Personnel Statement

Submit a statement that personnel listed in the submittal will be available for and shall be assigned to this project. Failure to produce the proposed key personnel may be grounds for dismissal.

F. Tab 5 -

1. Acknowledgment of Addenda (if applicable).
2. W-9 Request for Taxpayer Identification Number and Certification
3. Section D Vendor References
4. Page 1, Signature Page of the RFP
5. Section F – Electronic Payment (ePayable) form
6. Attachment A: Small Business Enterprise (SBE) Status Form

G. Tab 6 - Include any additional information to represent your firm for consideration.

Original letters shall be signed by an authorized representative of the firm. All information requested must be submitted. Failure to submit all information may delay evaluation of the proposal. Letters, which are substantially incomplete or lack key information, may be rejected by the County at its discretion.

Information submitted with your letter of interest should include documentation to demonstrate your firm’s qualifications and abilities to perform as noted in the scope of services and also include information to allow for a clear understanding of past projects, especially in Florida, staff experience and abilities, and any additional information to present your firm for consideration.

An evaluation committee will review the information submitted. Once review is complete and the firm confirms the maximum ceiling for establishing a fee schedule, a recommendation to the Board of County Commissioners will be prepared. This contract will result in negotiated rates that will be fully loaded and will encompass all profit, markup, and local travel expenses. Award(s) resulting from this solicitation shall be subject to the provisions of Section 2-178, contracting for Designated Professional Services of the Ordinances of Pinellas County and Section 10 of the Purchasing Policies and Procedures of Pinellas County.

For questions and additional information, contact person indicated on page 1.

Letters of Interest will be evaluated using the criteria listed in Item 3 of this Section. Firms will be notified in writing if they have been selected in a reasonable time after submittal date.

All proposals shall be signed in ink by authorized principals of the firm.

Proposals are to be submitted in a sealed envelope. The face of the envelope shall indicate the RFP number, name, and address of the firm, and title of the proposal.

Proposals are to be submitted to Pinellas County Purchasing Department, 400 S. Ft. Harrison Avenue, Annex Bldg, 6th Floor, Clearwater, FL 33756 by the date and time indicated on the cover sheet.

8. PROPOSAL SUBMITTAL COPIES

Proposals shall be submitted in one (1) original paper document and three (3) electronic media copies CDs/DVDs or Travel Drives in PDF format. The preferred method is PDF conversion from the Proposer’s source files (to minimize file size and maximize quality and accessibility) rather than scanning so that the County can open, print, read and save the pdf file you have created. To ensure consistency, the electronic copy should be ONE file document and in the same order as the paper original. If this is not possible, the electronic copy files should be in the same order as the paper copy, with a directory listing of the files.

Please note the evaluation committee will use the electronic media copies to review your submittal. Failure to include all information in the electronic media copies may have an impact on your evaluation scores.

Instructions for Providing Files in PDF Format to Pinellas County Government

Why does Pinellas County Government want all the documents as PDF files?

Answer- It’s much more efficient to go paperless, and PDF is a universal file format that fits perfectly into government workflow processes.
How do I convert my files to PDF format?

**Answer**- If you have a program such as Adobe Acrobat, creating a PDF of any file is a simple print function. Rather than printing to a traditional printer, the file converts to a PDF format copy of your original. Any program (such as Word, PowerPoint, Excel, etc.) can be converted this way by simply selecting the print command and choosing PDF as the printer.

Should I scan everything and save as PDF?

**Answer**- Not unless you are scanning with OCR (optical character recognition). Scanning will create unnecessarily large files because a scan is just a picture of a page rather than actual page text. Furthermore, the result of scanning is that your pages will not look nearly as “clean” or professional as simply using the print to PDF method from the program from which the file originates. Additionally, since scan pages are pictures of text, not really text, they may not be considered accessible* under Federal ADA guidelines (*unless the scans are OCR).
SECTION C – LIMITATION ON LIABILITY, INDEMNIFICATION, AND INSURANCE REQUIREMENTS

1. LIMITATIONS ON LIABILITY. By submitting a Proposal, the Proposer acknowledges and agrees that the services will be provided without any limitation on Proposer’s liability. The County objects to and shall not be bound by any term or provision that purports to limit the Proposer’s liability to any specified amount in the performance of the services. Proposer shall state any exceptions to this provision in its response, including specifying the proposed limits of liability in the stated exception to be included in the Services Agreement. Proposer is deemed to have accepted and agreed to provide the services without any limitation on Proposer’s liability that Proposer does not take exception to in its response. Notwithstanding any exceptions by Proposer, the County reserves the right to declare its prohibition on any limitation on Proposer’s liability as non-negotiable, to disqualify any Proposal that includes exceptions to this prohibition on any limitation on Proposer’s liability, and to proceed with another responsive, responsible proposal, as determined by the County in its sole discretion.

2. INDEMNIFICATION. By submitting a Proposal, the Proposer acknowledges and agrees to be bound by and subject to the County’s indemnification provisions as set out in the Services Agreement. The County objects to and shall not be bound by any term or provision that purports to modify or amend the Proposer’s indemnification obligations in the Services Agreement, or requires the County to indemnify and/or hold the Proposer harmless in any way related to the services. Proposer shall state any exceptions to this provision in the response, including specifying the proposed revisions to the Services Agreement indemnification provisions, or the proposed indemnification from the County to the Proposer to be included in the Services Agreement. Proposer is deemed to have accepted and agreed to provide the services subject to the Services Agreement indemnification provisions that Proposer does not take exception to in its response. Notwithstanding any exceptions by Proposer, the County reserves the right to declare its indemnification requirements as non-negotiable, to disqualify any Proposal that includes exceptions to this paragraph, and to proceed with another responsive, responsible proposal, as determined by the County in its sole discretion.

3. INSURANCE:

The recommended Proposer must provide a certificate of insurance and endorsement in accordance with the insurance requirements listed below, prior to award of contract. Failure to provide the required insurance within the requested timeframe may result in your submittal being deemed non-responsive.

The contracted Proposer shall obtain and maintain, and require any sub-contractors to obtain and maintain, at all times during its performance of the Agreement, insurance of the types and in the amounts set forth. For projects with a Completed Operations exposure, Contractor shall maintain coverage and provide evidence of insurance for two (2) years beyond final acceptance. All insurance policies shall be from responsible companies duly authorized to do business in the State of Florida and have an AM Best rating of A- VIII or better.

a) Proposal submittals should include, the Proposer’s current Certificate(s) of Insurance in accordance with the insurance requirements listed below. If Proposer does not currently meet insurance requirements, Proposer shall also include verification from their broker or agent that any required insurance not provided at that time of submittal will be in place prior to the award of contract.

b) Proposer shall email certificate that is compliant with the insurance requirements to Sue Steele at ssteele@pinellascounty.org. If certificate received with bid was a compliant certificate no further action may be necessary. The Certificate(s) of Insurance shall be signed by authorized representatives of the insurance companies shown on the Certificate(s). A copy of the endorsement(s) referenced in paragraph d) for Additional Insured shall be attached to the certificate(s) referenced in this paragraph.

c) No work shall commence at any project site unless and until the required Certificate(s) of Insurance are received and approved by the County. Approval by the County of any Certificate(s) of Insurance does not constitute verification by the County that the insurance requirements have been satisfied or that the insurance policy shown on the Certificate(s) of Insurance is in compliance with the requirements of the Agreement. County reserves the right to require a certified copy of the entire insurance policy, including endorsement(s), at any time during the RFP and/or contract period.

d) All policies providing liability coverage(s), other than professional liability and workers compensation policies, obtained by the Proposer and any subcontractors to meet the requirements of the Agreement shall be endorsed to include Pinellas County a Political subdivision of the State of Florida as an Additional Insured.
e) If any insurance provided pursuant to the Agreement expires, or cancels prior to the completion of the work you will be notified by CTrax, the authorized vendor of Pinellas County. Upon notification, renewal certificate(s) of Insurance and endorsement(s) should be furnished to Pinellas County Risk Management at InsuranceCerts@pinellascounty.org and to CTrax c/o JDi Data at PinellasSupport@jididata.com by the proposer or their agent prior to the expiration date.

(1) Proposer shall also notify County within twenty-four (24) hours after receipt, of any notices of expiration, cancellation, nonrenewal or adverse material change in coverage received by said Proposer from its insurer. Notice shall be given by email to Pinellas County Risk Management at InsuranceCerts@pinellascounty.org. Nothing contained herein shall absolve Proposer of this requirement to provide notice.

(2) Should the Proposer, at any time, not maintain the insurance coverages required herein, the County may terminate the Agreement, or at its sole discretion may purchase such coverages necessary for the protection of the County and charge the Proposer for such purchase or offset the cost against amounts due to proposer for services completed. The County shall be under no obligation to purchase such insurance, nor shall it be responsible for the coverages purchased or the insurance company or companies used. The decision of the County to purchase such insurance shall in no way be construed to be a waiver of any of its rights under the Agreement.

f) The County reserves the right, but not the duty, to review and request a copy of the Contractor’s most recent annual report or audited financial statement when a self-insured retention (SIR) or deductible exceeds $50,000.

g) If subcontracting is allowed under this RFP, the Prime Proposer shall obtain and maintain, at all times during its performance of the Agreement, insurance of the types and in the amounts set forth; and require any subcontractors to obtain and maintain, at all times during its performance of the Agreement, insurance limits as it may apply to the portion of the Work performed by the subcontractor; but in no event will the insurance limits be less than $500,000 for Workers’ Compensation/Employers’ Liability, and $1,000,000 for General Liability and Auto Liability if required below.

(1) All subcontracts between Proposer and its subcontractors shall be in writing and are subject to the County’s prior written approval. Further, all subcontracts shall (1) require each subcontractor to be bound to Proposer to the same extent Proposer is bound to the County by the terms of the Contract Documents, as those terms may apply to the portion of the Work to be performed by the subcontractor; (2) provide for the assignment of the subcontracts from Proposer to the County at the election of Owner upon termination of the Contract; (3) provide that County will be an additional indemnified party of the subcontract; (4) provide that the County will be an additional insured on all insurance policies required to be provided by the subcontractor except workers compensation and professional liability; (5) provide waiver of subrogation in favor of the County and other insurance terms and/or conditions as outlined below; (6) assign all warranties directly to the County; and (7) identify the County as an intended third-party beneficiary of the subcontract. Proposer shall make available to each proposed subcontractor, prior to the execution of the subcontract, copies of the Contract Documents to which the subcontractor will be bound by this Section C and identify to the subcontractor any terms and conditions of the proposed subcontract which may be at variance with the Contract Documents.

h) Each insurance policy and/or certificate shall include the following terms and/or conditions:

(1) The Named Insured on the Certificate of Insurance and insurance policy must match the entity’s name that responded to the solicitation and/or is signing the agreement with the County. If Proposer is a Joint Venture per Section A, titled Joint Venture of this RFP, Certificate of Insurance and Named Insured must show Joint Venture Legal Entity name and the Joint Venture must comply with the requirements of Section C with regard to limits, terms and conditions, including completed operations coverage.

(2) Companies issuing the insurance policy, or policies, shall have no recourse against County for payment of premiums or assessments for any deductibles which all are at the sole responsibility and risk of Contractor.

(3) The term "County" or "Pinellas County" shall include all Authorities, Boards, Bureaus, Commissions, Divisions, Departments and Constitutional offices of County and individual members, employees thereof in their official capacities, and/or while acting on behalf of Pinellas County.
SECTION C – LIMITATION ON LIABILITY, INDEMNIFICATION, AND INSURANCE REQUIREMENTS

(4) The policy clause "Other Insurance" shall not apply to any insurance coverage currently held by County or any such future coverage, or to County's Self-Insured Retentions of whatever nature.

(5) All policies shall be written on a primary, non-contributory basis.

(6) Any Certificate(s) of Insurance evidencing coverage provided by a leasing company for either workers compensation or commercial general liability shall have a list of covered employees certified by the leasing company attached to the Certificate(s) of Insurance. The County shall have the right, but not the obligation to determine that the Proposer is only using employees named on such list to perform work for the County. Should employees not named be utilized by Proposer, the County, at its option may stop work without penalty to the County until proof of coverage or removal of the employee by the contractor occurs, or alternatively find the Proposer to be in default and take such other protective measures as necessary.

(7) Insurance policies, other than Professional Liability, shall include waivers of subrogation in favor of Pinellas County from both the Proposer and subcontractor(s).

i) The minimum insurance requirements and limits for this Agreement, which shall remain in effect throughout its duration and for two (2) years beyond final acceptance for projects with a Completed Operations exposure, are as follows:

(1) Workers’ Compensation Insurance

<table>
<thead>
<tr>
<th>Limit</th>
<th>Florida Statutory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employers' Liability Limits</td>
<td></td>
</tr>
<tr>
<td>Per Employee</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>Per Employee Disease</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>Policy Limit Disease</td>
<td>$ 500,000</td>
</tr>
</tbody>
</table>

(2) Commercial General Liability Insurance including, but not limited to, Independent Contractor, Contractual Liability Premises/Operations, Products/Completed Operations, and Personal Injury.

<table>
<thead>
<tr>
<th>Limits</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined Single Limit Per Occurrence</td>
<td>$ 1,000,000</td>
</tr>
<tr>
<td>Products/Completed Operations Aggregate</td>
<td>$ 2,000,000</td>
</tr>
<tr>
<td>Personal Injury and Advertising Injury</td>
<td>$ 1,000,000</td>
</tr>
<tr>
<td>General Aggregate</td>
<td>$ 2,000,000</td>
</tr>
</tbody>
</table>

(3) Professional Liability (Errors and Omissions) Insurance with at least minimum limits as follows. If "claims made" coverage is provided, "tail coverage" extending three (3) years beyond completion and acceptance of the project with proof of "tail coverage" to be submitted with the invoice for final payment. In lieu of "tail coverage", Proposer may submit annually to the County, for a three (3) year period, a current certificate of insurance providing "claims made" insurance with prior acts coverage in force with a retroactive date no later than commencement date of this contract.

<table>
<thead>
<tr>
<th>Limits</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Occurrence or Claim</td>
<td>$ 1,000,000</td>
</tr>
<tr>
<td>General Aggregate</td>
<td>$ 1,000,000</td>
</tr>
</tbody>
</table>

For acceptance of Professional Liability coverage included within another policy required herein, a statement notifying the certificate holder must be included on the certificate of insurance and the total amount of said coverage per occurrence must be greater than or equal to the amount of Professional Liability and other coverage combined.

(4) Property Insurance Proposer will be responsible for all damage to its own property, equipment and/or materials.
SECTION D – VENDOR REFERENCES

Proposal Title: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

Proposal Number: 190-0107-NC (SS)

THE FOLLOWING INFORMATION IS REQUIRED IN ORDER THAT YOUR PROPOSAL MAY BE REVIEWED AND PROPERLY EVALUATED.

COMPANY NAME: _______________________________________________________________________________________

LENGTH OF TIME COMPANY HAS BEEN IN BUSINESS: __________________________________________________________________________

BUSINESS ADDRESS: _______________________________________________________________________________________

HOW LONG IN PRESENT LOCATION: __________________________________________________________________________

TELEPHONE NUMBER: ______________________ FAX NUMBER: ______________________

TOTAL NUMBER OF CURRENT EMPLOYEES: _______ FULL TIME _________ PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: __________

All references will be contacted by a County Designee via email, fax, mail or phone call to obtain answers to questions, as applicable before an evaluation decision is made.

EITHER LOCAL COMMERCIAL OR GOVERNMENTAL REFERENCE(S) (PINELLAS COUNTY GOVERNMENT REFERENCES WILL NOT BE ACCEPTED) THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR:

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<thead>
<tr>
<th>1</th>
<th>COMPANY NAME</th>
<th>2</th>
<th>COMPANY NAME</th>
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</thead>
<tbody>
<tr>
<td>CITY, STATE</td>
<td>CONTACT PERSON</td>
<td>CITY, STATE</td>
<td>CONTACT PERSON</td>
</tr>
<tr>
<td>TELEPHONE</td>
<td>FAX</td>
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<tr>
<td>EMAIL ADDRESS</td>
<td>EMAIL ADDRESS</td>
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<tr>
<th>3</th>
<th>COMPANY NAME</th>
<th>4</th>
<th>COMPANY NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY, STATE</td>
<td>CONTACT PERSON</td>
<td>CITY, STATE</td>
<td>CONTACT PERSON</td>
</tr>
<tr>
<td>TELEPHONE</td>
<td>FAX</td>
<td>TELEPHONE</td>
<td>FAX</td>
</tr>
<tr>
<td>EMAIL ADDRESS</td>
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</table>
SECTION E – SCOPE OF WORK

Proposal Title: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

Proposal Number: 190-0107-NC (SS)

A. **OBJECTIVE:**
The Pinellas County Board of County Commissioners is seeking a qualified consultant to provide professional services to develop an update to the County’s Surface Water Assessment Governance and Rate Study.

B. **BACKGROUND:**
Since Fiscal Year (FY) 2014, Pinellas County has funded surface water management activities within the unincorporated service area through a non-ad valorem assessment: [http://www.pinellascounty.org/environment/watershed/stormwater-fee.htm](http://www.pinellascounty.org/environment/watershed/stormwater-fee.htm). Surface water management activities include program administrative functions, watershed and stormwater planning, stormwater operations and maintenance, water quality monitoring, National Pollutant Discharge Elimination System Permit (NPDES) compliance, implementation of Total Maximum Daily Loads, and public outreach. Unlike many other local governments, the County does not fund capital improvements through the surface water assessment, but instead largely funds its surface water capital program through the Penny for Pinellas, a one cent sales tax dedicated to public infrastructure. To learn more about the Penny for Pinellas visit [http://www.pinellascounty.org/penny/default.htm](http://www.pinellascounty.org/penny/default.htm).

To assess current status and trends, opportunities for improvement, future program opportunities and impacts, changes in best management practices, and overall operational sustainability, the County wishes to update its 2013 surface water assessment governance document and rate study attached as Appendix B.

To accomplish this effort, the County seeks to retain the services of a qualified professional consultant to perform a comprehensive level of service-based governance and a rate study update. It is anticipated that a master contract for the governance plan, rate study, and related work will be awarded for a three (3) year period. Task orders for specific assignments will be authorized under the terms of the contract. The contract will be a continuing services contract that may result in additional work to support the implementation of recommendations from the final approved governance plan and rate study. Proposers shall be prepared to provide additional consulting tasks to the County at the same rates and terms, as may be requested by the County.

**Current Surface Water Utility Rates**

Residential surface water customers within the unincorporated County service area are currently placed in a tiered system based upon the Equivalent Residential Unit (ERU) for the service area. The ERU for the unincorporated service area is equivalent to 2,339 square feet (sq). Nonresidential properties are charged based on the estimated total impervious area of the property in accordance with the following formula: impervious area (sq) divided by 2,339 square equals the number of ERU's multiplied by the fiscal year surface water rate.

The County’s current rate is $117.74 per ERU. In 2017, the Board of County Commissioners approved a rate resolution setting a maximum rate of $128.66 per ERU. The resolution is included as Appendix A. The County’s Surface Water Utility Ordinance can be reviewed at:

[https://library.municode.com/fl/pinellas_county/codes/code_of_ordinances?nodeId=PTIIPICOCHO58EN_ARTXVIIUSUWAMA_DIV2SUWAIT](https://library.municode.com/fl/pinellas_county/codes/code_of_ordinances?nodeId=PTIIPICOCHO58EN_ARTXVIIUSUWAMA_DIV2SUWAIT)
C. **SCOPE OF WORK:**
The first task will be a kickoff meeting with the project manager, project team members, and other County staff that may be identified. The purpose will be to review the scope of work and project workplan; introduce the County staff and consultant team; and establish responsibilities and schedules. The remaining tasks will be focused on the development of a comprehensive Level of Service-based surface water governance and rate study update. The proposer shall conduct a detailed study providing justifiable and equitable recommendations and methodologies that are adequate to fully fund the identified expenses associated with implementation of the surface water management program alternatives through five (5) fiscal years. The specific project tasks for the study shall include:

1. **Level of Service Assessment (Current State Report):**
   (a) Conduct a LOS assessment based on existing surface water program activities, information from interviews/meetings with County staff, current costs and funding levels, the approved LOS from the 2013 governance study, requirements in the current NPDES permit, the state’s Total Maximum Daily Load (TMDL) program as it relates to impaired waters within the County’s jurisdiction, and other pertinent information. The LOS assessment shall utilize the same, or a similar matrix from the 2013 Governance Study to allow for comparability.
   (b) Complete a gap analysis that includes, at a minimum, a best practices assessment utilizing ISO 55000 for asset management and other appropriate industry best practices. The gap analysis shall also evaluate existing programs and potential future programs that could be funded by the surface water assessment.
   (c) Conduct a survey of surface water programs in Pinellas County and the Tampa Bay Region to assess, at a minimum, program functions, funding levels, and revenue sufficiency. The survey of Pinellas County programs shall also include an evaluation of major drainage maintenance and management practices, available funding and sources for major drainage related work, and funding needs. A discussion of the major drainage systems in the County is available at [http://www.pinellascounty.org/plan/SurfaceWaterMgmt.htm](http://www.pinellascounty.org/plan/SurfaceWaterMgmt.htm).

2. **Level of Service Assessment (Future State Report):**
   (a) Based on the outcome of Task A, develop a range of LOS options for 2-3 future state alternatives.
   (b) Develop 2-3 LOS alternatives for addressing the maintenance of major drainage systems. Major drainage systems cross jurisdictional boundaries; therefore, these alternatives will need to be evaluated as a separate program element from both a functional and funding perspective.
3. Revenue Analysis and Rate Structure Report:
   (a) Conduct a five (5) year revenue analysis, including a review of the current Equivalent Residential Unit (ERU) analysis, impervious coverages, the surface water assessment non-ad valorem assessment roll, current revenue forecasts, Property Appraiser parcel data, and other pertinent information to develop projected surface water revenue requirements for both current and future state alternatives including major drainage.
   (b) Evaluate fund forecasting and indexing options for each year of the projection period to fund all surface water program requirements for the current state and the future state alternatives identified in Tasks A and B. Indexing options shall include a breakout of personnel services and the various operational costs versus utilizing the Consumer Price Index or other index across the entire fund.
   (c) Evaluate the current tier structure, the five (5) tier structure analysis, and develop 2-3 other possible rate structure alternatives including options for incorporating major drainage systems. Rates and rate structures shall meet the county’s policy objectives, comply with generally accepted rate making and structure practices, and provide the required surface water revenues identified in the revenue analysis.
   (d) Complete a comparative analysis of the County’s current surface water rate and the various alternative rates upon typical customer’s monthly and annual bill to others in Pinellas County, the Tampa Bay Region, and other similar urban counties in Florida.

4. Meetings
   (a) Kickoff meeting as described.
   (b) Conduct monthly to bi-monthly meetings, as approved by the County.
   (c) Schedule and conduct the necessary staff meetings and interviews to successfully complete assigned tasks.

5. Deliverables (Final electronic deliverables must be ADA compliant)
   (a) Provide electronic copies of all draft deliverables.
   (b) Provide three (3) hard copy and one electronic copy of all final deliverables.
   (c) Provide project schedule, in electronic format, showing time to complete each task.
   (d) Provide monthly status reports to the County (electronic format). The status reports will document the work completed during the month, the estimated percent complete for each task, and a consideration of upcoming important events or activities related to the project.

6. Performance Schedule
   (a) The project shall be complete within 24 months from the date of the Notice to Proceed.

7. Optional Services:
   (a) Rate Resolution/Ordinance: Assist in the development of stormwater rate resolutions and/or ordinances to enact the proposed rates and rate structures.
   (b) Commission Workshop/Hearings - Attend two (2) workshops with the County Commission and at least two (2) public meetings.
   (c) Public Outreach: Assist in the development of web-based tools and resources as well as materials for print media and public meetings.
SECTION E – SCOPE OF WORK

B. ATTACHMENTS:
1. Attachment A: Small Business Enterprise (SBE) Status Form
2. Sample Agreement
3. Appendix 1 – Resolution No. 17-63
4. Appendix 2 – Surface Water Governance Study dated June 2013 by CDM Smith

C. BUDGET ESTIMATE:
$500,000.00
Electronic Payment (ePayables)

The Pinellas County Board of County Commissioners (County) offers a credit card payment process (ePayables) through Bank of America. Pinellas County does not charge vendors to participate in the program; however, there may be a charge by the company that processes your credit card transactions. For more information please visit Pinellas County purchasing website at [www.pinellascounty.org/purchase](http://www.pinellascounty.org/purchase).

Would your company accept to participate in the ePayables credit card program?

- [ ] Yes
- [ ] No

Company Name

Authorized Signature (for payment acceptance)

Printed Signature/Title/Department

Phone Number
W-9 REQUEST FOR TAXPAYER ID NUMBER AND CERTIFICATION

Substitute Form W-9

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

| Name (as shown on your income tax return) |  |
| Business name, if different from above |  |

Check appropriate box:  
- Individual/Sole proprietor
- Corporation
- Partnership
- Limited liability company: Enter the tax classification (D=dissolved entity, C=corporation, P=partnership) ☐
- Other (see instructions)  
- Exempt payee

| Address (number, street, and apt. or suite no.) | Requester's name and address (optional) |
| City, state, and ZIP code |  |

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

Social security number or
Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined in the instructions).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Signature of U.S. person

Date

*Instructions to Form W-9 available upon request.

Detach on the perforation

Section 119.071(5), Florida Statutes Notice:
Your Tax Identification Number (which for individuals is your social security number) is collected on Form W9 for use in filing information returns with the IRS as described more fully below. Collection of the tax identification number (or social security number as applicable) is mandatory pursuant to Section 6109 of the Internal Revenue Code (26 U.S.C § 6109).

Privacy Act Notice:
Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payee. Certain penalties may also apply.
SECTION G – ADDENDA ACKNOWLEDGMENT FORM

Proposal Title: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

Proposal No: 190-0107-NC (SS)

PLEASE ACKNOWLEDGE RECEIPT OF ADDENDA FOR THIS RFP BY SIGNING AND DATING BELOW:

<table>
<thead>
<tr>
<th>ADDENDA NO.</th>
<th>SIGNATURE/PRINTED NAME</th>
<th>DATE RECEIVED</th>
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<tbody>
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Note: Prior to submitting the response to this solicitation, it is the responsibility of the firm submitting a response to confirm if any addenda have been issued. If such document(s) has been issued, acknowledge receipt by signature and date in section above and return Addenda Acknowledgement Form with RFP. Failure to do so may result in being considered non-responsive or result in lowering the rating of a firm’s proposal.

Information regarding Addenda issued is available on the Purchasing Department section of the County’s CCNA website at, [http://www.pinellascounty.org/purchase/CCNA.htm](http://www.pinellascounty.org/purchase/CCNA.htm)
NOTE: If you do not intend to submit a proposal on this requirement, please return this form immediately. Thank you.

Pinellas County Purchasing Department
400 South Fort Harrison Avenue, 6th Floor
Clearwater, Florida 33756

We, the undersigned have declined to submit a proposal for RFP No. 190-0107-NC (SS) for Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

Specifications too "tight", i.e., geared toward one brand or manufacturer only (explain below).
___ Insufficient time to respond to the Request for Proposal.
___ We do not offer this product or service.
___ Our schedule would not permit us to perform.
___ Unable to meet specifications.
___ Unable to meet Bond requirement.
___ Specifications unclear (explain below).
___ Unable to Meet Insurance Requirements.
___ Remove Us from Your "Notification List" Altogether
___ Other (specify below).

REMARKS:

________________________________________________________________________________________________________________________
________________________________________________________________________________________________________________________
________________________________________________________________________________________________________________________
________________________________________________________________________________________________________________________

We understand that if the "No Proposal" letter is not executed and returned our name may be deleted from the Consultants Notification List of Pinellas County.

COMPANY NAME: ________________________________________________________________

DATE: ________________________________________________________________

SIGNATURE: ________________________________________________________________

TYPED NAME OF ABOVE: _______________________________________________________

TELEPHONE: ________________________________________________________________

FAX: ________________________________________________________________

EMAIL: ________________________________________________________________
ATTACHMENT A: SMALL BUSINESS ENTERPRISE (SBE) STATUS FORM

**IMPORTANT:**

1. There is a maximum of 100 points available under this section, which will be awarded as follows:
   a. If the prime firm is certified as a Pinellas County SBE, 100 points will be awarded.
   b. If the prime firm utilizes one (1) certified Pinellas County SBE as sub-consultant, fifty (50) points will be awarded.
   c. If the prime firm utilizes more than one (1) certified Pinellas County SBE, as sub-consultant, seventy five (75) points will be awarded.
   d. If the prime firm nor any of its sub-consultants are not certified as a Pinellas County SBE, zero (0%) percent of the points available will be awarded.

2. Proof of certification for each firm claiming Pinellas County SBE status should be included in the submittal.

<table>
<thead>
<tr>
<th>PRIME FIRM</th>
<th>PINELLAS COUNTY CERTIFIED SBE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>SUB-CONSULTANT(S):</th>
<th>PINELLAS COUNTY CERTIFIED SBE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Yes</td>
</tr>
<tr>
<td>2.</td>
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<tr>
<td>3.</td>
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<td>4.</td>
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<td>5.</td>
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</tbody>
</table>

I certify that the information included in this Form is true and complete to the best of my knowledge and belief. I further understand and agree points awarded to this section will be based on the information provided and that this Form shall become a part of my contract with Pinellas County.

Name and Title of Authorized Representative: ________________________________

Signature: ________________________________

**FOR PINELLAS COUNTY USE ONLY**

<table>
<thead>
<tr>
<th>MAXIMUM AVAILABLE POINTS</th>
<th>AWARDED POINTS</th>
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<tbody>
<tr>
<td>100</td>
<td></td>
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<tr>
<td>100 Points (Prime Firm is Pinellas County SBE)</td>
<td>100 Points (Prime Firm is Pinellas County SBE)</td>
</tr>
<tr>
<td>75 Points (More than one (1) sub consultant is Pinellas County SBE)</td>
<td>75 Points (More than one (1) sub consultant is Pinellas County SBE)</td>
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<tr>
<td>50 Points (Only one (1) sub consultant is Pinellas County SBE)</td>
<td>50 Points (Only one (1) sub consultant is Pinellas County SBE)</td>
</tr>
<tr>
<td>Zero (0) Does not meet criteria requirements</td>
<td>Zero (0) Does not meet criteria requirements</td>
</tr>
</tbody>
</table>
PINELLAS COUNTY GOVERNMENT IS COMMITTED TO PROGRESSIVE PUBLIC POLICY, SUPERIOR PUBLIC SERVICE, COURTEOUS PUBLIC CONTACT, JUDICIOUS EXERCISE OF AUTHORITY AND SOUND MANAGEMENT OF PUBLIC RESOURCES, TO MEET THE NEEDS AND CONCERNS OF OUR CITIZENS TODAY AND TOMORROW.

NON-CONTINUING PROFESSIONAL SERVICES AGREEMENT

RFP TITLE: Surface Water Assessment Governance and Rate Study Update – Professional Consulting Services

RFP CONTRACT NO. 190-0107-NC (SS)

NON-CONTINUING FIRM:
PROFESSIONAL CONSULTING SERVICES NON-CONTINUING SERVICES SAMPLE AGREEMENT

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SECTION 1
INTENT OF AGREEMENT

AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR
Surface Water Assessment Governance and Rate Study Update -Professional Consulting Services

THIS AGREEMENT, entered into on the ____ day of ____, 20____, between PINELLAS COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the COUNTY, represented by its Board of County Commissioners, and, (Insert Company Name) with offices in (Insert City), Florida hereinafter referred to as the CONSULTANT.

WITNESSETH, That:

WHEREAS, Pinellas County, herein referred to as the COUNTY, requires PROFESSIONAL CONSULTING SERVICES associated with the development of the Surface Water Assessment Governance and Rate Study Update.

WHEREAS, the COUNTY desires the CONSULTANT provide PROFESSIONAL CONSULTING SERVICES requisite to the development of the PROJECT; and

WHEREAS, the CONSULTANT has expressed the willingness and ability to provide the aforementioned Services; and

NOW THEREFORE, the COUNTY and the CONSULTANT, in consideration of the mutual covenants hereinafter set forth, agree as follows:
SECTION 2
SCOPE OF PROJECT

2.1 PROJECT DESCRIPTION AND PROFESSIONAL REQUIREMENTS

For the purposes of this Agreement the term PROJECT shall include all areas of proposed improvements, all areas that may reasonably be judged to have an impact on the PROJECT, and all PROJECT development phases and the services and activities attendant thereto. It is not the intent of this Agreement to identify the exact limits or details involved in providing satisfactorily completed PROJECT construction documents. The CONSULTANT shall provide the following professional services to prepare construction plans, specifications, and complete applications for and receive all federal, state, and local permits required for construction of the PROJECT.

2.2 PROJECT PHASES

All project phases shall be completed on or before the milestone dates provided in the COUNTY approved PROJECT design schedule referenced in Exhibit A.

2.3 CONSULTING RESPONSIBILITIES

A. It is the intention of the COUNTY that the CONSULTANT is held accountable for its work, including checking and review of plans, and that submittals are complete.

B. The CONSULTANT shall be responsible for the accuracy of the work and shall promptly correct its errors and omissions without additional compensation. Acceptance of the work by the COUNTY will not relieve the CONSULTANT of the responsibility for subsequent correction of any errors and the clarification of any ambiguities.

C. The CONSULTANT represents that it has secured or will secure, at its own expense, all personnel necessary to complete this Agreement; none of whom shall be employees of or have any contractual relationship with the COUNTY. Primary liaison with the COUNTY will be through the CONSULTANT’S Project Manager. All of the services required hereunder will be performed by the CONSULTANT or under the CONSULTANT’S supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under law to perform such services.

D. The CONSULTANT shall endorse all reports, calculations, contract plans, and data.

E. The CONSULTANT shall be responsible for the preparation of a PROJECT schedule, prepared in Microsoft Project 2013 or later, which shows a breakdown of all tasks to be performed, and their relationship in achieving the completion of each phase of work. A bar chart schedule showing overall PROJECT time frames should also be prepared. These schedules must be submitted for COUNTY approval within ten (10) days of the initial PROJECT Notice to Proceed. These schedules will be used to verify CONSULTANT performance in relationship to Fees claimed and to allow the COUNTY’S Project Manager to monitor the CONSULTANT’S efforts. The CONSULTANT shall be responsible for any updates to these schedules and for documenting in writing to the COUNTY any major deviations in the actual versus estimated PROJECT time frames.

F. The CONSULTANT shall respond, in writing, to all review comments made by the COUNTY, and shall incorporate appropriate design adjustments into the PROJECT, in a timely manner, resulting from the review exchange.

G. Deliverables (Final electronic deliverables must be ADA compliant)
   • Provide electronic copies of all draft deliverables.
   • Provide three (3) hard copy and one electronic copy of all final deliverables.
   • Provide monthly status reports to the County (Electronic format). The status reports will document the work completed during the month, the estimated percent complete for each task, and a consideration of upcoming important events or activities related to the project.
2.5 GOVERNING SPECIFICATIONS REGULATIONS AND PERTINENT DOCUMENTS

The PROJECT shall be prepared by the CONSULTANT in accordance with applicable industry standards. The CONSULTANT shall be responsible for utilizing and maintaining current knowledge of any laws, ordinances, codes, rules, regulations, standards, guidelines, special conditions, specifications, or other mandates relevant to the PROJECT or the services to be performed.

SECTION 3
SERVICES TO BE FURNISHED BY THE CONSULTANT

3.1 SEE EXHIBIT A – SCOPE OF SERVICES.

3.2 BIDDING PHASE – Not Applicable

3.3 CONSTRUCTION PHASE – Not Applicable

3.4 PROVISIONS RELATED TO ALL PHASES

3.4.1 The CONSULTANT will investigate and confirm in writing to the COUNTY, to the best of the CONSULTANT'S knowledge, conformance with all applicable local and state regulations.

3.4.2 The CONSULTANT will coordinate work designed by various disciplines.

3.4.3 The CONSULTANT shall submit to the COUNTY project notes and computations to document the conclusions reached during the development of the alternatives.

3.5 PERMIT APPLICATIONS AND APPROVALS - Not Applicable

3.6 COORDINATION WITH UTILITY SERVICES AND AFFECTED PUBLIC AGENCIES – Not Applicable

SECTION 4
SERVICES TO BE FURNISHED BY THE COUNTY – Not Applicable

SECTION 5
PRESENTATIONS, PUBLIC MEETINGS AND TECHNICAL LIAISON - Not Applicable

SECTION 6
PAYMENT GUIDELINES AND CATEGORY OF SERVICES

6.1 BASIC SERVICES

The services described and provided for under Sections 2, 3 and Exhibit A shall constitute the Basic Services to be performed by the CONSULTANT under this Agreement.

6.2 OPTIONAL SERVICES

Services noted in Exhibit A of this Agreement as “Optional” shall constitute the Optional Services to be performed by the CONSULTANT under this Agreement. Optional Services shall be rendered by the CONSULTANT only upon written authorization by the COUNTY’s Director of Public Works, or designee.

6.3 CONTINGENCY SERVICES

When authorized in writing by the COUNTY’S Director of Public Works or designee, the CONSULTANT shall furnish services resulting from unforeseen circumstances not anticipated under Basic Services due to minor changes in the PROJECT scope.
Compensation for any Contingency Services assignments shall be negotiated between the COUNTY and the CONSULTANT at the time the need for services becomes known.

6.4 ADDITIONAL SERVICES

When executed by the County Administrator or Board of County Commissioners as an amendment to this Agreement, the CONSULTANT shall provide such additional services as may become necessary because of changes in the Scope of PROJECT. Additional Services shall be classified as any change beyond the Contingency Services upset limit for compensation.

6.5 INVOICING

The CONSULTANT may submit invoices for fees earned on a monthly basis. Such invoicing shall be supported by a Progress Report showing the actual tasks performed and their relationship to the percentage of fee claimed for each phase. Billings within each phase of work shall be for the percentage of work effort completed to date for that phase. The COUNTY shall make payments to the CONSULTANT for work performed in accordance with the Local Government Prompt Payment Act, Section 218.70 et. seq., F.S.

The following services shall be considered reimbursable services and may be filled in full upon their completion and acceptance. The CONSULTANT shall provide copies of supporting receipts/invoices/billing documentation. Self-performed reimbursable work shall be reimbursed at the firm’s standard hourly rates for all related services. A breakdown of man hours and billing rates shall be provided with each invoice. An hourly rate sheet is attached (Exhibit B).

A. Soil Analysis/Geotechnical Investigations, if required.
B. Contamination Assessments/Hazardous Material Analysis, if required.
C. Aerial Photography, if required.
D. Payment of Permit Fees, if required.
E. Payment of the Public Information Meeting Advertisements, if required.
F. Payment of the Court Reporter for public meetings, if required.
G. Printing and Binding Services, if required.

Should an invoiced amount for fees earned appear to exceed the work effort believed to be completed, the COUNTY may, prior to processing of the invoice for payment, require the CONSULTANT to submit satisfactory evidence to support the invoice.

All progress reports shall be mailed to the attention of the designated Project Manager, Melanie Weed, Clearwater, FL.

SUPPLIER shall submit invoices for payment due as provided herein with such documentation as required by Pinellas County and all payments shall be made in accordance with the requirements of Section 218.70 et. seq, Florida Statutes, “The Local Government Prompt Payment Act.” Invoices shall be submitted to the address below unless instructed otherwise on the purchase order, or if no purchase order, by the ordering department:

Finance Division Accounts Payable
Pinellas County Board of County Commissioners
P. O. Box 2438
Clearwater, FL 33757

Each invoice shall include, at a minimum, the Supplier’s name, contact information and the standard purchase order number. The County may dispute any payments invoiced by SUPPLIER in accordance with the County’s Dispute Resolution Process for Invoiced Payments, established in accordance with Section 218.76, Florida Statutes, and any such disputes shall be resolved in accordance with the County’s Dispute Resolution Process.
Fees for contingent or additional services authorized shall be invoiced separately, and shall be due and payable in full upon the presentation of satisfactory evidence that the corresponding services have been performed.

SECTION 7
COMPENSATION TO THE CONSULTANT

7.1 For the BASIC SERVICES provided for in this Agreement, as defined in Section 3.10, the COUNTY agrees to pay the CONSULTANT as follows:

A Lump Sum Fee of: for the Task 1 – General Task Phase of the PROJECT.
A Lump Sum Fee of: for the Task 2 - Phase of the PROJECT.
A Lump Sum Fee of: for the Task 3 –Phase of the PROJECT.
A Lump Sum Fee of: for the Task 4 –Phase of the PROJECT.
A Lump Sum Fee of: for the Task 5 –Phase of the PROJECT
A Lump Sum Fee of: for the Task 6 –Phase of the PROJECT
A Lump Sum Fee of: for the Task 7 –Phase of the PROJECT

The above fees shall constitute the total not to exceed amount of ($) to the CONSULTANT for the performance of Basic Services. All man hours are billed per the established and agreed hourly rates. The hourly rates are fully loaded and include all labor, overhead, expenses and profit of any nature including travel within the Tampa Bay Metropolitan Statistical area. Travel outside of the Tampa Bay Metropolitan Statistical Area will be reimbursed in accordance with Section 112.061 F.S. and/or the County Travel Policy, as approved by the County.

7.2 For the OPTIONAL SERVICES provided for in the Agreement, as defined in Exhibit A, the COUNTY agrees to pay the CONSULTANT as follows:

A Lump Sum Fee of: ($) for the Task 8a of the PROJECT

7.3 For any CONTINGENCY SERVICES performed, the COUNTY agrees to pay the CONSULTANT, a negotiated fee based on the assignment, up to a maximum amount not to exceed ($) for all assignments performed.

7.4 Total agreement amount ($).

7.5 For any ADDITIONAL SERVICES, the COUNTY agrees to pay the CONSULTANT a negotiated total fee based on the work to be performed as detailed by a written amendment to this Agreement.

7.6 In the event that this Agreement is terminated under the provisions of this contract the total and complete compensation due the CONSULTANT shall be as established by the COUNTY based on the COUNTY’S determination of the percentage of work effort completed to date of termination.

SECTION 8
PERFORMANCE SCHEDULE

Time is of the essence in this Agreement. The CONSULTANT shall plan and execute the performance of all services provided for in this Agreement in such manner as to ensure their proper and timely completion in accordance with the following schedule:

8.1 The services to be rendered by the CONSULTANT shall be commenced upon receipt from the COUNTY of written “NOTICE TO PROCEED.”
8.2 All project phases shall be completed on or before the milestone dates provided in the COUNTY approved PROJECT design schedule referenced in 2.3 E.

8.3 The CONSULTANT shall not be held responsible for delays in the completion of the PROJECT design when the COUNTY causes such delays. The COUNTY reviews related to the above submittals shall not exceed twenty-one (21) days.

SECTION 9
AUTHORIZATION FOR CONTINGENT OR ADDITIONAL SERVICES

9.1 The CONTINGENCY services provided for under this Agreement shall be performed only upon prior written authorization from the Director of Public Works or designee.

9.2 The ADDITIONAL services provided for under this Agreement shall be performed only upon approval of the County Administrator or Board of County Commissioners.

9.3 The CONSULTANT shall perform no services contemplated to merit compensation beyond that provided for in this Agreement unless such services, and compensation therefore, shall be provided for by appropriate written authorization or amendment(s) to this Agreement.

SECTION 10
FIRMS AND INDIVIDUALS PROVIDING SUBCONSULTING SERVICES

The COUNTY reserves the right to review the qualifications of any and all subconsultants, and to reject any subconsultant in a proper and timely manner, deemed not qualified to perform the services for which it shall have been engaged. Any subconsultant not listed as part of the prime consultants team at time of award must be approved by the Director of Purchasing prior to performing any service.

SECTION 11
SATISFACTORY PERFORMANCE

All services to be provided by the CONSULTANT under the provisions of this Agreement, including services to be provided by subconsultants, shall be performed to the reasonable satisfaction of the COUNTY’S Director of Public Works or designee.

SECTION 12
RESOLUTION OF DISAGREEMENTS

12.1 The COUNTY shall reasonably decide all questions and disputes, of any nature whatsoever, that may arise in the execution and fulfillment of the services provided for under this Agreement.

12.2 The decision of the COUNTY upon all claims, questions, disputes and conflicts shall be final and conclusive, and shall be binding upon all parties to this Agreement, subject to judicial review.

SECTION 13
CONSULTANT’S ACCOUNTING RECORDS

13.1 Records of expenses pertaining to all services performed shall be kept in accordance with generally accepted accounting principles and procedures.

13.2 The CONSULTANT’S records shall be open to inspection and subject to examination, audit, and/or reproduction during normal working hours by the COUNTY’S agent or authorized representative to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by the CONSULTANT or any of his payees pursuant to the execution of the Agreement. These records shall include, but not be limited to, accounting records, written policies and procedures, subconsultant files (including proposals of successful and unsuccessful bidders), original estimates, estimating worksheets, correspondence, change order files (including documentation covering negotiated settlements), and any other supporting evidence necessary to substantiate charges related to this Agreement. They shall also include, but not be limited to, those
records necessary to evaluate and verify direct and indirect costs (including overhead allocations) as they may apply to costs associated with this Agreement. The COUNTY shall not audit payroll and expense records on task assignments paid by lump sum fee.

13.3 For the purpose of such audits, inspections, examinations and evaluations, the COUNTY’S agent or authorized representative shall have access to said records from the effective date of the Agreement, for the duration of work, and until five (5) years after the date of final payment by the COUNTY to the CONSULTANT pursuant to this Agreement.

13.4 The COUNTY’S agent or authorized representative shall have access to the CONSULTANT’S facilities and all necessary records in order to conduct audits in compliance with this Section. The COUNTY’S agent or authorized representative shall give the CONSULTANT reasonable advance notice of intended inspections, examinations, and/or audits.

SECTION 14
OWNERSHIP OF PROJECT DOCUMENTS

Upon completion or termination of this Agreement, all records, documents, tracings, plans, specifications, maps, evaluations, reports and other technical data, other than working papers, prepared or developed by the CONSULTANT under this Agreement shall be delivered to and become the property of the COUNTY. The CONSULTANT, at its own expense, may retain copies for its files and internal use. The COUNTY shall not reuse any design plans or specifications to construct another project at the same or a different location without the CONSULTANT’S specific written verification, adaptation or approval.

SECTION 15
INSURANCE COVERAGE AND INDEMNIFICATION

15.1 The Consultant must maintain insurance in at least the amounts required in the Request for Proposal throughout the term of this contract. The contractor must provide a Certificate of Insurance in accordance with Insurance Requirements of the Request for Proposal, evidencing such coverage prior to issuance of a purchase order or commencement of any work under this Contract. See Section C Insurance Requirements – Attached

15.2 If the CONSULTANT is an individual or entity licensed by the state of Florida who holds a current certificate of registration under Chapter 481, Florida Statutes, to practice architecture or landscape architecture, under Chapter 472, Florida Statutes, to practice land surveying and mapping, or under Chapter 471, Florida Statutes, to practice engineering, and who enters into a written agreement with the COUNTY relating to the planning, design, construction, administration, study, evaluation, consulting, or other professional and technical support services furnished in connection with any actual or proposed construction, improvement, alteration, repair, maintenance, operation, management, relocation, demolition, excavation, or other facility, land, air, water, or utility development or improvement, the CONSULTANT will indemnify and hold harmless the COUNTY, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the CONSULTANT and other persons employed or utilized by the CONSULTANT in the performance of the Agreement.

SECTION 16
EQUAL EMPLOYMENT OPPORTUNITY CLAUSE
FOR CONTRACTS NOT SUBJECT TO EXECUTIVE ORDER 11246

In carrying out the contract, the CONSULTANT shall not discriminate against employee or applicant for employment because of race, color, religion, sex or national origin.
SECTION 17
INDEPENDENT CONTRACTOR STATUS AND COMPLIANCE WITH THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

CONSULTANT acknowledges that it is functioning as an independent Consultant in performing under the terms of this Agreement, and it is not acting as an employee of COUNTY. CONSULTANT acknowledges that it is responsible for complying with the provisions of the Immigration Reform and Control Act of 1986, located at 8 U.S.C. Section 1324, et seq., and regulations relating thereto. Failure to comply with the above provisions of this contract shall be considered a material breach and shall be grounds for immediate termination of the contract.

SECTION 18
PROHIBITION AGAINST CONTINGENT FEE

The CONSULTANT warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT to solicit or secure this Agreement, and that he has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement.

SECTION 19
TRUTH IN NEGOTIATIONS

By execution of this Agreement, the CONSULTANT certifies to truth-in-negotiations and that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. Further, the original contract amount and any additions thereto shall be adjusted to exclude any significant sums where the COUNTY determines the contract price was increased due to inaccurate, incomplete or non-current wage rates and other factual unit costs. Such adjustments must be made within one (1) year following the end of the contract.

SECTION 20
SUCCESSORS AND ASSIGNS

The CONSULTANT shall not assign, sublet, or transfer his interest in this Agreement without the written consent of the COUNTY.

SECTION 21
INTEREST ON JUDGMENTS

In the event of any disputes between the parties to this Agreement, including without limitation thereto, their assignees and/or assigns, arising out of or relating in any way to this Agreement, which results in litigation and a subsequent judgment, award or decree against either party, it is agreed that any entitlement to post judgment interest, to either party and/or their attorneys, shall be fixed by the proper court at the rate of five percent (5%), per annum, simple interest. Under no circumstances shall either party be entitled to pre-judgment interest. The parties expressly acknowledge and, to the extent allowed by law, hereby opt out of any provision of federal or state statute not in agreement with this paragraph.

SECTION 22
TERMINATION OF AGREEMENT

22.1 The COUNTY reserves the right to cancel this Agreement, without cause, by giving thirty (30) days prior written notice to the CONSULTANT of the intention to cancel. Failure of the CONSULTANT to fulfill or abide by any of the terms or conditions specified shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of COUNTY. Alternatively, at the COUNTY’S discretion, the COUNTY may provide to CONSULTANT thirty (30) days to cure the breach. Where notice of breach and opportunity to cure is given, and CONSULTANT fails to cure the breach within the time provided for cure, COUNTY reserves the right to treat the notice of breach as notice of intent to cancel the Agreement for convenience.
22.2 If COUNTY terminates the Agreement for convenience, other than where the CONSULTANT breaches the Agreement, the CONSULTANT’S recovery against the COUNTY shall be limited to that portion of the CONSULTANT’S compensation earned through date of termination, together with any costs reasonably incurred by the CONSULTANT that are directly attributable to the termination. The CONSULTANT shall not be entitled to any further recovery against the COUNTY, including but not limited to anticipated fees or profit on work not required to be performed.

22.3 Upon termination, the CONSULTANT shall deliver to the COUNTY all original papers, records, documents, drawings, models, and other material set forth and described in this Agreement.

22.4 In the event that conditions arise, such as lack of available funds, which in the COUNTY’S opinion make it advisable and in the public interest to terminate this Agreement, it may do so upon written notice.

SECTION 23
AGREEMENT TERM

This Agreement will become effective on the date of execution first written above and shall remain in effect for thirty-six (36) consecutive calendar months from the commencement date on the Notice to Proceed unless terminated at an earlier date under other provisions of this Agreement, or unless extended for a longer term by amendment.

SECTION 24
CONFLICT OF INTEREST

24.1 By accepting award of this Contract, the CONSULTANT, which shall include its directors, officers and employees, represents that it presently has no interest in and shall acquire no interest in any business or activity which would conflict in any manner with the performance of services required hereunder, including as described in the CONSULTANT’S own professional ethical requirements. An interest in a business or activity which shall be deemed a conflict includes but is not limited to direct financial interest in any of the material and equipment manufacturers, suppliers, distributors, or contractors who will be eligible to supply material and equipment for the PROJECT for which the CONSULTANT is furnishing its services required hereunder.

24.2 If, in the sole discretion of the County Administrator or designee, a conflict of interest is deemed to exist or arise during the term of the contract, the County Administrator or designee may cancel this contract, effective upon the date so stated in the Written Notice of Cancellation, without penalty to the COUNTY.

SECTION 25
ENTIRE AGREEMENT

This Agreement represents, together with all Exhibits and Appendices, the entire written Agreement between the COUNTY and the CONSULTANT and may be amended only by written instrument signed by both the COUNTY and the CONSULTANT.

SECTION 26
PUBLIC ENTITY CRIMES

CONSULTANT is directed to the Florida Public Entity Crime Act, Fla. Stat. 287.133, and Fla. Stat. 287.135 regarding Scrutinized Companies, and CONSULTANT agrees that its bid and, if awarded, its performance of the agreement will comply with all applicable laws including those referenced herein. CONSULTANT represents and certifies that CONSULTANT is and will at all times remain eligible to bid for and perform the services subject to the requirements of these, and other applicable, laws. CONSULTANT agrees that any contract awarded to CONSULTANT will be subject to termination by the County if CONSULTANT fails to comply or to maintain such compliance.
SECTION 27
PUBLIC RECORDS

Consultant acknowledges that information and data it manages as part of the services may be public records in accordance with Chapter 119, Florida Statutes and Pinellas County public records policies. Contractor agrees that prior to providing services it will implement policies and procedures to maintain, produce, secure, and retain public records in accordance with applicable laws, regulations, and County policies, including but not limited to the Section 119.0701, Florida Statutes. Notwithstanding any other provision of this Agreement relating to compensation, the Consultant agrees to charge the County, and/or any third parties requesting public records only such fees allowed by Section 119.07, Florida Statutes, and County policy for locating and producing public records during the term of this Agreement.

CONTRACTOR’S DUTY
If the contractor has questions regarding the application of Chapter 119, Florida Statutes, to the Contractor’s duty to provide public records relating to this contract, contact the Pinellas County Board of County Commissioners, Purchasing Department, Operations Manager custodian of public records at 727-464-3311, purchase@pinellascounty.org, Pinellas County Government, Purchasing Department, Operations Manager, 400 S. Ft. Harrison Ave, 6th Floor, Clearwater, FL 33756.
SECTION 28
GOVERNING LAW AND AGREEMENT EXECUTION

This Agreement shall be governed by the laws of the State of Florida.

IN WITNESS WHEREOF, the parties herein have executed this Agreement as of the day and year first written above.

Firm Name: PINELLAS COUNTY, by and through its Board of County Commissioners

By: ____________________________  By: ____________________________
Print Name: ____________________________  Name ____________________________
Title: ____________________________  Date: ______  Chairman

ATTEST:

Ken Burke, Clerk of the Circuit Court

By: ____________________________  Date: ______
Deputy Clerk

APPROVAL AS TO FORM:

By: ____________________________
Office of the County Attorney
Exhibit A
Scope of Services

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(Document to be Provided Prior to Agreement Execution)
Exhibit B
Hourly Rate Sheet

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(Document to be Provided Prior to Agreement Execution)
RESOLUTION NO. 17-63

A RESOLUTION OF PINELLAS COUNTY, FLORIDA, RELATING TO THE PROVISION OF SURFACE WATER MANAGEMENT SERVICES; PROVIDING FOR RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS OF SPECIAL BENEFIT AND REASONABLE APPORTIONMENT; PROVIDING FOR THE IMPOSITION OF SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES FOR FISCAL YEAR 2017-2018 AND FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR THE PROVISION AND FUNDING OF SURFACE WATER MANAGEMENT SERVICES FOR FISCAL YEAR 2017-2018 AND FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR A SURFACE WATER SERVICE AREA; PROVIDING FOR ESTIMATED SURFACE WATER SERVICE COSTS; PROVIDING FOR AN ASSESSMENT AND FEE RATE FOR FISCAL YEAR 2017-2018 AND A MAXIMUM ASSESSMENT AND FEE RATE FOR FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR AN APPORTIONMENT METHODOLOGY; PROVIDING FOR THE APPROVAL OF SURFACE WATER ROLLS FOR FISCAL YEAR 2017-2018 AND AUTHORIZING SUCH APPROVAL FOR FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR CERTIFICATION OF THE SURFACE WATER ROLL FOR FISCAL YEAR 2017-2018 SURFACE WATER SERVICE ASSESSMENTS AND AUTHORIZING CERTIFICATION FOR FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR AUTHORIZATION OF COLLECTION OF THE SURFACE WATER ROLL FOR FISCAL YEAR 2017-2018 SURFACE WATER FEES AND AUTHORIZING COLLECTION FOR FISCAL YEARS SUBSEQUENT THERETO; PROVIDING FOR A METHOD OF COLLECTION; PROVIDING FOR THE EFFECT OF ADOPTION OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County (the “County”) Ordinance No. 17-11, which is codified at Chapter 166, Article VI of the Pinellas County Land Development Code (the “Code”), authorizes the Board of County Commissioners (the "Board") to impose Surface Water Service Assessments and Surface Water Fees against real property benefited by Surface Water Management Services the County provides;
WHEREAS, imposition of Surface Water Service Assessments and Surface Water Fees against parcels with impervious surfaces in the unincorporated area of the County is an equitable and efficient method of allocating and apportioning the County’s Surface Water Service Costs for such Surface Water Management Services;

WHEREAS, the Board accordingly desires to impose Surface Water Service Assessments and Surface Water Fees against Developed Property with at least 200 square feet of Impervious Area in the unincorporated area of the County for Fiscal Year 2017-2018 and Fiscal Years subsequent thereto;

WHEREAS, in the interest of efficiency, the Board desires to adopt a Maximum Rate for such Surface Water Service Assessments and Surface Water Fees for Fiscal Years subsequent to Fiscal Year 2017-2018;

WHEREAS, a public hearing has been duly held on September 14, 2017 as required by Section 166-501(b) (“Surface Water Rate Resolutions Generally”) of the Code and comments and objections of all interested persons have been heard and considered; and

WHEREAS, notice of the public hearing for adoption of the Resolution has been published and mailed in accordance with Sections 166-503 (“Notice by Publication”) and 166-504 (“Notice by Mail”) of the Code; a proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. RECITALS

The above recitals are true and correct and are hereby incorporated by reference herein.
SECTION 2. AUTHORITY

This Resolution is adopted pursuant to the provisions of Chapter 166, Article VI of the Code; the Pinellas County Charter; Article VIII, Section 1(g) of the Florida Constitution; Section 125.01 of the Florida Statutes; and other applicable provisions of law.

SECTION 3. DEFINITIONS

Unless otherwise defined below, all capitalized terms in this Resolution shall have the meanings defined in Section 166-421 (“Definitions”) of the Code.

SECTION 4. LEGISLATIVE FINDINGS OF SPECIAL BENEFIT AND REASONABLE APPORTIONMENT

Sections 166-423 (“General Findings”) and 166-424 (“Legislative Determinations of Special Benefit and Reasonable Apportionment”) of the Code are incorporated by reference herein.

SECTION 5. IMPOSITION OF SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES

a. In accordance with Section 166-476 (“Surface Water Service Charges”) of the Code, for Fiscal Year 2017-2018 (beginning October 1, 2017) and Fiscal Years subsequent thereto, Surface Water Service Assessments for estimated Surface Water Service Costs shall be imposed against all Developed Property with at least 200 square feet of Impervious Area, except Government Property, within the Surface Water Service Area. The annual assessment amount attributable to each Parcel shall be assessed at a rate based upon the special benefit accruing to such Parcel from the County’s provision of Surface Water Management Services, measured by
the number of Net ERUs attributable to each Parcel. The Surface Water Service Area is described in Section 7 of this Resolution below. Estimated Surface Water Service Costs are described in Section 8 of this Resolution below. Per Net ERU rates for such assessments are described in Section 9 of this Resolution below. The apportionment methodology to be utilized in calculating the annual assessment amount for each Parcel is described in Section 10 of this Resolution below.

b. In accordance with Section 166-476 (“Surface Water Service Charges”) of the Code, for Fiscal Year 2017-2018 and Fiscal Years subsequent thereto, Surface Water Fees for estimated Surface Water Service Costs shall be imposed against all Government Property that is Developed Property with at least 200 square feet of Impervious Area within the Surface Water Service Area. The annual fee amount attributable to each Parcel shall be assessed at a rate based upon the special benefit accruing to such Developed Property from the County’s provision of Surface Water Management Services, measured by the number of Net ERUs attributable to each Parcel. The Surface Water Service Area is described in Section 7 of this Resolution below. Estimated Surface Water Service Costs are described in Section 8 of this Resolution below. Per Net ERU rates for such fees are described in Section 9 of this Resolution below. The apportionment methodology to be utilized in calculating the annual fee amount for each Parcel is described in Section 10 of this Resolution below.

SECTION 6. PROVISION AND FUNDING OF SURFACE WATER MANAGEMENT SERVICES

a. Upon the imposition of the Surface Water Service Assessments and Surface Water Fees authorized herein, the Surface Water Utility created by Sections 166-541 (“[Surface Water Utility] Established”) and 166-452 (“Surface Water Utility Fund”) of the Code shall provide
Surface Water Management Services to Parcels subject to such assessments and fees for Fiscal Year 2017-2018 and Fiscal Years subsequent thereto. All or any portion of the Surface Water Service Costs to provide such Surface Water Management Services shall be funded from proceeds of Surface Water Service Assessments and Surface Water Fees. The remaining cost required to provide Surface Water Management Services shall be funded from legally available County revenues. The Surface Water Utility may also acquire and construct capital facilities to assist and facilitate the provision of Surface Water Management Services within the Surface Water Service Area.

b. In accordance with Section 166-531 (“Lien of Surface Water Assessments”) of the Code, Surface Water Service Assessments shall constitute a lien upon assessed Parcels equal in rank and dignity with the liens of all state, county, district or municipal taxes and non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. For Fiscal Year 2017-2018, the lien for Surface Water Service Assessments shall be deemed perfected upon adoption of this Resolution. For Fiscal Years subsequent to Fiscal Year 2017-2018, the lien for Surface Water Service Assessments shall be deemed perfected upon annual certification of the Surface Water Roll for Surface Water Service Assessments in accordance with Section 11 of this Resolution below. Upon perfection, the lien for Surface Water Service Assessments shall attach to the property included on the applicable Surface Water Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. SURFACE WATER SERVICE AREA

The Surface Water Service Area shall be the entire unincorporated area of the County.
SECTION 8. ESTIMATED SURFACE WATER SERVICE COSTS

The estimated Surface Water Service Cost for Fiscal Year 2017-2018 is $22.8M. The Surface Water Service Cost for Fiscal Years subsequent to Fiscal Year 2017-2018 may fluctuate based upon the cost to provide Surface Water Management Services.

SECTION 9. RATES FOR SURFACE WATER SERVICE ASSESSMENTS AND SURFACE WATER FEES

a. For Fiscal Year 2017-2018, the per Net ERU rate for Surface Water Service Assessments and Surface Water Fees authorized herein shall be $117.74; provided, however, that the $117.74 per Net ERU rate shall be reduced, if necessary, to ensure that the aggregate Surface Water Service Assessments and Surface Water Fees within the Surface Water Service Area do not exceed Surface Water Service Costs.

b. For each Fiscal Year subsequent to Fiscal Year 2017-2018, subject to the provisions of Subsection c. below, the per Net ERU rate for Surface Water Service Assessments and Surface Water Fees authorized herein shall be $117.74; provided, however, that the $117.74 per Net ERU rate shall be reduced, if necessary, to ensure that the aggregate Surface Water Service Assessments and Surface Water Fees within Surface Water Service Area do not exceed Surface Water Service Costs.

c. For each Fiscal Year subsequent to FY 2017-2018, the per Net ERU rate may be increased by no more than 3% of the amount of the per Net ERU rate for the immediately prior Fiscal Year; under no circumstances, however, shall the per Net ERU rate for any Fiscal Year
exceed $128.66, unless the Board approves an increase to the maximum per Net ERU rate at a subsequent public hearing.

**SECTION 10. APPORTIONMENT METHODOLOGY**

For Surface Water Service Assessments and Surface Water Fees authorized herein, each Parcel’s total assessment or fee amount shall be calculated annually by inserting the per Net ERU rates described in Section 9 of this Resolution above, together with any Mitigation Credits awarded pursuant to any effective Mitigation Policy adopted by the Board pursuant to Section 166-478(e) (“Apportionment Methodology”) of the Code, into the Net ERU formula for that Parcel’s classification provided under Section 166-478 (“Apportionment Methodology”) of the Code.

**SECTION 11. APPROVAL OF SURFACE WATER ROLLS**

a. Surface Water Rolls for Fiscal Year 2017-2018, copies of which were present or available at this public hearing and are on file with the Surface Water Utility Coordinator, have been prepared in accordance with Section 166-502 (“Surface Water Rolls”) of the Code and are incorporated by reference herein and hereby approved. The Board Chair shall certify the Surface Water Roll for Fiscal year 2017-2018 Surface Water Service Assessments by completing the Certification Form attached hereto as Appendix D and cause such roll and form to be delivered to the Tax Collector. The Surface Water Utility Coordinator is hereby directed to prepare the mailing of bills for the Surface Water Roll for Fiscal Year 2017-2018 Surface Water Fees no later than November 1, 2017; such bills shall substantially conform to the format attached hereto as Appendix C.
b. For Fiscal Years subsequent to FY 2017-2018, the Surface Water Utility Coordinator is hereby directed to prepare Surface Water Rolls in accordance with Section 166-502 (“Surface Water Rolls”) of the Code for the Surface Water Service Assessments and Surface Water Fees authorized herein. The Board may annually approve such Surface Water Rolls for Surface Water Service Assessments for Fiscal Years subsequent to Fiscal Year 2017-2018 in accordance with the Uniform Assessment Collection Act; upon such approval and further in accordance with the Uniform Assessment Collection Act, the Board Chair shall certify such Surface Water Rolls and cause such Surface Water Rolls and Certifications to be delivered to the Tax Collector. Concurrent with any annual approval of such Surface Water Rolls for Surface Water Service Assessments, the Board may annually approve Surface Water Rolls for Surface Water Fees for Fiscal Years subsequent to FY 2017-2018; upon such approval, the Surface Water Utility Coordinator shall prepare the mailing of bills for such fees in accordance with Section 12 of this Resolution below.

c. Nothing in this Section 11 shall be construed to require that the Surface Water Rolls be in printed form if the amount of the Surface Water Service Assessment or Surface Water Fee for each Parcel is available on compatible electronic medium and can be determined by use of an available computer terminal.

SECTION 12. METHOD OF COLLECTION

Surface Water Service Assessments authorized herein shall be collected pursuant to the Uniform Assessment Collection Act as authorized by Section 166-561 (“Method of Collection of Surface Water Assessments”) of the Code. Surface Water Fees authorized herein shall be collected pursuant to Section 166-564 (“Collection of Surface Water Fees”) of the Code.
SECTION 13. EFFECT OF ADOPTION OF RESOLUTION

In accordance with Section 166-505 of the Code (“Effect of Adoption of Surface Water Rate Resolutions”), the adoption of this Resolution shall be the final adjudication of the issues presented herein (including but not limited to the imposition of Surface Water Service Assessments and Surface Water Fees, the per Net ERU rate for Surface Water Service Assessments and Surface Water Fees, and the apportionment methodology for Surface Water Service Assessments and Surface Water Fees), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of adoption of this Resolution.

SECTION 14. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

Commissioner _______ Gerard _________ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner ________ Seel_________, and upon roll call the vote was:

AYES: Long, Welch, Gerard, Justice, Morroni, and Seel.

NAYS: Eggers.

Absent and not voting: None.

APPROVED AS TO FORM

By: ____________________________
   Office of the County Attorney
APPENDIX A

PROOF OF PUBLICATION
NOTICE OF HEARING TO IMPOSE
AND PROVIDE FOR COLLECTION OF
NON-AD VALOREM ASSESSMENTS
AND FEES

Unincorporated Pinellas County

The U.S. Environmental Protection Agency through the National Pollutant Discharge Elimination System Stormwater permitting program implemented by the Florida Department of Environmental Protection has mandated Pinellas County (the “County”) to implement and fund a comprehensive stormwater management program. Surface Water Assessments and Surface Water Fees were established by the County in September 2013 as a dedicated funding source to assist in funding these efforts. Accordingly, the Pinellas County Board of County Commissioners (the “Board”) by local governing body action, adopted Surface Water Assessments and Surface Water Fees, will conduct a public hearing to consider the continued imposition of Surface Water Service Assessments against non-Government Property and Surface Water Fees against Government Property for Fiscal Year 2017-2018 and Fiscal Year subsequent thereto in the unincorporated area of the County (the “Surface Water Service Area”), as shown above.

The public hearing will be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 14, 2017 in the Board Chambers at 315 Court Street, 3rd Floor, Clearwater, Florida 33756. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or interpreter to participate in this proceeding should contact the Office of Human Rights, 400 South Fort Harrison Avenue, Suite 300, Clearwater, Florida at (727) 565-6662 at least 48 hours prior to the date of the hearing. If hearing impaired, please call the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8771 (voice), for assistance. All affected property owners have a right to appear at the hearing and file written objections with the County. All written objections must be filed with the Board within 20 days of the publication of this notice. Please include your name, Parcel number, and the reason for your objection on all written objections. Address all written objections as follows: Surface Water Assessment and Fee, Pinellas County Board of County Commissioners, 315 Court Street, 3rd Floor, Clearwater, Florida 33756. Any person wishing to appeal any decision of the Board with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings be made.

Surface Water Service Assessments and Surface Water Fees help fund the County’s Surface Water Management Costs to provide Surface Water Management Services. Surface Water Management Services include: (A) management and administration of the County’s Surface Water Utility (as better described in County Ordinance No. 17-11), (B) surface water program engineering; (C) drainage basin planning; (D) Surface Water Improvements to be acquired or constructed in accordance with a reasonable time horizon without the issuance of any debt or borrowing; (E) operating and maintaining the County’s capital facilities for surface water management, including extraordinary maintenance; (F) billing and collection of Surface Water Assessments and Surface Water Fees, including customer information and educational services and reserves for statutory discounts; and (G) legal, engineering, and other consultant services.

Surface Water Service Assessments and Surface Water Fees are based upon the estimated amount of Stormwater runoff generated by the Impervious Area of a Parcel. Impervious surfaces include rooftops, patios, driveways, parking lots and similar hardened areas. Surface Water Service Assessments are imposed against non-Government Property with at least 250 square feet of Impervious Area, Surface Water Fees are imposed against Government Property with at least 200 square feet of Impervious Area. The County has determined that the median single-family residence in the Surface Water Service Area includes 2,200 square feet of Impervious Area, which is the “Equivalent Residential Unit (ERU)” Value used to determine the number of “ERU’s” with which a Parcel is assessed. A Parcel’s assessment or fee is generally based upon its “ERU’s” and the dollar rates per ERU are described in the paragraph below.

For Fiscal Year 2017-2018, the proposed Surface Water Service Assessment and Surface Water fee rate per Net ERU is $117.74. For Fiscal Years subsequent to 2017-2018, the proposed Surface Water Service Assessment and Surface Water Fee rate per Net ERU is $117.74, Alternatively, the per Net ERU rate for a Fiscal Year subsequent to Fiscal Year 2017-2018 may increase by no more than 3% of the amount of the rates for the immediately prior Fiscal Year under no circumstances, however, shall the rate for any Fiscal Year exceed $128.00 unless the Board approves an increase to the Maximum Rate at a subsequent public hearing. A Parcel’s assessment or fee amount may be reduced if a property owner applies and qualifies for credits under a County Mitigation Credit Policy, which recognizes the benefits provided by privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff generated by a Parcel. Surface Water Service Assessments will be collected by the Tax Collector of Pinellas County, pursuant to the Uniform Assessment Collection Act codified at Chapter 197, Florida Statutes. Failure to pay an assessment will cause a tax certificate to be issued against the assessed Parcel, which may result in a loss of the fee to the Parish. Surface Water Fees will be collected by separate bills sent by the County to Government Property.

A more specific description of Surface Water Service Assessments and Surface Water Fees is set forth in County Ordinance No. 17-11, codified at Section 106, Article 10 of the Pinellas County Land Development Code. Copies of Ordinance No. 17-11, if any, are amended, any effective Mitigation Credit Policy; and the Surface Water Rules (the Surface Water Assessments and Surface Water Fees for any Fiscal Year for which such assessments and fees are imposed, and shall be available for inspection at the Board Records Office, located at 315 Court Street, 3rd Floor, Clearwater, Florida 33756, as well as the Surface Water Utility Coordinator’s Office, located at 22111 U.S. Highway 19 North, Building 10, Clearwater, Florida 33765. Any person wishing to contest any assessment or fee amount may be imposed against any Parcel may petition for assessment against or upon the office of the Surface Water Utility Coordinator located at the address above. Additional information about Surface Water Assessments, Surface Water Fees, and Mitigation Credit Policies is available at www.pinellascounty.org.

If you have any questions regarding the number of per Net ERUs assigned to your property or the amount of your Surface Water Service Assessment or Surface Water Fee, please call the County Division of Environmental Management at (727) 464-6759.

KEN BURKE
CLERK TO THE BOARD OF COUNTY COMMISSIONERS

By Norman D. Loy, Deputy Clerk

9/29/17
APPENDIX B

AFFIDAVIT OF MAILING
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Kelli Hammer Levy, who, after being duly sworn, deposes and says:

1. Kelli Hammer Levy, as Surface Water Utility Coordinator of Pinellas County, Florida (the "County"), in accordance with Chapter 166, Article VI of the Pinellas County Land Development Code (the "Code"), timely directed: (a.) the preparation of Surface Water Rolls for Fiscal Year 2017-2018 Surface Water Service Assessments and Surface Water Fees; and (b.) the preparation, mailing, and publication of notices for a public hearing for consideration by the Board of County Commissioners ("Board") of adoption of a Surface Water Rate Resolution imposing Surface Water Service Assessments and Surface Water Fees for Fiscal Year 2017-2018 and Fiscal Years subsequent thereto.

2. Ms. Levy timely provided all necessary information to the Property Appraiser of Pinellas County for notification of the Surface Water Service, to be included as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, also known as the truth-in-millage or TRIM notification ("TRIM Notice"), for each affected property owner. The information provided to the Property Appraiser to be included on the TRIM Notice for each affected property owner includes the following: the rate to be levied against each Parcel for Fiscal Year 2017-2018; the number of Net Equivalent Residential Units (ERU) contained within each Parcel for Fiscal Year 2017-2018; and the date, time, and place of the public hearing. Together with the TRIM Notice, a TRIM insert ("TRIM Insert") was provided which, in conjunction with the attached TRIM Notice, provides the information required under the Code and Section 197.3632(4)(b), Florida Statutes. Information contained in the TRIM Insert includes: the purpose of the Surface Water Service Assessments and Surface Water Fees; the rate to be levied against each Parcel,
including a proposed Maximum Rate for Fiscal Years subsequent to Fiscal Year 2017-2018; the ERU Value (1 ERU = 2,339 square feet of Impervious Area) used to determine the Surface Water Assessments and Surface Water Fees; the total revenue the County expects to collect from the Surface Water Service Assessments and Surface Water Fees; a statement that failure to pay the Surface Water Service Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to such property; a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board within 20 days of the date of notice; and the date, time, and place of the public hearing.

3. On or before August 25, 2017, in accordance with the Code and Section 197.3632(4)(b), Florida Statutes, Ms. Levy directed the Property Appraiser of Pinellas County to mail the above-referenced notices in Paragraph 2 of this Affidavit via U.S. First Class Mail to each affected property owner, to be sent as part of the annual TRIM mailing to the addresses then shown on the real property tax roll database maintained by the Pinellas County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. For Government Property, on or before August 25, 2017, in accordance with the Code, Ms. Levy caused notices of Surface Water Fees to be prepared and mailed via U.S. First Class Mail to each affected property owner. Each notice mailed to affected owners of Government Property includes the following information: the rate to be levied against each Parcel for Fiscal Year 2017-2018 and Fiscal Years subsequent to Fiscal Year 2017-2018, including a proposed Maximum Rate for Fiscal Years subsequent to Fiscal Year 2017-2018; the number of Net Equivalent Residential Units (ERU) contained within each Parcel for Fiscal Year 2017-2018; the ERU Value (2,339 square feet of Impervious Area) used to determine the Surface Water Assessments and Surface Water Fees; the purpose of the Surface Water Service Assessments and
Surface Water Fees; the total revenue the County expects to collect from the Surface Water Service Assessments and Surface Water Fees; a statement that failure to pay the Surface Water Service Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to such property; a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board within 20 days of the date of notice; and the date, time, and place of the public hearing.

5. Ms. Levy, mailed or caused to be mailed the herein-referenced notices as described above.

FURTHER AFFIANT SAYETH NOT.

Kelli Hammer Levy, affiant

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 22 day of August, 2017 by Kelli Hammer Levy, Surface Water Utility Coordinator, Pinellas County, Florida. She is personally known to me or has produced as identification and did take an oath.

Printed Name: WENDY REAGAN
Notary Public, State of Florida At Large
My Commission Expires: August 27, 2018
Commission No.: FF155299
FloridaNotaryServices.com
APPENDIX C

FORM OF GOVERNMENT PROPERTY BILL
Dear Property Owner:

***THIS IS A BILL***

Pinellas County has imposed a Surface Water Assessment and Surface Water Fee for the Fiscal Year October 1, 2017 - September 30, 2018 (Fiscal Year 2017-2018). The purpose of this charge is to fund the County’s provision of Surface Water Management Services, facilities and programs benefiting property located within the unincorporated area of the County. The Surface Water Fee on your property is based on the amount of impervious area on your property, as expressed in Equivalent Residential Units (ERUs).

Parcel ID#:
Location:
Legal Description:

The total number of ERUs on the above Parcel is ______
The annual Surface Water Fee for the above parcel is $________ for Fiscal Year 2017-2018.

The FY2017-2018 Surface Water Fee is due and payable on or before March 31, 2018. Payments are subject to the following discounts when paid by the date indicated (please pay only one amount):

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<th>Paid By Date</th>
<th>Discount</th>
<th>Amount Due</th>
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<tr>
<td>November 30, 2017</td>
<td>4%</td>
<td></td>
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<tr>
<td>December 31, 2017</td>
<td>3%</td>
<td></td>
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<tr>
<td>January 31, 2018</td>
<td>2%</td>
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<tr>
<td>February 28, 2018</td>
<td>1%</td>
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<tr>
<td>March 31, 2018</td>
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Payments received after March 31, 2018 will be considered delinquent. Failure to pay may cause the institution of mandamus proceedings to compel payment.

Please remit the below portion with your payment.

Remit to:

Pinellas County Surface Water Utility
22211 US Hwy 19 N
Building 10
Clearwater, FL 33765

Parcel ID#:
Amount Included: ______________
APPENDIX D

FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL
CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Chairman of the Board of the County Commissioners, or authorized agent of, Pinellas County, Florida (the "County"). As such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for Surface Water Management Services (the "Non-Ad Valorem Assessment Roll") for the County is properly assessed so far as I have been able to ascertain, and that all required extensions on the above described roll showing the non-ad valorem assessments attributable to the property listed therein have been made pursuant to applicable law.

I FURTHER CERTIFY that in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the County Tax Collector by September 15, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 14 day of September, 2017.

PINELLAS COUNTY, FLORIDA

By: Janet C. Long, Board Chairman

[To be delivered with Non-Ad Valorem Assessment Roll to County Tax Collector by September 15, 2017]

ATTEST: KEN BURKE, CLERK
By: Deputy Clerk

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY
By Attorney
# Executive Summary

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Appendices

Appendix 1 Pinellas County Surface Water Governance Study Rate Model
June 2013
Executive Summary

Pinellas County Surface Water Governance

Pinellas County, Florida, wishes to develop a comprehensive surface plan to address surface water programs in the unincorporated County with potential collaboration with incorporated cities. Surface water management programs relate to three elements of governmental control and management of stormwater runoff: program management (e.g., administration, planning, enforcement, permitting); NPDES MS4 permit compliance with NPDES - Operation and Maintenance (NPDES O&M, e.g., cleaning, mowing, and minor repair); and capital improvements (i.e., major construction). To this end, the County originally hired CDM Smith Inc. (CDM Smith) with the support of URS Corporation Southern (URS) and Kurt Spitzer & Associates Inc. (KSA) to complete a preliminary report for this program. The Pinellas County Stormwater Governance Study included a description of the federal, state, regional and local regulatory requirements for surface water management, analysis of the County’s current levels of service, a consideration of potential activities to improve the level of service offered, an assessment of possible funding options available to the County to pay for the current or expanded levels of service and a preliminary rate structure consideration for a surface water user fee.

Recently, the County asked CDM Smith to update the preliminary study to address the county-wide strategic planning process currently underway. Completed by CDM Smith, the updated study considers surface water programs, expenditures and budgets related to Fiscal Year 2013 (October 2012 to September 2013) and provides an assessment of potential rate structure options for a surface water utility fee. It should be noted that, since the current County programs focus on surface water (which includes stormwater), “stormwater” this document has been changed to “surface water.”

Regulatory Requirements

A summary of major regulatory requirements includes the following:

Federal Requirements
The Clean Water Act requires the control of the discharges of pollutants to the waters of the United States through National Pollutant Discharge Elimination System (NPDES) permits. The control of pollutant discharge in municipal separate storm sewer system (MS4) permits will be through the implementation of best management practices. Also, Total Maximum Daily Loads (TMDLs) are to be completed in water bodies which do not attain designated uses and ultimately are required to be implemented through NPDES permits for municipal and County permittees.
State Requirements

- The County has the authority to prepare and enforce comprehensive plans; establish and administer drainage programs; create Municipal Service Benefit Unit (MSBU), Municipal Service Taxing Unit (MSTU), or special district areas for drainage services; establish ditches, drains or canals to control runoff if petitioned; and, establish drainage levels of service.

- Minimum statewide surface water requirements are related to the recovery of treatment volumes, fencing for the protection of the public, and extra treatment for discharge to Outstanding Florida Waters (OFWs).

- The minimum state treatment standards require an 80 percent reduction of the average annual load of pollutants that would cause or contribute to water quality violations.

- The State may issue total maximum daily loads (TMDLs) and associated basin management action plans (BMAPs) which will require the control of pollutant loading into County surface waters.

WMD Requirements

- Permits are required from the Southwest Florida Water Management District (SWFWMD) for construction and modification of surface water management systems.

Pinellas County Requirements

- The Charter authorizes the County to design, construct, and maintain major drainage systems in both the unincorporated and municipal parts of the County. The term “major drainage system” has been defined in Pinellas County; however, further clarification is needed on the responsible agent for “major drainage systems” maintenance, especially in conjunction with annexation.

- The Charter authorizes the County to provide countywide planning.

- The County Comprehensive Plan requires the correction of surface water deficiencies, development of watershed plans, consideration of regional systems, and water quality improvements.

- Discharges of pollutants to the MS4 are to be controlled (Chapter 58).

- The control of fertilizer use required by County ordinance to minimize the discharge of nutrient enriched runoff to surface waters (Chapter 58).

- Site plans for new development and significant redevelopment are to be reviewed (Chapters 134 and 154).

- The County is to protect major systems from erosion (excessive velocities) and excessive water elevations.

Areas identified where city-county partnerships may be attained include:

Program Management – Code Enforcement. The County and all of the cities are required to have post-development stormwater controls as well as during construction (by NPDES permit). Some of the cities and the County already share common private construction inspection activities – addition of other municipalities should be considered.
**Program Management - TMDL Participation in BMAP Development.** Depending on the basin or watershed, some or all of the cities and the County may participate in the development of the BMAP for a particular pollutant. Working together, the County and cities can support each other to optimize the ability to achieve the TMDL loading reductions ultimately to be required.

**Program Management – Biological Corroboration.** With the new Florida Numeric Nutrient Criteria (NNC), corroboration of nutrient impairment is necessary. It is possible that many of the streams cross municipal boundaries. As a result, collaborative approaches to confirm or deny nutrient impairment are warranted.

**NPDES Compliance – Illicit Connections, Monitoring, Public Information.** As proven in many communities around Florida, joint NPDES compliance programs provide compliance activities for participants and save time, staff and costs. Illicit connections, monitoring and public information/education are a few of the obvious ones that should be cooperatively completed for compliance. For example, the County inspections and enforcement through an interlocal agreement with the Florida Department of Transportation (FDOT) for FDOT roads and drainage system and water quality monitoring for NPDES MS4 compliance are already shared programs.

**Capital Improvement Program – Basin/Watershed Studies.** As watershed or basin divides do not follow jurisdictional lines, studies of runoff behavior within basins or watersheds should be cooperatively considered. One way to do this is for all of the jurisdictions affected in the watershed or basin to financially participate in the study based on area. Another is for the County to complete such studies where multiple jurisdictions are affected – the distribution of capital cost should be based on either volume of flow contributed during the design storm event or drainage basin area. Currently, the costs associated with Watershed Plan development are cooperatively funded through the SWFWMD, Pinellas County, and the cities. This partnership should continue as the opportunities are created or arise.

**Operation and Maintenance.** The overlap of activities for O&M is difficult to assess. Both the County and each city is responsible for maintenance of facilities respectively owned; however, the Charter says the County has “all special and necessary power to furnish ... the services” for the “design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area” [Section 2.04(g)]. The services provided by the County related to the maintenance of surface water systems in newly annexed areas are unclear in some areas.

**Current Operations and CIP Level of Service Analysis**

The County’s current level of service (LOS) was assessed considering 3 areas of operations: program management, NPDES MS4 compliance including, operation and maintenance (O&M), and capital improvements (CIP). These services are currently being provided mostly by the Department of Environment and Infrastructure (DEI). Activities include:

- In-house engineering design and consultant management for drainage-related capital projects;
- Asset management of surface water infrastructure;
- Concrete related repair and maintenance for drainage structures, pipes and underdrains;
- Response and repair in response to complaint or emergency;
- Mowing associated with the drainage system including ditches and ponds;
Inspection, maintenance and certification of drainage facilities associated with the capital improvement program;

- Maintenance of open conveyance systems;
- Roadway sweeping;
- Vegetation management in County lakes, ponds, rights-of-way, and drainage areas.
- Ambient monitoring of water quality in County surface waters;
- NPDES permit compliance;
- Development review;
- TMDL support include BMAP collaboration; and,
- Watershed Planning related to water quantity (flooding) and water quality.

Based on the consideration of program being offered by DEI, the total estimated expenditures for surface water management operations in Pinellas County is estimated to be $21.4 million for FY 2013, including Penny for Pinellas funding.

<table>
<thead>
<tr>
<th>Program</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Management</td>
<td>$1,258,681</td>
<td>10.7%</td>
</tr>
<tr>
<td>NPDES - MS4 Compliance</td>
<td>$1,562,520</td>
<td>13.2%</td>
</tr>
<tr>
<td>NPDES - O&amp;M Program</td>
<td>$8,972,345</td>
<td>76.1%</td>
</tr>
<tr>
<td><strong>Total Program Costs</strong></td>
<td><strong>$11,793,546</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

The amounts spent are based on an assessment of the percentage of the FY 2013 department budgets spent for surface water purposes. For the CIP estimate, a 10-year average was considered. Excluding the Penny for Pinellas and Engineering funding, the total existing program costs are estimated to be $11.8 million per year, as indicated in the inset table.

Compared to a standard set of surface water management operations criteria, the level of service (LOS) for the County is currently assessed to be LOS C. This is based on the level of planning currently completed, adequate compliance with the NPDES MS4 permit, primarily inspection and response based operation and maintenance program and a slightly above LOS C for the drainage CIP completion program.

To improve the LOS for the County, additional programs in each area were considered. For Program Management, a site plan compliance program is suggested as well as an ongoing program for watershed plan development consistent with the Pinellas County Comprehensive Plan. For MS4 compliance, the Adopt-a-Pond program should be reconsidered as well as biological monitoring to address new state numeric nutrient criteria. For NPDES O&M, additional street sweeping should be completed as well as expanding the open and closed conveyance maintenance program. Finally, for CIP, while the Penny for Pinellas addresses some of the needs, additional funding is needed for water quality related CIP. The estimated funding needs for the existing and new programs excluding the Penny for Pinellas, additional Water Quality CIP and Engineering are itemized below:
Excluding the Penny for Pinellas, Engineering and additional water quality CIP, the total proposed funding needs are $17.9 million, an increase of about $6.1 million above the existing program.

It was also estimated that, as before, excluding Penny for Pinellas, Engineering and WQ CIP, to achieve a full LOS B would require $19.0 million per year in funding, only about $1.15 million more than the proposed funding. Finally, LOS A is estimated to be $24.4 million per year which is $6.5 million more than the proposed funding and $5.4 million above LOS B. Additional budgets for CIP (Penny for Pinellas and WQ CIP) would be needed to increase the CIP LOS as well.

Funding Assessment

For the FY 2013 budget, Pinellas County is expected to receive $364.6 million (21.5 percent) in property taxes, $611 million (36 percent) in non-operating revenue and fund balances, and $411.9 million (24.3 percent) in service charges, as the major categories. The rest of the budget (18.2 percent) would be from federal/state sources, sales and use taxes, and other funding mechanisms. Of the $1,695.6 million budget for FY 2013, $543.7 million is in the General Fund, from which the majority of County service programs are funded. The majority of the General Fund is made up of ad valorem taxes (48.1 percent), which are based on the property values.

New sources of funding to achieve the existing or higher levels of service include:

- **Non-ad Valorem Assessment.** Special assessments can be used to fund all of the surface water program components. To be valid, there must be a benefit received by the property being assessed (satisfied via surface water management activities) and the cost of the service/benefit must be rationally apportioned to the payer of the assessment. A stringent schedule is required by Chapter 197, F.S., taking almost a year to implement the program. Since the bill would be associated with the tax bill (in a separate section of the form), the ability to implement this type of bill is available to the County in the unincorporated area as well as, in certain circumstances, in the incorporated areas.

- **Surface Water User Fee.** Similar to other user fees such as wastewater, water, and garbage fees, a surface water utility fee is based on service or benefit received by the utility with the fee based on the benefit received. The benefit is generally related to runoff associated with the fee payer’s property which, for most surface water user fees, is related to the amount of impervious area on the property. Over 150 such utility fees have been implemented in Florida, the first of which in Tallahassee which started in 1986. To use this type of funding program, a billing system (such as a water utility bill) is used as the vehicle to send out the surface water fee. In the case of Pinellas County, a single utility bill covering the entire unincorporated County does not exist so this option is not attractive (it should be noted that, while multiple utility bills including those for municipalities and the County, cover the unincorporated County, use of this method would be difficult to implement and maintain). However Chapter 403 F.S. specifically provides that “fees” assessed pursuant to Section 403.0893 F.S. may use the non-ad valorem assessment levy, collection and enforcement method as provided in Chapter 197 F.S.

- **Local Government Infrastructure Sales Tax.** This sales tax adds an additional penny of sales tax to the existing state sales tax per dollar. The tax was approved for an additional 10 years from 2010 to 2020. The revenues from this source can only be used for capital improvements.
• **Impact Fees.** Impact fees are imposed on new construction because the new development creates an impact on the existing utilities (e.g., increased water needs or sewer capacity needs). Such fees can be used only for construction in the area of the impact and only for new growth. The limitations restrict the use of these revenues to pay for a full surface water program.

• **Grants/Cost Sharing.** While very few opportunities for construction grants are available, most federal, state or regional sources of funding call for a cost-shared program, generally at a 50 percent level and do not fund maintenance activities once the project has been constructed. Cooperative funding from the SWFWMD as well as through the FDEP can pay for a portion of the CIP programs; however, another revenue source is needed for the County’s share, as well as for the ongoing operation and maintenance required for the life of the facility.

Excluding the Penny for Pinellas which funds the drainage related CIP, in comparison of the alternatives, only two provide sufficient revenue to fund the majority, or all, of the surface water program revenue needs: taxes and stormwater utility revenues (either by fee or assessment). While taxes have been the historical source of the non-CIP surface water program funding, this source is less fair and equitable than surface water utility revenues because taxes are based on the assessed value of each parcel rather than the surface water services provided to each parcel. On the other hand, surface water utility revenues are based on service needs of each parcel, provide a long-term and sustainable source, and allows for adjustments to reward good stormwater management behavior by customers.

**Rate Structure Assessment**

As part of this project, the non-ad valorem option was investigated further. Information from the Pinellas County Property Appraiser’s office was obtained to estimate the potential revenue and assessment needed for various levels of service within the County. The 2012 Property Appraiser’s data indicates that there are 115,500 residential parcels in the unincorporated County representing about 123,500 dwelling units. This represents over 90 percent of the parcels in the unincorporated area. The data also show that there are about 4,400 non-residential parcels consisting of the following types: commercial, industrial, institutional, governmental, and miscellaneous. There are also 8,050 vacant parcels. The distribution of parcels and dwelling units for each watershed was estimated. Using a sample measured impervious areas by parcel type (DOR Code), the impervious areas of parcels were estimated for Pinellas County, yielding 346.7 million square feet of impervious area. Note that this does not include municipalities or public roads.

The common unit of billing for most surface water assessments is the average impervious area for a dwelling unit; for Pinellas County, this number has been estimated to be about 2,339 square feet. With billing unit for a residential customer related to the number of dwelling units and the billing unit for a non-residential customer related to their impervious area divided by 2,339 square feet, it was estimated that the approximate number of billing units (commonly referred to as an Equivalent Runoff Unit which for this study was based on the median single family detached impervious area) for Pinellas County is 164,425. This number was modified based on rate structure claims.

Rate structure options considered are listed below.

• Use of all residential parcels to define a billing unit (instead of just single family detached). This option did not result in a significant change in the revenue, showing only a 0.1 percent change.
• Three tiered single family. In this case, single family detached parcels would be tiered into 3 categories: small (less than 1,576 square feet of impervious area), large (greater than 4,368 square feet) and medium (all the rest). This option would generate about 5 percent more revenue.

• Four tiered single family. This is the same as above except a very large single family detached is identified (those greater than 10,000 square feet of impervious area). These would be handled in the same manner as a commercial parcel due to their size. This option is not much different than the three-tiered approach.

• Tiered rates for non-single family residential. For this option, multifamily, mobile homes and condominiums would be assigned a reduced number of billing units based on dwelling units and class average impervious area (for example, if the average mobile home is about 50 percent of the size of a median single family detached home, mobile homes could be assigned 50 percent of a single family detached value). This option would generate over 15 percent less revenue, requiring the assessment per billing unit to increase for both residential and non-residential parcels.

• Credits for Stormwater Facilities. A credit (reduced fee) was considered for parcels with approved and maintained stormwater facilities. A credit of 75 percent of the fee was considered; however, the fiscal consequence of this choice was estimated only because the number of such facilities in the unincorporated County is unknown. Also, to receive a credit, each applicant would need to demonstrate that the facility was built properly and has been maintained to retain and treat stormwater according to, or to exceed, current code. A simple mitigation credit policy will be offered for the 2013 non-ad valorem assessment and an expanded mitigation credit process will be provided in 2014.

• Adjustments for Schools, Governmental and/or churches. Although not exempted by state law, an adjustment for these types of properties was considered, decreasing the overall revenue by over 4 percent.

Finally, the level of service and potential revenue for unincorporated County residents in the Pinellas Park Water Management District (PPWMD) were also considered. Currently the unincorporated county residents receive maintenance and capital improvements for the primary system (major drainage facilities) as well as for the secondary systems (facilities that drain to the primacy system). In PPWMD, unincorporated county residents pay for primary system maintenance and capital improvements through the Chapter 298 PPWMD; however, these residents still receive maintenance and capital improvements for the secondary system from the county as well as MS4 compliance, planning and street sweeping, for example. After reviews of the program information and infrastructure, and from personal communications, it was determined that there was no overlap in services by the County and PPWMD.

Based on review by County staff, the preferred rate structure includes:

• ERU based on the median impervious area of single family detached parcels.

• Single family (DOR 00 and 01) tiered structure with small, medium, large and very large homes.

• Very large homes (> 10,000 square feet) to be considered in the same manner as non-residential parcels (i.e., by impervious area).

• Residential condominiums (DOR 04) based on building and common areas distributed equally to each condo unit.
• Non-residential condos (in DOR 11 and 41) based on building and common areas distributed based on percent of total building area.

• Mobile homes (DOR 02) and mixed use (DOR 07) assigned ERUs based on the single family detached tiered structure using the PAO data.

• Mobile homes in parks (DOR 28) assigned ERUs in the same fashion as non-residential parcels (i.e., impervious area divided by the ERU impervious area).

• Multifamily (DOR 03 and 08) and Co-ops (DOR 05) assigned ERUs in the same fashion as non-residential parcels.

• Non-residential (DOR 10 to 99) parcels assigned ERUs using the PAO impervious area divided by the ERU impervious area.

• Inclusion of all properties in the assessment.

• Rate structure to include adjustment policy (credits) based on a Policy and Procedures Document to be developed in the 1st year of implementation.

Based on these rate structure choices, the total number of ERUs for the unincorporated is estimated to be 169,938.0 ERUs. This means that each $10 in annual rate generates about $1.55 million in annual revenue, assuming a 91 percent collection (i.e., 169,938.0 ERUs x $10 x 0.91).

According to Section 3, the existing funding requirement (excluding the Penny for Pinellas) is $11.8 million. With the estimated ERUs and 91 percent collection, the rate needed to generate this revenue would be about $76 per ERU per year. For the proposed program of $17.9 million, the rate would have to be $116 per ERU per year. For LOS B, the estimated budget was $19.0 million requiring a rate of $123 per year per ERU.

Summary and Findings
Based on the research, study and analysis of the surface water program for Pinellas County, and in some cases, at the suggestion of County staff, the following summary and findings are offered to define, and provide improvements to, the existing surface water program in Pinellas County.

▪ Federal and state laws and regulations are sufficient to authorize Pinellas County to manage surface water programs within the unincorporated County.

▪ Through the NPDES program, many surface water functions are accomplished by both the County and regulated cities within the County.

▪ The overall level of service for the County is LOS C which is characterized by adequate program management and NPDES MS4 compliance functions, an average (LOS C) NPDES O&M program (generally described as a mixture of inspection based and reactive maintenance. The CIP Program, based on the Penny for Pinellas, is adequate for the identified drainage construction needs; however, with old closed infrastructure and new TMDL requirements, additional funding is needed.

▪ Of all of the surface water programs, three stand out as needed improvement or enhancement: surface water conveyance maintenance and rehabilitation, watershed planning, and CIP funding.
Six of the fifty-two basins have been studied with sufficient detail to define the needed surface water systems in the County.

- Additional funding for surface water programs can be derived from the development of a new surface water utility fee (for all components of the surface water program). Based on an analysis of the data from the Pinellas County Property Appraiser, it has been estimated that using the preferred rate structure, the unincorporated County would have about 169,938.0 billing units (ERUs) and the surface water user fee could generate about $1.55 million for each $10 of annual assessment. Using these estimates, the following rates are estimated to illustrate the potential program:

<table>
<thead>
<tr>
<th>Example Program</th>
<th>Program Funding Need</th>
<th>Cost per ERU per Year</th>
<th>Cost per ERU per Month</th>
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<tbody>
<tr>
<td>Proposed Surface Water Management Program + LOS B</td>
<td>$19,040,534</td>
<td>$123.10</td>
<td>$10.30</td>
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<tr>
<td>Proposed Surface Water Management Program</td>
<td>$17,885,623</td>
<td>$115.70</td>
<td>$9.60</td>
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<tr>
<td>Proposed Program - pipe repair (PR)* and mowing*</td>
<td>$16,744,755</td>
<td>$108.30</td>
<td>$9.00</td>
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<td>Proposed program - PR*, mowing*, and vegetation management (VM)**</td>
<td>$14,995,228</td>
<td>$97.00</td>
<td>$8.10</td>
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<tr>
<td>Proposed program - PR*, mowing*, VM, ** and Adopt-A-Pond</td>
<td>$14,526,335</td>
<td>$93.90</td>
<td>$7.80</td>
</tr>
<tr>
<td>Existing Surface Water Management Program</td>
<td>$11,793,546</td>
<td>$76.30</td>
<td>$6.40</td>
</tr>
</tbody>
</table>

Total Estimated ERUs 169,938.0

Notes:
1. Calculated as Funding Need divided by Total ERUs and 91% (assumes 5% loss and 4% for PAO and Tax Collector). Rounded to nearest $0.10.
2. Calculated as the Annual Cost divided by 12. Rounded to the Nearest $0.10.

* Service costs shift back to Transportation Trust
** Service costs shift back to Transportation Trust and General Fund

Program Needs and Recommendations

Based on the findings of the report, the following recommendations are offered to improve the overall surface water governance and services provided by Pinellas County, offered below in no particular order or priority.

The County should continue to encourage a regional (watershed) approach to surface water quantity and quality related activities. This would include participation by various cities and the water management district.

There are sufficient surface water facilities managed by the County to take on a more asset management approach to the surface water programs. Asset management considers the surface water system in the County to be assets of its citizens that should be managed with precise accounting. To this end, the surface water program within the County can be set up as a utility, similar to the other utilities in the County. This does not require separate utility like funding, but separate accounting is needed.

Because of the TMDL activities that will be required of the County and most communities within the County, the County should convene a multi-jurisdictional, TMDL committee to prepare for looming regulatory requirements.

A surface water utility fee, administered by a non-ad valorem assessment would generate about $1.55 million for each $10 per billing unit per year. Excluding Penny for Pinellas revenues, current funding (generally from the General Fund and Transportation Trust Fund) was estimated at $11.8 million and
proposed funding needs were estimated at $17.9 million, requiring estimated rates of $76 per year per SFU and $116 per year per ERU, respectively.
Section 1
Introduction

Introduction
Pinellas County, Florida, wishes to develop a comprehensive plan to address surface water programs in the unincorporated County. Surface water management programs relate to four elements of governmental control and management of surface water runoff: program management (e.g., administration, planning, enforcement, permitting); NPDES Municipal Separate Storm Sewer System (MS4) permit compliance including special compliance activities (e.g., monitoring, inspection, etc.) and NPDES Operation and Maintenance (O&M, e.g., cleaning, mowing, and minor repair of surface water structures); and capital improvements (i.e., major design and construction). To this end, the County originally hired Camp Dresser & McKee Inc. (the predecessor of CDM Smith Inc.) with the support of URS Corporation Southern (URS) and Kurt Spitzer & Associates Inc. (KSA) to complete this project. In 2013, the County hired CDM Smith to update the Governance Study to address changes to the County organization, surface water expenditures and potential funding needs. A brief description of each task is provided below.

Surface water Management Program Assessment Task
The purpose of this task was for CDM Smith to analyze the County’s existing and potential future surface water management programs and activities for the unincorporated area, leading to an assessment of the current level of service (LOS) and associated costs. CDM Smith also considered the surface water governance authorized by existing laws and regulations within the County, municipalities, Southwest Florida Water Management District (SWFWMD) and the state. To define the current and potential future LOS, CDM Smith interviewed various staff and reviewed County documents to identify activities and costs and to project such costs for 10 years into the future. LOS and associated costs were identified for surface water activities related to Program Management; NPDES MS4 Compliance activities (including those related to O&M) and Capital Improvements (CIP).

Presentations and Meeting Task
Two basic types of meetings were completed: status and staff meetings to discuss the project itself and presentations to the Board of County Commissioners (BOCC). The presentations are to provide the BOCC with a summary of conclusions made as part of this study.

The rest of the report was to provide the results of this study related to (in order) existing surface water governance authorities, existing and potential future levels of service, identification of potential existing and future programs that could be funded via a dedicated funding source and finally, recommendations.
Governance Update

The original Governance Report was provided to County staff in July, 2007. Due to changes in administration and focus, the report was not presented to the BOCC, nor finalized. The report was updated again in February 2011 to include FY2010 and projections for FY2011. As a result of newer information on the County organization, changes to the NPDES MS4 permit requirements included in a new MS4 permit, and a better understanding on the potential costs related to Total Maximum Daily Load (TMDL) implementation, this document includes additional updates to each of the surface water related programs. The organizational structure, staffing, activities, funding and parcel information were updated accordingly.

Governance Re-evaluation

In 2013, CDM Smith updated the Governance Study based on a new organizational structure, new funding information and new parcel data in order to better understand the current surface water program administered by the County. The overall surface water program will be part of the Quality Pinellas Community (QPC), undertaken by the BOCC as an on-going sustainability planning and adaptive management process to provide services to the citizens of the County. The QPC is the overall approach to County services including a vision and mission statement, values and principles and performance metrics. Other elements include plans for an effective government; urban regeneration and built environment; natural environment; healthy communities; safe communities; as well as other plans related to the local culture and public investments. To augment this overall process, each Department is to prepare a plan to address each of the above referenced elements. This report updates the Governance Study in regards to the QPC.
Section 2
Regulatory Requirements

The purpose of this section is to provide information on the governance of surface water management within Pinellas County by describing the federal, state, regional and local authority given to the County through law, regulation, rule and ordinances. This section is not intended to be a legal review; rather, to provide an overview of authorities given to Pinellas County to manage surface water.

2.1 Federal Law and Regulations

Federal regulatory requirements are best understood by a description of the various agencies with jurisdiction over stormwater flooding and/or water quality. In particular, federal regulations are administered by the United States Environmental Protection Agency (USEPA), United States Army Corps of Engineers (USACE), National Oceanic and Atmospheric Administration (NOAA) and United States Fish and Wildlife Service (USFWS). Federal laws and regulations are contained in the United States Code (USC) and Code of Federal Regulations (CFR), respectively, and sometimes refer to more than one federal agency. The federal government regulates sources of pollution via dozens of federal laws, the most important of which for the purposes of this discussion are the National Environmental Policy Act (NEPA) and its amendments (42 USC §4321-4347) and the Clean Water Act (CWA) and its amendments (33 USC §1251 et seq.; that is, Title 33 of the US Code from §1251 to §1387).

2.1.1 National Environmental Policy Act (NEPA)

NEPA, originally adopted in 1969, provides the fundamental national policy of environmental protection. The specific purposes of NEPA include: "to declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality" (CEQ). Congress directed that, "to the fullest extent possible", laws and regulations as well as agencies of the federal government will:

- Use a systematic approach integrating natural, social and environmental sciences in planning and decision making;
- Identify and develop methods with the CEQ to ensure that un-quantified environmental benefits are considered with economic and technical ones;
- Consider environmental impacts, alternatives, short- and long-term impacts and resource commitments for legislation and governmental action significantly affecting the environment;
- Develop and study alternatives to actions related to unresolved conflicts related to resource uses;
- Make available to state and local governments as well as individuals environmental information; and,
- Use ecological information for planning and resource-oriented projects.

These provisions have been the foundation of most environmental activities since their adoption in 1969.

### 2.1.2 The Clean Water Act (CWA)

The Clean Water Act, a 1977 amendment to the Federal Water Pollution Control Act of 1972, provides the basis for USEPA regulatory authority, allowing them to set effluent standards for industries (technology-based) and water quality-based effluent limits where necessary to meet water quality standards.

Fundamentally, the CWA states that it is unlawful to discharge to waters of the United States (navigable waters) unless the discharge is permitted under the National Pollutant Discharge Elimination System (NPDES) program. The purpose of the CWA is to restore and maintain the “chemical, physical and biological integrity of the Nation’s waters” using the following goals and policies:

- Elimination of the discharge of pollutants to navigable waters by 1985;
- Protection and propagation of fish, shellfish and wildlife and provide for recreation achieved as an interim goal by mid-1983;
- Elimination of the discharge of toxic pollutants in toxic amounts;
- Provide financial assistance to construct public facilities;
- Develop and implement "area wide waste treatment management planning processes;"
- Develop technology to eliminate discharges through major research and demonstration projects; and,
- Develop and implement programs for the control of nonpoint sources.

The first and last goals led to the development of the NPDES program. Originally, USEPA regulated discharge to navigable waters by defining point sources as discharges through a pipe; e.g., wastewater treatment plant or industrial discharge. In the CWA amendments of 1987, point source was defined as discharges from a pipe or open but confined conveyance, opening the door for regulation of stormwater discharges.

§1312 of the CWA states that if the discharge of pollutants from a point source (or group of point sources) that provides technology-based treatment levels (e.g., secondary treatment for wastewater treatment plants) interferes with the attainment of designated uses, then water quality based effluent limits are required.

§1313 requires each state to submit water quality standards to the USEPA and to review these standards every three years, starting in October, 1972. These standards can be no less stringent than those adopted by the USEPA and become the basis for the determination of impairment. §1313(d)(i) requires that each state must identify and rank those waters for which minimum treatment is not sufficient to maintain the applicable water quality. From this list, each state must prepare total maximum daily loads (TMDLs). A TMDL is a determination of the maximum loading that a water body can assimilate accounting for point sources, nonpoint sources, natural background and a margin of safety to account for unknowns. “Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety...” The list of ranked water bodies is commonly referred to as...
the "303(d) Priority List" (based upon the CWA numbering system). The state of Florida is currently working on the latest update to its list. An update must be filed with the USEPA every even year.

§1315(b) requires each state to prepare a report to Congress starting in April, 1976 (and every other year thereafter), describing the water quality of all navigable waters within the state. The description must include an analysis of the degree to which the waters are attaining water quality standards. This report (referred to as the 305(b) Report using CWA numbering) is produced by the Florida Department of Environmental Protection (FDEP) in even numbered years.

§1329 provides for nonpoint source (NPS) management programs. Originally contained in Section 319 of the 1987 Amendments to the CWA, this section establishes a national program to control the discharge of pollution from nonpoint sources by requiring the preparation of a Nonpoint Source Management Program. The most recent FDEP update to Florida's NPS Management Program is dated November, 1999, wherein the FDEP defines a watershed management approach based upon a 5-phased program:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Initial Basin Assessment</td>
</tr>
<tr>
<td>2</td>
<td>Coordinated Strategic Monitoring</td>
</tr>
<tr>
<td>3</td>
<td>Data Analysis and TMDL Development</td>
</tr>
<tr>
<td>4</td>
<td>Basin Management Action Plan (BMAP) Development</td>
</tr>
<tr>
<td>5</td>
<td>Begin Implementation of BMAP</td>
</tr>
</tbody>
</table>

§1342 provides the regulatory authority for the NPDES permitting program and allows for the delegation of such permitting to each state. FDEP obtained delegation for the wastewater and industrial NPDES permits in 1995 and obtained such authority for stormwater discharges in October of 2000. The NPDES permits are 5 years in duration and according to §1342(o), renewal permits cannot be issued with conditions that are less stringent than the previous ones (anti-backsliding provision).

§1324(p) adds stormwater discharges to the NPDES program based upon population and significant contribution. Municipalities with populations of 100,000 or more are required to obtain an NPDES permit (MS4), as are stormwater discharges from specific industrial activities (Multi Sector Generic Permit) as well as construction activities (Construction Generic Permit). Also included are discharges that are judged to contribute to a violation to a water quality standard. These discharges are referred to as the Phase 1 stormwater discharges. In the early 2000’s, the USEPA promulgated regulations pertaining to stormwater discharges from municipalities with population under 100,000. These "small" municipalities are referred to as Phase 2 dischargers. The stormwater discharges are regulated to control the discharge of stormwater pollution to the "maximum extent practicable," a term not defined in law or regulation.

§2317 states that an interim goal administered by the Corps of Engineers is "no overall net loss of the Nation’s remaining wetlands base ... and a long-term goal to increase the quality and quantity of the Nation’s wetlands." The USACE is to work with the USEPA and Fish and Wildlife Service to meet this long-term goal.

### 2.1.3 Code of Federal Regulations Title 40

Based upon the laws identified above, the USEPA has issued regulations codified in Title 40 of the Code of Federal Regulations, commonly referred to as 40 CFR. The most pertinent sections of 40 CFR include those in Chapter I - Environmental Protection Agency. This chapter has 14 Subchapters (A through R) categorizing 799 parts. Subchapter D considers Water Programs, Parts 100 to 149, the most applicable of which are §122 (USEPA Administered Permit Programs), §123 (State Program Requirements), §124
(Procedures for Decision-making), §130 (Water Quality Planning and Management) and §131 (Water Quality Standards). These regulations implement the requirements of the CWA described above.

2.1.3.1 CFR Part 122 – USEPA Administered Permit Programs: NPDES

This regulation provides federal requirements for the permitting of sources of pollutants to waters of the United States. Of particular interest is 40 CFR Section 122.26 which requires storm water discharges from small (< 100,000 people in urbanized areas), medium (100,000 to 250,000 people) and large (> 250,000 people) to obtain NPDES permits. Detailed information is provided on the definition of who must obtain permits, how they are to apply for the permits and how the USEPA will enforce the requirements.

2.1.3.2 CFR Part 123 – State Program Requirement

40 CFR allows states to offer stormwater regulatory programs that are equal to or better than the federal counterparts so that states can be delegated NPDES authority. This part of the federal regulations defines the requirements for states to accept the NPDES program.

2.1.3.3 CFR Part 124 – Procedures for Decision Making

This part provides rules for the application for, issuance, denial and revocation of federal permits. Subparts A, B, and C provide general steps and procedures for the USEPA’s processing of permits and Subpart D contains specific procedures for stormwater permit.

2.1.3.4 CFR Part 131 – Water Quality Standards for State of Florida’s Lakes and Flowing Waters

In 2001, as part of a plan approved by the USEPA, the state of Florida began to develop numeric nutrient rules to replace the existing narrative nutrient criteria currently in Florida’s code. The current Florida narrative rule simply says that nutrients cannot be discharged so as to cause an imbalance of natural flora or fauna in receiving waters. The numeric nutrient rule was to assign specific criteria to achieve this target in lakes, streams and, eventually, estuaries. Over the last 10 years, the FDEP has been working with a technical advisory committee (TAC) to scientifically determine numeric criteria to protect Florida’s natural biology. As a result of the settlement of a lawsuit in 2009, the USEPA determined that Florida’s process for drafting numeric nutrient criteria (NNC) needed to be expedited. The USEPA declared that it would issue draft NNC for lakes and streams for the state of Florida in January 2009, and draft criteria for estuaries by November 2011. In November 2010, USEPA promulgated NNC for lakes and flowing waters in Florida to become effective in March 2012. In Pinellas County, although the exact boundaries of the NNC criteria application are not clear, the criteria are as follows:

<table>
<thead>
<tr>
<th>Water Body Type</th>
<th>TN (mg/l)</th>
<th>TP (mg/l)</th>
<th>Chlorophyll a (µg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streams</td>
<td>1.54</td>
<td>0.12</td>
<td></td>
</tr>
<tr>
<td>Colored Lakes</td>
<td>1.27</td>
<td>0.05</td>
<td>20</td>
</tr>
<tr>
<td>Clear Lakes (High CaCO₃)</td>
<td>1.05</td>
<td>0.03</td>
<td>20</td>
</tr>
</tbody>
</table>

Also, for springs, the Nitrate concentration cannot be greater than 0.35 mg/l. These values are annual averages and are not to be exceeded once in three years.

As of March 2013, the USEPA and FDEP have announced an agreement for the USEPA to withdraw their NNC in favor of the ones adopted by FDEP in 2012 (see Subsections 2.3.6 and 2.3.7) and with the stipulation that FDEP will complete NNC for some estuaries as well as control discharges to water bodies not considered in the FDEP 2012 rule. Therefore, it appears that the EPA NNC will be rescinded in 2013.
2.2 State of Florida Statutes

State laws and regulations are best described through individual law or regulation, rather than by the administering agency, since the laws or regulations may apply to multiple agencies. Regulatory agencies that are responsible for the environment include the FDEP, Department of Economic Opportunity (DEO), and Florida Department of Transportation (FDOT).

The statutes are organized into forty-seven Titles, depending on the subject matter, each of which is made up of one or more chapters. Table 2-1 lists the Titles and chapter numbers for all of the 2012 Florida Statutes (F.S.). Only a few of the statutes are pertinent to the control of stormwater runoff; these are discussed in more detail below.

Table 2-1.
2012 Florida Statutes Statute Titles with Associated Chapters

<table>
<thead>
<tr>
<th>Title Description</th>
<th>Chapters</th>
<th>Title Description</th>
<th>Chapters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of Statutes</td>
<td>1-2</td>
<td>Aviation</td>
<td>329-333</td>
</tr>
<tr>
<td>State Organization</td>
<td>6-8</td>
<td>Public Transportation</td>
<td>334-339</td>
</tr>
<tr>
<td>Legislative Branch; Commissions</td>
<td>10-11</td>
<td>Railroads &amp; Other Regulated Utilities</td>
<td>350-356</td>
</tr>
<tr>
<td>Executive Branch</td>
<td>14-24</td>
<td>Natural Resources; Conservation, Reclamation, &amp; Use</td>
<td>369-380</td>
</tr>
<tr>
<td>Judicial Branch</td>
<td>25-44</td>
<td>Public Health</td>
<td>381-408</td>
</tr>
<tr>
<td>Civil Practice &amp; Procedure</td>
<td>45-88</td>
<td>Social Welfare</td>
<td>409-430</td>
</tr>
<tr>
<td>Evidence</td>
<td>90-92</td>
<td>Labor</td>
<td>435-452</td>
</tr>
<tr>
<td>Limitations</td>
<td>95</td>
<td>Regulation of Professions &amp; Occupations</td>
<td>454-493</td>
</tr>
<tr>
<td>Electors and Elections</td>
<td>97-107</td>
<td>Trade, Commerce, Investments, &amp; Solicitations</td>
<td>494-560</td>
</tr>
<tr>
<td>Public Officers, Employees, &amp; Records</td>
<td>110-122</td>
<td>Alcoholic Beverages &amp; Tobacco</td>
<td>561-569</td>
</tr>
<tr>
<td>Organization &amp; Intergov. Relations</td>
<td>124-164</td>
<td>Agriculture, Horticulture, &amp; Animal Industry</td>
<td>570-604</td>
</tr>
<tr>
<td>Municipalities</td>
<td>165-185</td>
<td>Business Organizations</td>
<td>606-623</td>
</tr>
<tr>
<td>Planning and Development</td>
<td>186-191</td>
<td>Insurance</td>
<td>624-651</td>
</tr>
<tr>
<td>Taxation and Finance</td>
<td>192-221</td>
<td>Banks &amp; Banking</td>
<td>655-667</td>
</tr>
<tr>
<td>Homestead &amp; Exemptions</td>
<td>222</td>
<td>Commercial Relations</td>
<td>668-688</td>
</tr>
<tr>
<td>Teacher Retirement/Higher Ed Bonds</td>
<td>228-243</td>
<td>Real &amp; Personal Property</td>
<td>689-723</td>
</tr>
<tr>
<td>Military Affairs &amp; Related Matters</td>
<td>250-252</td>
<td>Frauds, Fraudulent Transfers &amp; General Assignments</td>
<td>725-727</td>
</tr>
<tr>
<td>Public Lands &amp; Properties</td>
<td>253-274</td>
<td>Estates &amp; Trusts</td>
<td>731-739</td>
</tr>
<tr>
<td>Public Business</td>
<td>279-290</td>
<td>Domestic Relations</td>
<td>741-753</td>
</tr>
<tr>
<td>Veterans</td>
<td>292-296</td>
<td>Civil Rights</td>
<td>760-765</td>
</tr>
<tr>
<td>Drainage</td>
<td>298</td>
<td>Torts</td>
<td>766-774</td>
</tr>
<tr>
<td>Ports &amp; Harbors</td>
<td>308-315</td>
<td>Crimes</td>
<td>775-896</td>
</tr>
<tr>
<td>Motor Vehicles</td>
<td>316-325</td>
<td>Criminal Procedure &amp; Corrections</td>
<td>900-985</td>
</tr>
<tr>
<td>Vessels</td>
<td>326-328</td>
<td>K-20 Education Code</td>
<td>1000-1013</td>
</tr>
</tbody>
</table>

2.2.1 Chapter 125 - County Government

Chapter 125 F.S. defines the powers and duties of county government. It is intended to clarify and supplement the powers conferred upon county government and the countywide electorate by the Florida Constitution. The powers specified in Section 125.01, F.S., are not intended to be exclusive or restrictive but are to be liberally construed to carry out the purposes of this selection of the statutes and to secure for the counties the board exercise of home rule power of the Florida Constitution. Powers include:

- Prepare and enforce comprehensive plans for development;
- Establish and administer programs for drainage and to cooperate with governmental agencies in the development and operation of such programs;
- Establish municipal service taxing or benefit units within which drainage services may be provided from revenues derived from service charges, special assessments or taxes collected within the unit (this requires concurrence from a municipality if the district includes a municipality; and,
Establish special districts to include both unincorporated and incorporated areas within which municipal services are provided funded by service charges, special assessments or taxes within the district. Agreements with the County and municipalities are required.

The statute also considers general obligation and revenue bonds, loans to public agencies, the purchase or privatization of water, sewer or wastewater reuse utilities, and the proposed purchase of real property.

The 2012 Legislature modified Section 125.022, F.S., thought House Bill (HB) 503 stating that “...after July 1, 2012, a county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued final agency action that denies the federal or state permit...” The same language is amended to Section 166.033, F.S., and in Section 373.4141, F.S.

2.2.2 Chapter 157 - Drainage by Counties

Chapter 157 F.S. allows counties to establish a “ditch, drain or canal” to control runoff in lands that are low, wet or submerged or liable to become submerged based upon the petition of the landowners through which the drainage structure is to pass. The commission can appoint a three-person committee to control the facility, supervise its construction and levy taxes for its construction and maintenance.

2.2.3 Chapter 163 - Local Government Community Planning Act

Chapter 163 F.S. is entitled "Intergovernmental Programs" and is comprised of six parts. Only those parts and sections that are pertinent to stormwater management are discussed below.

Part I - Florida Interlocal Cooperation Act of 1969 (subsection 163.01 to 163.07). This section allows governments to enter into agreements of cooperation on the basis of mutual advantage. Such a contract, known as an interlocal agreement, is a joint exercise of governmental power and provides for the purpose of the agreement, duration of agreement, definition of organization needed to administer the programs, manner of financial support including equitable allocation of costs, provision for funding of the programs, as well as a number of other administrative issues. An interlocal agreement, for example, can be entered into between the County and one or more cities for the purpose of stormwater management and control or funding of such activities.

Part II - Growth Policy Act (subsections 163.2511 to 163.2520). This act regulates the infill and redevelopment of urban cores as methods to reduce urban sprawl. A local government may identify an area as an urban infill and redevelopment area for the purposes of "targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives." The plan for redevelopment must be collaborative and based upon a neighborhood participation process.

Subsections 163.3161 to 163.3217 comprise the Community Planning Act. The purpose of this Act is to use and strengthen the role, processes and powers of local governments "in the establishment and implementation of comprehensive planning programs to guide and control future development consistent with the proper role of local government." One of the intents of the Act is that “local governments have the ability to preserve and enhance present advantages” and to “encourage the most appropriate use of land, water and resources...” It is also the intent of the Act that “adopted comprehensive plans ... have the legal status” of the Act and that no public or private development can be permitted “except in conformity with comprehensive plans.” Finally, it is the intent of this section to authorize local governments to have “the ability to ... encourage the most appropriate use of land, water,
and resources consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdiction.”

Subsection 163.3180 defines the concurrency requirements of the Act. Concurrency refers to the requirement that the infrastructure (e.g., drainage, sewage treatment, and potable water) required to service the new growth is in place concurrent with the new development. In particular, drainage facilities (among others) must "be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent." The sufficiency of the drainage facilities is dependent on the local levels of service defined by the local government within the comp plan.

The comprehensive plan, commonly referred to as the "comp plan," must be economically feasible and among other items, contain a capital improvement element that includes a 5-year capital improvements component identifying the public facilities needed for the orderly development of the community. The plan must also contain the following elements: future land use; transportation; sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge; conservation (conservation, use, and protection of natural resources); recreation and open space; housing element; coastal management; and intergovernmental coordination. A major objective of this plan is to coordinate implantation of the comp plan with the plans of other agencies and governments.

2.2.4 Chapter 187 - State Comprehensive Plan

Chapter 187, F.S., provides the adopted State Comprehensive Plan required by Chapter 186, F.S. Section 187.201(8) lists specific goals and policies for water resources, with the goal to "assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality." Also "Florida shall improve and restore the quality of waters not presently meeting water quality standards." Specific policies include:

- "Ensure the safety and quality of drinking water supplies and promote the development of reverse osmosis and desalinization technologies for developing water supplies.
- Identify and protect the functions of water recharge areas and provide incentives for their conservation.
- Encourage the development of local and regional water supplies within water management districts instead of transporting surface water across district boundaries.
- Protect and use natural water systems in lieu of structural alternatives and restore modified systems.
- Ensure that new development is compatible with existing local and regional water supplies.
- Establish minimum seasonal flows and levels for surface watercourses with primary consideration given to the protection of natural resources, especially marine, estuarine, and aquatic ecosystems.
- Discourage the channelization, diversion, or damming of natural riverine systems.
- Encourage the development of a strict floodplain management program by state and local governments designed to preserve hydrologically significant wetlands and other natural floodplain features.
- Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.
- Protect surface and groundwater quality and quantity in the state.
- Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended.
- Eliminate the discharge of inadequately treated wastewater and stormwater runoff into the waters of the state.
- Identify and develop alternative methods of wastewater treatment, disposal, and reuse of wastewater to reduce degradation of water resources.
- Reserve from use that water necessary to support essential non-withdrawal demands, including navigation, recreation, and the protection of fish and wildlife.

### 2.2.5 Chapter 373 - Florida Water Resources Act

Chapter 373, F.S., consists of six parts, the two pertinent parts of which are described below.

**Part I - State Water Resources Plan.** This part of the Florida Water Resources Act includes requirements for the setting of minimum flows and levels for water bodies based upon regional priorities (373.042), authorizes inter-agency agreements for water resource management (373.046), and authorizes the acquisition of property for water or water-related resource protection (373.139). For the minimum flows and levels, Subsection 373.042 requires each water management district to set minimum flows for all surface waters and minimum water levels for ground waters.

**Part IV - Management and Storage of Surface Waters.** Consisting of Subsections 373.403 to 373.461, F.S., this part provides:

- definitions pertinent to the management of surface waters;
- exemptions (including the authorization of general permits);
- mitigation banks and off-site regional mitigation;
- mitigation requirements for transportation projects proposed by FDOT;
- additional criteria for activities in surface waters and wetlands (see below for more details);
- permit processing;
- wetland delineation methodologies and formal determinations;
- concurrent permit reviews;
- prohibitions, violations and penalties (see below for more details); and,
- The Surface Water Improvement and Management Act (see below for more details).

Section 373.414, F.S., requires that, as part of the demonstration that an activity will not be harmful to water resources or inconsistent with district objectives, the governing board of the water management district or FDEP will require the applicant to provide "reasonable assurance that state water quality standards applicable to waters ... will not be violated and reasonable assurance that such activity ... is not contrary to the public interest. Furthermore, if the activity "significantly degrades or is within an
Outstanding Florida Water”, the applicant must provide reasonable assurance that "the proposed activity will be clearly in the public interest” (emphasis added). This section also provides specific criteria for FDEP or the water management districts to apply in consideration of this two-modal test of reasonable assurance, as well as criteria for the review of potential mitigation measures provided in case the applicant is unable to meet one or more of the reasonable assurance criteria.

Subsection 373.414(3) defines the legislative intent to provide for the use of certain wetlands as a natural means to manage stormwater and to incorporate such wetlands into a comprehensive stormwater management plan subject to ecological and resource management constraints.

A critical section within Part IV is §373.430 F.S. (Prohibitions, violation, penalty, and intent). It is a violation of Part IV to cause pollution so as to "harm or injure human health or welfare, animal, plant or aquatic life or property;" "fail to obtain any permit required ... or violate or fail to comply with any rule, regulation, order or permit ...", and "knowingly make any false statement." The section provides for penalties for violation of Part IV and is the foundation of the environmental management regulatory programs implemented by the FDEP and water management districts.

Sections 373.451 to 373.4595 are together called the Surface Water Improvement and Management Act (or SWIM Act). The Legislature found that the water quality of many surface waters was degraded and natural systems altered to an extent detrimental to the right of the public to enjoy such waters. Further, it found that it is the duty of the state to enhance the environmental and scenic value of surface waters. Factors contributing to the decline include point and nonpoint source pollution and destruction of natural systems. The SWIM Act required each water management district to prepare plans and implement programs for the improvement and management of surface waters. FDEP was also authorized to conduct statewide research to aid the understanding of impairment and restoration.

As noted previously, the Florida Legislature in HB 503 modified Chapter 373.4141, F.S., to preclude an agency of the state from requiring an applicant to obtain any other local, state or federal permit as a condition of issuance. The bill also modifies Chapter 373.4144, F.S., to encourage FDEP to work with other permitting agencies (state and federal) to create general permits for activities “which will cause only minimal adverse environmental effects when performed separately and which will have only minimal cumulative affects...”

2.2.6 Chapter 376 - Pollutant Discharge Prevention and Removal

The first part of Chapter 376, F.S., is called the Pollutant Discharge Prevention and Control Act (§376.011 to §376.21). This Act controls the discharge of pollutants from vessels and terminal facilities to coastal waters of the state and defines the duties and powers of FDEP to implement the Act.

2.2.7 Chapter 380 - Land and Water Management

Chapter 380 F.S. provides for the management of land and water within the state of Florida. Part I of the statute is called "The Florida Environmental Land and Water Management Act of 1972,” Part II is related to coastal planning and management and Part III considers the Florida Communities Trust. There appears to be no specific provisions in this Chapter that are pertinent to Pinellas County governance of stormwater.

2.2.8 Chapter 381 - Public Health, General Provisions

Chapter 381, F.S., relates to Public Health and is mentioned here because it regulates onsite sewage treatment and disposal systems (§381.0065 to §381.0068, F.S.). While not specifically a matter for the
Pinellas County Surface Water Governance Study, stormwater has been related to the transport of pollutants from onsite sewage treatment systems and thus, this chapter is remotely related to surface water management and may become more of an issue if TMDLs for the County are prepared related to total or fecal coliform.

### 2.2.9 Chapter 403 - Air and Water Pollution Control Act

Chapter 403, F.S., is the major statute related to the environmental management of the state, especially Part I - Pollution Control (Subsections §403.021 to §403.4132, F.S.). The legislative declaration (§403.021, F.S.) states that it is to be the public policy "to provide that no wastes be discharged into any waters of the state within first being given the degree of treatment necessary to protect the beneficial uses of such waters." To understand the provisions of this Act, a few definitions are pertinent:

- **Contaminant** is defined as "any substance which is harmful to plant, animal or human life.

- **Pollution** is defined as "the presence ... of any substances, contaminants, noise, or manmade or man-induced impairment or air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities of levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law."

- **Waters** are defined as including "rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of waters, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water."

- **Wastes** are defined as "sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state."

- **Stormwater management program** is defined as "the institutional strategy for stormwater management including urban, agricultural and other stormwater."

- **Watershed** is defined as "the land area which contributes to the flow of water into a receiving body of water."

Subsection 403.061, F.S., grants FDEP the power and duty to control and prohibit pollution of air and water, including the responsibility to develop and comprehensive program for the prevention, abatement and control of the pollution of the waters of the state. FDEP can group waters into classes related to the present and future "most beneficial uses" of the water. This section is implemented through the classification system provided in Chapter 62-302, Florida Administrative Code (see Section 2.5.3.7 below). This section also authorizes FDEP to establish water quality standards, including provision for reasonable mixing zones, except in Outstanding Florida Waters, and special standards for wetlands. To accomplish the implementation of pollution control programs, FDEP is authorized to establish a permitting system for the operation, construction, or expansion of pollution sources.

Subsection 403.0885, F.S., authorizes FDEP to establish a state NPDES permitting program in accordance with Section 402 of the Clean Water Act (Public Law 92-500, as amended, 33 U.S.C. ss. 1251 et seq.) and to pay entirely for the program through permit fees. This allows the state to assume delegation of the NPDES permitting program from the U.S. Environmental Protection Agency.
In 2012, the Florida Legislature, through HB 503, modified Chapter 403.061, F.S., to authorize zones of discharge to groundwater to extend the a “facility’s or property owners property boundary” and extend “vertically to the base of a specifically designated aquifer or aquifers.”

The major change authorized by HB 503 was the modification of Chapter 403.814, General Permits. A new subsection (known as the 10-2 rule) grants a general permit “for the construction, alteration and maintenance of a stormwater system serving a total project area of up to 10 acres.” Later in the modification a project when certified by a Florida P.E., a general permit can be obtained if the total project is less than 10 acres, the impervious area is less than 2 acres, no wetlands or surface water are impacted, pipes are less than 24 inches, the project is not part of a common larger plan, and the project does not violate other standards. This change states that there is a rebuttable presumption that, if the stormwater management system is designed, operated and maintained according to Chapter 373, the discharge will comply with water quality standards.

### 2.2.10 Florida Watershed Restoration Act

During 1999, the Florida Legislature passed the Florida Watershed Restoration Act which creates a new Section 403.067 F.S. covering Total Maximum Daily Loads (TMDL). As noted in the discussion of the Clean Water Act (Subsection 2.1.2 above), a TMDL is the estimated total loading that a water body can assimilate accounting for point sources, nonpoint sources, natural background and a margin of safety to account for unknowns without exceeding water quality standards. Subsection 403.067(1) states that the TMDL process is "scientifically based" and is necessary to "fairly and equitably allocate pollution loads to both nonpoint and point sources.” Further the allocation of load will include cost-effectiveness as a consideration and may be implemented through "non-regulatory and incentive-based programs.” The first step in the TMDL process is to prepare a 303(d) Priority List (see Subsection 2.5.1.2 above) for which the TMDL calculation is to be completed according to a schedule. Based upon the list, FDEP is to conduct TMDL analyses and allocate the loading. The allocation process is subject to rule adopted in 2002 (See subsection 2.3.8 below regarding Chapter 62-304). TMDLs can be based upon a Pollutant Load Reduction Goal (PLRG, see Subsection 2.3.3 below). Allocation of the TMDL will be pursuant to rule and will include consideration of existing treatment levels, different impacts by pollutant sources, the availability of treatment technology, economic and technical feasibility, cost-benefit analysis, reasonable schedules, and moderating provisions of the rules. The TMDLs will ultimately be adopted by administrative regulation.

During the 2005 legislature the Florida Watershed Restoration Act was modified by Senate Bill 444. The bill modifies §403.067 as follows:

- TMDLs are to establish load allocations that attain “pollutant reductions ... established to achieve water quality standards ...” [§403.067(6)(b)]
- The TMDL analysis may provide a preliminary allocation of pollutant loads to point and nonpoint sources that may be finalized in a BMAP. [§403.067(6)(b)]
- FDEP may adopt TMDLs that, because of lack of data, are phased subject to additional data collection. In such case, FDEP must define the data inadequacies. [§403.067(6)(c)]
- Regarding BMAPs, the law states:
  - FDEP may develop BMAPs to address watershed or water body TMDL implementation;
BMAPs can integrate strategies using existing water quality and pollution reduction programs, but must address potential future increases due to growth.

- The BMAP is to be developed using stakeholders from the watershed.
- The BMAP must include: management strategies, schedule for implementation including milestones, feasible funding sources; an assessment mechanism and an equitable allocation of pollutant reduction requirements.
- All or part of the BMAP must be adopted by the FDEP Secretary.

- BMAP requirements are to be inserted into NPDES permits “in a timely manner”. If no allocation exists when an NPDES permit comes due for renewal, the law allows for a compliance schedule to provide time for the BMAP to be completed.
- For MS4 permit holders, implementation of TMDLs or BMAPs is to be accomplished by best management practices related to the Maximum Extent Practical (MEP) standards defined by NPDES regulations and permits.
- The BMAP implementation schedule can exceed 5 years.
- A discharger is not subject to additional regulatory restriction related to pollutant load reduction if there is a BMAP in place and the discharger is in compliance with the BMAP load reductions and schedule required (known as a “safe harbor”).

Finally, §403.067(8)(c) requires FDEP to submit a report to the legislature prior to adoption of rules for pollutant trading. The report is to contain recommendations on rules, the basis for equitable economically based agreement and proper tracking of pollutant loads traded.

2.3 State of Florida Regulations

Regulations are counterparts to the state statutes. These are contained mainly in Chapter 6 of the Florida Administrative Code (FAC). As in the case of the state statutes, descriptions of pertinent regulations are provided below. It should be noted that for the most part, the regulations are administered by FDEP.

2.3.1 Chapter 62-4 - Permits

Chapter 62-4 provides general regulations regarding the “issuance, denial, renewal, extension, transfer, modification, suspension and revocation of any permit” required by FDEP. The three parts of the Chapter include Part I - General, Part II - Specific Permits, and Part III - General Permits. The fundamental statement in the rule is contained in §62-4-030 FAC:

"Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives a reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder."

The rest of the chapter deals with exemptions, procedures to obtain a permit, fees, special and general permits, and special provisions. The key phrases here are "exempted", and "reasonable assurance."
Exemptions include structural changes that do not alter the "quality, nature, and quantity of ... water contaminant ... discharges or which will not cause pollution"; and existing or proposed installations which FDEP determines does not or will not discharge contaminants in sufficient quantity "as to contribute significantly to the pollution problems in the State."

Procedures for obtaining a permit from FDEP including processing time and fees are covered in §62-4.050. Fees for implementation of the FDEP regulatory and surveillance program are defined in §62-4.052. Also, typically FDEP issues permits with both general and specific permit conditions; the general permit requirements are listed in §62-4.160.

In Part II (Specific Permits; Requirements), three sections are of particular importance. The first set of requirement is listed in §62-4.242, entitled "Antidegradation Permitting Requirements, Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement."

Antidegradation. This rule refers to the antidegradation policy defined in §62-302.300 and 62-302.700 discussed below. In particular, the policy states that FDEP may permit a discharge that will not reduce the receiving water quality below its classification if the degradation is "necessary or desirable under federal standards and under circumstances which are clearly in the public interest." §62-4.242 describes the factors that the department must consider in evaluating this two-pronged qualification, which is applicable to stormwater discharges as well as wastewater or industrial discharges to surface waters. The criteria to evaluate these two qualifications include: whether the project is important to and beneficial to public health, safety and welfare; whether the discharge will adversely affect the conservation of fish and wildlife and their habitat; whether the discharge will affect water-based recreation including fishing in the area; and whether the discharge is consistent with any SWIM Plan.

Outstanding Florida Waters. §62-4.242(2) regulates discharges to Outstanding Florida Waters (OFW). Basically, FDEP may not issue a permit for a direct discharge to an OFW or which significantly degrades an OFW unless the discharge is clearly in the public interest and either a FDEP permit was issued prior to designation as an OFW or the existing ambient water quality will not be lowered outside an approved mixing zone. Similar, yet more stringent requirements apply to Outstanding National Resource Waters (ONRW).

Equitable Abatement. A rarely used or quoted portion of the FAC [§62-4.242(4)] provides for the protection and enhancement of surfaces waters with quality artificially lowered below that necessary for their designated use. Under these circumstances, no permit to discharge pollutants can be issued unless "water quality standards once achieved would not be violated as a result of the proposed activity or discharge", the discharge is "necessary or desirable under federal standards and it is "clearly in the public interest." The rest of the rule considers the equitable allocation of allowable discharge under the circumstances to multiple discharges.

§62-4.243 provides exemptions to two types of artificial water bodies: artificial water bodies classified for agricultural supplies; and water bodies classified for navigation, utility and industrial use.

§62-4.244 describes FDEP regulations related to mixing zones. A mixing zone is an area adjacent to a point of discharge allowed to be degraded to minimum conditions [§62-3.051(1)] so as "to provide an opportunity for mixing and thereby reduce the cost of treatment." Specific restrictions on the applicability of mixing zones are listed.
2.3.2 Chapter 62-25 - Regulation of Stormwater Discharge

The state of Florida is one of the states in the United States that have adopted regulations for stormwater discharges. These regulations are contained in Section 62-25. This section states that "the discharge of untreated stormwater may reasonably be expected to be a source of pollution of waters of the state and is, therefore, subject to Department regulation.” A new stormwater discharge facility is defined as a facility not in existence before February 1, 1982, or for which a permit was issued prior to this date, or an existing structure that has been modified. Other definitions are provided for detention, filtration, regional stormwater discharge facility, retention, stormwater management system, swale, and wetlands stormwater discharge facility. Also "stormwater" is defined as "the flow of water which results from, and which occurs immediately following, a rainfall event."

§62-25.025 provides design and performance standards for stormwater discharge facilities. Particular standards include:

- Retention and detention basins must provide treatment volume capacity again within 72 hours.
- Filtration system must have a safety factor of two or more unless otherwise proven.
- Swales must percolate 80 percent of the runoff from a 3-year, 1-hour design storm within 72 hours.
- Permanently wet retention and detention facilities must be fenced unless the side slopes are no steeper than 4 unit’s vertical to 1 unit horizontal (4:1) out to 2 feet below the control elevation.
- Control of oil and grease is necessary in areas subject to such runoff.
- Facilities discharging to OFWs must include 50 percent more treatment than minimum requirements.

Exemptions to these rules include facilities for: one single family unit, duplex, triplex or quadruplex (if not part of a larger subdivision); single family residential project of less than 10 acres and less than 2 acres of impervious surface; facilities made up entirely of properly designed swales; facilities discharging to regional stormwater facilities; facilities for agricultural lands that are part of a Conservation Plan; and facilities for silvicultural lands.

§62-25.035 requires a general permit for the construction of four types of facilities:

- facilities that discharge to a permitted stormwater facility;
- facilities that provide retention or detention with filtration of the first inch of rainfall or for projects of less than 100 acres, treatment of the first 1/2 inch of runoff;
- modification or reconstruction of an existing government-operated facility "not intended to serve new development, and which will not increase pollution loading, or change points of discharge in a manner that would adversely affect the designate uses; or,
- facilities that use a combination of stormwater management systems.

For the most part, these regulations are delegated to the water management district, and in the particular case of Pinellas County, to the Southwest Florida Water Management District through the Environmental Resource Permit process.
2.3.3 Chapter 62-40 - State Water Policy

The State Water Policy is intended "to provide water policy goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, as expressed in Chapters 187, 373, and 403, Florida Statutes." The chapter also explains and expands upon the various roles of state, regional, and local governments in the planning and implementation of the State Water Policy. While the chapter provides overall water program policy, the rule is not to be used as standards and criteria for individual permit review [§62-40.110(4)].

Part III of the chapter provides general policies related to water supply, water quality protection and management, flood protection and floodplain protection, natural systems protection and management, and management policies. Programs, rules and plans must seek to follow these policies if "economically and environmentally feasible, not contrary to the public interest and consistent with Florida law." A few pertinent policies are listed below:

- "Restore and protect the quality of ground and surface water by solving current problems and ensuring high quality treatment of stormwater and wastewater."
- "Encourage nonstructural solutions to water resource problems and give adequate consideration to nonstructural alternatives whenever structural works are proposed."
- "Manage the construction and operation of facilities which dam, divert, or otherwise alter the flow of surface waters to minimize damage from flooding, soil erosion or excessive drainage."

Part IV provides policies related to resource protection and management. §62-40.432 deals with surface water management and protection through policies for stormwater management programs. The major policies within this subsection are listed below.

- The primary goals for the state’s stormwater management program include: maintain the pre-development characteristics of a site; reduce stream channel erosion, pollution and flooding; reduce stormwater pollution loading; encourage reuse; enhance groundwater recharge; maintain estuarine salinity regimes; and address stormwater management on a watershed scale.
- Watershed management plans are to be developed by each water management district consistent within the SWIM and NPDES programs.
- In the development of an overall stormwater management program within the state, FDEP will be the lead agency responsible for the overall program goals, objectives and guidance. The water management districts are to administrate the stormwater management program through watershed specific goals, objectives and plans and the definition of watershed-specific pollution load reduction goals. Local governments implement stormwater management programs with the support of the state and water management district.
- §62-40.432(5) defines the minimum stormwater treatment performance standards for the state. When adopting rules pertaining to stormwater management, the state and water management districts must require that new stormwater facilities "achieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards." If the discharge is to OFW, the reduction increases to 95 percent of the annual average load.
- The water management districts must develop pollution load reduction goals (PLRGs) for older stormwater management systems (constructed prior to February 1982) and adopt them as part of a SWIM plan (see below) or other comprehensive water management plan. Pollution load reduction
goals are "estimated numeric reductions in pollutant loadings needed to preserve or restore designated uses or receiving bodies of water and maintain water quality consistent with applicable state water quality standards." PLRGs are to be determined for SWIM waters first (by December 1994), then for waters identified by water management district priorities. PLRGs are part of the building blocks for watershed management, SWIM plans, and TMDLs.

§62-40.450 notes that local governments have the primary responsibility for flood protection including land use control, development regulations, level of service definition and maintenance activities.

§62-40.520 requires each water management district to prepare a comprehensive water management plan known as the District Water Management Plan (DWMP). The plan must deal with water supply, flood protection, water quality management, and protection of natural systems. The most recent Southwest Florida Water Management District (SWFWMD) Strategic plan is dated January 4, 2013.

2.3.4 Chapter 62-43 - Surface Water Improvement and Management Act

Enacted pursuant to the Surface Water Improvement and Management (SWIM) Act, §62-43 provides regulations for the development of priority lists, preparation and review of management plans, and distribution of SWIM Trust Funds. As a first step, each of the water management districts were to submit to FDEP a list of SWIM priority water bodies of regional or statewide significance that required restoration or protection. For each of the water bodies prioritized, the water management districts were to prepare restoration/protection plans for the review of FDEP, DOE, and other state agencies. FDEP would then distribute the SWIM Trust Funds to the approved plans. The funding of this program by the legislature has been limited and some of the water management districts have taken over the program. A 2013 summary report on SWIM priority waters prepared by SWFWMD identifies 10 water bodies, with Tampa Bay listed as first and Lake Tarpon listed as seventh.

2.3.5 Chapter 62-113 - Delegations

Chapter 62-113 lists all of the delegation agreements reached by FDEP related to the implementation of regulations. Agreements with particular pertinence include:

- Agreement #82-18: delegates to SWFWMD permitting authority for construction of water supply wells.
- Agreement #84-19: delegates water quality certification for agricultural dredge and fill to SWFWMD.
- Agreement #89-13: delegates MSSW permitting to SWFWMD.
- Agreement #91-8: delegates the permitting of certain aquaculture activities to SWFWMD.
- Agreement #98-4: defines division of responsibilities relative to wetland determinations.

2.3.6 Chapter 62-302 - Surface Water Quality Standards

Probably the most important regulation for the implementation of state statutes on pollution control is §62-302 FAC, since it provides the water quality standards for surface waters in the state. The water quality standards refer to the designated use classifications as well as the specific water quality criteria to achieve the designated use and the moderating provisions of mixing zones, zone of discharge, site specific alternative criteria, exemption and equitable allocation. The Findings section (§62-302.300) reiterates that "pollution which causes or contributes to new violations of water quality standards or to continuation of existing violation is harmful to the waters of this state and shall not be allowed."
Subsection §62-302.300(17) defines the two-pronged test for permitting: "necessary and desirable under federal standards" and "under circumstances which are clearly in the public interest."

Water quality criteria are defined to achieve the present and future most beneficial uses of state waters. In Florida, the beneficial uses have been categorized as follows:

- **Class I**: Potable Water Supplies
- **Class II**: Shellfish Propagation and Harvesting
- **Class III**: Fish Consumption; Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
- **Class III L**: Fish Consumption; Recreation or Limited Recreation; Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife
- **Class IV**: Agricultural Water Supplies
- **Class V**: Navigation, Utility and Industrial Use

Class III Limited or Class III L is a relatively new classification adopted in 2010 which includes waters that have “human-induced physical or habitat conditions that prevent attainment of Class III Uses.” This classification will be considered for artificial or significantly altered waterbodies such as man-made concrete channels.

Each of these classifications have specific water quality criteria assigned to them and are listed above generally in order of the degree of protection afforded in the regulation although Classes I, II and III share many criteria. Unless specifically identified by rule, all Florida waters are designated as Class III.

Exceptions to this include secondary and tertiary canals wholly within agricultural areas and a list of waters provided in the rule. For Pinellas County, Old Tampa Bay, Mobbly Bay and Tampa Bay (“south and westward to the Sunshine Skyway, except Safety Harbor north of an east-west line through Phillipi Point”); and Tampa Bay and Gulf Waters (“west of Sunshine Skyway, excluding waters north of SR 682 and waters that are both west of Pinellas Bayway and north of an east-west line through the southernmost point of Pine Key”) are defined as Class II. At a minimum, however, surface waters in the state must be free from components within discharges which cause nuisance settleables and floatables; produce color, odor taste or otherwise nuisance conditions; are acutely toxic; are present in concentrations that are carcinogenic, mutagenic or teratogenic; or pose a serious danger to public health, safety or welfare. These are known as the "Free Froms." Specific water quality criteria by designated use are provided in a table included in the rule as §62-302.530.

§62-302.700 lists waters that have a special designation of OFW, Outstanding National Resource Waters (ONRW) and otherwise. For Pinellas County, the list includes the following areas:

**Outstanding Florida Waters**

- Pinellas Waters (§62-302.700(9)(b)25)
- Caladesi Island State Park
- Honeymoon Island State Recreation Area
- Anclote Key State Preserve
- Weedon Island State Preserve
- Gateway
- Boca Ciega Bay Aquatic Preserve

**Outstanding National Resource Waters**

None
The last section in the surface water quality regulations is §62-302.800, Site Specific Alternative Criteria (SSAC). In the case of a water body that does not meet applicable water quality criteria due to natural background or "man-induced conditions which cannot be controlled or abated," an affected person or FDEP can petition to establish alternative water quality criteria. The regulations require a demonstration be made to the Department showing that the conditions are natural or not abatable and defining new criteria considering spatial, seasonal and diurnal variations.

In 2011 and 2012, FDEP modified Chapter 62-302, FAC to include numeric nutrient criteria. While the actual nutrient criteria are the same as those proposed by the USEPA (since USEPA used Florida data), the application of the NNC is different. In particular, §302.531, FAC, states that the criteria apply in a hierarchical order:

- Where site specific interpretation of the narrative criteria:
  - TMDLs that interpret the narrative criteria;
  - Site specific alternative criteria (SSAC) for one or more nutrients or nutrient response variables;
  - Estuary specific interpretations; or,
  - Other site specific interpretations such as Reasonable Assurance Demonstrations or Level II Water Quality Based Effluent Limitations (WQBEL).

- Where site specific information has not been established:
  - If there is an establish and quantifiable cause and effect relationship among nutrients and a response variable, the NNC will be set to protect the response variable;
  - If there is no established relationship, then the NNC criteria apply (see above), except that for streams, there must be corroborative biological health information to support or reject the nutrient problem.

This last condition is one that separates the state’s criteria from the USEPA’s: Florida’s require biological confirmation and the USEPA’s does not. Florida’s rule also adds NNC for estuaries in Florida from Clearwater Harbor to Biscayne Bay. These criteria were set generally based on existing studies and in many cases, define criteria to maintain the existing conditions. For Pinellas County, the criteria are listed in Table 2-2.
Table 2-2.
Section 62-302.532, FAC. NNC for Pinellas Estuaries

<table>
<thead>
<tr>
<th>Estuary</th>
<th>Total Phosphorus</th>
<th>Total Nitrogen</th>
<th>Chlorophyll a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearwater Harbor/ St. Joseph Sound</td>
<td>Annual geometric mean values not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. St. Joseph Sound</td>
<td>0.05 mg/L</td>
<td>0.66 mg/L</td>
<td>3.1 ug/L</td>
</tr>
<tr>
<td>b. Clearwater North</td>
<td>0.05 mg/L</td>
<td>0.61 mg/L</td>
<td>5.4 ug/L</td>
</tr>
<tr>
<td>c. Clearwater South</td>
<td>0.06 mg/L</td>
<td>0.58 mg/L</td>
<td>7.6 ug/L</td>
</tr>
<tr>
<td>Tampa Bay</td>
<td>Annual totals for nutrients and annual arithmetic means for chlorophyll a, not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Old Tampa Bay</td>
<td>0.23 tons/million cubic meters of water</td>
<td>1.08 tons/million cubic meters of water</td>
<td>9.3 ug/L</td>
</tr>
<tr>
<td>b. Hillsborough Bay</td>
<td>1.28 tons/million cubic meters of water</td>
<td>1.62 tons/million cubic meters of water</td>
<td>15.0 ug/L</td>
</tr>
<tr>
<td>c. Middle Tampa Bay</td>
<td>0.24 tons/million cubic meters of water</td>
<td>1.24 tons/million cubic meters of water</td>
<td>8.5 ug/L</td>
</tr>
<tr>
<td>d. Lower Tampa Bay</td>
<td>0.14 tons/million cubic meters of water</td>
<td>0.97 tons/million cubic meters of water</td>
<td>5.1 ug/L</td>
</tr>
<tr>
<td>e. Boca Ciega North</td>
<td>0.18 tons/million cubic meters of water</td>
<td>1.54 tons/million cubic meters of water</td>
<td>8.3 ug/L</td>
</tr>
<tr>
<td>f. Boca Ciega South</td>
<td>0.06 tons/million cubic meters of water</td>
<td>0.97 tons/million cubic meters of water</td>
<td>6.3 ug/L</td>
</tr>
<tr>
<td>g. Terra Ceia Bay</td>
<td>0.14 tons/million cubic meters of water</td>
<td>1.10 tons/million cubic meters of water</td>
<td>8.7 ug/L</td>
</tr>
</tbody>
</table>

Finally, §62-302.800(3), FAC, allows for a Type III Site Specific Alternative Criteria for Nutrients. The Type III SSAC can be approved if it is shown that the waterbody achieves the narrative criteria, there are sufficient data to characterize the waterbody, and downstream protection is provided.

### 2.3.7 Chapter 62-303 - Impaired Waters Rule

Chapter 62-303 of the Florida Administrative Code provides regulations on how waters are listed as impaired relative to 303(d) of the Clean Water Act. As noted previously, every 2 years, states are supposed to identify and list to USEPA waters that do not meet their designated uses and that will be studied to determine their “total maximum daily load.” This list of waters is known as the 303(d) Impaired Waters Lists (referring to the section of the Clean Waters Act). In 1999, the Watershed Restoration Act (Subsection 403.067, Florida Statutes) defined the protocols for development of an impaired waters list as well as for TMDL activities in Florida. Based on the suggestions of a technical advisory committee put together by FDEP, an impaired waters rule (IWR) was developed and adopted in 2001 to provide FDEP the methods to define a water body impaired. The rule defines a two step process increasing the likelihood of impairment as the steps progress. Step one results in a planning list that includes waters that may be impaired and step two results in a verified list that, with some surety, give
the USEPA and the State a list with reduced false positives (e.g., waters that appear impaired but are really not). The protocols for this listing process is provided in this rule for aquatic life support, bacteriological issues, interpretation of nutrient criteria, support for primary contact and recreation, fish and shellfish consumption, and drinking water support.

Additions to Chapter 62-303, FAC, were also made to accommodate the Florida NNC. Of particular importance is the addition of a definition of Biological Health Assessments that will be used to evaluate the biological health of streams and lakes. Also, the interpretation of the NNC listed in Chapter 302, FAC, is clarified in this chapter including a statement of statistically significance sampling and trends. This Chapter also adds a new list: historically, the rule has called for a Planning List (waterbodies for which there is an indication of impairment) and a Verified List (waterbodies for which impairment has been confirmed). The new list is called the Study List – waterbodies on this list have evidence of impairment but the causative pollutant has not been identified. FDEP intends to obtain sufficient data over time to identify the causative pollutant or move the Study List waterbodies to a unimpaired state based on addition and scientifically reliable data and study.

### 2.3.8 Chapter 62-304 – Total Maximum Daily Loads

This chapter is relatively new and is a consequence of the Watershed Restoration Act; it provides adopted TMDLs within the state, divided by FDEP district office. Each adopted TMDL is listed along with the water body, wasteload allocation, load allocation, and margin of safety. This rule is annually modified to include adopted TMDLs. TMDLs for the Southwest FDEP District office are contained in §62-304.600, FAC.

### 2.3.9 Chapter 62-330 - Environmental Resource Permitting

The chapter adopts by reference the Environmental Resource Permitting (ERP) process from the water management districts, so that the state operates under a consistent set of permitting regulations. The correlation among the water management districts relative to specific regulations is described in subsection 2.4 below.

### 2.3.10 Chapter 62-343 - Environmental Resource Permit Procedures

Similar to Chapter 62-341, this regulation provides for common regulatory authority for FDEP to implement the ERP process as well as the determination of the landward extent of wetland and surface waters.

### 2.3.11 Chapter 62-504 - State Revolving Loan Program for Stormwater Facilities

For a number of years, the state of Florida has operated a low-interest loan program for wastewater capital improvements. Recently, the state authorized that ten percent of the funds available for such loans were be potentially allocated to stormwater related projects. Chapter 62-504 regulates the low-interest loan (referred to as the State Revolving Loan) process. Loans can be procured for stormwater facilities related to collection, storage, retention, treatment or disposal of stormwater and residuals, land for stormwater facilities, construction and procurement, acquisition of stormwater facilities, and a list of other activities provided in §62-504.300. Access to the loans is obtained by submitting an application to FDEP and if granted, a loan agreement is negotiated with the Department.

Loans are distributed by FDEP based upon a priority list. Each year effective July 1, the priority list is adopted defining projects potentially fundable for the next fiscal year. Priority ranking is based upon a
scoring system detailed in §62-504.650. A base score is assigned based upon reduction of a documented health hazard, reduction of coliform discharged to surface or ground waters, compliance with total maximum daily load limitations, reduction of saltwater intrusion, compliance with NPDES MS4 permit conditions, and reduction in pollutant loadings. A multiplier to the base score is provided for discharges to special waters.

2.3.12 Chapter 62-520 - Ground Water Classes, Standards, and Exemptions

Chapter 62-520 FAC is the counterpart of ground water to the surface water rules in §62-302 FAC. In particular, §62-520 states that the "present and future most beneficial uses of all ground waters of the state have been designated by the Department by means of the classification system set forth in this chapter ...” Subsection 62-520.400 defines the minimum standards for all ground waters (see "Free Froms" above). The classifications of ground waters are:

Class F-I Potable water use; in a single source aquifer in §62-520.460 with TDS < 3000 mg/l and specifically reclassified as F-I.

Class G-I Potable water use; in a single source aquifer with TDS < 3,000 mg/l.

Class G-II Potable water use; with TDS < 10,000 mg/l; unless otherwise classified.

Class G-III Non-potable water use; in unconfined aquifers with TDS < 10,000 mg/l; or TDS 3,000 to 10,000 and either has been reclassified or exempted.

Class G-IV Non-potable water use, in unconfined aquifers with TDS > 10,000 mg/l.

§62-520.420 provides standards for G-I and G-II ground waters. Both must meet primary and secondary drinking water standards (Rules 62-550.310 and 62-550.320, with exceptions). If the natural background concentrations exceed drinking water standards then the natural background concentrations become the prevailing standard. The standards do not apply within a permitted zone of discharge.

For G-III ground water, §62-520.430 states that only the minimum criteria (Free Froms) apply except in the case of an underground injection facility that has received an aquifer exemption. Class G-IV ground water standards are set on a case-by-case basis. Class F-I ground waters only apply in Flagler County.

Exemptions for installations discharging to Class G-I and G-II are considered in §62-520.500. Exemptions are possible only if granting the exemption is in the public interest and does not interfere with existing uses; compliance with the regulations is unnecessary to protect ground water supplies; the costs of compliance outweigh the benefits, a monitoring program is established; and public health, safety and welfare are not endangered. Existing discharges to Class G-II waters are exempt from the secondary drinking water standards unless FDEP determines that one or more standard is needed to protect a potable source; however, all installations discharging to Class G-II ground waters cannot cause a violation of secondary drinking water standards at any water well outside the zone of discharge.

2.3.13 Chapter 62-522 - Ground Water Permitting and Monitoring Requirements

§62-522.300 states that no installation can directly or indirectly discharge to ground water any contaminant that causes a violation of water quality standards, except within a zone of discharge. No zone of discharge is allowed for wells or sinkholes that "allow direct contact with Glass G-I and G-II.
ground water”, except in the cases of recharge using surface waters or inter-aquifer transfers. Also, no zone of discharge is allowed for discharges that pose an “imminent hazard” to the public.

For Class G-I, no zone of discharge is allowed (§62-522.400) except that “domestic effluent or reclaimed water and stormwater discharge sites authorized by Department permit or rule shall have zones of discharge extending no more than 100 feet from the site boundary” or property boundary, whichever is less. For Class G-II ground waters, the Department can establish a zone of discharge subject to certain provisions. §62-522.410(3)(c) states that stormwater facilities are not required to obtain a permit to establish a zone of discharge. The zone is 100 feet from the site or to the site boundary. Stormwater facilities are exempted from the ground water monitoring requirements.

### 2.3.14 Chapter 62-528 - Underground Injection Control

The purpose of this chapter is to "protect the quality of the State’s underground sources of drinking water and to prevent the degradation of the quality of other aquifers...” To this end, the rule establishes the State Underground Injection Control Program. Classification of wells include Class V, Group 6 stormwater wells used to drain stormwater runoff or for lake level control [§62-528.300(i)(e)6]. FDEP must identify and protect (except where exempted) "all aquifers or parts of aquifers" as an underground drinking water sources. An aquifer can be exempted after a public hearing.

Part B of Chapter 62-528 considers criteria and standards for Class V wells. These wells are for the injection of "non-hazardous fluids into or above formations that contain underground sources of drinking water.” Exploratory well testing and well construction requirements are provided in §62-528.603 and §62-528.605, respectively. Monitoring is required of Group 6 (stormwater) wells by §62-528.615 and requirements for monitoring are to be included in the permit.

### 2.3.15 Chapter 62-621 – NPDES Generic Permits

Generic permits are allowed under Federal NPDES permitting regulations for the stormwater discharge from certain types of operations. These permits are allowed for: petroleum contaminated sites; discharge from produced non-contaminated ground water; concrete batch plants; discharge from large and small construction activities; stormwater discharge from industrial activities (also called Multi-Sector Generic Permit); and discharge from Phase II Municipal Separate Storm Sewer System (MS4). General conditions reference federal regulation under 40 CFR 122.28 and specific conditions are listed in this rule.

### 2.3.16 Chapter 62-624 – Municipal Separate Storm Sewer Systems

Referencing federal regulations 40 CFR 122.26, Chapter 62-624 codifies the delegation of the implementation of these NPDES requirements in the state of Florida. Generally, §62-624.300 requires that operators of Phase I and Phase II MS4 must obtain a 5-year permit as defined by the chapter. Elements of the permits, process for permit re-application, standards for issuing or denying individual permits, monitoring requirements and annual report requirements are included in this rule.

### 2.3.17 Chapter 9J-5 - Minimum Criteria for Review of Local Government Comprehensive Plans

In June, 2011, Rule 9J-5 related to the minimum review criteria for local comprehensive plans was repealed in its entirety, through House Bill 7207. The bill also extended existing permits by 2 years.

Pinellas County did adopt a comprehensive growth management plan and approved major updates in 2008 (discussed below).
2.3.18 Chapter 14-86 - Drainage Connections

The last element of Florida regulations to be considered is Chapter 14 of the Florida Administrative Codes that relates to the FDOT. In particular, Chapter 14-86 addresses drainage connections to transportation facilities from adjacent properties. A "drainage connection" is "any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other feature whether natural or created which is ... conveys stormwater runoff or other surface discharge from adjacent property to the Department's facility." To connect to an FDOT facility, a permit is required except in the following instances:

- Single family improvements not part of a larger common plan;
- Agricultural or silvicultural improvements regulated by FDEP or WMD that meet accepted drainage practices; and
- Other improvements for which the post-development impervious area is less than 40 percent, less than 5000 square feet of buildings and paved surfaces, no work is done in the FDOT right-of-way to alter drainage, and the property is located in an area with positive outlet.

All other connections require a permit. The permit applicant must provide assurances that the peak flow and volumes are provided for in an approved management plan as either allowed by regulation or such that the post-construction discharge rates are no more than the pre-construction rates. Also the applicant's discharge cannot exceed a proportional share of the total facility capacity and meets all applicable water quality standards. Upon receipt of the permit, the drainage connection is not exempt from other state regulations. The permit can be revoked if the connection is not constructed according to the permit, emergency conditions exist, false or misleading information was provided in the permit application, or a notice of connection is not submitted to the Department in a timely manner after construction.

2.4 Water Management District Regulations

The SWFWMD regulates and controls the management of public water within south-central Florida, including Pinellas County.

2.4.1 Chapter 40D-1 - General and Procedural

Describing the basic permitting authority of the SWFWMD, §40D-1.602 states that, unless exempt by statute or District rule, a permit must be obtained for a number of activities including construction or modification of a surface water management system (e.g., stormwater facility, dam, impoundment, or reservoir). The permitting regulations are contained in §40D-4, §40D-40 and §40D-400.

2.4.2 Chapter 40D-4 - Environmental Resource Permits

Implemented pursuant to Part IV Chapter 373 F.S., this chapter is for the Environmental Resource Permitting process. It is the policy of the District to regulate activities in wetlands or other surface waters and to control the management and storage of surface waters within the boundaries of the District. The operating principle is that "unless expressly exempt by law or District rule, an Environmental Resource Permit shall be obtained from the District prior to" construction or operation of a new surface water system; alteration, removal or abandonment of a surface water system; or establishment of a mitigation bank [§40D-4.041(1)]. This is done through individual ERP permits (§40D-4), general permits (§40D-40), and no-notice and noticed general permits (§40D-400). To determine whether an activity may affect surface waters, an entity can petition the District for a formal determination of the landward extent of wetlands or surface waters. Exemptions include alterations on land less than 10 acres; land with less than
2 acres of impervious surface; activities not in wetlands; activities not in lakes, stream or other waters; activities not using drainage pumps or other structure; activities not using pipes larger than 24 inches; discharges that meet water quality standards; activities part of a conservation plan approved by the Conservation District Board; activities not expected to have a significant adverse impact and maintained systems. Conditions for issuance of an ERP permit are listed in §40D-4.301 and 302.

2.4.3 Chapter 40D-40 - Environmental Resource General Permits

Chapter 40D-40 allows general ERP permits for “certain surface water management systems which have been determined not to be harmful to the water resources of the District and to be not inconsistent with the objectives of the District.” Three general ERPs are allowed: Minor Surface Water Management Systems, Surface Water Management Systems, and Site Conditions Assessment. Also, General Environmental Resource Construction and Operation Permits are required for changes to certain water management systems.

2.4.4 Chapter 40D-400 – Noticed and No-Notice General Environmental Resource Permits

The last type of permitted activity includes general Environmental Resource Permits for activities that have “minimal adverse impacts to the water resources of the District, both individually and collectively.” Certain minor surface water management activities can be implemented after notice to the District; others can be completed without notice.

2.4.5 Basis of Review for Environmental Resource Permit Applications

The last major element of the regulatory arena within SWFWMD is the Basis of Review. The purpose of this regulation is to "identify the usual procedures and information used by the District staff in permit application review." Describing each element of the Basis of Review is beyond the scope of this document.

2.5 Local Regulations

The Pinellas County Code is in three parts: Part I – Charter; Part II – Code; and Part III – Land Development Code. Provided below are the pertinent parts of the Code related to stormwater management. In general, each Part is divided, as necessary, into Chapter, Article and Section or Chapter, Article, Division and Section.

2.5.1 County Charter

The adoption of the county charter by the voters of Pinellas County in 1980 granted specific opportunities for the county government to address stormwater problems.

In the non-charter county, in the event of conflicts between a municipal ordinance and that of the county on the same subject; municipal ordinances generally prevail inside the city’s boundaries. However, the Florida Constitution requires county charters to specify which ordinance prevails in what policy area.

Subsection 2.04 of the Pinellas County Charter lists those programmatic areas where county ordinances may apply countywide and supersede those of a city. One such policy areas as described in subsection 2.04(g) area is the design, construction and maintenance of major drainage systems in both the unincorporated and incorporated area. Another area is countywide planning (Section 2.04(s)) as
described in special law, which provides that the Board of County Commissioners has oversight authority on most planning.

In addition to the authority and powers specifically conferred by statutes and the charter, programs adopting initiatives that implement water quality policies and other programs effectuating measures that address water quantity or quality measures may be within the purview of the county in such programs were construed to be a county purpose.

2.5.2 Chapter 110 – Special Assessments

Upon the written petition of 60 percent of the area described in the petition, this chapter of the County Code allows property owners to request the construction of drainage improvements and to create an assessment district to pay for the construction. The Board of County Commissioners may also initiate special improvement programs without the petition. The assessment is levied on benefited properties and may be based on front footage or any other method defined by the BOCC. A noticed hearing is required for adoption of the special assessment.

2.5.3 Chapter 58 – Environment; Article VI – Stormwater & Surface Water Pollution

In general, this chapter of the County Code is to address the regulatory authority required by the NPDES MS4 permit issued to Pinellas County. The purpose of the Article is to “prevent and abate pollution through the regulation and control of connection and discharges to the separate storm sewer system or receiving waters of the County and to limit the use of the separate storm sewer system to the collection, conveyance, treatment, and disposal of stormwater through appropriate regulation and enforcement” [Section 58-237]. The Article allows for inspection and monitoring of systems to enforce the code and authorizes the county administrator to require the elimination or cessation of an illicit discharge. Except as authorized, any discharge to the MS4 or surface waters of Pinellas County not composed entirely of stormwater is prohibited.

In 2010, Article XIII, Landscape Maintenance and Fertilizer Use Application, was added to this part of the code. This article regulates the use of fertilizer use by “establishing a restricted season for fertilizer application, fertilizer free zones, low maintenance zones, exemptions, training and licensing requirements.” The purpose of the regulation is to “minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers and improper landscape maintenance practices.”

2.5.4 Chapter 134 – Land Development Code: General and Administrative Provisions

Part III of the Code of Pinellas County is the Land Development Code, including Chapters 134 to 170. Modifications to Chapter 134 regarding redevelopment were made in 2010. The modifications eliminated certain exemptions for redevelopment projects to the requirement for stormwater treatment. While no new flood control activities are required for redevelopment sites under 3 acres unless the site had experienced flooding. These sites are still to be subject to water quality standards.

2.5.5 Chapter 138 – Zoning; Article II – Administration and Enforcement

This Article pertains to the site plan requirements and review procedures section of the zoning code. The Article requires a site plan review for all new construction except single family dwellings, duplexes and
triplexes; additions to existing uses where the addition of new impervious is 25 percent or more of the remaining permeable area of the parcel; all subdivisions; and all construction that disturbs 1 acre or more near the County’s MS4. The site plan review process is described and the requirements of the site plan itself are provided in Section 138-178. Included must be, among many other things, the location of existing storm sewers and the location and dimensions of proposed retention/detention areas and details of outfall structures. Shallow wells, open surface water bodies or reclaimed water with low volume design irrigation system purposes are required to reduce runoff.

### 2.5.6 Chapter 154 – Site Development and Platting

Article II of this chapter defines the drainage requirements for site development. In particular, a completed “drainage system” must be provided, that adequately drains the subject area, passes runoff from outside the development and is “suitable for low cost maintenance by normal maintenance methods.” If the Federal Emergency Management Act (FEMA) 100-year floodplains are not defined for the development, the developer must do so. New construction or substantial improvements must obtain a drainage plan review. As defined in Section 138-176, plan review is required for: all new construction except single family, duplexes or triplexes; additions to existing uses where impervious is equal to 25 percent or more of the remaining pervious area; all subdivisions; and all construction that disturbs 1 area or more or “that is in close proximity to the County’s MS4.” The latter requirement for “close proximity” exceeds the requirements of state and federal NPDES regulations for construction activity. The plan must provide: all offsite runoff is carried through the site; onsite detention and/or retention is provided as required; existing drainage systems are not blocked; and the drainage system as proposed can be maintained. Also, surface water runoff cannot be diverted across major drainage divides as defined by the County SWMP.

Drainage systems are to be designed for the 25-year frequency, 24-hour duration design storm event (9.0 inches) and the 100-year, 24-hour event (12.0 inches) to include or pass through runoff. Design details are provided in Section 154-64. Regarding water quality, Section 154-70 states that all redevelopment that adds 3,000 square feet or more of impervious area or 25 percent of the lot must meet the stormwater treatment requirements for the whole site. Also, detention must be provided so that the peak rate of the 25-year, 24-hour storm will be less than or equal to the peak rate of the undeveloped site.

It should be noted that Section 134-15 defines “redevelopment” as development activity “when it occurs on a parcel of land that currently contains a legally permitted or legally nonconforming building, or that contained such a structure on or after September 14, 1982.”

It should be noted that the stormwater and floodplain sections of this code are currently under review to update the code with best practices, elimination of conflicts and redundancies, and address redevelopment site contraints.

### 2.5.7 Chapter 158 – Floodplain Management

This chapter notes that according to the Charter, Section 2.04(g) authorizes the County to regulate the design, construction and maintenance of major drainage systems in both the unincorporated and municipal areas of the County. The purposes of the chapter are to restrict or prohibit uses that are dangerous due to water or erosion; require that properties in flood prone areas to be protected; control

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1 Note: §138-176(3) states that if the new impervious area is less than 25% of the remaining pervious area, these requirements must be followed only if deemed necessary by the County administrator or designee.
alterations to natural floodplains; control dredging, filling and other development that increased flooding or erosion; and prevent or control the construction of flood barriers. Section 158-6 states that the chapter applies to all lands “adjacent to major drainage systems within the incorporated and unincorporated areas of the county excepting those lands specifically exempted through enactment of an ordinance by a local government authority.” Such exempting is possible for cases where the entire watershed is in the municipality (or other government) and runoff has no substantial effect of flooding or water quality of another government or the unincorporated County.

It should be noted that flood prone areas are addressed in Chapter 170 and that work is being done currently to combine these two sets of floodplain and flood prone are regulations and to update them to address the latest FEMA requirements.

2.5.8 Chapter 166 – Environmental and Natural Resource Protection; Article III – Management and Storage of Surface Waters

Division 1 of this article states that the policy of the BOCC includes the control and regulation of the management and storage of surface water in harmony with the SWFWMD and with the drainage element of the County Comprehensive Plan. The applicable section of §40D-40.01 are made part of this ordinance. The article applies to all territory “within the legal boundaries” of the County. Section 166-115 states that the BOCC has the authority to “issue, deny and enforce compliance with surface water management permits in accordance with chapters 40D-4 and 40D-40, F.A.C., for projects less than 100 acres in total project area…”

2.6 Pinellas County Comprehensive Plan

In compliance with the statutory and administrative code growth management mandates in Chapter 163, F.S., and Chapter 9J-5, FAC, Pinellas County adopted a Comprehensive Plan in 1989. Major evaluations and updates occurred in 1998 and 2008, but the Plan is continually maintained and updated when the need arises.

In 2011, the State eliminated Chapter 9J-5, rolling most of the planned requirements directly into Chapter 163, F.S., renaming it the Community Planning Act. The theme of the County’s Comprehensive Plan is “Planning today for a sustainable tomorrow” and the sustainability ethic is woven throughout the entire Plan.

In the section called Governing Principles for a Sustainable Future, the document notes that public policy needs to adapt and respond as the focus of development shifts from rapid growth to infill and redevelopment. Goals of particular interest include:

Natural Resources

- Goal 2: the County will “conserve, protect, restore and appropriately manage its natural systems and living resources [to] ensure the highest environmental quality possible.”

- Goal 4: the County will continue to be “a leader in the protection and restoration of our surface waters and dependent habitats and resources ...”

- Goal 6: the County will “preserve, protect, restore and manage the natural resources of its floodplains to maintain or enhance water quality, plant and animal diversity and aquatic productivity, to protect the flood storage value and purpose and to protect the public and minimize property damage.”
Surface Water Management

- Goal 1: “Surface waters shall be managed to provide flood protection for the citizens..., to preserve and enhance the water quality of receiving waters, and for the purposes of natural resource protection, enhance and restoration, plant and wildlife diversity, and estuarine productivity.”

Note: in this section, level of service (LOS) standards are provided for flood management. Also, in review of the objectives to achieve this goal, the plan identifies the need for the development of individual watershed management plans.

2.7 Summary

The previous sections provide information related to the legal and regulatory requirements for surface water management within Pinellas County from federal, state, regional and local laws, regulations and ordinances. To understand this section, it must be remembered that waters of the U.S. can flow from one city to another, from the unincorporated County to a city, or vice versa. Provided below is a summary of the important points related to Pinellas County governance.

Federal Requirements

The Clean Water Act requires the control of the discharge of pollutants to the waters of the United States through NPDES permits.

The control of pollutant discharge in MS4 permits will be through the implementation of best management practices for new development and redevelopment.

TMDLs are to be completed in water bodies which do not attain designated uses and ultimately are generally implemented through NPDES permits for municipal and County permittees. Generally these will require pollutant load reductions.

State Requirements

The County has the authority to prepare and enforce comprehensive plans; establish and administer drainage programs; create MSBU, MSTU or special district areas for drainage services; establish ditches, drains or canals to control runoff if petitioned; and, establish drainage levels of service.

Minimum statewide stormwater requirements are related to the recovery of treatment volumes, fencing for the protection of the public and extra treatment for discharge to OFWs.

The minimum state treatment standards require an 80 percent reduction of the average annual load of pollutants that would cause or contribute to water quality violations.

Specific TMDL requirements are defined in state rules, defining site specific loading limitations required of the County.

Numeric nutrient criteria apply to streams, lakes and estuaries in Pinellas County. Corroboration of nutrient impairment must be provided in streams using biological assessment techniques.

WMD Requirements

Permits are required from the SWFWMD for construction and modification of surface water management systems.
Pinellas County Requirements

- The Charter authorizes the County to design, construct and maintain major drainage systems in both the unincorporated and municipal parts of the County. The term “major drainage system” has been defined in Pinellas County; however, further clarification is needed on the responsible agent for “major drainage systems” maintenance, especially in conjunction with annexation.

- The Charter authorizes the County to provide countywide planning.

- Discharges of pollutants to the MS4 are to be controlled (Chapter 58).

- The control of fertilizer use required by County ordinance to minimize the discharge of nutrient enriched runoff to surface waters (Chapter 58).

- Site plans for new development and significant redevelopment are to be reviewed (Chapters 134 and 154).

- The County is to protect major systems from erosion (excessive velocities) and excessive water elevations.

2.8 Municipal Stormwater Programs

In order to compare the County programs to the programs accomplished within municipal governments within the County, a general list of stormwater activities is provided below. The list has been divided into 4 categories for easier comparison: program management, NPDES compliance, NPDES operations and maintenance (NPDES O&M) and capital improvement program (CIP).

Program Management

- Administration of Overall Stormwater Management Program
- Code Enforcement (Pre-development and Post-development Maintenance)
- Staff Training and Development
- Public Engagement and Involvement
- Inspection (Erosion & Sediment Control During Construction)
- Permitting, if applicable
- Engineering
- Project Management
- Assessment and Inventory of Stormwater Systems
- Geographic Information Systems and Mapping
- Survey
- Basin/Watershed Planning
- Flood Mitigation Studies
- Floodplain Management
- TMDL, Pollution Load Reduction Goal (PLRG) Participation and BMAP Activities
- Stormwater Utility Funding and Finance (where applicable)
Database Maintenance
Adjustments
Collections/Billing

**NPDES Compliance (Phase 1 MS4)**

- Annual Reports and Inspection (for MS4 Compliance)
- Permit Activities
  - Development Review
  - Roadway Maintenance
  - Flood Control Projects
  - Municipal Transfer, Storage & Disposal Facilities (TSDs)
  - Pesticide, Herbicide and Fertilizer Control
  - Illicit Connections (Regulation, Detection, Investigation, Enforcement)
  - Illicit Discharges (and Illegal Dumping)
  - Industrial and High Risk Runoff
  - Construction Site Runoff Control
- Inventory of Outfalls and MS4
- Monitoring
  - Cross Boundary Discharges
  - Ambient Water Quality Sampling
  - Biological Monitoring
  - Discharge Characterization from Land Uses
  - BMP Efficiency
  - High Risk Industries and Illicit Discharges
- Pollution Load Reduction Analysis
- TMDL Compliance

**NPDES MS4 Compliance - Operation & Maintenance Activities**

- Street Sweeping
- Inspection (Pre- & Post-Construction; Stormwater Facilities for O&M)
- Cleaning, Restoration and Minor Repair
  - Culverts
  - Pipes
  - Ditches and Channels
  - Ponds (Detention and Retention)
2.9 Assessment

In general, almost every area of surface water management is covered in municipal activities as well as in County activities. However, there are some areas of potential overlap or at least potential duplication:

Program Management – Code Enforcement. The County and all of the cities are required to have pre-development and post-development stormwater management as well as during construction (by NPDES permit). Some of the cities and the County already share common enforcement activities. Local governments should evaluate and consider consolidation of these functions.

Program Management - Participation in TMDL and BMAP Development. Depending on the basin or watershed, some or all of the cities and the County may participate in the development of the BMAP for a particular water body. Working together, the County and cities can support each other to optimize the ability to achieve the TMDL loading reductions ultimately to be required.

Program Management – Biological Corroboration. With the new Florida NNC, corroboration of nutrient impairment is necessary. It is possible that many of the streams cross municipal boundaries. As a result, collaborative approaches to confirm or deny nutrient impairment are warranted.

NPDES Compliance – Illicit Connections, Monitoring, Public Information. As proven in many communities around Florida, joint NPDES compliance programs provide compliance activities for participants and save time, staff and costs. Illicit connections, monitoring and public information are a few of the actions that should be cooperatively completed for compliance. Monitoring is already being done cooperatively by the County and Cities. NPDES outreach is also accomplished cooperatively with some Cities.

Capital Improvement Program – Basin/Watershed Studies. As watershed or basin divides do not follow jurisdictional lines, studies of runoff behavior within and water quality issues basins or watersheds should be cooperatively considered. One way to do this is for all of the jurisdictions affected in the watershed or basin to financially participate in the study based on area. Another is for the County to complete such studies where multiple jurisdictions are affected. The distribution of capital cost should be based on either volume of flow contributed during the design storm event or drainage basin area. The
County currently collaborates with the SWFWMD and local municipalities in the area and is encouraged to continue to do so.

**Operation and Maintenance.** The overlap of activities for O&M is difficult to assess. Both the County and each city is responsible for maintenance of facilities respectively owned; however, the Charter says the County has the power to furnish “design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area” [Section 2.04(g)]. While the definition of a “major drainage system” has been defined (open channel that drains 200 acres or more), there is a mixture of governments providing O&M activities for such systems – this needs to be clarified or codified. Also unclear are the requirements of the County toward maintenance of stormwater systems in newly annexed areas.
Section 3
Level of Service Analysis

3.1 Surface Water Management Components

For the purposes of this report, surface water management activities for the Pinellas County have been organized into four categories as described below:

- **Program Management (PGM)** – this area of activities provides for the management and planning of the surface water assets for the County. Included are program administration, planning, development review, enforcement and non-MS4 related monitoring.

- **NPDES Compliance Services** – this includes the NPDES MS4 permit compliance activities that are not otherwise accounted for in the other categories. Also, as will be explained below, with increased O&M efforts, it may be possible to achieve some of the pollutant reduction actions required to achieve state and/or federal mandated total maximum daily load (TMDL) targets. For the purposes of this report, NPDES MS4 compliance is separated into 2 components: those activities not related to O&M such as annual reports, monitoring and special inspections (called NPDES Non-O&M); and those activities related to O&M (called NPDES O&M below).

- **NPDES Compliance Services – Operation and Maintenance (NPDES O&M)** – required by the NPDES MS4 permit, NPDES O&M includes inspection of facilities, sediment and trash removal, repairs as needed, periodic restoration, mowing, maintenance of the vegetative cover (as appropriate), maintenance of inflow and outflow structures, removal of exotic vegetation, restoration of filtration capacity, pump maintenance, and repair/restoration of pipes, inlets and weir structures.

- **Capital Improvement Program (CIP)** – this includes major construction of new surface water assets for the County. Projects are generally identified annually in the 10 year CIP program. The element includes allocations for surface water conveyance system improvements, flood control, channel erosion, and newly required projects that may be needed to meet the TMDL pollutant loading reductions.
3.2 Surface Water Management Level of Service

In order to define the surface water services provided by the Pinellas County to its citizens, surface water services will be compared to a set of performance standards known as “level of service” or LOS. The term “level of service” is used in this study to describe the magnitude of beneficial results gained by the community and the environment from the County’s surface water program. A higher level of service will result in more beneficial results in terms of better flood control and protection, better control of erosion and sedimentation, and better water quality and stream habitat.

This level of service concept is useful for assessing each of the major surface water program areas that have been described previously (Program Management, NPDES Compliance which includes Operations and Maintenance, and Capital Improvements).

For the purposes of this study, different levels of service have been defined and assigned standard letter grades, with “A” being the highest and “F” being the lowest. These standard definitions facilitate evaluation of the level of service currently being provided by the Pinellas County surface water program, and allow consideration of alternative levels of service, with their associated benefits and costs. A level of service “F” is considered to be below the minimum regulatory requirements and expectations of the community.

A matrix has been developed to assist in understanding the different levels of service as they relate to the major program areas (Figure 3-1). Within this matrix, the first column contains the level of service letter grade identification ranging from “A” to “F.” Subsequent column headings are provided for the three program areas, and each box within the matrix contains a brief description of the key elements required to achieve the given level of service for each program area.

To support a better understanding of the matrix, more detailed descriptions of how the different levels of service are defined within each program area are provided below. The level of service definitions are
based on experience with other communities’ surface water programs across the country and interviews with personnel from other surface water programs in Florida.

Later in this section, the County’s current surface water program is assigned a letter grade for each program area based on these LOS definitions. Estimated costs are then provided for each level of service within each program area.

These estimated costs provide a basis for understanding the relative differences between the increasing levels of service and the associated program improvements needed to increase the level of service. This also provides a basis for determining the revenue required to fund each level of service.

3.2.1 Program Management Level of Service Descriptions

A high level of service related to program management provides benefits to the community and environment through the following means:

- Comprehensive planning of surface water management activities and practices increases the opportunity to implement recommendations prior to development or redevelopment occurring, thus decreasing the costs and improving the effectiveness of these best managed practices.

- A proper staffing level of County personnel to oversee and manage other program areas (i.e., operation and maintenance and capital improvements) improves the cost-effectiveness and efficiency of these program areas.

- A proper staffing level of County personnel to monitor and enforce County surface water rules and regulations increases the level of compliance by the regulated community, better protecting the community and environment from unlawful activities.

- Full compliance with all state and federal regulatory programs (NPDES permit compliance activities excluded) allows the County to qualify and gain priority for potential funding opportunities when they are available to the County and avoids potential fines and/or environmental damage that may result from non-compliance. The data and information gained from monitoring activities required by these programs allows the County to make better decisions as to where to apply resources to gain the most benefit and to the effectiveness of past and ongoing activities in achieving desired benefits. The enforcement activities specific to the NPDES permit requirements are assessed in the NPDES permit compliance category.

To a large degree, the level of service of the program management area depends upon the corresponding level of service of the other two major program areas, operation and maintenance and capital improvements. This is because County staff members are required to oversee and manage these other program areas to ensure their cost-effectiveness and efficiency.

However, there are other elements within the program management area that are not related to O&M or capital improvements. These include enforcement of County development and environmental regulations (e.g., plan review and inspections for soil and erosion control and floodplain regulation, inspections of surface water facilities controlling existing development and illicit discharge and connection control). Other activities that would fall under the program management category include public information and education about surface water-related issues, and other supporting functions such as information management, finance, billing, and administration.
- **LOS A**: Basin and watershed planning completed or scheduled dealing with existing and future surface water problems (drainage and water quality); complete inventory of surface water system in a GIS database.

- **LOS B**: Increased planning for drainage basins looking not only at existing problems but also future problems that may be caused by growth, partial surface water system inventory and sufficient management to administer the program and complete limited CIP projects.

- **LOS C**: Partial planning of watershed or drainage basins, limited surface water system inventory and some ability to manage capital improvement projects; planning focused on dealing with major or significant existing problems.

- **LOS D**: Poor management characterized by minimal or no planning, some ability to perform project management for capital projects, poor inventory of surface water system and limited staff to administrate the program.

- **LOS F**: No management or planning, separate of County administration, no system inventory and no ability to accomplish CIP projects or planning.

### 3.2.2 NPDES Compliance Level of Service Non-O&M Related Descriptions

Many Counties and Cities in Florida have either Phase 1 (for permittees with population above 100,000) or Phase 2 (for permittees with population below 100,000) municipal separate storm sewer system (MS4) permits issued by the State of Florida Department of Environmental Protection (FDEP). Since the unincorporated County population based on the 1990 Census was above 100,000, Pinellas County has a Phase 1 permit (Permit No. FLS000005). Compliance with the permit requires the County to accomplish various surface water management activities, which can be completed at various levels. Compliance is measured by the state by annual reports prepared by the permittee documenting all of the permit related activities accomplished during the permit year. Thus, there is a level of service which can be assigned to the NPDES program. The levels can be described as follows.

- **LOS A**: Includes exemplary and/potentially award winning compliance with State and Federal NPDES permit requirements.

- **LOS B**: Provides proactive compliance with permit conditions and represents activities that are better than simply a minimal compliance with the letter of the permit, no substantive comments or requests from the annual report review and associated FDEP inspection.

- **LOS C**: Middle-of-the-road and minimal accepted LOS with adequate compliance with permit conditions, some comments received during the annual review, but no major compliance issues are received from FDEP.

- **LOS D**: Not complying with permit conditions, characterized by substantive comments on the annual report and during the annual inspection.

- **LOS F**: Non-compliance with major permit conditions, with the permittee subject to potential fines from the state for noncompliance.
3.2.3 NPDES Compliance Level of Service O&M Related Descriptions

A high level of service related to operation and maintenance provides benefits to the community and environment through the following means:

- The useful life of the County’s surface water infrastructure is extended through proper operation and routine maintenance of these assets. This results in cost savings by delaying the need for major rehabilitation or replacement of these assets.
- Cleaning of catch basins, culverts, and stream channels maintains the hydraulic capacity of these items, thus decreasing the frequency of flooding that may occur upstream of and in the vicinity of these areas.
- Regular removal of trash, debris, sediment, and excess vegetation from the surface water system improves water quality of streams and downstream waterways as well as the aesthetic value of these areas to the community. Regular street sweeping and greenway maintenance achieves similar benefits.

The Levels of Service for O&M are described below:

- **LOS A**: Highest O&M service level that is fully preventative – all maintenance is completed routinely, addressing every surface water facility once or more each year.
- **LOS B**: Mixture of routine and inspection based maintenance. Critical structures are routinely maintained, both periodically during each year and possibly before each storm event, and non-critical structures are maintained based on inspection.
- **LOS C**: Inspection based maintenance whereby all structures are routinely inspected by management and maintenance is schedule according to the inspection.
- **LOS D**: Complaint-based maintenance – all maintenance is done based on citizen complaints; generally characterized by work order based activities resulting from citizen call in complaints.
- **LOS F**: Less than complaint-based maintenance, with limited or no ability to even respond to complaints.

Once achieved, a level of service “A” may be less costly than lower levels of service because it should reduce the frequency of high-cost capital expenditures such as repairs to failed facilities, unscheduled labor overtime, and high administrative costs. The difficulty, however, is that the transition from a lower level of service to a level of service “A” cannot be achieved immediately.

3.2.4 Capital Improvement Level of Service Descriptions

A high level of service related to capital improvements provides benefits to the community and environment through the following means:

- Construction of surface water system storage and conveyance improvements reduces flooding in known problem areas, thus better protecting public and private property from flood damage.
- Protection and/or improvement of existing lakes, ponds, and wetlands supports downstream water quality objectives by providing treatment of surface water runoff entering these waters.
Acquiring and preserving stream buffers and other environmentally sensitive areas provide water quality improvement, increased habitat opportunities, floodplain storage, and improved aesthetic value of the community of surrounding environment.

Restoration and/or stabilization of streams and other areas subject to erosion reduce sediment transport, thus decreasing the need for downstream maintenance and improving downstream habitat.

Levels of service associated with capital improvements primarily distinguish between the level of funding and rate of implementation for identified capital improvement needs. Levels of service “A” through “F” generally correspond to an implementation period.

- **LOS A**: Completes the CIP needs in 10 years.
- **LOS B**: Completes the CIP needs in 20 years.
- **LOS C**: Provides funding to address the CIP needs in 30 to 40 years.
- **LOS D**: Funds the CIP program over 50 to 60 years.
- **LOS F**: Provides minimal funding for CIP over a period of greater than 75 years.

For the purposes of this document, there are two types of projects that will be considered: projects related to known flood-related problems identified in the watershed or basin studies and projects required to achieve a TMDL-demanded load reduction. The LOS analysis defined above applies to either.

### 3.3 Description of Current County Surface Water Program

The major components of the Pinellas County surface water management program are administered through the Department of Environment and Infrastructure (DEI). **Figure 3-2** (located at the end of the section) provides the County organization as of May 2013 showing DEI. Major support of the surface water management program comes from the Transportation and Stormwater Division. Additional support comes from Engineering and Technical Support and Administrative and Business Support within DEI and Building Development & Review Services, not in DEI. Each of these is described below.

#### 3.3.1 Department of Environment and Infrastructure

This department was created in October 2011 with the merger of the Departments of Public Works and Transportation, Utilities and part of Environmental Management. DEI Services include solid waste, water and wastewater, transportation management, drainage, surface water quality, vegetation management, mosquito control, and urban forestry. For surface water management services, funding is provided from the General Fund and Transportation Trust as well as Penny for Pinellas for capital improvements. This department provides:

- In-house engineering design and consultant management for drainage-related capital projects;
- Asset management of surface water infrastructure;
- Concrete related repair and maintenance for drainage structures, pipes, and underdrains;
- Response and repair in response to complaint or emergency;
- Mowing associated with the drainage system including ditches and ponds;
- Inspection, maintenance and certification of drainage facilities associated with the capital improvement program;
- Maintenance of open conveyance systems;
- Roadway sweeping;
- Vegetation management in County lakes, ponds, rights-of-way, and drainage areas.
- Ambient monitoring of water quality in County surface waters;
- NPDES permit compliance;
- Development reviews;
- TMDL support include BMAP collaboration;
- Watershed Planning related to water quantity (flooding) and water quality; and,
- Floodplain Management.

Additional support within DEI includes work management administration and geographic information system (GIS) support.

### 3.3.2 Building Development and Review Services

This unit provides code enforcement, site plan review, building inspections, commercial and residential plan reviews and permitting in the unincorporated area of the County, as well as by contract to several municipalities. Construction plans are reviewed and ongoing construction projects are inspected at various times. While most of the inspections are for building code compliance, the surface water management during and after construction is part of the review. Code enforcement officers are empowered to enforce appropriate codes and the division also investigates citizen complaints. Currently, this program is funded through the General Fund and through user fees. The program is not considered further in this report.

### 3.3.3. Capital Improvement Projects (CIP)

As noted above, engineering support for capital improvements is provided by DEI. The CIP program is funded currently by the Penny for Pinellas Fund. Table 3-1 shows the actual expenditures of the County for CIP from 2000 to 2012 for stormwater improvement projects as well as a rolling 10-year average starting in 2009. Historically, looking at the last 10 years, the County has, on average, spent about $8.7 million on capital projects.

In order to estimate the total CIP need of the County, the two of the six completed watershed management plans were reviewed to determine estimated costs for flood
control and water quality related activities. Table 3-2 shows the summary of the review. Data included are total area of basin studied, area within the Unincorporated County, total construction costs as well as associated costs, and total construction cost per acre. The estimated CIP flood-related costs for the unincorporated area were estimated by using the construction cost per acre times the unstudied area (yielding about $150 million) plus the County portion of the three basin plans (about $1 million) for a total of $161 million. With approximately $6.5 million of the $8.7 million CIP expenditures related to flood control, it will take about 25 years to complete all of the flood-related CIP costs.

Table 3-2
Pinellas County Governance Study

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Flood Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Feather Sound Reuse</td>
<td>$600,000</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>Mosquito Ditches in Gateway Tract</td>
<td>$2,167,650</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>Mosquito Ditches in Feather Sound</td>
<td>$2,546,450</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>40th Street and Carillon</td>
<td>$1,290,600</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>34th Street and 118th Street</td>
<td>$2,261,600</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>Smart Box in Lakes Subdivision</td>
<td>$1,492,550</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>Flood Areas in Feather Sound</td>
<td>$538,075</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>Tributary H in Master Plan: 40th Street</td>
<td>$3,513,000</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Tributary H in Master Plan: Ulmerton to 40th</td>
<td>$6,032,800</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>Feather Sound Pond Modification</td>
<td>$5,304,750</td>
<td>No</td>
</tr>
</tbody>
</table>

Summary Using Roosevelt and Alligator Studies

| Total Area in Unincorporated County | 63,983.0 | ac |
| Total Unincorporated & Alligator | 4,260.1 | ac |
| Remaining Unincorporated Co | 59,722.9 | ac |

Summary of Project Costs - Roosevelt Creek

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Flood Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Structural Improvements</td>
<td>$6,765,000</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Channel Improvements</td>
<td>$1,060,000</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Water Quality Improvements</td>
<td>$3,323,000</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Ecological Improvements</td>
<td>$3,210,000</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>Land Purchases</td>
<td>$11,385,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Summary of Project Costs - Alligator Creek

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Flood Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Alligator Unincorp Co</td>
<td>$2,005.0</td>
<td>ac</td>
</tr>
<tr>
<td>2</td>
<td>Alligator Unincorp Co Cost</td>
<td>$6,767,888</td>
<td>No</td>
</tr>
</tbody>
</table>

As indicated above, about $2.2 million of the current program CIP expenditures of $8.7 million is for non-flood related ancillary activities based on the Roosevelt Creek and Alligator Creek Basin Plans. These activities include wetland rehydration, plantings, monitoring, and other non-flood related practices. While some of these costs may help achieve TMDL related nutrient reductions, they were not added to the basin plans with this in mind. Therefore, for the purposes of this report, it has been assumed that these non-flood related basin plan projects are independent of the TMDL nutrient reductions. It is recommended, however, that as much as possible, these non-flood related activities should be coordinated with the TMDL program to achieve the most cost effective outcomes.

From Table 3-2, the total estimated CIP costs for non-TMDL, water quality related projects is $92.1 million. This estimate is based on the water quality cost per acre of $1,254 distributed throughout the unincorporated County.

3.3.4 Summary

A summary of department budgets is provided in Table 3-3 along with the percent of each program contributing to the overall surface water program. Overall, it is estimated that the County’s surface water management programs are about $21.4 million for FY 2013. Table 3-1 also provides the same data with the CIP costs organized by the three surface water management categories: Program Management, NPDES...
MS4 and O&M, and CIP. The total funding for 2013 excluding Engineering and Penny for Pinellas ($888,588 for Engineering and $8,716,175 for CIP) was $11.8 million.

### Table 3-3

<table>
<thead>
<tr>
<th>Program Management</th>
<th>Type</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>Existing</td>
<td>$888,588</td>
<td>4.2%</td>
</tr>
<tr>
<td>Watershed Planning</td>
<td>Existing</td>
<td>$481,540</td>
<td>2.3%</td>
</tr>
<tr>
<td>Systems &amp; Support</td>
<td>Existing</td>
<td>$777,141</td>
<td>3.6%</td>
</tr>
<tr>
<td>NPDES - Non-O&amp;M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compliance - Non O&amp;M</td>
<td>Existing</td>
<td>$493,150</td>
<td>2.3%</td>
</tr>
<tr>
<td>Environmental Monitoring</td>
<td>Existing</td>
<td>$859,320</td>
<td>4.0%</td>
</tr>
<tr>
<td>TMDLs</td>
<td>Existing</td>
<td>$210,050</td>
<td>1.0%</td>
</tr>
<tr>
<td>NPDES - Operation and Maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Response</td>
<td>Existing</td>
<td>$640,894</td>
<td>3.0%</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>Existing</td>
<td>$4,870,646</td>
<td>22.8%</td>
</tr>
<tr>
<td>Vegetation Management</td>
<td>Existing</td>
<td>$1,749,527</td>
<td>8.2%</td>
</tr>
<tr>
<td>Mowing - Stormwater Facilities Only</td>
<td>Existing</td>
<td>$424,333</td>
<td>2.0%</td>
</tr>
<tr>
<td>Streets (pipe repair)</td>
<td>Existing</td>
<td>$716,535</td>
<td>3.3%</td>
</tr>
<tr>
<td>Alum System O&amp;M</td>
<td>Existing</td>
<td>$570,410</td>
<td>2.7%</td>
</tr>
<tr>
<td>Capital Improvement Program</td>
<td>Existing</td>
<td>$8,716,175</td>
<td>40.7%</td>
</tr>
<tr>
<td>Penny CIP 1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Program Costs** $21,398,309 100.0%

**Summary**

<table>
<thead>
<tr>
<th>Program Element</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Management</td>
<td>$2,147,269</td>
<td>10.0%</td>
</tr>
<tr>
<td>NPDES - MS4 Compliance</td>
<td>$1,562,520</td>
<td>7.3%</td>
</tr>
<tr>
<td>NPDES - O&amp;M Program</td>
<td>$8,972,345</td>
<td>41.9%</td>
</tr>
<tr>
<td>CIP Program</td>
<td>$8,716,175</td>
<td>40.7%</td>
</tr>
</tbody>
</table>

**Total Program Costs** $21,398,309 100.0%

**Note:**
1. 10-year average CIP expenditures from 2003 to 2012.
2. TMDL and Regional SW Quality budget from Penny for Pinellas.

#### 3.4 Current County Program Level of Service

Based on a review of the existing Pinellas County surface water program by CDM, discussions with County staff members, and the level of service definitions provided previously, the following level of service ratings are provided for the current County surface water program.

#### 3.4.1 Current Program Management LOS

The County currently provides a LOS of “C” related to program management of its surface water program. There are a number of positive activities currently being supported by the County including development review services and construction inspections. Also, the County has developed watershed management plans that address both water quality and drainage for six major watersheds (Lake Tarpon, Lake Seminole, Roosevelt, Brooker, Starkey and Cross Bayou) and is currently working on the McKay Creek and Allen’s Creek Watersheds. **Figure 3-3** (located at the end of this section) illustrates the watersheds within Pinellas County.

The County’s Agile Assets database is an effective tool being used by the Transportation and Stormwater Division. The database contains information on the permitted facilities maintained by the County. Reports can be generated for the permitted facilities with inspections that are due, as well as inspection and re-inspection sheets. In addition, construction plans are scanned and are linked to the permitted facilities in the Agile Assets database. This provides an effective way to sort, search, and view plans with little effort. However, the surface water system inventory for all of the County’s surface water system is not comprehensive and not included in the asset management process described above. A GIS database of the comprehensive inventory would be greatly beneficial and an inventory is required by the new NPDES MS4 permit.
3.4.2 Current NPDES Compliance Non-O&M Related LOS

Based on this assessment of the compliance activities for Pinellas County, the NPDES MS4 permit compliance program would receive an assignment of LOS C+. Some of the elements required for permit compliance are completed by the County adequately for minimal compliance. However, even with the new permit issued in 2013, the County is providing some compliance activities proactively, especially NPDES MS4 monitoring.

3.4.3 Current NPDES Compliance O&M Related LOS

The current level of service provided by the County related to its operation and maintenance of surface water facilities is LOS C- since it currently provides some inspection-based maintenance, but is mostly complaint-based maintenance. Permitted surface water facilities receive scheduled inspections and minor maintenance. However, this is a small component of the O&M program. The rest of the O&M program is based on customer complaints. DEI performs limited maintenance on open channels due to reduced resources including operational and technical staff and equipment.

Vegetation Management staff are licensed by the state and receive annual training. This allows staff to maintain current in procedures and work methods that are being used within their areas of expertise.

3.4.4 Current Capital Improvements LOS

The existing level of service provided by the County related to flood control capital improvements associated with surface water management is level “C+”. Based on the analysis in Subsection 3.3.3 (i.e., $161 million total flood related CIP), with the current expenditures of about $8.7 million per year, it will take about 25 years to complete drainage CIP program. It should be noted that this rating is based on known CIP needs related to drainage improvements and the funding spent each year to achieve the drainage needs, not on the efficiency of the program. However, as new water quality based needs are identified through watershed plan and TMDL studies, additional funding will be required. Incorporating these potential costs, the LOS will decrease.

3.4.5 Overall Assessment of Existing LOS

The overall assessment is LOS C, with Program Management being LOS C, NPDES MS4 Compliance – Non-O&M at LOS C+, NPDES MS4 Compliance - O&M at LOS C-, and Flood-related CIP at LOS C+. As water quality related CIP costs are better identified, at the current CIP rate of spending, the CIP LOS will reduce.

3.5 Expanded LOS

Provided below is a summary of the methods used and results of the cost estimates for an expanded or increased LOS for each program element (i.e., program management, NPDES compliance, and CIP) within Pinellas County. As noted in Section 3.4.5, the current overall LOS for Pinellas County is an LOS of C. The costs and programs identified below describe the enhancements needed for the County to provide its citizens a surface water program that each component would meet a preferred LOS and improvements to LOS B and A.

3.5.1 Expanded LOS Costs

In estimating the programs and costs of increasing the overall LOS for Pinellas County, two alternatives are available: a bottom-up analysis and a top-down analysis. For a bottom-up analysis, information on
the extent of the infrastructure is used along with data on performance (e.g., x number of miles of ditch maintained per crew hour) to estimate the personnel and equipment needs to achieve a higher LOS. This method was not used for this study.

The second method to consider an expanded LOS is the top-down approach. This approach uses standard unit costs to estimate the total program cost. Typically, costs are related to population (i.e., cost per capita) or to road mile, with the latter tending to relate best to O&M costs and the former relating to total and program management costs. Table 3-4 show results for a number of communities in Florida and other states for which population, funding, road miles and levels of service were available. The data showed that for total program costs, the cost per capita appeared to relate to LOS best and for O&M, the lane miles related to the LOS best. It should be noted that the LOS assignments in Table 3-4 were defined based on program activities and resources, not on cost or effort.

Table 3-4
Pinellas County Stormwater Governance Study
Summary of LOS Costs for Various Cities and Counties

<table>
<thead>
<tr>
<th>LOS</th>
<th>Number</th>
<th>Average ($ per Capita)</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>$61</td>
<td>$59</td>
<td>$63</td>
</tr>
<tr>
<td>B</td>
<td>11</td>
<td>$44</td>
<td>$27</td>
<td>$60</td>
</tr>
<tr>
<td>C</td>
<td>9</td>
<td>$31</td>
<td>$17</td>
<td>$81</td>
</tr>
<tr>
<td>D</td>
<td>6</td>
<td>$21</td>
<td>$12</td>
<td>$28</td>
</tr>
<tr>
<td>F</td>
<td>1</td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOS</th>
<th>Number</th>
<th>Average ($ per Road Mile)</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>$6,100</td>
<td>$3,275</td>
<td>$8,926</td>
</tr>
<tr>
<td>B</td>
<td>6</td>
<td>$4,022</td>
<td>$1,574</td>
<td>$5,552</td>
</tr>
<tr>
<td>C</td>
<td>8</td>
<td>$3,034</td>
<td>$1,349</td>
<td>$5,045</td>
</tr>
<tr>
<td>D</td>
<td>2</td>
<td>$1,221</td>
<td>$608</td>
<td>$1,608</td>
</tr>
<tr>
<td>F</td>
<td>0</td>
<td></td>
<td>$5</td>
<td>$5</td>
</tr>
</tbody>
</table>

Information on the Pinellas County population was obtained from the Census Bureau of other sources such as Pinellas County budget documents. Based on these data, the top-down estimated costs for the different LOS above the current LOS for Pinellas County for each program element can be defined with some caveats. Table 3-4 shows that the service costs for the County appear to be consistent with the LOS costs. For O&M costs, the County is currently expending about $8.97 million per year at a LOS C and the table shows that for other surface water programs, the average LOS C is $8.0 million. However, due to the County’s development history, built-out urban environment, and infrastructure age, it is difficult to make a more accurate assessment of services beyond annual expenditures which is likely to be much higher in areas like Pinellas County. For the total program costs, with the County at LOS C with total costs of $11.8 million (excluding Penny for Pinellas) while Table 3-4 shows that LOS C averages about $8.4 million but ranges from $4.6 million to $21.9 million. The fact that the County is a little above average is understandable since the services provided by Pinellas County are for built-out conditions, requiring a more robust program than the less developed municipalities and counties included in Table 3-4. Nevertheless the data are useful in projecting higher LOS costs for the County. For the analysis provided below on higher LOS funding needs, the results are general in nature and should be considered only for planning purposes.

3.5.2 Expanded LOS Programs

Provided below is a description of additional programs that can be implemented to improve levels of service. The programs suggested are based on the understanding of the current surface water programs in the County and experience with other County-wide programs in Florida and the US. As noted above, the current LOS is C with an annual expenditure of about $21.2 million including $8.7 million from Penny for Pinellas. Also, the costs identified represent overall budgets, which, subject to competitive bidding, may reduce the values suggested.
3.5.2.1 Program Improvements to Achieve LOS B

Provided below is a series of improvements for the surface water program to increase to an LOS B. LOS B is generally a preferred LOS for many communities. In most cases, the major improvement required to achieve LOS B is the more routine-based maintenance. It should be noted, however, that as the level of redevelopment expands and the improvements required by completed watershed plans are implemented, the demands on staff will increase.

Provided below is a description of the recommended activities to achieve LOS B for Pinellas County, funding for which is estimated to be $30.9 million including CIP funding. This represents a $9.6 million increase from the existing program.

**Program Management**

The biggest needs for program management currently appear to be related to watershed planning and staffing. The County has completed six watershed management plans which identified major CIP needs in the County; and additional watersheds must be completed to have a complete picture of the CIP needs in the County. In particular, the following programs are recommended:

- **Watershed Plans.** The County needs to prioritize each of its watersheds based on four categories: 1) highly developed watersheds with surface water problems; 2) quickly redeveloping watersheds with high potential for surface water problems or TMDLs; 3) highly developed basins with no identified surface water problems; and, 4) low priority watersheds basins. One or more watersheds in the higher priority categories should be completed per year at a cost of $600,000 depending on the basin size and complexity. These costs have historically been accounted for in the Penny for Pinellas; recently however, an audit recommended that these costs should not be included in Penny for Pinellas budget. For the preferred costs identified below, an increase of $600,000 for watershed plan is proposed and with cooperative funding this should achieve LOS B.

- **Site Plan Compliance and Floodplain Management.** As part of an effort to confirm site planning is consistent with the current County ordinances, including floodplain management, additional efforts related to review and compliance of development plans are warranted. It has been estimated by County staff that additional costs for this effort is $188,952. To achieve LOS B, additional staff and associated equipment are recommended to expand the GIS, research and environmental programs. It has been estimated that 6 additional staff in these areas is $332,952.

- **Surface Water Assessment Support.** If the funding for the surface water program is to be a surface water assessment, additional staff will be needed to administer the assessment program. Activities related to maintenance of the non-ad valorem assessment database annually, GIS support for impervious area interpretation, processing of adjustments such as credits, and responses to questions by the public. It has been estimated that 2 full time equivalent (FTE) staff are required for this support with a budget of $198,460.

**NPDES Compliance**

To achieve an LOS B for NPDES Compliance, a more proactive set of programs is necessary for all elements. Possible improvements could include:

- **Increased Public Education and Engagement Program** To provide a more proactive surface water education program, to assess public awareness, and to produce positive behavior change, the County can create more opportunities for a publicly visible surface water program. These opportunities may include educational signage at surface water facilities and additional broadcast educational summaries such as newspaper inserts or brochures. While educational materials are
available through the Watershed Management website, additional information with higher level (easier) access is warranted. An increased education program is estimated to cost $50,000.

**Increased Public Involvement.** Historically, Pinellas County has participated in an Adopt-a-Pond program to include the general public in cleanup activities related to the management of community surface water ponds. Restoring capacity and function within these systems may improve local drainage conditions and result in an improvement in water quality. The return to the Adopt-a-Pond program at the same level of service as the previous program has been estimated to cost $468,893 by County staff.

**Biological Monitoring.** FDEP has recently adopted numeric nutrient criteria that call for the biological confirmation of nutrient impairment. That is, if the ambient nutrient concentrations are above targets set in the rules, biological confirmation is required to show that nutrients are indeed causing an imbalance to aquatic flora and fauna. As a result, addition biological monitoring is of benefit to the County to confirm or deny nutrient impairment. It has been estimated that such biological monitoring will cost $172,078.

**NPDES – O&M**

The major improvements to achieve LOS B are needed in NPDES – O&M. To increase the LOS for the NPDES - O&M program, the following programs are suggested:

**Inspection Based Maintenance.** LOS B is characterized by a mixture of routine maintenance of specific critical facilities with inspection based maintenance for the rest. To accomplish this effort, two types of staff are needed. The first is inspectors who will routinely visit stormwater facilities to document operability and condition. Inspector reports will help define the priority of maintenance. The second is identified below in the open and closed conveyance programs providing repair and replacement of major conveyances within the County. To achieve LOS B, additional staff and equipment are needed including a planning coordinator, equipment operator and public work specialist (with appropriate equipment) estimated at $822,859.

**Increased Street Sweeping.** FDEP has recently adopted a procedure to provide nutrient reduction credits for street sweeping activities. Based on preliminary estimates, the County’s data supports that additional street sweeping will reduce the County’s discharge of nutrients to streams, canals, and ultimately to nearshore waters. The County has suggested that a modest increase in street sweeping would cost $40,000 to provide LOS B. This estimate is based on current contractual costs and is subject to change as a result of procurement.

**Open Conveyance Program.** To reduce flooding and the control of runoff to near shore waters, an increase in the maintenance of open conveyances (such as ditches and canals) is warranted. The suggested level of service results in a 10-year maintenance cycle. It has been estimated that such a program would cost an additional $1,966,727 per year.

**Closed Conveyance Repair and Replacement.** Similar to the open conveyance program, the closed conveyances require methodical repair and replacement as many are at or near their design-life of 40 to 50 years. This program is estimated to cost $2,400,718 based on information provided by County staff.

**Capital Improvement Program**

The final element in the improvements needed to increase the LOS to B is additional capital improvement funding. As noted previously, the majority of CIP funding is derived from the Penny for Pinellas mainly for drainage related projects. However, with new improvements required for water quality improvements, along with expanded maintenance, it is expected that additional CIP annual
funding is required. It has been proposed that this annual funding should be $1,998,558 based on previous watershed studies and the estimated LOS B funding would require an additional $310,000 per year.

The total estimated LOS B funding needs is estimated to be $30.4 million, which is about $1.15 more than the proposed funding program. The major additions from the proposed program are increased watershed plans, additional inspectors, and slightly more water quality CIP funding.

3.5.2.2 Program Improvements to Achieve LOS A

As noted previously, LOS A is the highest LOS and is not achieved by many communities in Florida or the US. LOS A is characterized by exemplary surface water management activities for all elements of the program. It has been estimated that the funding needed for LOS A is $42.1 million which includes CIP funding, an increase of $11.2 million above LOS B.

Program Management

To improve to LOS A, most of the major activities would have started in the changes made for the lower LOS programs. Additional improvements are listed below.

- **Increased Program Management Staff.** Along with the increased program management, CIP and NPDES programs, additional project management staff are needed to complete the new, and increased number of projects. The project management additions should be a mixture of environmental and engineering staff to accomplish permitting, design, and project oversight work. Also suggested are for LOS A are additional Geographic Information System (GIS) staff for georeferenced mapping of the infrastructure. GIS activities are already being accomplished; however, for LOS A, increased use of GIS intelligence is warranted. An additional budget of $258,716 has been estimated for these purposes.

- **Watershed Plans.** To increase to LOS A, additional watershed plans should be completed at a faster rate. For LOS B, it was proposed that more than one study per year could be completed for about $900,000. For LOS A, doubling of this work would be accomplished for an additional $900,000.

**NPDES Compliance**

LOS A for NPDES compliance means that while minimum compliance activities were achieved for LOS C and additional activities were provided in LOS B, LOS A calls for a program that is recognized by the State of Florida as exemplary and is identified to other communities as a source of recommended surface water management program examples. To achieve this LOS, the County could provide the following improvements:

- **Increased Inspection/Enforcement Staff.** An exemplary NPDES program should include sufficient staff to inspect the surface water system for illicit connections and illegal dumping, high risk industrial discharges, and construction runoff. The staff should have strong enforcement capabilities as well as training to encourage environmental compliance. Estimated costs are $170,000.

- **Full support of the Water Atlas.** The County has already built the water atlas of the County with the support of the University of South Florida. The current site is operational and merged with the Tampa Bay Estuary Program (TBEP) and the Manatee County Atlas in order to share costs. Full support of the atlas would provide additional and publicly-available water resource data through the internet. Such a website would expand public education and participation, allowing citizens to access water quantity and quality data as well as the status of surface water management programs within the County. Estimated costs are $60,000.
Additional TMDL and BMAP Compliance Tools. During the next 5 years, compliance with TMDLs and associated BMAPs will become a potentially significant expense for the County. To achieve LOS A, the County would need to provide a comprehensive planning and implementation plan to comply with the TMDLs and to work collaboratively with local stakeholders and FDEP on BMAPs. These are exemplified in the Tampa Bay Nitrogen Consortium which collaborated to develop an FDEP and EPA approved plan to achieve nitrogen goals for Tampa Bay. This effort included stakeholders from across the Tampa Bay area. TMDL compliance in Pinellas County will call for the collaboration of stakeholders in the County itself and is one of the ways cooperative programs make sense for the County and Cities. Estimated costs are $127,103.

NPDES - Operation & Maintenance

The LOS A NPDES - O&M program is characterized by a fully routine maintenance program using asset management tools. To accomplish this LOS, a complete inventory is needed and an automated (electronic) and GIS-based maintenance/work management system must be employed. For this LOS, dedicated surface water crews should be organized in a dedicated group within DEI.

Increased Surface Water Maintenance Crews. To increase the O&M program to a LOS A, increased crews are required to provide routine maintenance to all County-owned surface water facilities, not just permitted facilities. As noted previously, there are generally 3 to 4 staff to each crew. Assuming $465,000 per crew including new equipment such as trucks, backhoes, vacuum trucks, etc., approximately 8 crews would be added to achieve LOS A.

Supervisory Personnel. To manage the additional crews as well as orchestrate the maintenance program, additional management staff would be required. For the purposes of this program, three additional staff members are recommended: 2 program supervisors ($200,000), 1 clerical staff member ($50,000) and 1 financial/asset management manager ($75,000). The total personnel increases are $325,000.

Capital Improvements

To increase the capital improvement LOS to A, additional funding of about $5.8 million is suggested. This expenditure, along with the increases to LOS B would be for water quality based improvement and would approximately double (1.93 times) the current Penny for Pinellas funding for drainage projects.

3.5.3 Summary of Suggested Improvements

Based on suggested improvements identified above, Table 3-5 provides a summary of existing and proposed/enhanced costs for the surface water management program. The total expanded program funding need would be about $29.5 million. Excluding the Engineering Services, Penny for Pinellas and Watershed CIP funding, the total expanded funding need would be about $17.9 million which is about $6.1 million more than the existing funding requirement. It can be noted that this proposed, expanded level of funding is only slightly less than the LOS B requirements.

In summary, Table 3-6 provides the total funding requirements for the various LOS including the existing services. As noted previously excluding CIP, the proposed funding is only slightly less than LOS B (about $1.15 million) while LOS A is $11.7 million more than LOS B.
Table 3-5
Pinellas County Governance Study
Summary of Expenditures with Enhancements and New Programs

<table>
<thead>
<tr>
<th>Program Element</th>
<th>Type</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>Existing</td>
<td>$888,588</td>
<td>3.0%</td>
</tr>
<tr>
<td>Systems &amp; Support</td>
<td>Existing</td>
<td>$777,141</td>
<td>2.6%</td>
</tr>
<tr>
<td>Watershed Planning</td>
<td>Existing</td>
<td>$481,540</td>
<td>1.6%</td>
</tr>
<tr>
<td>Surface Water Assessment Support</td>
<td>New</td>
<td>$204,709</td>
<td>0.7%</td>
</tr>
<tr>
<td>Site Plan Compliance</td>
<td>New</td>
<td>$188,952</td>
<td>0.6%</td>
</tr>
<tr>
<td>Watershed Plan Development</td>
<td>New</td>
<td>$600,000</td>
<td>2.0%</td>
</tr>
<tr>
<td>NPDES - Non-O&amp;M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compliance - Non O&amp;M</td>
<td>Existing</td>
<td>$493,150</td>
<td>1.7%</td>
</tr>
<tr>
<td>Environmental Monitoring</td>
<td>Existing</td>
<td>$859,320</td>
<td>2.9%</td>
</tr>
<tr>
<td>TMDLs</td>
<td>Existing</td>
<td>$210,050</td>
<td>0.7%</td>
</tr>
<tr>
<td>Public Education</td>
<td>Enhanced</td>
<td>$50,000</td>
<td>0.2%</td>
</tr>
<tr>
<td>Adopt-a-Pond</td>
<td>New</td>
<td>$468,893</td>
<td>1.6%</td>
</tr>
<tr>
<td>Biological Monitoring</td>
<td>New</td>
<td>$172,078</td>
<td>0.6%</td>
</tr>
<tr>
<td>NPDES - Operation and Maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Response</td>
<td>Existing</td>
<td>$640,894</td>
<td>2.2%</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>Existing</td>
<td>$4,870,646</td>
<td>16.5%</td>
</tr>
<tr>
<td>Vegetation Management</td>
<td>Existing</td>
<td>$1,749,527</td>
<td>5.9%</td>
</tr>
<tr>
<td>Mowing - Stormwater Facilities Only</td>
<td>Existing</td>
<td>$424,333</td>
<td>1.4%</td>
</tr>
<tr>
<td>Streets (pipe repair)</td>
<td>Existing</td>
<td>$716,535</td>
<td>2.4%</td>
</tr>
<tr>
<td>Alum System O&amp;M</td>
<td>Existing</td>
<td>$570,410</td>
<td>1.9%</td>
</tr>
<tr>
<td>Increased Street Sweeping</td>
<td>Enhanced</td>
<td>$40,000</td>
<td>0.1%</td>
</tr>
<tr>
<td>Open Conveyance Program</td>
<td>Enhanced</td>
<td>$1,966,727</td>
<td>6.7%</td>
</tr>
<tr>
<td>Closed Conveyance R&amp;R</td>
<td>New</td>
<td>$2,400,718</td>
<td>8.1%</td>
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<tr>
<td>Capital Improvement Program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penny CIP 1</td>
<td>Existing</td>
<td>$8,716,175</td>
<td>29.6%</td>
</tr>
<tr>
<td>Watershed Plan CIP 3</td>
<td>New GF</td>
<td>$1,998,558</td>
<td>6.8%</td>
</tr>
<tr>
<td>Total Program Costs</td>
<td></td>
<td>$29,488,945</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Summary

<table>
<thead>
<tr>
<th>Program Element</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Management</td>
<td>$3,140,930</td>
<td>10.7%</td>
</tr>
<tr>
<td>NPDES - MS4 Compliance</td>
<td>$2,253,401</td>
<td>7.6%</td>
</tr>
<tr>
<td>NPDES - O&amp;M Program</td>
<td>$13,379,790</td>
<td>45.4%</td>
</tr>
<tr>
<td>CIP Program</td>
<td>$10,714,734</td>
<td>36.3%</td>
</tr>
<tr>
<td>Total Program Costs</td>
<td>$29,488,945</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Notes: 1 Based on completed Watershed Plans, Drainage CIP represents 75% of the CIP costs and Water Quality represents the remaining 25%. The 10-year Average CIP expenditures used: 2003 - 2012.
2 TMDL and Regional SW Quality budget from Penny for Pinellas.
3 Based on Total WQ CIP of $92.1 million minus 10-year Penny WQ CIP completed over 40 years. Not to be included in Surface Water Assessment.
Figure 3-2 Pinellas County Surface Water Governance Study: County Organization
Figure 3-3 Pinellas County Surface Water Governance Study: Watersheds

PINELLAS COUNTY WATERSHEDS AND UNINCORPORATED AREAS

Watersheds
1. Anclote River
2. Klosterman Bayou
3. Lake Tarpon Basin
4. Brookier Creek
5. Oldsmar
6. South Creek
7. Sutherland Bayou
8. Smith Bayou
9. Cedar Creek
10. Curlew Creek
11. Possum Branch
12. Bishop Creek
13. Mullet Creek
14. Alligator Creek
15. Spring Branch
16. Coastal Zone 4
17. Coastal Zone 1
18. Stevensons Creek
19. Allan’s Creek
20. Coastal Zone 2
21. Coastal Zone 3
22. Long Branch
23. Roosevelt
24. Cross Bayou
25. Staley Road
26. Lake Sonoma Basin
27. McKee Creek
28. Coastal Zone 5
29. Pinellas Park Ditch #1
30. Songress Lake
31. Tinkney Creek
32. NE St. Petersburg
33. 80th Ave North Canal
34. 64th Ave East Canal
35. Joe’s Creek
36. Long Bayou
37. Pasadena Lake
38. SW St. Petersburg
39. Bear Creek
40. Booker Creek
41. North Coffee Pot Bayou
42. 45th Ave North East Canal
43. Coffee Pot Bayou
44. Albert Whitted
45. 54th Street
46. Clear Bayou
47. Gulfport
48. Frenchmen’s Creek
49. Lecie Magoon/Salt Creek
50. Big Bayou
51. Ulff Bayou Creek
52. Pinellas Point
53. St. Joseph Sound
54. Clearwater Harbor North
55. Clearwater Harbor South
56. The Narrows
57. Boca Ciega Bay North
58. Boca Ciega Bay Central
59. Boca Ciega Bay South
60. Boca Ciega Bay South
61. Lower Tampa Bay
62. Middle Tampa Bay
63. Old Tampa Bay

Unincorporated Pinellas County

unincorporated_071210
Section 4
Funding Assessment

The existing Level of Service (LOS) and potential activities needed to increase the LOS have been defined in Section 3.0 along with the associated funding needed for each level. This section identifies the sources of current funding for Pinellas County, considers alternative funding sources and provides more detail on the surface water utility fee (assessment) as one means to fund the surface water LOS. It should be noted that this assessment was made using the Fiscal Year 2013 Annual Operating and Capital Budget (referred to below as the FY 2013 Budget).

### Table 4-1
Pinellas County, Florida Stormwater Governance Study Summary of Resources and Balances Requested FY 2013

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ad Valorem</td>
<td>$364,599,180</td>
<td>21.5%</td>
</tr>
<tr>
<td>Communications Services</td>
<td>$10,735,680</td>
<td>0.6%</td>
</tr>
<tr>
<td>Local Business Taxes</td>
<td>$690,650</td>
<td>0.0%</td>
</tr>
<tr>
<td>Sales Use &amp; Fuel Taxes</td>
<td>$119,333,720</td>
<td>7.0%</td>
</tr>
<tr>
<td>License and Permits</td>
<td>$7,711,890</td>
<td>0.5%</td>
</tr>
<tr>
<td><strong>Intergovernmental Revenue</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Grants</td>
<td>$15,094,450</td>
<td>0.9%</td>
</tr>
<tr>
<td>Local Government Grants</td>
<td>$14,185,300</td>
<td>0.8%</td>
</tr>
<tr>
<td>Shared Local Revenue</td>
<td>$826,930</td>
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</tr>
<tr>
<td>State Grants</td>
<td>$16,509,850</td>
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<tr>
<td>State Shared Revenue</td>
<td>$61,918,440</td>
<td>3.7%</td>
</tr>
<tr>
<td><strong>Charges for Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Government</td>
<td>$1,412,840</td>
<td>0.1%</td>
</tr>
<tr>
<td>Culture/Recreation</td>
<td>$5,707,470</td>
<td>0.3%</td>
</tr>
<tr>
<td>Human Services</td>
<td>$1,900,090</td>
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</tr>
<tr>
<td>Other</td>
<td>$10,568,760</td>
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</tr>
<tr>
<td>Physical Environment</td>
<td>$223,238,760</td>
<td>13.2%</td>
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<tr>
<td>Public Safety</td>
<td>$68,208,480</td>
<td>4.0%</td>
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<tr>
<td>Transportation</td>
<td>$2,545,200</td>
<td>0.2%</td>
</tr>
<tr>
<td>Court Related Revenue</td>
<td>$5,182,150</td>
<td>0.3%</td>
</tr>
<tr>
<td>Internal Service Charges</td>
<td>$93,166,690</td>
<td>5.5%</td>
</tr>
<tr>
<td>Excess Fees - Constitutional Officers</td>
<td>$9,285,650</td>
<td>0.5%</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>$2,215,660</td>
<td>0.1%</td>
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<tr>
<td>Interest Earnings</td>
<td>$2,871,540</td>
<td>0.2%</td>
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<tr>
<td>Rents, Surplus and Refunds</td>
<td>$13,280,180</td>
<td>0.8%</td>
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<tr>
<td>Miscellaneous</td>
<td>$33,484,160</td>
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<tr>
<td>Non-Operating Revenue</td>
<td>$11,721,430</td>
<td>0.7%</td>
</tr>
<tr>
<td><strong>Beginning Fund Balances</strong></td>
<td>$599,238,480</td>
<td>35.3%</td>
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<tr>
<td><strong>Total</strong></td>
<td>$1,695,633,630</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

### 4.1 Existing Sources of Funding

Based on the Pinellas County Budget for FY 2013, there are many sources of revenues for the County budget (see Table 4-1). The existing sources of revenue for the FY 2013 sum to $1,695.6 million and include Taxes (29 percent), Service Charges (24 percent), Federal and State Sources (6 percent), and other revenues including Sales & Use Taxes (7 percent). About 36 percent of the total revenues include non-operating income and fund balances.

About one-third of the budget is the General Fund, from which most of the County non-enterprise operating programs are funded. Sources of revenue for the County General Fund are illustrated in Figure 4-1. For FY 2013, the estimated revenue for the General Fund is $543.7 million of which $261.6 million (48 percent) will be from ad valorem taxes at a millage of 5.0105. The millage is applied to the taxable value County-wide, estimated to be $54.4 billion in the County. The beginning balance of $115.3 million is a non-recurring resource.
Additional County revenues include funding by municipal service taxing unit (MSTU), which is currently set at 2.0857 mills. MSTU revenues can be used for any county service and according to Chapter 125.01, does not require a referendum. If ad valorem taxes are levied to provide municipal services within the unit, the millage on any parcel by all MSTUs and the municipality may not exceed 10 mills and are included in the Roll-back rate. Depending on the magnitude of other ad valorem millage, an extraordinary or unanimous vote may be required. Use of the MSTU funding to pay a debt service would require a referendum.

The advantage of the use of ad valorem revenues for surface water services is that ad valorem tax is an existing source of revenue not requiring additional legislative action other than adoption of the millage rate.

General Fund revenues are currently being used for many County services including surface water services. The disadvantage of using this source of funding is the competition for the use of General Fund usually means that surface water services are not adequately funded

**Proprietary Sources**

Proprietary sources identified in the budget are those funds collected for a particular service and earmarked for such services. Some of these can be used for surface water services such as Development Review Fees (used for review of site plans for stormwater). Others, called Enterprise Funds, are for specific utility services such as water and sewer services; revenues from these utilities can be used only for the utility itself. According to the FY 13 Annual Budget, Enterprise Funds make up $411.9 million of the budget.

**Special Assessments**

Also referred to as a non-ad valorem assessment or uniform assessment method, special assessments for surface water services are authorized in home rule and Chapter 403.0893, Florida Statutes (FS), and the methodology to implement described in Chapter 197.3632 FS. The basic rules for a legitimate special assessment area: (1) the services provided must be of special benefit to the individual properties; and (2) the assessment must be fairly and reasonably apportioned according to the benefits received. The Florida Supreme Court decision regarding the special assessment for Sarasota County (20 Fla. Law Weekly, S600-S603, January 1990) concludes that a surface water special assessment can meet both of these criteria.

**½ Cent Sales Tax**

The ½ Cent Sales Tax, identified as a state source, applies $0.005 to each dollar of sales of products within a county. The ½ Cent Sales Tax was imposed by the state legislature and a little over 8 percent of the sales tax (excluding the local option Penny for Pinellas) is shared with local governments. Approximately $38 million in revenue is projected for Pinellas County in the FY 2013 Budget.
Impact Fees
Impact fees are restricted in use. The fees must be used for capital construction related to new growth in the area in which they are collected. The advantage of an impact fee is that they can generate funds for specific projects in a benefited area such as for development impacts. This is further described below as New Funding Sources. The significant disadvantages are based upon the experience of other communities in the application of impact fees to surface water services: they generally generate too small revenues to pay for the needed capital improvements and they can only be used for new growth in the area of collection. It can be difficult to separate the fees collected to isolate the revenue for a specific area. Many of the existing surface water problem areas are related to existing developments; new development is required to provide surface water attenuation and treatment. According to the FY 2013 Annual Budget, the County does not currently use impact fees.

Special Revenue Funds
Special revenue funds are special funds set aside for specific needs and as with enterprise funds, are restricted. Pertinent sources of special revenue funds include the Transportation Trust Fund for the O&M of transportation facilities ($28.7 million) mostly generated through state-shared gas taxes and local option gas taxes; Building & Development Review Fund ($9.1 million) from licenses and permits and transfers; and Special Assessments for Drainage ($1.1 million, Fund F 1095) as noted on page J-89 of the FY 2013 Budget, mostly funded from previous balances. These funds are usually generated through one of the other funding methods.

Local Option Gas Tax
The local option gas tax is one of many sources which are related to gas taxes and are placed in a specific fund to account for the construction, reconstruction, and major maintenance of County roads. Arterial and collector roads are funded through Gas Tax Bonds, the Constitutional Gas Tax, and the Six-Cent Local Option Gas Tax.

The advantage of this revenue is that it is an existing funding source which can resolve surface water problems associated with roads. The disadvantage is that many problems are not associated with roads so this source is not available. Also, surface water operating expenses cannot be funded by this source. According to the FY 2013 Budget, approximately $13 million is projected as revenue to the County.

4.2 Assessment of Alternative Funding Sources

4.2.1 New Funding Sources

Special Assessments or Non-ad Valorem Assessments
As discussed previously, a special or non-ad valorem assessment is a method to charge property owners in any County for certain services and facilities provided by the County. The two major criteria to judge the validity of a special assessment are the property must receive special benefit from the service and the assessment must be reasonably apportioned according to the benefit. The assessment is billed through the Tax Collector’s Office on the annual tax bill; however, to properly collect the assessment, a rigorous protocol must be followed as defined in Chapter 197.3652 FS which includes:

- Adoption of a resolution during the year prior stating that the non-ad valorem assessment may be billed in the following year;
- An agreement with the Property Appraiser and Tax Collector to implement the non-ad valorem assessment;
Development of a non-ad valorem assessment roll, consistent with the Property Appraiser’s data for the Tax Collector, and provided to the Tax Collector in September of the year in which the assessment is to be collected;

During the first year of the assessment, a first-class mailing to property owners announcing the assessment (this must be done in future years if the rate increases); and,

A public hearing in which the non-ad valorem assessment roll is adopted prior to September 15 of the year in which the assessment is billed.

It is clear that the schedule is stringent, the data requirements are specific, and implementation starts during the year prior to billing.

It is important to note that the non-ad valorem assessment is not a tax and is sent to taxed and non-taxed property alike. That is, tax-exempt property, such as homesteaded residential properties valued less than $25,000, schools, and institutional (churches and non-profit agencies) properties, must pay the assessment. On this point, the Sarasota Church of Christ took Sarasota County to the Florida Supreme Court in objection to the county’s special assessment for surface water services. While the details of the case and court decision are numerous, the results of the case were essentially that property does indeed receive special benefit from surface water services, especially related to surface water quality, and that Sarasota County reasonably apportioned its assessment (their assessment at that time was based upon an assessment for developed property only, a rate structure using impervious area alone, a uniform rate for residential properties, and an individual assessment for non-residential properties based upon actual impervious areas). This case was important in the understanding of special assessments in Florida and since the case concluded, Sarasota County and others have modified their rate structures to improve the apportionment by including undeveloped properties, pervious as well as impervious areas, and credits and adjustments.

The advantages of a special assessment include:

- Such a method is already being used in the county for lighting, paving and solid waste services;
- A billing mechanism is already in place with the Tax Collector;
- Revenues can pay for all components of the surface water management program;
- Property owners are given an assessment which is equitably apportioned to then in relation to the benefits they receive;
- Tax-exempt properties pay for the assessment in recognition that they receive special benefits from the surface water services provided by the county;
- Non-payment is minimal due to the ability to place a tax lien;
- The majority of property owners (residential) will pay the fee from an escrow account from which they normally pay property taxes; and,
- The method has been adjudicated up to the Florida Supreme Court where it was upheld.

The disadvantages of a special assessment include:

- Because it is on the tax bill, it is perceived by the public as a tax;
The cost of starting the assessment is moderate considering the one year advanced notice and stringent guidelines of Chapter 197 FS;

Tax-exempt parcels have objected to the assessment based upon the experience of other municipalities who have adopted, or attempted to adopt, the assessment; and,

A lien cannot be placed on governmental properties to require payment.

**Surface Water Enterprise Fees Collected by Utility Bills**

Governments can charge customers for services it provides for the following reasons: fees in exchange for a services or privilege (e.g., admission fees); fees to fund a regulatory responsibility (e.g., building fees, and inspection fees); and fees for a service for which the customer’s own actions or property creates the need for the revenue (e.g., utility fees, impact fees, etc.). For the last two categories, there must be a reasonable connection (nexus) between cost of the service or regulatory activity and the fee charged. Fees such as these are usually charged on a utility bill which may include other fees (e.g., electric, water, sewer, solid waste fees, cable, etc.).

The use of surface water fee started in Florida in October of 1986 with the $1.00 per month per single family unit equivalent for the city of Tallahassee. According to the most recent FSA information, there are now about 160 surface water fees in Florida. In this case and in many others in Florida, the user charge is assigned to the fee payer relative to the contribution to the surface water problem or burden. For the majority of surface water fees, the contribution is related to surface water runoff which, in turn, is related to impervious area (or a combination of pervious and impervious areas). Therefore, for most user fees, the fee is based upon the relative amount of impervious area. Since residential impervious area varies much less than does non-residential imperviousness, almost all surface water fees in Florida are based on a definition of billing unit using some measure of residential impervious area (average single family impervious area alone or average of all residential parcel impervious areas); that is, residential fees are generally uniform equal to or a fraction of the single family unit rate, and non-residential fee depend on the relative amount of impervious area compared to either single family dwelling units (61 percent of respondents for the 2011 FSA Survey) or an average of all dwelling unit types (30 percent of respondents). In this manner, the fees charged are connected or related to the service being provided.

The advantages of a surface water fee include:

- revenues can pay for all components of the surface water management program;
- customers pay a fee which is equitably related to the benefits they receive;
- tax-exempt properties pay the fee just as they pay for water and sewer services;
- a dedicated and stable funding source;
- generally located on a utility bill, the surface water fee is not perceived as a tax and is generally significantly less than the monthly water/garbage fees;
- where bills are sent monthly, cash flow is improved or annual bills; and,
- surface water fees are consistent with and can be associated with other municipal utility fees such as water or sewer.
Disadvantages of the utility fee include:

- the cost of starting the assessment is moderate considering the data analysis necessary to assign each fee payer a correct fee;
- properties that do not have utilities and yet have impervious area (e.g., parking lots) would need to receive a bill (usually resolved by sending the bill to the utility account of the owner or by sending a separate surface water bill);
- if it is not associated with other utilities, total collection of the surface water fee is difficult; and,
- a surface water fee is generally new to a municipality so there is additional political and public scrutiny and resistance to adopting the fee.

**Local Government Infrastructure Sales Tax**

Similar to the ½ Cent Sales Tax discussed above, the local government infrastructure sales tax allows the county to collect up to 1 percent on sales within the county. The revenues can be used for capital improvements for infrastructure, land acquisition, and landfill closures. This sales tax must be approved by voters in a referendum and has the ability to generate significant revenues. A local government infrastructure sales tax could be used for surface water capital improvements.

An advantage of this method is that it can generate a significant amount of funding for a surface water capital improvement program. Generally, the sales tax is used for all of the county’s capital improvements (government buildings, sports arenas, entertainment halls, etc.) so that the surface water program is only a part of the overall program. Another advantage is that because it is a sales tax applied to everyone who purchases material in the County, both citizens and tourists alike pay for the capital improvements. That is, not just citizens pay for the improvements. A disadvantage of the sales tax include that a citizen vote is required: generally, voters are reluctant to vote for an additional tax. Also, the revenues can only be used for capital improvements which the overall surface water program includes operation and maintenance and planning expenses as well.

In Pinellas County, the Local Infrastructure Sales Tax is called “Penny for Pinellas” and was adopted for use by referendum in 1989 and extended in 1997 and 2007. While this is not a new revenue source, it is a current source of capital funding for surface water infrastructure. According to the FY 2013 Budget, the projected revenue for FY 2013 from the Penny for Pinellas is $75.9 million.

**Public Service Tax**

Another major source of new funding would be a public service tax, which can be up to 10 percent of the purchases of electric, gas, water, garbage, telecommunications (only up to 7 percent) and fuel oil (up to 4 cents per gallon). It would be the county’s choice as to which utility would be taxed. The tax would not include municipalities in a County. No referendum would be required to adopt a public service tax and the revenues could be used for any county service. This option is already available to the County, but the revenues are rarely sufficient to cover the surface water revenue needs.

**4.2.2 Other Funding Sources**

Additional sources are available to local governments to pay for a portion of the surface water management financial needs. These have been separated from the others because they generally do not generate sufficient funds for the entire surface water program and in many cases are ear-marked to fund specific programs.
**Impact Fees**

Water, wastewater and solid waste utilities use impact fees as well as utility fees to support their programs. Impact fees are imposed on new construction because the development causes an impact on the utility service (e.g., increased water or sewer capacity, or increased collections). The concept is that a one-time fee is charged to the new development to pay for the construction of new facilities which services the fee payer. Once the development has been connected to the utility service, normal monthly fees are imposed to pay for the actual service received.

There are four major restrictions on the use of impact fees:

- Impact fees must be used for construction of facilities related to the utility;
- Impact fees must be defined based upon a clear connection between the fee and the construction required;
- Impact fees must be used for facilities, or incremental increases in facilities, required for new growth; and;
- Impact fees must be used in the area of the growth.

Impact fees can be used only for the design and construction of major CIP projects related to new growth. None of the other surface water management functions can be funded by impact fees. For this reason, impact fees should be considered as a supplemental funding source.

Impact fees represent a method of capital cost recovery for growth-related construction. A new development will increase the runoff volume, timing and peak flow from the property. Surface water regulations require that the post-development runoff peak flow must be no more than the pre-development runoff peak flow and the first half-inch or inch of runoff must be treated (detention). While the regulations help to maintain pre-development conditions, there are still increased services (in the form of construction of conveyances or storage) required by the municipality as a result of the new development. From this perspective, there are three possible methods to administer impact fees to recover capital costs.

**Fixed Impact Fees.** In this method, a uniform impact fee is imposed on a new development based upon a characteristic of the development. Possible characteristics include total land area, number of homes, etc. The impact fee would be used for the municipality to deal with the increased runoff volume and would be independent of any regulatory requirement imposed on the development.

**Fee-In-Lieu-Of Charge.** Another method of recovering capital costs is to require developments to pay an up-front charge for the capital improvements needed to service the development in lieu of a developer-built onsite surface water facility. The charge would be representative of the runoff contribution of the development to the regional facility in the watershed. The concept is that regional surface water facilities may be less costly than individual systems, and can be better maintained than onsite systems. The advantages for the municipality include capital cost recovery for the regional system and better maintenance. The advantage for the development is more land for development (since none is required for the onsite surface water facility). The fee-in-lieu-of charge is paid prior to the construction of the regional facility. The major issue with the fee-in-lieu-of charge is that the regional facility must be built prior to the completion of the development.
There are two general situations when a fee-in-lieu-of charge is appropriate. The first occurs when there is a large incremental cost to be incurred by the municipality to accommodate the new development. The second is when the addition of a sizable development precipitates the need for a new surface water system, not just an expansion of the existing system.

**Availability Charge.** Similar to the fee-in-lieu-of charge, the availability charge is applied to a development to connect to an existing surface water management facility. In this case, the regional surface water facility must be constructed with excess capacity, the excess to be sold to developments based upon need. The original cost of the facility can be funded by whatever mechanism the municipality desires (bonds, pay-as-you-go sinking funds, etc.) and the capital cost to oversize the facility to accommodate growth is recovered through the availability charge. For this method to work, a master plan is required in order to define the amount of excess capacity needed for the future build-out.

Of the three options for capital cost recovery, the fee-in-lieu-of and availability charges are closely related to the particular benefits received. Implementation is on a project-by-project basis. In this way, each project can be categorized as construction for either existing problems, or for growth, so capital recovery charges can be negotiated depending on the development’s requirements. These charges are fair, since the development pays only for what it needs (i.e., the charge is related to the service provided in the capital improvement).

**Grants/Cost Sharing.**

Another method to provide funding for capital portions of the surface water management program is through grants (external funding without significant cost to the municipality) and cost sharing (partial external funding). In neither of these cases is the cost to the municipality zero. Furthermore, grants can only be used for capital construction projects and not for the maintenance of the facility constructed. For grants, there are costs related obtaining the grant (applications, environmental assessments, etc.). However, for either grants or cost sharing, governments may be able to accomplish the study, design and construction of capital projects for half or less of the total cost. Sources of grants and cost sharing funds include the following:

**Water Management District (WMD).** There are two sources of WMD funding, both of which require cost sharing: Cooperative Funding Program and Surface Water Improvement Program (SWIM) funds. Cooperative funds provide generally 50 percent funding for projects which are mutually beneficial to the municipality and WMD. Cooperative funding can also provide the revenue for capital construction, generally for water quality, flooding, and ecosystem enhancement projects as well as water supply improvements. SWIM funds refer to the Surface Water Improvement and Management Act which was developed to improve the quality of priority water bodies in Florida. Recently such funding has been limited although there are some funds available. As with cooperative funds, SWIM funds are for cost shared projects.

**State of Florida.** As with the water management district, there are a number of ways to fund projects with the state of Florida (usually through the Florida Department of Environmental Protection, FDEP). First, periodically, the legislature provides FDEP with grant funding to surface water purposes. The grants are generally small and currently there are limited grant funding available. Second, the legislature allows low interest loan funds to be made available for surface water management projects. Previously, the federal government provided Florida with seed money to start a low interest loan program for wastewater treatment plant improvements throughout the state. These loans have interest rates less than the Prime Lending Rate.
In the 2005-06 legislative session, Senate Bill (SB) 444 authorized the Water Protection and Sustainability Program which defined funding for alternative water supplies, TMDL implementation and research, SWIM activities and small community grants. A total of $100 million was to be annually available, of which 20 percent was for TMDL activities and 10 percent for SWIM activities. Grants would be distributed based on application and approval by each appropriate Water Management District. Even so, counties, cities, water management districts and special districts could apply for the grants. Currently these revenue sources have limited funding (319(h) grants) due to the economic downturn within the state of Florida.

Additional funding is available annually from the state with TMDL Water Quality Restoration Grants which are defined by Chapter 62-305, FAC, and authorized by Section 403.890, FS. Grant applications can be submitted anytime during the year but ranking is done in March, July and November. Eligibility includes:

- Projects that reduce pollutant loadings from urban areas;
- The project is at 60 percent design or more;
- The project is permitted or scheduled for approval at the next appropriate regulatory agency;
- The project includes monitoring to estimate the actual load reduction;
- The construction of the project will be done within 3 years;
- The applicant provides a minimum of 50 percent matching funding; and,
- Grant funds are used for construction, monitoring or public information.

Criteria for ranking include: impairment status of receiving water body; estimated load reduction; percent of local funding; cost effectiveness based on cost per pound removed; inclusion of a robust education component; and whether the local government has a dedicated funding source such as a stormwater utility fee.

**Federal Government.** In recent years, even though the Environmental Protection Agency (EPA) has begun the third round of surface water management permits (National Pollutant Discharge Elimination System municipal separate storm sewer system permits, commonly referred to as NPDES MS4 permits), no new funding has been provided from the federal government to the states. Of course, the low interest loan program for the states is seeded by the federal government, but direct grant or cost sharing money is not available. There are funds potentially available for water resources projects through the Army Corps of Engineers and sometimes as a direct consequence of federal legislative activity. As above, there are generally some costs to obtain these funds and the funds are usually restricted to capital projects which have significant public or statewide benefits.

Additional funding is available from FEMA grants generally in the form of Hazard Mitigation Assistance Grants and Disaster Grants. Hazard Mitigation Assistance (HMA) grants provide funding for mitigation activities associated with disaster loss and protection of life and property from future disasters. Disaster grants are for financial and direct assistance to families whose property has been damaged or destroyed due to a federally-declared disaster, and whose losses are not covered by insurance. Available assistance includes temporary housing, repair, replacement, housing construction as well as financial assistance.
4.2.3 Comparison of Alternatives

Based upon the discussion provided in the previous subsections the various funding alternatives can be compared and assessed for use in the study area. The General Fund and Surface Water Utility alternatives address all aspects of surface water management. For this reason, these options are capable of being the foundation of the funding.

Each of the alternatives was also reviewed relative to the following considerations:

- the County’s authority to implement;
- equity;
- revenue capacity;
- ease of implementation;
- initial costs to set up the option; and,
- system maintenance and upkeep costs.

A tabular representation of the results of the review is provided in Table 4-2. If a form of the alternative is already used in the study area, it was assumed that the authority is available for the implementation of a surface water management related funding. Legal constraints were judged based upon the legal efforts necessary to implement the alternative or, once implemented, the magnitude of legal involvement that would be required. Equity was considered as to whether the charge related to the payer’s contribution to, and benefit to, the surface water management activities. The revenue capacity was judged on the ability to fund the existing surface water management requirements. Implementation was reviewed relative to the magnitude of efforts required to initiate the alternative. Finally, the system operation cost was judged based on the funding necessary for the actual operation of the alternative.

Authority to Implement. Most of the alternatives are either already addressed in ordinances (general fund, permit fees and penalties) or require new ordinances (taxing districts, surface water utility, pay-as-you-go, fee-in-lieu-of charge, availability charge, and betterment charge). The taxing districts and betterment charges may be the most difficult to adopt because the fees are generally based upon valuation of property.
Table 4-2. Pinellas County Surface Water Governance Study Assessment of Funding Options

<table>
<thead>
<tr>
<th>Funding Option</th>
<th>Authority</th>
<th>Equity</th>
<th>Revenue Capacity</th>
<th>Ease of Implementation</th>
<th>Initial Costs</th>
<th>System Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Taxes/MSTU</td>
<td>Yes</td>
<td>Low</td>
<td>Sufficient?</td>
<td>Easy</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Municipal Service Taxing District</td>
<td>Vote</td>
<td>Low</td>
<td>Sufficient</td>
<td>Difficult</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>½ Cent Sales Tax</td>
<td>Yes</td>
<td>Low</td>
<td>Insufficient</td>
<td>Easy</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Impact Fees</td>
<td>Yes</td>
<td>High</td>
<td>Insufficient</td>
<td>Moderate</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Local Option Gas Tax</td>
<td>Yes</td>
<td>Low</td>
<td>Insufficient</td>
<td>Easy</td>
<td>Easy</td>
<td>Easy</td>
</tr>
<tr>
<td>Special Assessments</td>
<td>Ordinance</td>
<td>High</td>
<td>Sufficient</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Moderate</td>
</tr>
<tr>
<td>Surface Water Utility Fee</td>
<td>Ordinance</td>
<td>High</td>
<td>Sufficient</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>Local Government Sales Tax</td>
<td>Vote</td>
<td>Moderate</td>
<td>Insufficient</td>
<td>Difficult</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Public Services Tax</td>
<td>Yes</td>
<td>Low</td>
<td>Insufficient</td>
<td>Easy</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Grants</td>
<td>Yes</td>
<td>Moderate</td>
<td>Insufficient</td>
<td>Moderate</td>
<td>Low</td>
<td>Low</td>
</tr>
</tbody>
</table>

Note:  
"Authority" refers to the authority needed by the County to implement the funding mechanism.  
"Equity" refers to how strongly the fees or assessments are related to the fee payer’s contribution to the problem.  
"Revenue Capacity" refers to the ability of the option to fund the entire surface water program.  
"Ease of Implementation" refers to the efforts needed to fully implement the option.  
"Initial Costs" refer to the costs to set up the option.  
"System Costs" refer to the cost of the option relative to the revenues.

**Authority.** (Note that this subsection does not represent a legal opinion; rather it is to identify, based on experience, the ease or difficulty to address the legal issues related to the funding alternative.) The majority of the alternatives are expected to have minimal or moderate legal involvement. The moderate involvement is generally related to the decisions made in the judgment as to the appropriate fee for a fee-in-lieu-of charge, availability charges, and developer incentives. Legal involvement in issuance of debt may also be moderate.

Two of the options are noteworthy. The legal ramification of special taxing districts may be complex and vigorously contested because a particular group is singled out for additional taxes. This may also be true for betterment charges since a judgment must be made as to the exact amount the properties have increased in value as a result of the installation of a surface water management facility. Special assessment districts may not suffer these same ramifications, but in general they must be approved by the majority of payers in the district.

**Equity.** The most equitable alternative is the surface water utility since it is based upon the payers’ potential contribution to the surface water runoff in the study area. Other alternatives such as the fee-in-lieu-of charge or availability charge can also be equitable since they are related to the payers’ relative impact on the surface water management facility. The General Fund and the betterment charge are related to property valuation that does not consider surface water runoff contribution. Nevertheless, the General Fund is an accepted means of financing government services.

**Revenue Capacity.** The General Fund currently is the major revenue source for the surface water management program for the study area. Indications are that only limited expansion, if any, is available through this alternative and that the elected officials are reluctant to expand the use these sources for surface water management funding. The Ad Valorem Tax option is identified as sufficient with a question
mark. This is because, while ad valorem taxes have the capacity to pay for the whole program, governments are generally do not do so.

Except for the surface water utility, ad valorem taxes (which include an MSTU) and special assessment options, all of the other options have very limited capacities to produce funds for the overall program. Generally, these options provide funds for a localized O&M or CIP program. Bonds are used for CIP funding as well as capitalized O&M and depending on the ability to pay a long-term debt service, the revenue capacity is large. However, bonds are generally used for capital construction, not for program management. Because the payment of the fee is spread over a large base, the surface water utility can certainly fund the existing program as well as an expanded one.

**Ease of Implementation.** The general fund, permit fee and penalties are already in place so that no effort is needed for implementation. The pay-as-you-go sinking fund is relatively easy to set up: a fund is defined by ordinance that may not be used until certain project documentation related to planning and costs are approved. The surface water utility requires a moderate effort to implement since it is a new funding mechanism that will require public hearings as well as the preparation of a billing mechanism. Developer’s incentives also require a moderate effort due the decisions necessary to equitably define the incentives. The majority of the other alternatives are complex to implement because the associated ordinances must define the criteria for the charges.

**Initial Costs.** For the most part, the initial costs relative to the revenue capacity of the funding source are low. Exceptions are special assessments that take more than a year to collect the first revenues and require rigorous schedules and public meetings. Special taxing districts and betterment charges are moderately costly due to the public involvement in the area of the assessment. Surface water utility costs are moderate due to the need to collect impervious area data and to update the data periodically.

**System Operation Costs.** The system operation costs are generally minimal or moderate in comparison to the total program costs. The costs were judged as moderate when surface water management services are increased because the County must be involved in the day-by-day judgments associated with the fees. This is true for fee-in-lieu-of charge, availability charges and betterment charges. The surface water utility or special assessment operational costs are moderate because the billing costs are small compared to the revenues collected but monthly updates to the database are required. Operational costs for a surface water fee billed through a non-ad valorem assessment are relatively low because the billing system is already available and data need to updated only once a year.

### 4.3 Funding By Non-ad Valorem Assessment

As part of the scope of work, the county wished to consider the non-ad valorem funding option further. To do so, data from the Pinellas County Property Appraiser (PAO) were obtained and summarized by Enread LLC (referred to below as Enread). Parcel numbers by various categories (using the Department of Revenue Codes) and number of dwelling units were obtained for the unincorporated County. Table 4-3 shows the summary of the data updated to 2012.
### Table 4-3
Pinellas County, Florida
Stormwater Governance
Summary of Parcel Data

<table>
<thead>
<tr>
<th>All Parcels in Unincorporated Pinellas County Including Those in PPWMD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parcel Type</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Single Family</td>
</tr>
<tr>
<td>SFR with &gt;1 DU</td>
</tr>
<tr>
<td>Mobile Home</td>
</tr>
<tr>
<td>Mobile Home with &gt;1 DU</td>
</tr>
<tr>
<td>Condominiums</td>
</tr>
<tr>
<td>Multifamily 2-9 DUs</td>
</tr>
<tr>
<td>Multifamily &gt;9 DUs</td>
</tr>
<tr>
<td>Misc Residential</td>
</tr>
<tr>
<td><strong>Subtotal Residential</strong></td>
</tr>
<tr>
<td>Nonresidential</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
<tr>
<td>Agricultural</td>
</tr>
<tr>
<td>Institutional (no churches)</td>
</tr>
<tr>
<td>Churches</td>
</tr>
<tr>
<td>City/County</td>
</tr>
<tr>
<td>Governmental (no City, County, Schools)</td>
</tr>
<tr>
<td>Public Schools</td>
</tr>
<tr>
<td>Miscellaneous</td>
</tr>
<tr>
<td><strong>Subtotal Nonresidential</strong></td>
</tr>
<tr>
<td>Vacant</td>
</tr>
<tr>
<td>Vacant Residential</td>
</tr>
<tr>
<td>Vacant Commercial</td>
</tr>
<tr>
<td>Vacant Industrial</td>
</tr>
<tr>
<td>Vacant Institutional</td>
</tr>
<tr>
<td>Sewage Disposal</td>
</tr>
<tr>
<td>Rec and Park Land</td>
</tr>
<tr>
<td>Rivers/Lakes</td>
</tr>
<tr>
<td>No Ag Acreage (with homesite)</td>
</tr>
<tr>
<td>ROW</td>
</tr>
<tr>
<td><strong>Subtotal Vacant</strong></td>
</tr>
<tr>
<td>Total Unincorporated</td>
</tr>
<tr>
<td>Total Developed</td>
</tr>
<tr>
<td>Estimated Unincorporated Population</td>
</tr>
<tr>
<td>Estimated 2011 Population (FY13 Operating Budget)</td>
</tr>
</tbody>
</table>

Notes:

1. Since condominiums are generally located in a single building but their impervious area is individually recorded, the % impervious is misleading.
2. Estimated Persons per Dwelling Unit= 2.23 - 2010 Census
3. The sum of the PAO total area is missing for these parcels so, % impervious is misleading.
4. Average Condominium impervious area based on County measurement in May 2013.

As noted previously, almost all surface water utilities (by fees or assessments) are based on impervious areas. For residential parcels, since general classes of types seem to have similar impervious areas per parcel, fees and assessments are typically based on the number of dwelling units on the parcel. For non-residential parcels, the fees or assessments are typically based on the individual amount of impervious area on the parcel. For the purposes of this report, impervious area information on each parcel in the Unincorporated County was obtained by Ennead through the Property Appraiser’s database by adding the appropriate areas from the Sub-area Records and the Extra Features Records for each parcel. The list of Sub-area codes along with the codes used to define impervious areas is provided in Appendix 1.
Table 4-3 also shows the results of the impervious areas for various parcel types along with the number of parcels, number of dwelling units for residential parcels, average impervious area per dwelling unit, total parcel area, and percent impervious. The total estimated impervious area for the unincorporated County is 385.9 million square feet (sq ft) or about 8,859 impervious acres (note: this excludes roads and other similar infrastructure). With the total area of the unincorporated County as 171,358 acres according to these data, the overall imperviousness is 5.2 percent. It should be noted that the information for condominiums (condos) is misleading. Condos represent a single parcel even if they are in a multi-unit condo building. The data show that there are about 30.2 million sq ft of impervious for 27,531 units (or 1,096 sq ft per unit), but only 765,288 sq ft of total parcel area – clearly, the condos are in multi-story buildings. Based on measurements of 244 condominiums in the unincorporated County, for the purposes of this report, the average impervious area per unit was 1,957 square feet. The estimate of the total impervious area for condos is 53,878,167 square feet. This number is shown in Table 4-3.

Table 4-4 shows the same results for Unincorporated County parcels in the Pinellas Park Water Management District (PPWMD). Of the 127,982 parcels in the Unincorporated County, only 4,616 of them are within the PPWMD, the majority of which are single family detached units. This area was separated from the rest of the Unincorporated County to considered this area if the revenue requirements were different than the rest of the Unincorporated County. Funding of the construction and

<table>
<thead>
<tr>
<th>Parcel Type</th>
<th>No. of Parcels</th>
<th>% of Total</th>
<th>Estimated Dwelling Units</th>
<th>% of Total</th>
<th>Impervious Area (sq ft)</th>
<th>% of Total</th>
<th>Avg. Imperv. Per DU</th>
<th>Total Parcel Area (sq ft)</th>
<th>% of Total</th>
<th>% Impervious</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>3,695</td>
<td>80.0%</td>
<td>3,695</td>
<td>81.7%</td>
<td>7,587,311</td>
<td>51.6%</td>
<td>2,053</td>
<td>28,895,879</td>
<td>31.1%</td>
<td>26.3%</td>
</tr>
<tr>
<td>SFR with &gt; 1 DU</td>
<td>4</td>
<td>0.1%</td>
<td>9</td>
<td>0.2%</td>
<td>9,189</td>
<td>0.1%</td>
<td>1,021</td>
<td>73,646</td>
<td>0.1%</td>
<td>12.5%</td>
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<tr>
<td>Mobile Home</td>
<td>147</td>
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<td>147</td>
<td>3.3%</td>
<td>198,510</td>
<td>1.3%</td>
<td>1,350</td>
<td>14,718,874</td>
<td>15.8%</td>
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<tr>
<td>Mobile Home with &gt;1 DU</td>
<td>1</td>
<td>0.0%</td>
<td>2</td>
<td>0.0%</td>
<td>2,155</td>
<td>0.0%</td>
<td>1,078</td>
<td>8,847</td>
<td>0.0%</td>
<td>24.4%</td>
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<tr>
<td>Condominium</td>
<td>75</td>
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<td>75</td>
<td>1.7%</td>
<td>86,405</td>
<td>0.6%</td>
<td>1,152</td>
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<tr>
<td>Multifamily 2-9 DUs</td>
<td>163</td>
<td>3.5%</td>
<td>401</td>
<td>8.9%</td>
<td>397,336</td>
<td>2.7%</td>
<td>991</td>
<td>2,052,783</td>
<td>2.2%</td>
<td>19.4%</td>
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<td>Multifamily &gt;9 DUs</td>
<td>7</td>
<td>0.2%</td>
<td>193</td>
<td>4.3%</td>
<td>771,093</td>
<td>5.2%</td>
<td>3,995</td>
<td>2,025,619</td>
<td>2.2%</td>
<td>38.1%</td>
</tr>
<tr>
<td>Misc Residential</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
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<td></td>
</tr>
<tr>
<td>Subtotal Residential</td>
<td>4,092</td>
<td>88.6%</td>
<td>4,522</td>
<td>100%</td>
<td>9,051,999</td>
<td>61.5%</td>
<td>2,002</td>
<td>47,775,648</td>
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<td>18.9%</td>
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<td>Nonresidential</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>161</td>
<td>3.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Industrial</td>
<td>58</td>
<td>1.3%</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Agricultural</td>
<td>0</td>
<td>0.0%</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Institutional (no churches)</td>
<td>17</td>
<td>0.4%</td>
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<td></td>
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<tr>
<td>Churches</td>
<td>10</td>
<td>0.2%</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City/County</td>
<td>2</td>
<td>0.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Governmental (no City, County, Schools)</td>
<td>2</td>
<td>0.0%</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Schools and Colleges</td>
<td>3</td>
<td>0.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>0</td>
<td>0.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Nonresidential</td>
<td>253</td>
<td>5.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Residential</td>
<td>155</td>
<td>3.4%</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Commercial</td>
<td>74</td>
<td>1.6%</td>
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<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Vacant Industrial</td>
<td>7</td>
<td>0.2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Institutional</td>
<td>2</td>
<td>0.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage Disposal</td>
<td>16</td>
<td>0.3%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rec and Park Land</td>
<td>4</td>
<td>0.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rivers/Lakes</td>
<td>9</td>
<td>0.2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Ag Acreage (Misc)</td>
<td>4</td>
<td>0.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td>4</td>
<td>0.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Vacant</td>
<td>271</td>
<td>5.9%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Unincorporated</td>
<td>4,616</td>
<td>100.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Developed</td>
<td>4,345</td>
<td>94.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
maintenance of the PPWMD primary surface water infrastructure is already provided by an ad valorem tax. After consideration of the infrastructure in the area, programs provided, the PPWMD and personal communication, the LOS costs estimated for the rest of the Unincorporated County excluded costs for the primary surface water infrastructure. As a result, the programs provided by the County and the benefits for the properties within and without PPWMD are the same with no overlap or redundancy. For this reason, further consideration of the PPWMD was not needed.

To illustrate the use of this information, a number of example rates can be considered depending on the LOS chosen, the types of services that are funded through the assessment and the chosen rate structure. Table 4-5 illustrates various rates depending on which components are funded by the utility assessment based on the preferred rate structure (see Section 5).

Table 4-5
Pinellas County Stormwater Governance Study
Example Stormwater Utility Rates (Excludes CIP Funded by Penny for Pinellas)

<table>
<thead>
<tr>
<th>Example Program</th>
<th>Program Funding Need</th>
<th>Cost per ERU per Year 1</th>
<th>Cost per ERU per Month 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Surface Water Management Program + LOS B</td>
<td>$19,040,534</td>
<td>$123.10</td>
<td>$10.30</td>
</tr>
<tr>
<td>Proposed Surface Water Management Program</td>
<td>$17,885,623</td>
<td>$115.70</td>
<td>$9.60</td>
</tr>
<tr>
<td>Proposed Program - pipe repair (PR)* and mowing*</td>
<td>$16,744,755</td>
<td>$108.30</td>
<td>$9.00</td>
</tr>
<tr>
<td>Proposed program - PR*, mowing*, and vegetation management (VM)**</td>
<td>$14,995,228</td>
<td>$97.00</td>
<td>$8.10</td>
</tr>
<tr>
<td>Proposed program - PR*, mowing*, VM,** and Adopt-A-Pond</td>
<td>$14,526,335</td>
<td>$93.90</td>
<td>$7.80</td>
</tr>
<tr>
<td>Existing Surface Water Management Program</td>
<td>$11,793,546</td>
<td>$76.30</td>
<td>$6.40</td>
</tr>
<tr>
<td>Total Estimated ERUs</td>
<td>169,938.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Calculated as Funding Need divided by Total ERUs and 91% (assumes 5% loss and 4% for PAO and Tax Collector). Rounded to nearest $0.10.
2. Calculated as the Annual Cost divided by 12. Rounded to the Nearest $0.10.

* Service costs shift back to Transportation Trust
** Service costs shift back to Transportation Trust and General Fund

Table 4-6 shows the surface water utility rates in Florida in July 2011 from FSA and updated for cities in Pinellas County by County staff in March 2013. The average rate for the 15 municipalities in Pinellas County with a surface water utility fee is $6.34 per month per ERU (~$76 per year per ERU). The range of fees for Pinellas cities is $1.50 per ERU per month to $13.40 per ERU per month.
## Table 4-6
### Pinellas County Stormwater Governance Study

Comparison of Stormwater Utility Fees for Cities and Counties in Florida - FSA July 2011 (updated by Pinellas staff)

<table>
<thead>
<tr>
<th>Monthly Rate per ERU</th>
<th>Monthly Rate per ERU</th>
<th>Monthly Rate per ERU</th>
<th>Monthly Rate per ERU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Utility</td>
<td>Stormwater Utility</td>
<td>Stormwater Utility</td>
<td>Stormwater Utility</td>
</tr>
<tr>
<td>Cities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Altamonte Springs</td>
<td>$6.75</td>
<td>Medley</td>
<td>$3.00</td>
</tr>
<tr>
<td>Apopka</td>
<td>$2.08</td>
<td>Fort Meade</td>
<td>$4.25</td>
</tr>
<tr>
<td>Atlantic Beach</td>
<td>$8.39</td>
<td>Fort Myers</td>
<td>$4.80</td>
</tr>
<tr>
<td>Auburndale</td>
<td>$0.75</td>
<td>Fort Pierce</td>
<td>$4.50</td>
</tr>
<tr>
<td>Aventura</td>
<td>$2.50</td>
<td>Fort Walton Beach</td>
<td>$3.00</td>
</tr>
<tr>
<td>Bartow</td>
<td>$3.75</td>
<td>Frostproof</td>
<td>$3.00</td>
</tr>
<tr>
<td>Bay Harbor Islands</td>
<td>$5.00</td>
<td>Fruitland Park</td>
<td>$2.00</td>
</tr>
<tr>
<td>Brevard</td>
<td>$11.92</td>
<td>Gainesville</td>
<td>$8.15</td>
</tr>
<tr>
<td>Belle Isle</td>
<td>$4.00</td>
<td>Golden Beach</td>
<td>$2.92</td>
</tr>
<tr>
<td>Boca Raton</td>
<td>$2.90</td>
<td>Gulfport</td>
<td>$2.87</td>
</tr>
<tr>
<td>Boynton Beach</td>
<td>$5.00</td>
<td>Haines City</td>
<td>$2.00</td>
</tr>
<tr>
<td>Bradenton</td>
<td>$2.50</td>
<td>Hallandale Beach</td>
<td>$3.35</td>
</tr>
<tr>
<td>Bradenton Beach</td>
<td>$8.33</td>
<td>Hialeah</td>
<td>$2.50</td>
</tr>
<tr>
<td>Cape Coral</td>
<td>$3.00</td>
<td>Hialeah Gardens</td>
<td>$2.00</td>
</tr>
<tr>
<td>Cape Coral</td>
<td>$6.25</td>
<td>Holly Hill</td>
<td>$6.00</td>
</tr>
<tr>
<td>Casselberry</td>
<td>$7.00</td>
<td>Hollywood</td>
<td>$3.22</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$15.40</td>
<td>Holmes Beach</td>
<td>$4.30</td>
</tr>
<tr>
<td>Clermont</td>
<td>$5.00</td>
<td>Homestead</td>
<td>$5.18</td>
</tr>
<tr>
<td>Cocoa</td>
<td>$5.00</td>
<td>Indian Creek</td>
<td>$4.39</td>
</tr>
<tr>
<td>Cocoa Beach</td>
<td>$6.00</td>
<td>Indian Harbour Beach</td>
<td>$3.00</td>
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<tr>
<td>Coconut Creek</td>
<td>$3.22</td>
<td>Jacksonville</td>
<td>$5.00</td>
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<tr>
<td>Cooper City</td>
<td>$20.80</td>
<td>Jacksonville Beach</td>
<td>$5.00</td>
</tr>
<tr>
<td>Coral Gables</td>
<td>$3.50</td>
<td>Jupiter</td>
<td>$4.37</td>
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<tr>
<td>Cutler Bay</td>
<td>$4.00</td>
<td>Key Biscayne</td>
<td>$7.50</td>
</tr>
<tr>
<td>Daytona Beach</td>
<td>$7.48</td>
<td>Key West</td>
<td>$7.05</td>
</tr>
<tr>
<td>Debary</td>
<td>$7.00</td>
<td>Kissimmee</td>
<td>$7.84</td>
</tr>
<tr>
<td>Deland</td>
<td>$5.81</td>
<td>Lake Alfred</td>
<td>$2.00</td>
</tr>
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<td>Delray Beach</td>
<td>$5.33</td>
<td>Lake Mary</td>
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<td>$6.26</td>
<td>Lake Worth</td>
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<td>Lakeland</td>
<td>$6.00</td>
</tr>
<tr>
<td>Dundee</td>
<td>$1.00</td>
<td>Largo</td>
<td>$5.32</td>
</tr>
<tr>
<td>Dunedin</td>
<td>$9.30</td>
<td>Lauderdale Lakes</td>
<td>$4.57</td>
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<tr>
<td>Eagle Lake</td>
<td>$4.00</td>
<td>Lake Alfred</td>
<td>$12.19</td>
</tr>
<tr>
<td>Eatonville</td>
<td>$4.95</td>
<td>Leesburg</td>
<td>$6.00</td>
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<td>Edgewater</td>
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<td>Longwood</td>
<td>$6.00</td>
</tr>
<tr>
<td>El Portal</td>
<td>$3.00</td>
<td>Madeira Beach</td>
<td>$5.00</td>
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<td>Eustis</td>
<td>$3.00</td>
<td>Malabar</td>
<td>$3.00</td>
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<tr>
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<td>Margate</td>
<td>$3.57</td>
</tr>
<tr>
<td>Bay County</td>
<td>$3.33</td>
<td>Hillsborough County</td>
<td>$1.00</td>
</tr>
<tr>
<td>Brevard County</td>
<td>$3.00</td>
<td>Leon County</td>
<td>$1.67</td>
</tr>
<tr>
<td>Charlotte County*</td>
<td>$1.25</td>
<td>Marion County</td>
<td>$1.25</td>
</tr>
</tbody>
</table>

### Summary: Cities

<table>
<thead>
<tr>
<th>Number</th>
<th>Average</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>152</td>
<td>$4.93</td>
<td>$0.75</td>
<td>$20.80</td>
</tr>
</tbody>
</table>

### Summary: Counties

<table>
<thead>
<tr>
<th>Number</th>
<th>Average</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>$3.92</td>
<td>$0.75</td>
<td>$20.80</td>
</tr>
</tbody>
</table>

### Summary: Pinellas County Cities

<table>
<thead>
<tr>
<th>Number</th>
<th>Average</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>$4.86</td>
<td>$0.75</td>
<td>$20.80</td>
</tr>
</tbody>
</table>

Note: * per acre
Section 5
Rate Structure Analysis

As part of this assessment of the Pinellas County Governance Study for the consideration of a Surface water utility, a number of potential rate structures were considered. For this section, the rate structure options are considered independent from the fee.

5.1 Purpose

In the previous section, information related to the potential customers within the unincorporated County was gathered including number of parcels, number of dwelling units, and impervious areas for various different parcel types. These data were collected to develop a rate model for the stormwater assessment which is intended to estimate the potential rates and revenues depending on rate structure options.

5.2 Rate Model

The rate model for the County is a series of worksheets within a spreadsheet that provide the following (see example worksheets in Appendix 1):

- A ten-year estimate of program costs for Management, Compliance and Implementation, Operation and Maintenance (O&M); and Capital Improvement Program (CIP). The CIP costs are separated so that a Pay-As-You-Go funding can be compared to a bonded program. The change in revenue needs is based on the Consumer Price Index (CPI) for all program costs.

- An options worksheet allows the user to identify whether or not a rate structure option is to be simulated. Options include single family detached equivalence or residential equivalence (known as an ERU, or Equivalent Runoff Unit); potential credits and the amount of credits (percent reduction in fee); various exemptions that might be offered; and variable non-single family residential rates. This spreadsheet also accumulates the number of extra cost needed to administer the rate structure options.

- A worksheet showing the resultant annual revenue from the options selected for rates in $10 increments from $10 per year per ERU to $300 per year per ERU

- A worksheet with a 10-year projection of rates and program needs is provided with the ability to test the effect of a pay-as-you-go CIP program compared to a bonded program with annual debt service. For the 10-year bonded CIP, 2 bonds are simulated for each of the 5 years (20-year repayment, 7 percent loan rate, 25 percent coverage and 12 percent financing costs.

- The final worksheet in the file is the summary of data used for the other worksheets. This table is shown in Table 5-1 for the data from this study.
### Table 5-1
Pinellas County Stormwater Management Program

**Summary of Parcel Data May 2013**

<table>
<thead>
<tr>
<th>Type</th>
<th>No. of Parcels</th>
<th>No. of Dwelling Units</th>
<th>2013 Impervious Area (sq ft)</th>
<th>Imperv. / DU or Parcel</th>
<th>% of Median SF</th>
<th>Billing Unit Equivalent</th>
<th>ERUs Based on Equivalent</th>
<th>ERUs For Subsidy</th>
<th>% Affected by Credits (Estimated)</th>
<th>Fraction of ERUs Total ERUs with Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family - Small</td>
<td>15,821</td>
<td>15,821</td>
<td>20,231,117</td>
<td>1,315</td>
<td>0.6</td>
<td>15,821</td>
<td>5%</td>
<td>100%</td>
<td>15,821.0</td>
<td></td>
</tr>
<tr>
<td>Single Family - Medium</td>
<td>47,533</td>
<td>47,533</td>
<td>119,863,030</td>
<td>2,339</td>
<td>1.0</td>
<td>47,533</td>
<td>5%</td>
<td>100%</td>
<td>47,533.0</td>
<td></td>
</tr>
<tr>
<td>Single Family - Large</td>
<td>15,496</td>
<td>15,496</td>
<td>88,469,284</td>
<td>11,104</td>
<td>2.3</td>
<td>15,496</td>
<td>5%</td>
<td>100%</td>
<td>15,496.0</td>
<td></td>
</tr>
<tr>
<td>Single Family - Very Large</td>
<td>324</td>
<td>324</td>
<td>4,245,563</td>
<td>10,104</td>
<td>2.3</td>
<td>324</td>
<td>5%</td>
<td>100%</td>
<td>324.0</td>
<td></td>
</tr>
<tr>
<td>Single Family &gt; 1 DU</td>
<td>86</td>
<td>127</td>
<td>424,567</td>
<td>2,339</td>
<td>1.0</td>
<td>86</td>
<td>5%</td>
<td>100%</td>
<td>86.0</td>
<td></td>
</tr>
<tr>
<td>Multifamily (2)</td>
<td>2,193</td>
<td>9,875</td>
<td>13,737,324</td>
<td>1,391</td>
<td>0.6</td>
<td>2,339</td>
<td>5%</td>
<td>100%</td>
<td>9,875.0</td>
<td></td>
</tr>
<tr>
<td>Mobile Home - Small</td>
<td>3,198</td>
<td>3,183</td>
<td>8,567,060</td>
<td>1,113</td>
<td>0.5</td>
<td>3,183</td>
<td>5%</td>
<td>100%</td>
<td>3,183.0</td>
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</tr>
<tr>
<td>Mobile Home - Medium</td>
<td>3,298</td>
<td>3,298</td>
<td>6,356,045</td>
<td>1,927</td>
<td>1.0</td>
<td>3,298</td>
<td>5%</td>
<td>100%</td>
<td>3,298.0</td>
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<tr>
<td>Mobile Home - Large</td>
<td>8</td>
<td>8</td>
<td>39,809</td>
<td>4,976</td>
<td>2.5</td>
<td>8</td>
<td>5%</td>
<td>100%</td>
<td>8.0</td>
<td></td>
</tr>
<tr>
<td>Condominiums (4)</td>
<td>27,531</td>
<td>27,531</td>
<td>53,878,167</td>
<td>1,957</td>
<td>1.0</td>
<td>2,339</td>
<td>5%</td>
<td>100%</td>
<td>27,531.0</td>
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</tr>
<tr>
<td>Misc Residential</td>
<td>58</td>
<td>193</td>
<td>135,483</td>
<td>702</td>
<td>1.0</td>
<td>193</td>
<td>5%</td>
<td>100%</td>
<td>193.0</td>
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</tr>
<tr>
<td>Subtotal Residential</td>
<td>115,546</td>
<td>123,439</td>
<td>324,454,937</td>
<td>2,628</td>
<td>123,439</td>
<td>0</td>
<td>123,439.0</td>
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<td></td>
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<tr>
<td>Non-residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>2,321</td>
<td>38,677,700</td>
<td>16,664</td>
<td>2,339</td>
<td>16,536</td>
<td>5%</td>
<td>16,536.0</td>
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<tr>
<td>Industrial</td>
<td>1,230</td>
<td>32,901,210</td>
<td>26,749</td>
<td>2,339</td>
<td>14,066</td>
<td>5%</td>
<td>14,066.0</td>
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<tr>
<td>Agricultural</td>
<td>0</td>
<td>0</td>
<td>2,339</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional w/o Churches</td>
<td>182</td>
<td>5,423,098</td>
<td>29,797</td>
<td>2,339</td>
<td>2,318</td>
<td>5%</td>
<td>2,318.0</td>
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<tr>
<td>Churches</td>
<td>126</td>
<td>3,688,992</td>
<td>29,828</td>
<td>2,339</td>
<td>1,578</td>
<td>5%</td>
<td>1,578.0</td>
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<tr>
<td>Governmental w/o Schools</td>
<td>13</td>
<td>5,038,633</td>
<td>387,587</td>
<td>2,339</td>
<td>2,154</td>
<td>5%</td>
<td>2,154.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City/County</td>
<td>80</td>
<td>2,738,986</td>
<td>34,237</td>
<td>2,339</td>
<td>2,421</td>
<td>5%</td>
<td>2,421.0</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>32</td>
<td>5,663,720</td>
<td>176,991</td>
<td>2,339</td>
<td>2,421</td>
<td>5%</td>
<td>2,421.0</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>402</td>
<td>22,401</td>
<td>156</td>
<td>2,339</td>
<td>10</td>
<td>5%</td>
<td>10.0</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Subtotal Non-Residential</td>
<td>4,386</td>
<td>94,155,740</td>
<td>21,467</td>
<td>40,255</td>
<td>7,324</td>
<td>5%</td>
<td>40,254.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Residential</td>
<td>5,201</td>
<td>604,582</td>
<td>2,339</td>
<td>258</td>
<td>0</td>
<td>5%</td>
<td>258.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Commercial</td>
<td>686</td>
<td>801,168</td>
<td>2,339</td>
<td>343</td>
<td>5%</td>
<td>343.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Industrial</td>
<td>222</td>
<td>224,192</td>
<td>2,339</td>
<td>96</td>
<td>5%</td>
<td>95.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Institutional</td>
<td>17</td>
<td>0</td>
<td>2,339</td>
<td>0</td>
<td>5%</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Vacant</td>
<td>6,126</td>
<td>1,631,942</td>
<td>266</td>
<td>698</td>
<td>439</td>
<td>5%</td>
<td>697.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Parcels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rec and Parkland</td>
<td>382</td>
<td>18,515</td>
<td>2,339</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage Disposal</td>
<td>650</td>
<td>2,494,561</td>
<td>2,339</td>
<td>343</td>
<td>5%</td>
<td>343.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rivers/Lakes</td>
<td>268</td>
<td>26,411</td>
<td>2,339</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Ag Acreage (with homesite)</td>
<td>134</td>
<td>4,695</td>
<td>2,339</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROW</td>
<td>490</td>
<td>1,752</td>
<td>2,339</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal Special</td>
<td>1,924</td>
<td>2,545,934</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Developed</td>
<td>119,932</td>
<td>123,439</td>
<td>418,610,677</td>
<td>163,694</td>
<td>15,527</td>
<td>5%</td>
<td>163,693.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Parcels</td>
<td>127,982</td>
<td>123,439</td>
<td>422,788,553</td>
<td>2,633</td>
<td>7,324</td>
<td>5%</td>
<td>164,391.4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
(1) Small SF is 10th percentile and below; Large is 90th percentile and above. Very large is greater than 10,000 sq ft.
(2) Multifamily includes parcels with DOR Codes 03 and 08.
(3) For Residential, column represents Impervious per Dwelling Unit. People per Dwelling Unit (2010 Census) 2.23 Original 164,425
(4) Condominiums average impervious areas based on measurement by County staff in May 2013.

### 5.3 Stormwater Program Needs

As defined in Section 3 the program costs for the County were estimated and projected for potential future levels of service scenarios. Table 5-2 provides a summary of the existing stormwater program needs for program management, NPDES MS4 compliance, and NPDES − O&M costs for the County. No CIP costs are included in this table as they are to be funded through other sources.

### Table 5-2
Pinellas County Stormwater Governance Study

**Summary of Funding Including Proposed and Expanded Programs (Excluding Engineering, and CIP)**

<table>
<thead>
<tr>
<th>Program</th>
<th>Annual Amount</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Management</td>
<td>$2,252,342</td>
<td>12.6%</td>
</tr>
<tr>
<td>NPDES - MS4 Compliance</td>
<td>$2,253,491</td>
<td>12.6%</td>
</tr>
<tr>
<td>NPDES - O&amp;M Program</td>
<td>$13,379,790</td>
<td>74.8%</td>
</tr>
<tr>
<td><strong>Total Program Costs</strong></td>
<td><strong>$17,885,623</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

---

*Pinellas County Surface Water Governance Study • Section 5 Rate Structure Analysis*
5.4 Rate Structure Alternatives – Unincorporated County

As noted previously, most of the stormwater utilities in the United States are based on the impervious area of the customer’s property. Actually, the majority of stormwater utilities have a uniform rate for all residential and nonresidential parcels, with the residential customer’s fee based on the number of dwelling units and the nonresidential customer’s fee based on the impervious area. The purpose of this section is to discuss the alternatives for the stormwater utility rate structure. Alternatives include uniform and variable rates for both residential and nonresidential customers, exemptions, and credits.

5.4.1 Equivalent Units

In order to provide an equitable measure of impervious areas for both residential and non-residential developed parcels, stormwater utilities have used an equivalent unit to measure the impervious areas by a uniform base. Similar to other types of utilities, the equivalent unit for a stormwater utility is the relative amount of contribution of a fee payer compared to a residential unit. In other words, the residential unit is the base for the utility fee. For the purposes of this document, the billing unit will be called an Equivalent Residential Unit or ERU.

Two methods of defining the equivalent have been employed. The first is based on the use of single family detached parcels. In this case, the ERU is defined as the average or median impervious area for single family detached within the county. From the recent information obtained from the County, this method results in a median value of 2,339 square feet and an average value of 2,943 square feet for the Unincorporated County (see Table 4-4). The second method to define an ERU is based upon the average or median impervious area for all residential unit types including single family, multifamily and mobile homes. For Pinellas County, the average impervious area for all residential parcels is 2,329 sq. feet, not significantly different than the value based on single family detached parcels only.

Prior to any rate structure adjustments, from the rate model using the median single family impervious area, the number of ERUs is 164,425 billing units, while, for the all-residential method, there are 164,602 billing units (a 0.1 percent increase). The slight difference is because, while the residential ERUs stay the same, the nonresidential billing units are based on a smaller denominator.

It should be emphasized that the choice of the equivalent base is subject to the policy decisions of the County and that different communities around the U.S. have chosen differently. In Florida, 50 percent of the 10 counties with assessments or fees use the single family base and 30 percent use the all-residential-base base (20 percent use some other equivalent). For all cities and counties (81 respondents), 61 percent use the single family basis, 30 percent use the all-dwelling unit base and 9 percent use another method. In the case of Pinellas County, about 64 percent of the dwelling units are single family and about 22 percent are condominiums.

5.4.2 Uniform or Variable Residential Rates

Many utilities have the residential customer pay in relation to the number of dwelling units for the customer. A single family unit is assigned 1 ERU and a duplex is assigned 2 ERUs, for example. In Florida, 70 percent of counties use this method. Two other options are possible: tiered single family rates and rates set by residential type. Each of these is considered below.

Uniform Residential Billing Units. As noted above, most of the counties use this method – each dwelling unit is assigned 1 billing unit. Thus for this method, all single family detached parcels would be assigned 1 ERU, and other non-single family residential parcel would be assigned billing units based on
the number of dwelling units. A 200-unit apartment would receive 200 ERUs and a condominium would receive 1 ERU.

**Tiered Single Family Billing Units.** For this alternative, single family detached properties (DOR Code 01) would be assigned a fee based on the impervious area of their property in the same manner as the nonresidential properties. The purpose of this would be to have a fee directly related to amount of impervious area on each customer’s property. Most stormwater assessment datasets do not have the impervious area readily – the Pinellas County Property Appraiser does. That is, using the footprint plus appurtenances and some extra features, a value for impervious area for single family can be defined. The driveway is excluded but can be added as a unit average number. Therefore, impervious area data for each single family parcel is not a significant limitation in the County.

There are some stormwater utilities that have a tiered structure for single family units to recognize that some single family properties are very small and some are extremely large. If each is assigned a fee based on 1 ERU, then the small properties may appear to pay too much and the large properties appear to pay too little. Previous studies in the US have shown that when the ratio of the 90th percentile to the 10th percentile is greater than 2.5, a tiered structure can be justified. In the case of Pinellas County, the ratio of the 90th percentile and 10th percentile is 4.11, a value which suggests a tiered methodology.

**Table 5-3 Pinellas County Surface Water Governance Study**

<table>
<thead>
<tr>
<th>Potential Tiered Single Family Rate Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category</strong></td>
</tr>
<tr>
<td>Small</td>
</tr>
<tr>
<td>Medium</td>
</tr>
<tr>
<td>Large</td>
</tr>
<tr>
<td>Very Large</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

*Note: based on parcel impervious area.

To use a tiered structure, the impervious area of every single family unit would be needed. A possible structure is shown in Table 5-3 on the median, 10th and 90th percentile values.

If a variable billing rate is done for the Small, Medium and Large SF parcels, there would a 4.8 percent change in revenue as the large single family parcels generally generate revenue to compensate for the small ones. If the very large single family tier is considered, an additional 1,167 ERUs are generated (a 0.7 percent increase over the tiered SF parcels).

**Non-SF Residential Billing Units Based on Impervious Areas.** As an alternative to the non-SF residential parcels (e.g., Multifamily and Mobile Homes) to be based on dwelling unit (the most administratively simple alternative), the non-SF residential parcels may be based on the average impervious area for each class. According to the parcel dataset summarized in Table 5-1, there are estimated to be 44,122 non-SF dwelling units in the unincorporated County (35.7 percent of the total residential dwelling units) excluding Single Family with more than 1 dwelling unit. The data also show that the average impervious per dwelling unit for non-SF residential parcels is variable (see inset). If these parcels were assigned billing units based on their relative average impervious area, then the number of billing units would decrease to 139,098, a 15.4 percent decrease.
According to the FSA 2011 Survey, 70 percent of the counties and 58 percent of all SWU in Florida have a rate structure with multifamily customers assigned the same number of billing units as the single family detached customers (i.e., 1 billing unit per dwelling unit).

### 5.4.3 Nonresidential Rates

Nonresidential customer rates for adopted stormwater utilities in the United States are almost always related to the impervious area of the property. For most utilities, the actual impervious area is measured or inferred for each nonresidential parcel, and the ERU assignment is the parcel’s impervious area divided by the residential equivalent. An alternative to this is to assign nonresidential property types a percent imperviousness based on literature values or a statistically measured sample of imperviousness. However, in the case of Pinellas County, all of the non-residential parcels have impervious area from the PAO and these data are already part of the assessment database; therefore, other less accurate rate structures (e.g., percent imperviousness assigned) are not supported.

In 2012, the Florida Legislature passed House Bill (HB) 1197 which considered governmental stormwater assessments for bona fide agricultural properties. The bill modifies Chapter 163, FS, to state that “A governmental entity may not charge an assessment or fee for stormwater management to a bona fide farm operation on land classified as agricultural land ... if the farm operation has an [NPDES] permit, [ERP] or works-of-the-district permit or implements [BMPs] adopted under Chapter 120 ...” For governments who have adopted such assessment or fees prior to March 2009, they may continue to do so if the program allows for adjustments for the adoption of BMPs. As a new assessment the agricultural parcels in Table 5-1 and in the rate model were assigned zero impervious area.

The FSA 2011 Survey shows that 83 percent of the respondents use an impervious area for fee setting, 7 percent use pervious and impervious area, and 10 percent use other methods (such as intensity of development). For counties, 60 percent use impervious area, 20 percent use the gross area, and 20 percent use either intensity of development or other methods.

### 5.4.4 Adjustments and Credits

Adjustments are related to a reduction in the fee for a customer due to a reduction of the services provided to the customer. For an adjustment, all or some of the fee is eliminated because of special circumstances, such as a reduction in imperviousness due to a portion of the property not draining to the County’s stormwater system. A credit, on the other hand, is related to the reduction in fees due to special action taken by the fee payer to reduce the need for stormwater services such as the design, construction and maintenance of a stormwater pond that reduces both stormwater flows and pollutants associated with runoff. In both cases, however, the amount of the reduction can depend on the reduction of services being provided the customer.

As noted in Section 2, the basic services of any stormwater program are program management, NPDES MS4 (which includes NPDES MS4 compliance and NPDES O&M), and capital improvements (CIP). Expanding CIP, for a total recommended program of $17.9 million (see Table 5-2) shows the portions of each component. In particular, for Program Management, NPDES – MS4 compliance and NPDES O&M, the percentages are 12.6, 12.6, and 74.8 percent, respectively.
To consider the potential reduction in services due to special activities done by the customer on their property, each of the basic services must be considered. The Stormwater Management and NPDES – Non-O&M costs for any particular customer would be the same regardless BMPs from the property because these costs relate to services that are not reduced based on customer activity; thus, the only service that can be reduced based on customer activity is NPDES O&M. For an example, the maximum potential credit allowed could be about 74.8 percent (the percentage for NPDES O&M), which for this report is rounded to 75%. If a customer has a stormwater facility that reduces the runoff and treats stormwater pollutants, the O&M services provided by the County can be reduced. Since the surface water infrastructure is built to handle runoff from properties developed since about 1984, some communities only allow an adjustment for private facilities that exceed current codes (resulting from the fact that the County would have reduced service for a private property with a facility exceeding code). For this reason, the amount of the reduction for credits should be related to the reduced services provided to the property based on 75 percent or less.

Control of Stormwater Runoff

One of the adjustments that can be considered is related to the reduction of stormwater runoff to the County’s stormwater system. For many stormwater utilities, the only circumstance in which a reduction is meaningful to the overall stormwater system is for the 100-year storm event, a major level of service measure. The control of stormwater for the 100-year storm event can be accomplished for two characteristics of the event: rate and volume. Rate control allows the total amount of runoff to be discharged to the stormwater system over a prolonged period of time. Volume control reduces the total amount of runoff ultimately discharged to the stormwater system. Thus, volume control reduces the runoff volume (the basic measure of stormwater service) and can reasonably be assigned an adjustment. Similarly, in an area with special controls, such as ones that prohibit a positive discharge, an adjustment of up to 75 percent may be considered.

It should be noted that these adjustments are related to specific characteristics of the customer’s property. An adjustment for the control of the 100-year storm event and the discharge of property runoff to non-municipal stormwater systems requires site specific information. If an adjustment for these conditions is allowed by the County, then the customer must petition the County for the adjustment by providing parcel specific data such as photographs or engineering drawings.

Credits for Stormwater Facilities

These adjustments are for customers who, except for mitigating circumstances, would have to pay the whole fee. Mitigating circumstances include onsite stormwater facilities that attenuate and treat stormwater runoff. For example, compare three properties: one built with no detention ponds, one built with a detention pond that is not maintained, and the last with a maintained pond. In the first case, stormwater runs off the land uncontrolled and untreated to the County’s stormwater system. In the second, while the runoff was originally controlled, due to lack of maintenance, runoff is no longer controlled and is no better than the first case. In the last example, runoff is controlled and treated, thereby reducing the burden on the County’s system. Of these three cases, the third clearly has reduced the services that the County needs to provide and deserves a reduction in fee (credit).

There are a number of methods used to adjust the fees for credits. The most common methods include a percentage reduction and relative reduction. In the percentage reduction, if the customer designs and builds an on-site stormwater facility, then a straight percentage reduction on the fee based on the Capital Improvement budget components of the revenue needs; however, for Pinellas County, since there are no CIP costs included in the preferred program to be newly funded, construction of a BMP alone does not
reduce the services. Only if the facility is also maintained by the customer would the services be reduced. For the second, the reduction is relative to an ideal stormwater facility. For example, assuming that to treat stormwater runoff, a property needs 0.1 acre-feet (ac-ft) of storage for every acre of impervious land. The ideal with this assumption for a 10-acre site with 50 percent imperviousness would be 0.5 ac-ft of storage. If this parcel constructs a pond with 0.5 ac-ft, then the site gets the maximum credit. If the actual pond is smaller, then the credit is relative to the ratio of the actual size and the ideal. Clearly, the first method is easier to administer but the second is more site-specific.

Either of the credit methods can be administered within County. However, to keep the program simple initially, the percentage reduction can be allowed if credits are authorized. Also, it is important that facilities are maintained annually to retain the credit. Therefore, the credit should require annual certification of maintenance via photographic evidence and should be checked periodically by County staff through random and unannounced site inspection. Furthermore, since the County wishes to encourage the construction and maintenance of private stormwater ponds according to County standards, the 75 percent credit for detention ponds should be allowed only if the pond meets or exceeds County code as certified by a Florida licensed engineer.

A second type of adjustment for stormwater treatment would be for an incentive to reduce stormwater runoff and treat stormwater on site. For example, if a property owner uses Low Intensity Development (LID) and/or Green Infrastructure (GI) techniques (e.g., Directly Connected Impervious Area (DCIA) reduction, vegetative buffers, rain gardens, cisterns, etc.) both the runoff volume and the runoff pollutants are reduced, decreasing the effort required by the County to deal with the volume and pollutants. Since on-site stormwater facilities and LID techniques reduce the capital needs of the County, the adjustment should be no more than 15 percent of the separate utility fee. However, since the County does not have specific LID protocols and methods, it is recommended that this credit should not be part of the rate structure until a standard protocol has been defined by County staff.

Because the data required have not been obtained and the policies associated with these types of adjustments have not been prepared, it is suggested that during the first year of implementation, a policies and procedures manual should be prepared documenting the adjustment policies. The manual should also document the procedures used to create the non-ad valorem assessment role and to obtain adjustments if warranted.

5.5 Consequences of Rate Structure Options

Using the rate model, the number of billing units, called an ERU, changes depending on the rate structure options. Table 5-4 provides the revenue consequences for each of the general rate structure options in comparison to the base rate structure (i.e., single family-defined billing unit, 1 billing unit defined for each dwelling unit for all residential parcels, and 1 ERU defined for each 2,339 square feet of impervious area on nonresidential parcels).
The all-residential BRU alternative does not indicate a difference and the tiered single family rate structure options increase the billing units by a little more than 5 percent. Since 22 percent of the dwelling units are multifamily, mobile homes and condos, a tiered rate structure for these types of parcels would reduce the ERUs by over 7 percent. For the credit analysis, it was assumed that 5 percent of all parcels would qualify for the credit – under these circumstances, there would be a loss of 4.0 percent. Finally, if public schools, governments and churches were not billed, there would be loss of 4.5 percent. The exclusion of parcels considered vacant by the PAO would reduce the total ERU by 0.4 percent (note that many of these have impervious area).

Based on review by County staff, the preferred rate structure includes:

- ERU based on the median impervious area of single family detached parcels.
- Single family (DOR 00 and 01) tiered structure with small, medium, large and very large homes.
- Very large homes (> 10,000 square feet) to be considered in the same manner as non-residential parcels (i.e., by impervious area).
- Residential condominiums (DOR 04) based on building and common areas distributed equally to each condo unit.
- Non-residential condos (in DOR 11 and 41) based on building and common areas distributed based on percent of total building area.
- Mobile homes (DOR 02) and mixed use (DOR 07) assigned ERUs based on the single family detached tiered structure using the PAO data.
- Mobile homes in parks (DOR 28) assigned ERUs in the same fashion as non-residential parcels (i.e., impervious area divided by the ERU impervious area).
- Multifamily (DOR 03 and 08) and Co-ops (DOR 05) assigned ERUs in the same fashion as non-residential parcels.
- Non-residential (DOR 10 to 99) parcels assigned ERUs using the PAO impervious area divided by the ERU impervious area.
- Inclusion of all properties in the assessment.
- Rate structure to include adjustment policy (credits) based on a Policy and Procedures Document to be developed in the 1st year of implementation.

### Table 5-4 Pinellas County Stormwater Governance Study Summary of Consequences for Rate Structure Options

<table>
<thead>
<tr>
<th>Option</th>
<th>Total ERU</th>
<th>% Change in Rate from Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Rate Structure</td>
<td>164,425</td>
<td></td>
</tr>
<tr>
<td>All Residential Based Fee</td>
<td>164,602</td>
<td>0.1%</td>
</tr>
<tr>
<td>Tiered Single Family</td>
<td>172,335</td>
<td>5.4%</td>
</tr>
<tr>
<td>Tiered Single Family w/Large SF Extra</td>
<td>173,502</td>
<td>5.5%</td>
</tr>
<tr>
<td>Variable Non-Single Family Residential</td>
<td>152,541</td>
<td>-7.2%</td>
</tr>
<tr>
<td>Credit for Pond at 80%</td>
<td>157,848</td>
<td>-4.0%</td>
</tr>
<tr>
<td>No Fee for Schools, Government or Churches</td>
<td>157,101</td>
<td>-4.5%</td>
</tr>
<tr>
<td>Vacant Parcel is Excluded</td>
<td>163,728</td>
<td>-0.4%</td>
</tr>
</tbody>
</table>
According to Section 3, the existing funding requirement (excluding the Penny for Pinellas) is $11.8 million. With the estimated ERUs, the rate needed to generate this revenue would be about $76 per ERU per year. For the proposed program of $17.9 million, the rate would have to be $116 per ERU per year.

### 5.6 PPWMD

During the consideration of the level of service (LOS) for stormwater services, the LOS for properties within the Pinellas Park Water Management District (PPWMD) was considered. Based on discussions with the County staff, and a review of the services provided by the PPWMD compared to the County services, it was concluded that the LOS inside and outside the PPWMD were the same for Program Management and NPDES LOS MS4 programs.

For unincorporated County residents in PPWMD, the O&M and CIP for the primary drainage system is funded by the PPWMD ad valorem assessment. However, secondary tertiary drainage system O&M and CIP are provided and funded by the County. For this reason study the primary system O&M and CIP were removed from this analysis for unincorporated County residents of the PPWMD. Therefore the services identified herein are received by all residents in the Unincorporated County and therefore the rates apply to all properties.
Section 6
Summary and Findings

Based on the research, study and analysis of the stormwater program for Pinellas County, and in some cases, at the suggestion of County staff, the following summary and findings are offered to define, and provide improvements to, the existing stormwater program in Pinellas County.

Governance (Section 2)

- Federal and state laws and regulations are sufficient to authorize Pinellas County to manage stormwater programs within the unincorporated County, including flood controls, sediment and erosion programs, environmental management and water quality improvements.

- Through the NPDES program, many stormwater functions are accomplished by both the County and regulated cities within the County.

- The Charter and County regulations specify the extent of the county-controlled or operated stormwater system. However, due to annexation both the County and cities are sometimes working on the primary system (in particular major drainage conveyance systems). This leads to some confusion over which entity is to manage certain systems especially after annexation.

- Two regulatory issues will cause a change in stormwater management activities within the County: the new NPDES MS4 permit that requires an increase in compliance activities and TMDL/BMAP pollution reduction activities which may require both structural and non-structural projects.

Existing and Expanded Levels of Service (Section 3)

- The stormwater programs within the County are provided by various departments and divisions, the majority of which are in the Transportation and Stormwater Division of the Department of Environment and Infrastructure.

The overall level of service for the County is LOS C which is characterized by adequate program management and NPDES compliance non-O&M functions, average (LOS C-) NPDES compliance O&M program (generally described as a mixture of routine maintenance and inspection based maintenance along with response based repairs), and an average (LOS C) funding of flood related capital improvement program.
• Of all of the stormwater programs, three stand out as needed improvement or enhancement: NPDES MS4 non-O&M related compliance, watershed planning, and water quality related capital improvement funding.

Six of the fifty-two basins have been studied with sufficient detail to define the needed stormwater systems in the County. Basins should be prioritized relative to flooding or water quality improvements needed and redevelopment potential and basin plans should be systematically completed.

Funding Analysis (Section 4)

• Current funding of programs within the County include various types of sources including federal and state sources, special assessments, ad valorem taxes, service charges, interest, intergovernmental sources and fund balances.

• Additional funding for stormwater programs can be derived from the development of a new stormwater utility assessment (for all or some of the components of the stormwater program). Based on an analysis of the data from the Pinellas County Property Appraiser, it has been estimated that using a preferred rate structure based on a billing unit defined by single family dwelling unit median impervious, the stormwater user fee could generate about $1.55 million annually for each $10 of assessment. The current total program excluding Engineering and the Penny for Pinellas revenue could be funded by the assessment of about $76 per year per ERU.

Rate Structure Analysis (Section 5)

• Pinellas County Property Appraiser’s Office (PAO) data were obtained to estimate the potential revenue for the unincorporated County based on various rate structures. The data provided sufficient information to estimate the number of parcels by different categories, number of dwelling units, and estimated impervious area.

• Based on a billing unit (known as an ERU) defined by the median impervious area for single family detached parcels (estimated to be 2,339 square feet), each dwelling unit assigned 1 ERU, and non-residential properties assigned 1 ERU for each 2,339 square feet of impervious area on their property, the total estimated number of billing units is 164,425 ERUs. (This number represents the value without rate structure choices).

• Various options were considered and compared to the base of 169,938 ERU.
  o Changing the definition of a billing unit to include all dwelling units results in no significant change in ERU.
  o Providing a tiered single family detached rate structure with the very small homes receiving less than 1 ERU and large homes receiving more than 1 ERU would slightly increase the revenue. A rate structure with the very large homes (greater than 10,000 square feet of impervious area) would not generate significantly more than a 3-tiered approach.
  o A tiered non-single family residential rate structure with mobile homes, multifamily and condominiums receiving less than 1 ERU would decrease the revenue by about 7 percent.
  o Assuming 5 percent of the properties in the Unincorporated County could have access for a credit for an onsite stormwater facility that is properly maintained, the revenue would reduce by about 4 percent with a maximum credit of 75 percent.
Unincorporated County residents in the Pinellas Park Water Management District (PPWMD) were specially considered as they already pay for primary stormwater system maintenance and CIP by a valorem assessment. Maintenance and CIP for the secondary and tertiary stormwater system is currently being provided by the County. After reviews of the program and information and infrastructure, and from personal communication, it was determined that there was no overlap in services by the County and PPWMD.

The preferred rate structure based on review of the alternatives includes: single family detached median impervious area billing unit; single family detached tiers with small, medium, large, and very large homes; residential condominium based on distributed impervious area; mobile homes based on the single family tiers; mobile homes in parks, multifamily and non-residential parcels based on impervious area divided by the billing unit impervious area; and a credit policy to be developed in the near future.

Program Needs and Recommendations

Based on the findings of the report, the following recommendations are offered to improve the overall stormwater governance and services provided by Pinellas County. These are not offered in any particular order or priority.

- The County should continue to push for a regional (watershed) approach to stormwater quantity and quality related activities. This would include participation by various cities and the water management district.

- The County should clarify, potentially by ordinance, the extent of the County’s responsibilities on stormwater operations throughout the County. There is clearly confusion on operations of all levels of stormwater systems (especially, major systems) within municipal boundaries and after annexation. This also means that for basin studies, cooperative funding and implementation responsibilities should be spelled out systematically.

- There are sufficient stormwater facilities managed by the County to take on a more asset management approach to the stormwater programs. Asset management considers the stormwater system in the County to be considered assets of its citizens that should be managed with precise accounting. To this end, the surface water program within the County can be set up as a utility, similar to the other utilities in the County. This does not require separate utility-like funding but separate accounting is needed.

- Because of the potential TMDL reduction activities that will be required of the County and most communities within the County, the County should convene a TMDL committee to prepare for looming regulatory requirements. The committee should include the County as well as each of the municipalities within the County.

- Additional programs are needed for NPDES MS4 compliance and to methodically rehabilitate older infrastructure. For this reason, watershed studies need to be completed for all basins in the County to include both flood control and water quality. Also, recurring funding for open and closed conveyances need to be included in the revenue needs.

Potential Cooperative Programs and Activities

In review of the regulatory requirements, level of service analysis and funding assessment, a number of cooperative opportunities are available. For this report, "cooperative opportunities" means activities or
actions that can be accomplished cooperatively among the County and the cities which may either reduce participant costs for a common level of service or improve the level of service for participants with no increase in costs (i.e., “economy of scale”). Potential opportunities for cooperation are listed below.

- **Regional Approach to Surface Water Management.** A common colloquial phrase is “water recognizes no political boundaries,” meaning that runoff controls and treatment must be done on a basin- or watershed-wide basis. To this end, the County and cities can cooperatively study and implement flood controls and water quality projects on a regional basis. This will be especially important in a built-out area such as the County, and as Total Maximum Daily Loads (TMDLs) become required. The costs to comply with TMDL requirements as defined by Basin Management Action Plans (BMAPs), which are unknown at this time, may be substantial and both regional and cooperative programs will be necessary. Relative cost allocation for such activities can be achieved by considering the relative proportion of total flow at the outlet(s) of the study. Historically, cost allocations have been done using the relative contributing drainage area; however, since runoff is directly related to land use and soil types and these can be significantly different within a single basin, allocation by relative runoff amounts can be more equitable. To achieve this goal, a policy document should be collaboratively prepared with support of the County and cities.

- **Cooperative Construction Site Inspection.** As required by their NPDES MS4 permits, the County and cities must provide public and private construction site inspection to control site sediment discharges and confirm stormwater management during construction. The County already provides this for some cities; however, other cities can participate, providing an economy of scale. To do this, the County and cities must have common construction site regulatory requirements and based on available information may be the difficult part of this cooperative activity.

- **Inventory/GIS of Stormwater System.** The County and cities have stormwater facilities that they operate and maintain. A common GIS system with stormwater systems identified and characterized can enhance each participant’s ability to manage these assets and provide crucial information for watershed planning and NPDES compliance. Each participant would be responsible for their component of the GIS system (e.g., provide updates based on new construction); however, a cooperative field crew can identify facility characteristics including GPS location, inverts, etc., using state-of-the-art GPS and survey equipment that may not be available to each participant but cost effective for multiple participants. A digital complaint database and work order system can be included as part of the GIS to allow location and local inventory data to be available to field crews. As part of this process, field computers can be made available so that field data can be entered into the database from the site. Furthermore, to increase the data available in the system, as-built drawings should be commonly required in digital format so that County, city and even private construction data are available. It should be noted that the County is currently collecting as-built drawings digitally, but this program needs expansion.

- **Cooperative Funding.** Since all of these activities will require additional, or at least dedicated, funding, a common funding mechanism is warranted. Two major possible mechanisms include a County-wide millage (ad valorem tax) dedicated to cooperative programs or a County-wide non-ad valorem assessment (utility fee) for the same purpose. In the second case, many of the cities already have stormwater utility fees associated with other utility bills (e.g., water and sewer); however, this would be a new program for the unincorporated County.
Appendix 1

Pinellas County Surface Water Governance Study
Rate Model June 2013
Pinellas County, FL

Surface Water Management Program

Surface Water Utility
Rate Model

by
CDM Smith Inc.
June 2013
Unincorporated County
Preferred Level of Funding
## Pinellas County Surface Water Management Program

### Summary of Surface Water Management Costs

<table>
<thead>
<tr>
<th>Component</th>
<th>Current</th>
<th>Expanded</th>
<th>LOS B</th>
<th>LOS A</th>
</tr>
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<tbody>
<tr>
<td>SW Mgmt</td>
<td>$1,258,681</td>
<td>$2,252,342</td>
<td>$2,584,394</td>
<td>$3,743,110</td>
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<tr>
<td>MS4-Non O&amp;M</td>
<td>$1,562,520</td>
<td>$2,253,491</td>
<td>$2,253,491</td>
<td>$2,610,594</td>
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<tr>
<td>MS4-O&amp;M</td>
<td>$8,972,345</td>
<td>$13,379,790</td>
<td>$14,202,649</td>
<td>$18,039,323</td>
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<tr>
<td>CIP</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$11,793,546</td>
<td>$17,885,623</td>
<td>$19,040,534</td>
<td>$24,393,027</td>
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### Annual CPI Increase

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<th></th>
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<tbody>
<tr>
<td>NPDES - Non-O&amp;M</td>
<td>$2,253,491</td>
<td>$2,287,293</td>
<td>$2,328,465</td>
<td>$2,368,049</td>
<td>$2,415,410</td>
<td>$2,461,302</td>
<td>$2,512,990</td>
<td>$2,563,249</td>
<td>$2,614,514</td>
<td>$2,666,805</td>
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<tr>
<td>NPDES - O&amp;M</td>
<td>$13,379,790</td>
<td>$13,580,487</td>
<td>$13,824,936</td>
<td>$14,059,960</td>
<td>$14,341,159</td>
<td>$14,613,641</td>
<td>$14,920,527</td>
<td>$15,218,938</td>
<td>$15,523,316</td>
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<td>Capital Improvement Program</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

| Total                   | $17,885,623 | $18,153,907 | $18,480,678 | $18,794,849 | $19,170,746 | $19,534,990 | $19,945,225 | $20,344,130 | $20,751,012 | $21,166,032 |
Pinellas County Surface Water Funding Model
Utility Fee Options

Options:
(1) Should the Equivalents be based upon single family units (1) or all dwelling units (0)?
(2) Should Single Family be all 1 ERU (1) or tiered (0)?
(3) Should Very Large SFU be the same as other SF (1) or based on impervious area(0)?
(4) Should credits be offered for on-site stormwater ponds (0) or not (1)?
   If a credit is offered, what is the reduction in fees allowed (percent)?
(5) Should residential rates be uniform by dwelling unit (1) or variable (0)?
   If 0, please specify below the SFU/dwelling unit relative to a single family dwelling.

<table>
<thead>
<tr>
<th>Residential Type</th>
<th>Median Impervious Area (sq ft)</th>
<th>Percent of Median SF</th>
<th>ERU per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family (SF)</td>
<td>2,339</td>
<td>100%</td>
<td>1.00</td>
</tr>
<tr>
<td>Single Family w/&gt;1 DU</td>
<td>2,399</td>
<td>103%</td>
<td>1.00</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>1,391</td>
<td>59%</td>
<td>0.60</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>1,213</td>
<td>52%</td>
<td>0.50</td>
</tr>
<tr>
<td>Condominiums</td>
<td>1,957</td>
<td>84%</td>
<td>0.80</td>
</tr>
<tr>
<td>Miscellaneous Res.</td>
<td>702</td>
<td>30%</td>
<td>0.30</td>
</tr>
</tbody>
</table>

(6) Should Mobile Homes be assigned 1 ERU (1) or based on SF Tiers (0)?
(7) Should Condominiums be assigned 1 ERU (1) or based on Impervious Area (0)?
(7) Should Multi-family be treated like Non-residential (0) or like residential (1)?
(8) Should special exemptions be offered?
   Public Schools should (0) or should not (1) be exempted?
   Government Properties should (0) or should not (1) be exempted?
   Churches should (0) or should not (1) be exempted?
(9) Should Vacant Properties be included (1 = Yes, 0 = No)?

Note: Standard or basic utility fee based upon all answers = 1.
Number of Staff Needed for Option: 0 staff.
* If variable residential rates chosen, then SF Very Large is by actual impervious area similar to a commercial parcel.
### Pinellas County Surface Water Management Program
#### Surface Water Utility Revenues

**Options Chosen**
- **Equivalence**: Residential
- **Credits**: No Credits for Ponds
- **Collection Percentage**: 91.0%
- **Start Value**: $10.00 per Year per SFU
- **Increment**: $10.00 per Year per SFU

**Total Estimated ERU’s**: 169,938 (see Parcel Data)

**Estimated Stormwater Utility Revenues**

<table>
<thead>
<tr>
<th>Rate ($ per Year)</th>
<th>FY13 Revenues for Various Rates</th>
<th>FY13 Revenues for Various Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Revenue (nearest $1,000)</td>
<td>Comparable Tax Rate</td>
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<tr>
<td>$40.00</td>
<td>$6,186,000</td>
<td>0.1137</td>
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<tr>
<td>$50.00</td>
<td>$7,732,000</td>
<td>0.1421</td>
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<tr>
<td>$60.00</td>
<td>$9,279,000</td>
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<tr>
<td>$70.00</td>
<td>$10,825,000</td>
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<td>$80.00</td>
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<td>$150.00</td>
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<td>$190.00</td>
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<td>$200.00</td>
<td>$30,929,000</td>
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<td>$210.00</td>
<td>$32,475,000</td>
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<td>$34,022,000</td>
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<td>$230.00</td>
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<td>$240.00</td>
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<td>$270.00</td>
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<td>$280.00</td>
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<td>$290.00</td>
<td>$44,847,000</td>
</tr>
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<td></td>
<td>$300.00</td>
<td>$46,393,000</td>
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## Pinellas County Surface Water Management Program

### Ten-Year Program Costs

#### CIP Program Funding Strategy

- Pay-As-You-Go Funding
- Bonded Financing

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Suggested</th>
<th>Admin Costs</th>
</tr>
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<tbody>
<tr>
<td>25.0%</td>
<td>25.0%</td>
<td>Basic Admin: $25,000</td>
</tr>
<tr>
<td>Interest</td>
<td>3.0% per year</td>
<td>Credits: $0</td>
</tr>
<tr>
<td>Duration</td>
<td>20 years</td>
<td>Total $25,000</td>
</tr>
<tr>
<td>Financing Costs</td>
<td>12.0%</td>
<td>$0 (2nd 5-Year CIP Needs)</td>
</tr>
<tr>
<td>Principal</td>
<td>$0 (1st 5-year CIP Needs)</td>
<td>$0</td>
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</tbody>
</table>

#### Annual CPI Increase

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>NPDES - Non-O&amp;M</td>
<td>$2,253,491</td>
<td>$2,287,293</td>
<td>$2,328,465</td>
<td>$2,368,049</td>
<td>$2,415,410</td>
<td>$2,461,302</td>
<td>$2,512,990</td>
<td>$2,563,249</td>
<td>$2,614,514</td>
<td>$2,666,805</td>
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<td>NPDES - O&amp;M</td>
<td>$13,379,790</td>
<td>$13,580,487</td>
<td>$13,824,936</td>
<td>$14,059,960</td>
<td>$14,341,159</td>
<td>$14,613,641</td>
<td>$14,920,527</td>
<td>$15,218,938</td>
<td>$15,523,316</td>
<td>$15,833,783</td>
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<tr>
<td>CIP (PAYG or 1st Bond Debt Service)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>CIP (2nd Bond Debt Service)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Utility Administration Cost</td>
<td>$25,000</td>
<td>$25,375</td>
<td>$25,832</td>
<td>$26,271</td>
<td>$26,796</td>
<td>$27,350</td>
<td>$27,879</td>
<td>$28,436</td>
<td>$29,005</td>
<td>$29,585</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$17,910,623</td>
<td>$18,179,282</td>
<td>$18,506,509</td>
<td>$18,821,120</td>
<td>$19,197,542</td>
<td>$19,562,296</td>
<td>$19,973,104</td>
<td>$20,372,566</td>
<td>$20,780,017</td>
<td>$21,195,618</td>
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</table>

#### Tax Rate Required

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>0.3291</td>
<td>0.3341</td>
<td>0.3401</td>
<td>0.3459</td>
<td>0.3528</td>
<td>0.3592</td>
<td>0.3670</td>
<td>0.3744</td>
<td>0.3819</td>
<td>0.3895</td>
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#### ERU's

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Surface Water Utility Fee (1)</td>
<td>169,938</td>
<td>171,637</td>
<td>173,353</td>
<td>175,087</td>
<td>176,838</td>
<td>178,606</td>
<td>180,392</td>
<td>182,196</td>
<td>184,018</td>
<td>185,858</td>
</tr>
</tbody>
</table>

**Notes:**

1. Utility fee based upon a variable collection rate, 2% for the PAO and 2% for the Tax Collector.
2. Basic Admin Costs based on $25,000 for a single additional staff for utility billing.
3. Credits Admin Costs based on $25,000 staff member.
<table>
<thead>
<tr>
<th>Type</th>
<th>No. of Parcels</th>
<th>2013 Impervious Area (sq ft)</th>
<th>Imperv./ DU or Parcel</th>
<th>% of Median SF</th>
<th>Billing Unit Equivalent</th>
<th>ERUs Based on Equivalent</th>
<th>ERUs For Subsidy</th>
<th>% Affected by Credits (Estimated)</th>
<th>Fraction of ERUs</th>
<th>Total ERUs with Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family - Small</td>
<td>15,821</td>
<td>20,231,117</td>
<td>1,315</td>
<td>0.6</td>
<td>15,821</td>
<td>5%</td>
<td>60%</td>
<td>9,492.6</td>
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</tr>
<tr>
<td>Single Family - Medium</td>
<td>47,533</td>
<td>119,863,030</td>
<td>2,339</td>
<td>1.0</td>
<td>47,533</td>
<td>5%</td>
<td>100%</td>
<td>47,533.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family - Large</td>
<td>15,496</td>
<td>88,469,284</td>
<td>5,441</td>
<td>2.3</td>
<td>15,496</td>
<td>5%</td>
<td>230%</td>
<td>35,640.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family - Very Large</td>
<td>324</td>
<td>4,245,563</td>
<td>13,104</td>
<td>2.3</td>
<td>3,239</td>
<td>5%</td>
<td>100%</td>
<td>1,815.1</td>
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<tr>
<td>Single Family &gt; 1 DU</td>
<td>86</td>
<td>424,567</td>
<td>2,399</td>
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<td>177</td>
<td>5%</td>
<td>100%</td>
<td>177.0</td>
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<tr>
<td>Multifamily (2)</td>
<td>2,193</td>
<td>13,757,322</td>
<td>1,391</td>
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<td>2,339</td>
<td>5%</td>
<td>100%</td>
<td>5,873.2</td>
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<td></td>
</tr>
<tr>
<td>Mobile Home - Small</td>
<td>3,198</td>
<td>3,859,670</td>
<td>1,213</td>
<td>0.6</td>
<td>3,183</td>
<td>5%</td>
<td>60%</td>
<td>1,909.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Home - Medium</td>
<td>3,298</td>
<td>6,356,045</td>
<td>1,927</td>
<td>1.0</td>
<td>3,298</td>
<td>5%</td>
<td>100%</td>
<td>3,298.0</td>
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<tr>
<td>Mobile Home - Large</td>
<td>8,8</td>
<td>39,809</td>
<td>4,976</td>
<td>2.3</td>
<td>8</td>
<td>5%</td>
<td>230%</td>
<td>18.4</td>
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<tr>
<td>Condominiums (4)</td>
<td>27,531</td>
<td>53,878,167</td>
<td>1,957</td>
<td></td>
<td>2,339</td>
<td>5%</td>
<td>84%</td>
<td>23,034.7</td>
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<tr>
<td>Miscellaneous</td>
<td>58</td>
<td>135,483</td>
<td>702</td>
<td></td>
<td>193</td>
<td>5%</td>
<td>100%</td>
<td>193.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Subtotal Residential        | 115,546        | 311,240,057                  | 2,521                 |                |                         |                          |                 |                                   |                 | 128,985.6                |

| Non-residential             |                |                               |                       |                |                         |                          |                 |                                   |                 |                         |
| Commercial                 | 2,321          | 38,677,700                    | 16,664                |                | 2,339                  | 5%                       | 16,536.0 |                                   |                 |                         |
| Industrial                 | 1,230          | 32,901,210                    | 26,749                |                | 2,339                  | 5%                       | 14,066.4 |                                   |                 |                         |
| Agricultural               | 0              | 0                             | 2,339                 |                | 0                      | 0                        |                  |                                   |                 |                         |
| Institutional w/o Churches | 182            | 5,423,098                     | 29,797                |                | 2,339                  | 5%                       | 2,319    | 2,318.6                           |                 |                         |
| Churches                   | 126            | 3,689,992                     | 29,286                |                | 2,339                  | 5%                       | 1,578    | 1,577.6                           |                 |                         |
| Governmental w/o Schools   | 13             | 5,036,633                     | 387,587               |                | 2,339                  | 5%                       | 2,154.2 | 2,154.2                           |                 |                         |
| City/County                | 80             | 2,738,986                     | 34,237                |                | 2,339                  | 5%                       | 1,171.7 | 1,171.0                           |                 |                         |
| Schools                    | 32             | 5,563,720                     | 176,991               |                | 2,339                  | 5%                       | 2,421.4 | 2,421.4                           |                 |                         |
| Miscellaneous              | 402            | 22,401                       | 10                    |                | 2,339                  | 5%                       | 9.6     | 9.6                               |                 |                         |

| Subtotal Non-Residential    | 4,386          | 96,159,740                    | 21,467                |                |                         |                          |                  |                                   |                 | 40,255.3                |

| Vacant                      |                |                               |                       |                |                         |                          |                 |                                   |                 |                         |
| Vacant Residential          | 5,201          | 604,582                       | 2,339                 |                | 2,339                  | 5%                       | 258.5 |                                   |                 |                         |
| Vacant Commercial           | 686            | 803,168                       | 2,339                 |                | 2,339                  | 5%                       | 343.4 |                                   |                 |                         |
| Vacant Industrial           | 222            | 224,192                       | 2,339                 |                | 2,339                  | 5%                       | 95.5  |                                   |                 |                         |
| Vacant Institutional        | 17             | 0                            | 2,339                 |                | 0                      | 0                        |                  |                                   |                 |                         |

| Subtotal Vacant            | 6,126          | 1,631,942                     | 266                   |                | 698                    | 5%                       | 679.7 |                                   |                 |                         |

| Special Parcels             |                |                               |                       |                |                         |                          |                 |                                   |                 |                         |
| Rec and Parkland            | 382            | 18,515                        | 2,339                 |                | 5%                     | 0                        |                  |                                   |                 |                         |
| Sewage Disposal             | 650            | 2,494,561                     | 2,339                 |                | 5%                     | 0                        |                  |                                   |                 |                         |
| Rivers/Lakes                | 268            | 26,411                        | 2,339                 |                | 5%                     | 0                        |                  |                                   |                 |                         |
| No Ag Acreage (with homesite)| 134           | 4,695                         | 2,339                 |                | 5%                     | 0                        |                  |                                   |                 |                         |
| ROW                         | 490            | 1,752                         | 2,339                 |                | 5%                     | 0                        |                  |                                   |                 |                         |

| Subtotal Vacant            | 1,924          | 2,545,934                     | 0                     |                | 0                      | 0                        |                  |                                   |                 |                         |

| Total Developed            | 119,932        | 405,395,797                   | 161,183               |                | 15,527                 | 5%                       | 169,240.3 |                                   |                 |                         |

| Total Parcels              | 127,982        | 409,573,673                   | 2,526                 |                | 7,324                 | 5%                       | 169,938.0 |                                   |                 |                         |

Note:  
1. Small SF is 10th percentile and below; Large is 90th percentile and above. Very large is greater than 10,000 sq ft.  
2. Multifamily includes parcels with DOR Codes 03 and 08.  
3. For Residential, column represents Impervious per Dwelling Unit.  
4. For Non-residential, column represents Impervious per Parcel.  
5. Condominium average Impervious areas based on measurement by County staff in May 2013.