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PORT OF THE ISLANDS

3

COMMUNITY IMPROVEMENT DISTRICT



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5

Rules of Procedure

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7 Rules of the  
8 Port of the Islands  
9 Community Improvement District

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113 PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT

114 GENERAL AND PROCEDURAL RULES

115 **SECTION 1 RULES OF PROCEDURE**

116 **1.1 General**

117 (1) The Port of the Islands Community Improvement District (the "District") was created  
118 by Chapter 190, Florida Statutes and was established to provide for ownership, operation,  
119 maintenance, and provision of various capital facilities and services within its jurisdiction. The  
120 purpose of these rules (the "Rules") is to describe the general operations of the District.

121 (2) Definitions located within any section of the Rules shall be applicable within all other  
122 Sections, unless Specifically stated to the contrary.

123 Specific Authority: 190.11, 120.53(1)(a)  
124 Law Implemented 190.11

125 **1.2 Rules of Procedure for Meeting of the Board of Supervisors**

126 (1) Board of Supervisors, The Board of Supervisors of the District (the "Board") shall  
127 exercise the powers granted to the District. The Board shall consist of five members. Members  
128 of the Board must be registered voters living within the boundaries of the District and citizens of  
129 the United States.

130 (2) Term of Officers, Board members shall hold office pursuant to Section 190.006,  
131 Florida Statutes. If, during the term of office of any Board member(s), one or more vacancies  
132 occur, the remaining member(s) of the Board shall fill the vacancies by appointment for the  
133 remainder of the unexpired term(s).

134 (3) Vacancies: Quorum, Three Members of the Board shall constitute quorum for the  
135 purposes of conducting its business and exercising its powers and for all other purposes,  
136 However, if three or more vacancies occur at the same time, a quorum is not necessary to fill  
137 the vacancies. Action taken by the Board shall be by majority vote of the members present,  
138 unless otherwise provided in these Rules or required by law.

139 (4) Officers. At a Board meeting held after each election where the elected members  
140 take office, the Board shall select a Chairman, Vice Chairman, Treasurer and Secretary; and  
141 may appoint an Assistant Treasurer and Assistant Secretary.

142 (a) The Chairman must be a member of the Board. If the Chairman resigns from that  
143 office or ceases to be a member of the Board, the Board shall select a Chairman to serve the  
144 remaining portion of the term, after filling the Board vacancy.

145 (b) The Vice Chairman shall be member of the Board and shall have such duties  
146 and responsibilities as specifically designated by the Board from time to time. If the Vice  
147 Chairman resigns from that office or ceases to be a member of the Board, the Board shall select  
148 a Vice Chairman to serve the remainder of the term, after filling the Board vacancy.

149 (c) The Secretary of the Board serves at the pleasure of the Board and need not be  
150 a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board  
151 meetings and may have other duties assigned by the Board from time to time. The District  
152 Manager may serve as secretary.

153 (d) The Treasurer need not be a member of the Board but must be a resident of  
154 Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3), Florida  
155 Statutes, as well as those assigned by the Board time to time. The Treasurer shall serve at the  
156 pleasure of the Board.

157 (5) Committees. The Board may establish Committees of the Board, either on a  
158 permanent or temporary basis, to perform specifically designated functions. Committees may  
159 include individuals who are not members of the Board.

160 (6) Record Book. The Board shall keep a permanent record book entitled "Record of  
161 Proceedings of the Port of the Islands Community Improvement District," in which shall be  
162 recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and official acts.

163 (7) Meetings. The Board shall establish a schedule of regular meetings and may also  
164 meet upon call of the Chairman or District Manager. A regular meeting may be cancelled. All  
165 meetings of the Board shall be open to the public in accordance with the provisions of Chapter  
166 286, Florida Statutes.

167 (8) Voting Conflict of Interest. The Board shall comply with Section 112.3143, Florida  
168 Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before  
169 the Board for a vote.

170 (a) When a Board member knows the member has a conflict of interest on a matter  
171 coming before the Board, the member should notify the Board's Secretary prior to participating  
172 in any discussion with the Board on the matter. The member shall publicly announce the conflict  
173 of interest at the meeting. This announcement shall appear in the minutes, The member may  
174 then vote. The Board's Secretary shall prepare a memorandum of voting conflict, which shall  
175 then be signed by the Board member, filed with the Board's Secretary, and attached to the  
176 minutes of the meeting within fifteen (15) days of the meeting.

177 (b) If a Board member inadvertently votes on a matter and later learns he or she  
178 has a conflict thereon, the member shall immediately notify the Board's Secretary. Within fifteen  
179 days (15) days of the notification, the member shall file the appropriate memorandum of voting  
180 conflict which will be attached to the minutes of the Board meeting during which the vote on the  
181 matter occurred. The memorandum shall immediately be provided to other Board members and  
182 shall be read publicly at the next meeting held subsequent to the filing of the written  
183 memorandum. The Board member's vote is unaffected by this filing.

184

185 Specific Authority: 190.001,120.53(1)(d)  
186 Law Implemented: 190.006(1), 190.006(4), 1900060(5) 190.0060(6), 190.0060(7),190.0060(9),  
187 190.007, 1123143,112.3143(4)(b)

### 188 **1.3 Public Information and Inspection Records**

189 (1) Public Records. All District public records within the meaning of Chapter 119, Florida  
190 Statutes, and not otherwise restricted by law, including the “Record of Proceedings of the Port of  
191 the Islands Community Improvement District” may be copied or inspected at the District office  
192 during regular business hours.

193 (2) Copies. Copies of public records shall be made available to the requesting person at  
194 a charge of \$.15 per page for one-sided copies and \$.20 per page for two-sided copies if not  
195 more than 8-1/2 by 14 inches, and for copies in excess of that size at a charge not to exceed the  
196 actual cost of reproduction. Certified copies of public records shall be made available at a charge  
197 of \$1.00 per page.

198  
199 Specific Authority: 190.011,120.53(1)(a)  
200 Law Implemented: 190.06(7), 119.07(1)(a), 119.07(1)(b)

### 202 **1.4 Meetings and Workshops**

203 (1) Notice. Except in emergencies, or as otherwise provided in these Rules, at least  
204 seven days public notice shall be given for any meeting or workshop of the Board. Public notice  
205 shall be given by publication in newspaper of general circulation in the District and shall state:

206 (a) The date, time, and place of the meeting or workshop;

207 (b) A brief description of the nature, subjects and purposes of the meeting or  
208 workshop;

209 (c) The Notice shall state that if a person decides to seek review of any official  
210 decision made at the Board meeting, a record of the proceedings will be required and the person  
211 intending to appeal will need to ensure that a verbatim record of the proceedings is made,  
212 including the testimony and evidence necessary for the appeal.

213 (2) Agenda. The District Manager shall prepare a notice of the meeting or workshop and  
214 an agenda. The notice and agenda shall be available to the public at least seven days before the  
215 meeting or workshop except in an emergency. The agenda may be changed before or at the  
216 meeting or workshop for good cause stated by the Board and recorded in the minutes.

217 (3) Minutes. The Secretary shall be responsible for keeping the minutes of each meeting  
218 of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting.

219 (4) Receipts of Notice. Persons wishing to receive, by mail, notices or agendas of  
220 meetings, may so advise the District Manager or Secretary at the Board’s office. Such persons  
221 shall furnish a mailing address in writing and may be required to pay the cost of the copying and  
222 mailing.

223 (5) Emergency Meeting. The Chairman, District Manager, may convene an emergency  
224 meeting of the Board without first having complied with Subsections (1), (2), (3) and (5), to act on  
225 emergency matters that are an imminent threat to the public health, safety, or welfare. Whenever  
226 possible, the District Manager shall make reasonable efforts to notify all Board members of an  
227 emergency meeting 24 hours in advance. Reasonable efforts may include telephone notification  
228 or communication via electronic media. At the next regular meeting after an emergency meeting,  
229 the Board shall state the time, date, and place of the emergency meeting, the reasons why an  
230 emergency meeting was necessary, and then ratify any action taken at the emergency meeting.

231 (6) Public Comment. The Board shall set aside a reasonable amount of time at each  
232 regular meeting for public comment, which shall be identified in the agenda. Persons wishing to  
233 address the Board are required to notify the Secretary of the Board prior to the "audience  
234 comment" section on the agenda. In its discretion, the Board may limit the length of any one  
235 speaker in the interest of time or fairness to other speakers.

236 (7) Budget Hearing. Notice of Hearing on the annual budget shall be in accordance with  
237 Section 190.008, Florida Statutes.

238 (8) Continuances. Any meeting of the Board or any item or matter included on the agenda  
239 for meeting may be continued without re-notice or re-advertising provided that the continuance  
240 is to a specified date, time and location and publicly announced at the Board meeting where the  
241 item or matter was included on the agenda.

242  
243 Specific Authority: 190-055(5), 190.11 (15), 120.53(1)(d)  
244 Law Implemented" 190.007(1), 190008, 286.0105, 120.54(1)  
245

## 246 **SECTION 2 BIDDING AND RELATED RULES**

### 247 **2.1 Definitions**

248 (a) A "*Continuing contract*" is a contract for professional services entered into in  
249 accordance with Section 287,055, Florida Statutes, between the District and a firm whereby the  
250 firm provides professional services to the District for (i) individual projects in which construction  
251 costs do not exceed \$500,000; (ii) for individual study activities when the fee for such  
252 professional service does not exceed \$25,000 or; (iii) for continuing work required by the District  
253 of a specified nature (as authorized by the contract with the District) with no time limitation,  
254 except that the contract shall provide a termination clause.

255 (b) "*Emergency purchase*" is a purchase necessitated by a sudden unexpected turn  
256 of events (e.g. acts of God, riot, fires, floods, hurricanes, accidents or any circumstances or  
257 cause beyond the control of the Board in normal conduct of its business) where the Board (or  
258 the Chairman of the Board) certifies a delay incident to a competitive selection process for  
259 professional services would be detrimental to the interests of the District.



260 (c) *"District Representative"* means the person or group designated by the Chairman  
261 of the Board to administer the selection process. District Representative may be the Chairman,  
262 the Board, any member or committee of the Board, District Counsel, District Manager, or any  
263 other entity, person or group of persons.

264 (d) *Qualifying Procedures.* In order to be eligible to provide professional services to  
265 the District, a firm must first be certified by the District as qualified to render the required service.  
266 The qualification factors considered by the District may include:

- 267 1) The firm holds the required applicable state and local professional license  
268 which is in good standing.
- 269 2) The firm holds all required applicable federal licenses, if any, which are in  
270 good standing.
- 271 3) If a firm is a corporation, such firm holds a current and active Florida  
272 corporate charter or if a foreign corporation, is active and in good standing  
273 in its state of incorporation and is authorized to do business in Florida in  
274 accordance with Chapter 607, Florida Statutes.
- 275 4) The capabilities, adequacy of personnel, past record and experience of the  
276 firm.
- 277 5) Other prequalification requirements set forth in the project, contract  
278 documents or established by the Board. including historical materials  
279 respecting the firm's business relationships with the District or other entities  
280 for which it has provided professional services.

281 (e) *"Public Announcement" Prior* to a public announcement that professional services  
282 are required for a project, the Board shall determine whether project exceeds the threshold  
283 requirements of Sections 287.055 and 281.017, Florida Statutes. Except in cases of valid public  
284 emergencies, the District shall publicly announce each occasion when professional services are  
285 required to be purchased for a project (exceeding the threshold requirements specified above)  
286 by publishing a notice providing a general description of the project and how interested firms may  
287 apply for consideration. The notice shall appear in a newspaper of general circulation in the  
288 District. The District may maintain a list of persons interested in receiving such notices. The  
289 District shall make a good faith effort to provide written notice, by United States mail, to persons  
290 who provide their name and address to the District office for inclusion on the List. However, the  
291 failure of a person to receive the notice shall not invalidate any contract awarded in accordance  
292 with these Rules and shall not be a basis for a protest of any contract award. The Board has the  
293 right to reject any and all bids and such reservation shall be included in the public announcement.

294 (f) *Competitive Selection.* For each proposed project, the District Representative shall  
295 review and evaluate the data submitted in response to the notice described above regarding



296 qualifications and performance ability, as well as any performance data and statements of  
297 qualifications on file. The District Representative shall, following the review, select and short list  
298 no fewer than three (3) firms, ranked in order of preference, deemed to be the most capable and  
299 qualified to perform the required professional services, after considering these and other  
300 appropriate criteria:

- 301 1) The ability and adequacy of the professional personnel.
- 302 2) Past performance for the District and in other professional employment  
303 contracts.
- 304 3) Willingness and ability to meet time and budget requirements.
- 305 4) Geographic Locations of the firm's headquarters or office in relation  
306 to the project.
- 307 5) Current and anticipated workloads of the firms.
- 308 6) Volume of work previously awarded to the firm.
- 309 7) Quantity of hours proposed to accomplish the project.
- 310 8) Whether the Firm is a certified minority business enterprise.
- 311 9) All other criteria included in the Request for Qualifications.

312  
313 Nothing in these Rules shall prevent the District from evaluating, and eventually selecting  
314 a firm if less than three responses, including responses indicating a desire not to submit a formal  
315 proposal on a project, are received.

316 If the selection process is administered by any person or entity other than the full Board  
317 the selection evaluations will be presented to the full Board with a recommendation that  
318 competitive negotiations be instituted with the selected firms in order of preference listed. The  
319 Board shall make the final determination of the most capable and qualified firms and the order of  
320 preference.

321 As part of a firm's initial response, the District may require the inclusion of the firm's  
322 proposal regarding compensation. However, such compensation proposals shall remain sealed  
323 until the firm is selected for and competitive negotiation commences. Upon finalization of  
324 negotiations, unopened compensation proposals shall be returned to the Firm that submitted the  
325 proposal.

326 Following the ranking process, and after the Board has authorized the beginning of  
327 competitive negotiations, the District Representative shall begin negotiations with the firm ranked  
328 highest to perform the required professional services. The purposes of such negotiations shall  
329 be to finalize an agreement at fair, competitive and reasonable compensation levels. In making  
330 such determination, the District Representative (or the Board) shall conduct a detailed analysis

331 of the cost of the professional services required, in addition to considering the scope and  
332 complexity of the services provided.

333 In negotiating a lump-sum or cost-plus-fixed-fee professional contract for more than the  
334 threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, the  
335 firm receiving the award shall be required to execute a truth-in-negotiating certificate stating that  
336 "wage rates and other factual unit costs supporting the compensation are accurate, complete  
337 and current at the time of contracting." In addition, any professional service contract under which  
338 such certificate is required must contain a provision that "the original contract price and any  
339 additions thereto shall be adjusted to exclude any significant sums by which the Board  
340 determines the contract price increased due to inaccurate, incomplete or non-current wage  
341 rates and other factual unit costs." All such contract adjustments shall be made within a year  
342 following the end of the contract.

343 If the District Representative is unable to negotiate a satisfactory agreement with the firm  
344 initially determined to be the most qualified at a price deemed by the District to be fair,  
345 competitive and reasonable then (unless directed otherwise by the Board) negotiations with that  
346 firm shall be terminated and the District Representative shall immediately begin negotiations  
347 with the second most qualified firm. If the District Representative determines it is unable to  
348 negotiate a satisfactory agreement with the second firm, those negotiations shall be terminated  
349 and negotiations with the third most qualified firm shall be undertaken.

350 If the District Representative determines it is unable to negotiate a satisfactory agreement  
351 with any of the selected firms, additional firms may be selected by the District in order of their  
352 competence and qualifications, and negotiations shall continue, beginning with the first-ranked  
353 firm on the List.

354 Once an agreement with a firm is reached, notice of the award shall be provided to all  
355 qualified firms having formally applied for consideration by posting the notice in the District office  
356 for seven (7) days, and by sending a copy by United States Mail, overnight delivery, or by hand  
357 delivery to those firms.

358 (g) *Continuing Contract.* Nothing in this Rule shall prohibit a continuing contract  
359 between a firm or an individual and the District.

360 (h) *Prohibition Against Contingent Fees.* Each contract entered into by the District for  
361 professional services must contain a specific prohibition against contingent fees as required by  
362 Section 287.055(6), Florida Statutes.

363 (i) *Emergency Purchase.* The District may make an emergency purchase without  
364 complying with these Rules. The fact that an emergency purchase has occurred or is necessary  
365 shall be noted in the minutes of the next Board meeting.

366 (j) *Conflicts*. In the event of any conflict or inconsistency between these Rules and  
367 Section 287.055, Florida Statutes or other applicable statute or governmental regulation, such  
368 applicable statutes and regulations shall control. In the event of any conflict or inconsistency  
369 between these Rules and any contract for professional services, these Rules shall control.

370 Specific Authority: 190.11(5), 287.55(3)(d)

371 Law Implemented: 190.01(3), 287.055,190.011(2), 190.033

372

373 **2.2 Procedure Applicable to Contracts Awarded Under Consultants' Competitive**  
374 **Negotiations Act**

375 In accordance with Section 190.033(2) Florida Statutes, and Subject to requirements of  
376 Section 287.055, Florida Statutes, the following procedures shall apply to engineering,  
377 architecture, landscape architecture or registered surveying and mapping services obtained by  
378 the Board.

379

380 **SECTION 3 CONTRACTS FOR CONSTRUCTION**

381 **3.1 Procedure for Purchasing Contractual Services**

382 (1) Scope. All purchases for contractual services (except for maintenance services) may  
383 (but are not required to) be made by competitive Invitation to Bid. If state or federal law  
384 prescribes with whom the District must contract, or established the rate of payment, then these  
385 Rules shall not apply, A contract involving both goods, supplies and materials plus contractual  
386 services may, in the discretion of the Board, be treated as a contract for goods, supplies and  
387 materials.

388 (2) Definitions.

389 (a) "Contractual Services" means rendering time and effort rather than furnishing  
390 specific goods or commodities. Contractual services do not include legal (including attorneys,  
391 paralegals, court reporters and expert witnesses, including appraisers), artistic, auditing, health,  
392 or academic program services, or professional services (as defined in Section 287.55(2)(a)  
393 Florida Statutes and these Rules) and shall be the services referenced by Section 287.012(7),  
394 Florida Statutes. Contractual services do not include the extension of an existing contract for  
395 services if such extension is provided for in the contract terms.

396 (b) "Invitation to Bid" is a solicitation for sealed bids with the contract title, date  
397 and hour of the public bid opening designated specifically. It includes a description of the services  
398 sought, applicable terms and conditions, evaluation criteria, including but not limited to price and  
399 provides for a manual signature of an authorized representative.

400 (c) "Request for Proposal" is a solicitation for sealed proposals with the title,  
401 date and hour of the public opening designated and requiring the manual signature of an  
402 authorized representative. It provides a statement for services sought, applicable terms and  
403 conditions, and evaluation criteria, including but not limited to price. It may provide general

404 information, applicable laws and rules, statement of work, functional or general specifications,  
405 proposal instructions, work detail analysis und evaluation criteria, as necessary.

406 (d) "Responsive bid or proposal" means bid or proposal which conforms in all  
407 material respects to an Invitation to Bid or Request for Proposal and these Rules, and whose  
408 cost components are appropriately balanced. A bid or proposal is not responsive if the person or  
409 firm submitting the bid or proposal fails to meet any requirement relating to the qualifications,  
410 financial stability, or licensing of the bidder or proposer.

411 (e) "Lowest responsible bid or proposal" means, as determined in the sole  
412 discretion of the Board, the bid (i) submitted by a person or firm capable and qualified in all  
413 respects to perform fully the contract requirements who has the integrity and reliability to assure  
414 good faith performance, (ii) is responsive to the Invitation to Bid or Request for Proposal as  
415 determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid may  
416 be waived by the Board. Mistakes in arithmetic extension of pricing may he corrected by the  
417 Board. Bids may not be modified after opening.

418 (f) "Proposal Most Advantageous to the District" means, as determined in the  
419 sole discretion of the Board, the proposal submitted by a person or firm (i) who has demonstrated  
420 integrity and reliability to assure good faith performance and is capable and qualified in all  
421 respects to perform the contract requirement, (ii) whose response to the Request for Proposals  
422 is the most responsive to the Request for Proposal as determined by the Board, and (iii) who has  
423 submitted a cost to the District deemed reasonable by the Board. Minor variations in the proposal  
424 may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by  
425 the Board. Proposals may not be modified after opening. To assure full understanding of the  
426 responsiveness to the solicitation requirements, discussions may be conducted with qualified  
427 proposers. The proposers shall be accorded fair and equal treatment prior to the submittal date  
428 with respect to any opportunity for discussion and revision of proposals.

429 (3) Procedure. When a purchase of contractual services is within the scope of this  
430 Rule (and the District has elected to follow this procedure), the following procedure shall he  
431 followed:

432 (a) The Board shall cause to be prepared a notice of Invitation to Bid or Request  
433 for Proposal, as appropriate.

434 (b) Notice of Invitation to Bid or Request for Proposal shall be advertised at least  
435 once in a newspaper of general circulation in the District and posted in the District office. The  
436 notice shall allow at least seven (7) days following the date of publication for submittal of bids or  
437 proposals unless the Board, for good cause, determines a shorter period of time is appropriate,  
438 which shorter time period shall be specified in the advertisement of the invitation or request.

439 (c) The District may maintain a List of persons interested in receiving Notices

440 of Invitations to Bid or requests for Proposals. The District shall make a good faith effort to  
441 provide written notice, by United States Mail, to persons who provide their name and address to  
442 the District office for inclusion on the List. However, failure of a person to receive the notice shall  
443 not invalidate any contract awarded in accordance with these Rules and shall not be a basis for  
444 a protest of contract award.

445 (d) Bids or proposals shall be opened at the time and place noted on the  
446 Invitation to Bid and Request for Proposal. Bids and proposals shall be evaluated in accordance  
447 with the invitation or request and these Rules.

448 (e) If only one response to an Invitation to Bid or Request for Proposal is  
449 received, the District may proceed with the procurement for contractual services from such  
450 bidder or proposer. If no response to an Invitation to Bid or Request for Proposal is received, the  
451 District may take whatever steps are reasonably necessary in order to proceed with the  
452 procurement for the needed contractual Services.

453 (f) The Board has the right to reject any or all bids or proposals. The reservation  
454 regarding the right to reject shall be included in all solicitations and advertisements. If the bids  
455 or proposals exceed the amount of funds available to or allocated by the District for this  
456 purchase, the bids or proposals may be rejected. Bidders and proposers not receiving a contract  
457 award shall not be entitled to recover any costs of bid or proposal preparation or submittal from  
458 the District.

459 (g) The Lowest Responsive and Responsible Bid or Proposal or the most  
460 advantageous to the District, as appropriate, may be accepted by the District. The Board may  
461 require bidders to furnish bid, performance and/or other bonds with a responsible surety to be  
462 approved by the Board.

463 (4) Notice. Notice of contract award, including the rejection of some or all bids or  
464 proposals, shall be provided in writing to all bidders or proposers by United States Mail,  
465 overnight delivery, or by hand delivery

466 (5) Contract Renewal. Renewal of a contract for contractual services shall be in  
467 writing and shall be subject to the same terms and conditions set forth in the initial contract,  
468 unless otherwise provided in the initial contract. Renewal shall be contingent upon satisfactory  
469 performance evaluations by the District.

470 (6) Contract Manager and Contract Administrator. The Board may designate a  
471 representative to function as contract manager, who shall be responsible for enforcing  
472 performance of the contract terms and conditions and serve as a liaison with the contractor. The  
473 Board may also designate a representative to function as contract administrator, who shall be  
474 responsible for maintaining all contract files and financial information. One person may serve as  
475 both contract manager and administrator.

476           (7) Emergency Purchase. The District may make an emergency purchase of contractual  
477 services without complying with these Rules. The fact that an emergency purchase has occurred  
478 or is necessary shall be noted in the minutes of the next Board meeting.

479  
480 Specific Authority: 190.011(5)  
481 Law Implemented: 190.011(3), 190.033

### 482 **3.2 Preference for Local Businesses**

483           Each Request for Proposals or bid shall require that the bidder provide an opinion of an  
484 attorney to practice law in the state or local jurisdiction where the bidder has its principal business  
485 stating whether that state or local jurisdiction provides preferences for local bidders and the  
486 nature of the preference. If the state or local jurisdiction where the lowest bidder has its principal  
487 place of business grants a preference the District shall grant those bidders with their principal  
488 place of business in Collier County a preference in the same amount as provided by the state or  
489 local government. If the state or local jurisdiction where the lowest bidder has its principal place  
490 of business does not grant a preference the District shall grant a five percent preference to those  
491 bidders who have their principal place of business in Collier County.

### 492 **3.3 Purchase of Goods, Supplies or Materials.**

493           A \$10,000 purchasing limit before at least three bids are needed except in the event of  
494 an emergency as identified by the District Manager and confirmed by the Board Chairman.

495           (1) Scope. The purchase of goods, supplies or materials exceeding the amount provided  
496 in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended  
497 from time to time, shall be purchased under the terms of Section 190, 033(1), Florida Statutes  
498 and these Rules. Contracts for purchases of goods, supplies or materials shall not be divided  
499 solely in order to avoid the requirements of these Rules.

500           (2) Definitions.

501           (a) "Goods, supplies and materials" do not include printing, insurance  
502 advertising or legal notices.

503           (b) "Purchase" means acquisition by sale, rent, lease, lease/purchase, license  
504 agreement, or installment sale. It does not include transfer, sale or exchange of goods, supplies  
505 or materials between the District and any federal, state, regional, or local government entity or  
506 political subdivision of the state.

507           (3) Procedure. When a purchase of goods, supplies or materials is within the scope of  
508 this Rule, the following is appropriate:

509           (a) The Board shall cause to be prepared an Invitation to Bid or Request  
510 for Proposal, as appropriate.

511 (b) Notice of Invitation to Bid or Request for Proposal shall be advertised at  
512 least once in a newspaper of general circulation in the District. The notice shall allow at least  
513 seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter  
514 period of time is appropriate, which shorter period of time shall be specified in advertisement of  
515 the invitation or request.

516 (c) The District may maintain lists of persons interested in receiving notices  
517 of Invitations to Bid or Requests for Proposals. The District shall make a good faith effort to  
518 provide written notice, by United States Mail, to persons who provide their name and address to  
519 the District office for inclusion on the List. However, failure of a person to receive the notice shall  
520 not invalidate any contract awarded in accordance with these Rules and shall not be a basis for  
521 a protest of any contract award.

522 (d) Bids or proposals shall be opened at the time and place noted on the  
523 Invitation to Bid or Request for Proposal. Bids and proposals, shall be evaluated in accordance  
524 with Section 190.033(1), Florida Statutes, the invitation or request and these Rules.

525 (e) The Lowest Responsive and Responsible bid or proposal shall be  
526 accepted unless the Board rejects all bids, because they are too high, or the Board determines  
527 it is in the best interests of the District to reject all bids. The Board may require bidders to furnish  
528 bid, performance and/or other bonds with a responsible surety acceptable to the Board, Bidders  
529 not receiving a contract award shall not be entitled to recover any costs of bid preparation or  
530 submittal from the District.

531 (f) Notice of award, including rejection of some or all bids, shall be provided  
532 by posting the notice in the District office for seven (7) days and by providing a copy to all  
533 bidders by United States Mail or by hand delivery.

534 (g) If only one response to an Invitation to Bid or Request for Proposal is  
535 received, the District may proceed with the procurement for goods, supplies or materials. If no  
536 response to an Invitation to Bid or Request for Proposal is received, the District may take  
537 whatever steps are reasonably necessary in order to procure the goods, supplies or materials  
538 without further competitive bids or proposals.

539 (h) The District may make an emergency purchase without complying with  
540 these Rules. The fact that an emergency purchase has occurred or is necessary shall be noted  
541 in the minutes of the next Board meeting.

542 Specific Authority: 190.01(5)

543 Law Implemented: 190.33

544

### 545 **3.4 Contracts for Construction of Authorized Project**

546 (1) Scope. All contracts for the construction or improvement of any building, structure or  
547 other public construction works authorized by Chapter 190, Florida Statutes, the costs of which



548 are estimated by the District in accordance with generally accepted cost accounting principles to  
549 be in excess of the threshold amount for applicability of Section 255.20, Florida Statutes, as that  
550 amount may be indexed or amended from time to time, shall be let under the terms of these  
551 Rules and comply with the bidding procedures of Section 255.20, Florida Statutes, as the same  
552 may be amended from time to time. In the event of a conflict between these Rules and Section  
553 255.20, Florida Statutes, the later shall control. A project shall not be divided solely to avoid the  
554 threshold bidding requirements.

555 (2) Procedure.

556 (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least  
557 once in newspaper of general circulation in the District. The notice shall allow at least twenty-one  
558 (21) days from the date such advertisement is first published for submittal of bids, unless the  
559 Board, for good cause, determines a shorter period of time is appropriate, which shorter time  
560 shall be specified in the advertisement of the invitation or request. Any project projected to cost  
561 more than \$500,000 must be noticed at least thirty (30) days prior to the date for submittal of  
562 bids.

563 (b) The District may maintain lists of persons interested in receiving  
564 notices of Invitations to Bid or Requests for Proposals. The District shall make a good faith effort  
565 to provide written notice, by United States Mail, to persons who provide their name and address  
566 to the District office for inclusion on the List. However, the failure of a person to receive the notice  
567 shall not invalidate any contract awarded in accordance with these Rules and shall not be a basis  
568 for a protest of any contract award.

569 (c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the  
570 time of bid or proposal submission:

- 571 1) Hold the required applicable state and local contractor or  
572 professional license in good standing.
- 573 2) Hold all required applicable federal licenses in good standing, if  
574 any.
- 575 3) If the bidder is a corporation, hold a current and active Florida  
576 corporate charter or, if incorporated in another state, have a current  
577 active charter from such state of incorporation and be authorized to  
578 do business in Florida in accordance with Chapter 607, Florida  
579 Statutes.
- 580 4) Meet any prequalification requirements set forth in the Invitation to  
581 Bid or Request for Proposal.

582 Evidence of compliance with this provision of the Rules shall be submitted pursuant  
583 to the requirements of the Invitation to Bid or Request for Proposal.

584 (d) Bids or proposals shall be opened at the time, date and place noted on the  
585 Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance  
586 with the invitation or request and these Rules. The District Representative (as defined in Section  
587 1.8) shall evaluate the bids and make a recommendation to the District.

588 (e) The lowest responsive and responsible bid or proposal shall be accepted unless  
589 the Board rejects all bids because they are too high, or because the Board determines it is in the  
590 best interests of the District to reject all bids or proposals. The Board may require bidders to  
591 furnish bid, performance and/or other bonds with a responsible surety acceptable to the Board.  
592 If the Board receives fewer than three responses to an Invitation to Bid or Request for Proposal,  
593 the Board may (in its Sole discretion) revise for additional bids. In such circumstances, the  
594 originally received bids will be deemed rejected. Bidders not receiving a contract award shall not  
595 be entitled to recover any costs of bid preparation or submittal from the District.

596 (f) To assist in the determination of whether a prospective bidder will be qualified, the  
597 District Representative may invite public presentation by firms (prior to the date for submitting  
598 bids) regarding their qualifications, approach to the project, and ability to perform the contract in  
599 all respects.

600 (g) In determining whether a bidder will be qualified, the District may consider all  
601 relevant information, including but not limited to the following::

- 602 1) The ability and adequacy of the bidder's personnel.
- 603 2) Past or current performance for the District and other contracts of the  
604 bidder.
- 605 3) Ability to meet time and budget requirements.
- 606 4) Geographic location of the bidder's headquarters or office in relation to the  
607 project.
- 608 5) Current and projected workloads of the bidder.
- 609 6) Volume of work previously awarded to the bidder.
- 610 7) Additional factors described in the Invitation to Bid or Request for  
611 Proposal.

612 (h) Notice of the contract award, or intent to award, (or notice of rejection of some  
613 or all bids) shall be provided by posting the notice in the District office for seven (7) days, with a  
614 copy to all bidders by United States Mail, overnight delivery, or by hand delivery.

615 Specific Authority: 190.011

616 Law Implemented: 190.033

617

618 **3.5 Design-Build Contract Competitive Proposal Selection Process**

619 (1) Scope. The District may utilize design/build contracts for any public construction  
620 project for which the Board determines that use of such contract is in the best interest of the  
621 District. When letting a design/build contract, the District shall use the following procedure:

622

623 (2) Procedure.

624 (a) The District shall utilize a design criteria professional meeting the requirements  
625 of Section 287.055(2)(K) when developing a design criteria package, evaluating the responses  
626 or bids submitted by design-build firms, and determining compliance of the project construction  
627 with the design criteria package. The design criteria professional may be an employee of the  
628 District or may be retained using Rule 1.7, Procedure under Consultants' Competitive  
629 Negotiations Act.

630 (b) A design criteria package for the construction project shall be developed and  
631 sealed by the design criteria professional. The package shall include concise, performance-  
632 oriented drawings or specifications of the project, and shall include sufficient information to put  
633 interested firms on notice of substantially all of the requirements of the project. If the project  
634 utilizes existing plans, the design criteria professional shall create a design criteria package by  
635 supplementing the plans with project specific requirements, if any. All design criteria packages  
636 shall require firms to submit information regarding the qualifications, availability, and past work of  
637 the firms, including the partners and members thereof.

638 (c) The Board, in consultation with the design criteria professional, shall establish  
639 the standards and procedures for the evaluation of design-build proposals based on price,  
640 technical, and design aspects of the project, weighted for the project.

641 (d) After a design criteria package and the standards and procedures for evaluation  
642 of proposals has been developed, competitive proposals from qualified firms shall be solicited,  
643 pursuant to the design criteria by the following procedure:

644 1) A Request for Proposals shall be advertised at least once in a newspaper  
645 of general circulation in the County in which the District is located. The  
646 notice shall allow at least seven (7) days for submittal of proposals unless  
647 the Board, for good cause, determines a shorter period of time is  
648 appropriate.

649 2) The District may maintain qualification information, including capabilities,  
650 adequacy of personnel, past record, experience, whether the firm is a  
651 certified minority business enterprise as defined by the Florida Small and  
652 Minority Business Assistance Act of 1985, and other factors, on design-  
653 build firms. Such firms shall receive a copy of the request for proposals by  
654 mail.

- 655                   3)     In order to be eligible to submit a proposal: a firm must, at the time of  
656                   Receipt of the proposals:
- 657                   a.     Hold the required applicable state professional license in good  
658                   standing, as defined by 287.055(2)(h);
  - 659                   b.     Hold all required applicable federal licenses in good standing, if any;
  - 660                   c.     Hold a current and active Florida corporate charter or be authorized to  
661                   do business in Florida in accordance with Chapter 607, Florida  
662                   Statutes, if the bidder is a corporation;
  - 663                   d.     Meet any special prequalification requirements set forth in the design  
664                   criteria package.

665                   Evidence of compliance with these Rules may be submitted with the bid, if required by the  
666     District.

667                   (e)    The Board shall select no fewer than three design-build firms as the most  
668     qualified, based on the information submitted in the response to the request for proposals, and in  
669     consultation with the design criteria professional, shall evaluate their proposals based on the  
670     evaluation standards and procedures established prior to the solicitation of requests for proposal.

671                   (f)    The Board shall negotiate a contract with the firm ranking the highest based  
672     on the evaluation standards and shall establish a price which the Board determines is fair,  
673     competitive, and reasonable. Should the Board be unable to negotiate a satisfactory contract  
674     with the firm considered to be the most qualified at a price considered by the Board to be fair,  
675     competitive, and reasonable; negotiations with that firm must be terminated. The Board shall  
676     then undertake negotiations with the second most qualified firm, based on the ranking by the  
677     evaluation standards, failing accord with the second most qualified firm, the Board must  
678     terminate negotiations. The Board shall then undertake negotiations with the third firm. Should  
679     the Board be unable to negotiate satisfactory contract with any of the selected firms, the Board  
680     shall select additional firms in order of their rankings based on the evaluation standards and  
681     continue negotiations until an agreement is reached.

682                   (g)    The design criteria professional shall evaluate the compliance of the  
683     project construction with the design criteria package and shall provide the Board with a report  
684     of the same.

685                   (h)    After the Board contracts with a firm, the firm shall bring to the Board for  
686     approval, detailed working drawings of the project.

687                   (i)    Emergency Purchase. The Board may, in case of public emergency, declare  
688     an emergency and immediately proceed with negotiations with the best-qualified design-build

689 firm available at the time. The fact that an emergency purchase has occurred shall be noted in  
690 the minutes of the next Board meeting.

691 **3.6 Contracts for Maintenance Services**

692 (1) Scope. All contracts for maintenance services of any District facility or project shall  
693 be obtained under these Rules if the costs exceed the amount provided in Sections 287.017,  
694 Florida Statutes, for CATEGORY FOUR. A contract for maintenance services for any District  
695 facility or project may involve the purchase of contractual services and/or goods, supplies or  
696 materials. Where a contract for maintenance services for a facility or project includes goods,  
697 supplies or materials and/or contractual services, the District may, in its sole discretion, award  
698 the contract according to the Rules in this subsection in lieu of separately bidding for  
699 maintenance, goods, supplies or materials, and contractual services.

700 (2) Procedure.

701 (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least  
702 once in a newspaper of general circulation in the District. The notice shall allow at least seven (7)  
703 days from the date such advertisement is first published for submittal of bids, unless the Board,  
704 for good cause, determines a shorter period of time is appropriate, which shorter time shall be  
705 specified in the advertisement of the notice or request.

706 (b) The District may maintain a List of persons interested in receiving Notices of  
707 Invitations to Bid or Requests for Proposals. The District shall make a good faith effort to provide  
708 written notice, by United States Mail, to persons who provide their name and address to the  
709 District office for inclusion on the list, However, the failure of a person to receive the notice shall  
710 not invalidate any contract awarded in accordance with these Rules and shall not be a basis for  
711 a protest of the contract award.

712 (c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the  
713 time of bid or proposal submission:

- 714 1) Hold the required applicable state and local license in good standing.
- 715 2) Hold all required applicable federal licenses in good standing, if any.
- 716 3) If the bidder or proposer is a corporation, hold a current and active Florida  
717 Corporate charter or if incorporated in another state, have a current active  
718 charter from such state of incorporation and be authorized to do business  
719 in Florida in accordance with Chapter 607, Florida Statutes.
- 720 4) Meet any prequalification requirements set forth in the Invitation to Bid or  
721 Request for Proposal.

722 Evidence of compliance with this provision of the Rules shall be submitted pursuant to the  
723 requirements of the Invitation to Bid or Request for Proposal.

724 (d) Bids or proposals shall be opened at the time, date and place noted on the

725 Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance  
726 with the invitation or request and these Rules. The District Representative (as defined in Section  
727 1.8) shall evaluate the bids and make a recommendation to the Board.

728 (e) To assist in the determination of whether a prospective bidder will be qualified,  
729 the District Representative may invite public presentation by firms (prior to the date for submitting  
730 bids) regarding their qualifications, approach to the project, and ability to perform the contract in  
731 all respects.

732 (f) In determining whether a bidder is qualified, the District may consider all  
733 relevant information, including but not limited to the following:

- 734 1) The ability and adequacy of the bidder's personnel.
- 735 2) Past or current performance for the District and with respect to other  
736 contracts of the bidder.
- 737 3) Ability to meet time and budget requirements.
- 738 4) Geographic location of the bidder's headquarters or office in  
739 relation to the project.
- 740 5) Current and projected workloads of the bidder.
- 741 6) Whether the firm is a certified minority business enterprise,
- 742 7) Volume of work previously awarded to the bidder.
- 743 8) Additional factors described in the Invitation to Bid or Request for  
744 Proposal.

745 (g) In evaluating the bids or proposals, the Board shall have the right to accept  
746 that bid which the Board determines, in the exercise of its reasonable judgment, is in the best  
747 interest of the District, or the Board may reject all bids because they are too high or because the  
748 Board determines it is in the best interests of the District to reject all bids. The Board may  
749 require bidders to furnish bid, performance and/or other bonds with a responsible surety to be  
750 approved by the Board. Bidders not receiving a contract award shall not be entitled to recover  
751 any costs of bid preparation or submittal from the District.

752 (h) Notice of the award or intent to award (or a notice rejecting some or all bids)  
753 shall be provided in writing by posting the notice in the District office for seven (7) days, with a  
754 copy to bidders by United States Mail, overnight delivery, or by hand delivery.

755 Specific Authority: 190.011(5)

756 Law Implemented: 190.033

757

## 758 **SECTION 4 PURCHASE OF INSURANCE**

### 759 **4.1 Purchase of Insurance**

760 (1) Scope. The purchase of life, health, accident, hospitalization, legal expense or  
761 annuity insurance, or all or any kind of such insurance for the officers and employees of the

762 District, and for health, accident, hospitalization and legal expense insurance for the dependents  
763 of such officers and employees upon a group insurance plan by the District, shall be governed  
764 by these Rules. Nothing in this Rule shall require the District to purchase insurance.

765 (2) Procedure. For a purchase of insurance within the scope of this Rule, the following  
766 procedure shall be followed:

767 (a) The Board shall cause to be prepared a notice of Invitation to Bid.

768 (b) Notice of Invitation to Bid shall be advertised at least once in a newspaper of  
769 general circulation in the County and in the District. The notice shall allow at least seven days (7)  
770 days for submittal of bids, unless the Board, for good cause, determines a shorter period of time  
771 is appropriate.

772 (c) The District may maintain a list of persons interested in receiving Notices of  
773 Invitations to Bid. Persons who provide their name and address to the District office for inclusion  
774 on the list shall receive notices by mail.

775 (d) Bids shall be opened at the time and place noted on the Invitation to Bid.

776 (e) If only one response to an Invitation to Bid is received, the District may  
777 proceed with the purchase. If no response to Invitation to Bid is received, the District may take  
778 whatever steps are reasonably necessary in order to proceed with the purchase.

779 (f) The Board has the right to reject any and all bids and such reservations shall be  
780 included in all solicitations and advertisements.

781 (g) Simultaneously with the review of submitted bids, the District may undertake  
782 negotiations with those companies which have submitted reasonable and timely bids and, in the  
783 opinion of the Board, are fully qualified and capable of meeting all services and requirements.  
784 Bid responses shall be evaluated in accordance with the specifications and criteria contained in  
785 the Invitation to Bid; in addition, total cost to the District, the cost, if any, to District officers,  
786 employees, or their dependents, the geographic location of the company's headquarters and  
787 offices in relation to the District, past performance for the District, and the ability of the company  
788 to guarantee premium stability may be considered. A contract to purchase insurance shall be  
789 awarded to that company whose response to the Invitation to Bid best meets the overall need  
790 the District, its officers, employees and/or dependents.

791 (h) Notice of the award or intent to award, including rejection of some or all  
792 bids, shall be provided in writing to all bidders by United States Mail, overnight delivery, or by  
793 hand delivery, and by posting the same in the District office for seven (7) days.

794 Specific Authority: 190.11(5)

795 Law Implemented: 1.12.08

796 **SECTION 5 WATER AND SEWER UTILITY RULES**



797 Purpose. The purpose of these Rules is to establish comprehensive regulations  
798 pertaining to water and wastewater utilities owned and operated by the District; providing for the  
799 establishing rates and charges for utility service, use or consumption by consumers within or  
800 without the District; providing provisions for extension of mains and services; providing  
801 definitions, including limitations and prohibited uses or practices; providing procedures for  
802 hearing disputes involving charges and disconnections; providing for deposits and adjustments;  
803 providing and effective date.

804 Necessity. To establish comprehensive regulations pertaining to water and wastewater  
805 utilities owned and operated by the District.

806 **5.1 General Provisions and Definitions applicable to the Port of the Islands**  
807 **Community Improvement District Water and Wastewater Systems**

808 The Port of the Islands Community Improvement District does hereby establish uniform  
809 policies and comprehensive rates, charges, and service schedules for its water and wastewater  
810 utility system affecting all consumers thereof.

811  
812 **5.2 Definitions:**

813 The following terms and phrases, when used herein, shall have the meaning ascribed to  
814 them in this Section, except where the context clearly indicates a different meaning. Words used  
815 in the present terms shall include the future, and the singular number includes the plural, and the  
816 plural the singular.

817 **Availability Fee:** A fee established to defray the carrying cost of the financing of the  
818 capital facilities for potable and irrigation water distribution lines and wastewater collection  
819 facilities.

820 **Connection Fees:** Those charges of the District required to be paid by a consumer as  
821 a condition precedent to the interconnection of District's utility system with a consumer's  
822 property.

823 These fees are established to defray some part of the capital costs of construction of  
824 potable water and wastewater treatment facilities, water wells, wastewater disposal facilities,  
825 potable and Irrigation water distribution lines, and wastewater collection lines, and to contribute  
826 to some part of the District's ongoing operating expenses.

827 **Consumer:** Any person, firm, association, corporation, governmental agency or similar  
828 organization supplied with the availability of water and wastewater service by District which term  
829 shall also include developers and large users.

830 **Consumer Installation:** All pipes, fixtures, meters, appurtenances of any kind and nature  
831 used in connection with or forming a part of an installation for utilizing water and wastewater

832 services for any purpose, located on the consumers' side of "point of delivery", whether such  
833 installation is owned outright by a consumer or by contract, lease or otherwise.

834 **Developer:** Any person, corporation, or other legally recognized entity who engages in  
835 the business of making improvements to or upon real property located within or without the  
836 District as owner or legally constituted agent for the owner of such real property.

837 **District:** The District as defined in 1.10

838 **Easements:** Rights of ingress, egress, dedications, rights of way, conveyances or other  
839 property interests necessary or incidental to the installation, extension, repair, maintenance,  
840 construction or re-construction of District's utility system or any components thereof, over or upon  
841 consumer's property.

842 **Engineer:** The appointed head of the Engineering Department of the District or his  
843 authorized representatives or consultant.

844 **Finance Director:** The District Treasurer.

845 **Port of the Islands Community Improvement District:** A governmental agency of  
846 the State of Florida, created pursuant to Chapter 190 of the Florida Statutes.

847 **Main:** Shall refer to pipe, conduit or other facility installed to convey water or  
848 wastewater service from individual laterals or to other mains.

849 **Meter Fee:** Those charges established by the District required to be paid by a consumer  
850 as a condition precedent to the interconnection of District's utility system with a consumer's  
851 property. These fees are established to defray the cost of the meter, related appurtenances,  
852 administrative charges, and labor required by the District for interconnection to the District's  
853 facilities.

854 This fee is established for the purpose of replacing the Connection fees adopted in Section  
855 I of the Rules of the Port of the Islands Community Improvement District.

856 **Off Site Facilities:** Those components of water distribution and wastewater collection  
857 facilities located outside consumer's property with facilities of the District, in accordance with the  
858 size required by the District.

859 **On Site Facilities:** Those components of water distribution and wastewater collection  
860 facilities located upon consumer's "property".

861 **Point of Delivery:** The point where the District pipes are connected with the pipes of the  
862 consumer. Unless otherwise indicated, point of delivery for water shall be at the discharge side  
863 of the backflow preventer. Unless otherwise indicated point of deliver for waste- water service  
864 shall be at the upstream connection of the clean-out which is placed at or about public right of  
865 way or utility easement. In the absence of a clean-out the point of delivery is at the waste-water  
866 lateral connection to the wastewater main of the District. For irrigation distribution systems the  
867 Point of Delivery is the discharge side of the meter.

868           **Property:** The land or improvements upon land of which the consumer is owner or over  
869 which consumer has control either by contract or possessory interest sufficient to authorize  
870 consumer to make application for service, or adjacent right of way which services the land or site  
871 being developed. District may require proof of such interest prior to the furnishing of service by  
872 copy of instrument of conveyance, contract or appropriate verified statement contained in the  
873 application for service.

874           **Rate Schedule:** The schedule or schedules of rates or charges for the particular  
875 classification of service.

876           **Service:** Shall be construed to include, in addition to all water and wastewater utilities  
877 required by the consumer the readiness and ability on the part of the District to furnish water  
878 and wastewater services to the consumer.

879           **Service or Lateral Lines:** Those pipes of the District that connect to consumer's  
880 lines.

881           **Terms "Shall" and "May:"** As used herein, the word "may" is permissive, and the  
882 word "shall" mandatory.

883           **Utilities Director:** The appointed Head of the Utility Department of the District or his  
884 authorized representative.

885           **Utility System:** As used herein, refers to the District's water distribution and  
886 wastewater collection systems, and any component parts thereof.

### 887 **5.3 General**

888           It is the policy of the District and the requirements of this rule that there is not permitted  
889 the individual installation and use of any private wells or septic tanks without the express written  
890 consent of the District. Applicant is advised that as part of the District's utility system there is or  
891 will be a District's utility system including the irrigation distribution facilities and to take proper  
892 caution to ensure that there is not permitted a cross connect between the irrigation lines and the  
893 potable water service line. Prior to the connection of the irrigation and potable service lines to  
894 each residential or commercial user the Utility Director shall be notified 24 hours prior to such  
895 connection so that an inspection can be made.

896           In the absence of specific written agreement to the contrary entered into prior to the  
897 effective date of this Resolution, these regulations apply without modification or change to each  
898 and every consumer to whom the District renders service.

### 899 **5.4 Application for Service**

900           Service shall be furnished only upon signed application accepted by District and the  
901 conditions of such application are binding upon the consumer as well as upon the District. To  
902 obtain service, application shall be made at the District in the place or places designated by the  
903 Finance Director. Applications are accepted by the District with the understanding that there is no

904 obligation on the part of the District to render service other than that which is then available from  
905 its existing water production and distribution equipment and service lines, and from its existing  
906 wastewater treatment collection, transmission and treatment facilities. The applicant shall furnish  
907 to the District at the time of making application the name of the applicant, the owner-ship or other  
908 interest in or to the property or location and the legal description or street address at which service  
909 is to be rendered.

910 Application for service required by firms, partnerships, associations, corporations and  
911 others, shall be tendered only by duly authorized parties. When service is rendered under  
912 agreement or agreements entered into between the District and an agent of the principal, the use  
913 of such service by the principal shall constitute full and complete ratification by the principal of the  
914 agreement or agreements entered into between the District and an agent of the principal under  
915 which such service is rendered.

916 At the time of application for service the applicant shall pay the fees, rates and charges  
917 Identified on Schedule "B" for the connection fee. Applicant will then be billed monthly in  
918 accordance with the water and wastewater rates and charges shown on Schedule "A." If a project  
919 Is constructed in phases, applicant will be required to pay for the number of units or in the case  
920 of commercial or industrial, the equivalent residential connection based upon a multiple of 5.75  
921 ERCs per acre as shown on the building permit application for the construction of the phase.  
922 Other appropriate charges as identified in Schedules "A" and "B" will apply to the remainder of  
923 the property as it relates to availability fees as identified in Schedule "A." Prior to the initiation of  
924 construction on subsequent phases, applicant is required to pay the required fees and charges  
925 in accordance with the provisions of this paragraph.

926



Port of the Islands Water & Sewer

**Application for Utility Service**

927  
928  
929 Name(s) on Account: \_\_\_\_\_

930 Daytime Phone: \_\_\_\_\_ Cell Phone \_\_\_\_\_

931 Email Address: \_\_\_\_\_

932 Driver's License: State: \_\_\_\_\_ Number: \_\_\_\_\_

933 Date Service to Begin: \_\_\_\_\_ Deposit Amount: (150.00 renter required) \_\_\_\_\_

934 Which will you be doing (Deposits cannot be made online): \_\_\_\_\_ Making a Deposit

935 Please select services requested: \_\_\_ Water \_\_\_ Sewer \_\_\_ Irrigation

936 **Service Address:**

937 Street \_\_\_\_\_

938 City \_\_\_\_\_ State \_\_\_\_\_

939 Zip \_\_\_\_\_

940 **Mailing Address:**

941 Street \_\_\_\_\_

942 City \_\_\_\_\_ State \_\_\_\_\_

943 Zip \_\_\_\_\_

944 **Submit to:** Port of the Islands, Premier District Management, 1922 Victoria Ave, Unit B, Fort  
945 Myers, FL 33901 (Fax 239-214-6074)

946 **\*\*\*Important Information\*\*\* - Please read**

947 Any account set up after 1:00 PM that has been disconnected will not be scheduled to have  
948 water reconnected until the following business day. There will be a \$10.00 connection fee.

- 949
- 950 • I am applying for utility service from Port of the Islands Water and Sewer Utility at the  
951 above address. I agree to follow and abide by all rules for utility service and to pay charges  
952 in effect as stated on each bi-monthly bill.
  - 953 • I am also responsible for making sure that all faucets are turned off in the home before  
954 the service is established. The District is not liable for damages caused by water faucets  
955 or outlets left on.
  - 956 • I understand that non-payment of my account will result in discontinuation of service.

956  
957 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

958 (Write or type name to acknowledge above statement)

959

960 **5.5 Withholding Service**

961 The District may withhold service to a consumer who makes application for service at or  
962 upon a location for which prior service has not been paid in full to the date of such application. It  
963 shall be the responsibility of the applicant to make Inquiry as to the delinquent status of the  
964 account and bring said account current as a condition precedent to continuation of service. The  
965 District shall maintain current records of outstanding accounts and shall make such information  
966 available to the public at its office during normal business hours. Service may also be withheld  
967 for service installations which are not complete or are not in compliance with District requirements.

968 **5.6 Limitations of Use**

969 Utility service purchased from the District shall be used by the consumer only for the  
970 purpose specified in the application for service. The consumer shall not sell or otherwise dispose  
971 of such utility service supplied by the District. All utility service furnished by the District to the  
972 consumer shall be through District meters and may not be re-metered by the consumer for the  
973 purpose of selling or otherwise disposing of such service without the written consent of the District.  
974 In no case shall a consumer, except with the written consent of the District, extend water or  
975 wastewater lines across a street, alley, lane, court, property line, avenue, or other public  
976 thoroughfare or right of way in order to furnish utility service for adjacent property even though  
977 such adjacent property is owned by him.

978 **5.7 Unauthorized Connection or Use**

979 No person without prior written consent of the District shall tap any pipe or main belonging  
980 to District water or wastewater system for the purpose of taking or using water from the system  
981 or from such pipe or main, for connecting to the wastewater system, or for any other purpose.  
982 Connections to the District's water or wastewater system for any purpose whatsoever are to be  
983 made only as authorized by the District. In case of any unauthorized interconnection, extension,  
984 re-metering, sale or disposition of utility service, consumer's utility service shall be subject to  
985 discontinuance until such authorized use or disposition is discontinued and full payment is made  
986 for such service, calculated on proper classification and rate schedules plus penalties and  
987 reimbursement in full made to the District for any extra expenses incurred by District as the result  
988 of such unauthorized use, including administrative costs, testing inspections, and court costs. In  
989 addition, unauthorized use may result in appropriate criminal prosecution by District.

990 **5.8 Consumer Deposits**

991 Before rendering service, a deposit to secure the payment of bills and any expenses  
992 incurred by District is required and, upon payment, the District shall give the consumer a non-  
993 negotiable and non-transferable deposit receipt. Such deposit shall bear no interest and shall  
994 remain with the District until termination of service. Deposits shall be made in accordance with  
995 the rate schedules of the District in effect at the time of payment. Upon final settlement of a

996 consumer's account, the deposit may be applied by District to any account balance due and any  
997 remaining balance of the deposit will be refunded upon surrender to the District applicable deposit  
998 receipt or when the receipt cannot be produced, upon adequate identification. The District may  
999 require additional deposits for consumers whose services have been previously disconnected  
1000 due to non-payment as a condition to continued service, upon adequate proof as determined by  
1001 the Finance Director.

## 1002 **5.9 Billing**

1003 Bills for service shall be rendered monthly or periodically at intervals not to exceed ninety  
1004 (90) days at the direction of the Board of Supervisors, and shall be due when rendered. A bill shall  
1005 be deemed rendered when mailed United States mail; postage prepaid, or when delivered to the  
1006 consumer's address shown on the application for service. Nor partial payment of any bill rendered  
1007 will be accepted by District unless authorized by the Finance Director, in writing indicating the  
1008 reason therefor, such as a contested billing, consumption, or hardship.

## 1009 **5.10 Delinquent Billing: Liens in Favor of District, Procedures for Contesting Charges**

1010 Delinquent utility fees and charges shall be deemed liens upon the real property or  
1011 premises and may be foreclosed as provided by law. All statements and billings for utility services  
1012 shall be due when rendered and deemed delinquent if not paid within twenty (20) days of the date  
1013 shown thereon. Any consumer contesting any statement or billing shall first present same to the  
1014 District utility department with a statement of explanation or contest in writing prior to the bill  
1015 becoming a delinquent. If the matter is not then resolved, the Finance Director shall, within  
1016 seven (7) days, notify the consumer in writing that the matter will be heard before a panel  
1017 consisting of the Finance Director or his designee, and a representative of the District  
1018 administration. Notice shall be given to the aggrieved consumer at least seven (7) days prior to  
1019 the scheduled hearing by mailing said notice to the address which appears on the consumer's  
1020 utility billing, or by personal service by leaving a copy of said notice at rendered and deemed  
1021 delinquent if not paid within twenty (20) days of the date shown thereon. Any consumer contesting  
1022 any statement or billing shall first present same to the District utility department with a statement  
1023 of explanation or contest in writing prior to the bill becoming a delinquent. If the matter is  
1024 not then resolved, the Finance Director shall, within seven (7) days, notify the consumer  
1025 in writing that the matter will be heard before a panel consisting of the Finance Director  
1026 or his designee, and a representative of the District administration. Notice shall be given  
1027 to the aggrieved consumer at least seven (7) days prior to the scheduled hearing by  
1028 mailing said notice to the address which appears on the consumer's utility billing, or by  
1029 personal service by leaving a copy of said notice at such address either by delivery such



1030 address either by delivery such address either by delivery to any person upon the  
1031 premises, by posting in a conspicuous place on or about the main entrance, or by placing  
1032 same in any receptacle used on the premises for the deposit of mail. Refusal by any consumer  
1033 to accept service or notice thereof shall be noted upon the notice when returned, and shall be  
1034 deemed a waiver by the consumer of the opportunity for hearing provided herein, in which case  
1035 the determination of the District utility department shall be final. The hearing shall be conducted  
1036 during normal business hours at District Offices, or the panel and the aggrieved consumer may  
1037 agree to a time which is mutually convenient to all. All utility bills shall be paid on or before the  
1038 due date on the utility bill to avoid discontinuance of service. If during the hearing process an  
1039 adjustment to the billing is made, a refund to the consumer shall be rendered either by check or  
1040 as a credit to consumers active account within seven (7) days as determined by the Finance  
1041 Director. If, after this hearing the matter is not resolved, then the consumer may request an  
1042 appearance before the Board of Supervisors, in which event all documents, transcripts, findings,  
1043 and statements shall be transmitted forthwith to the District Manager for further disposition. It shall  
1044 be the duty of the Manager to notify the consumer of the public hearing at which the consumer is  
1045 to appear before the Board of Supervisors, by mail or delivery of notice as provided in this Section.  
1046 All statements and billings for utility service not paid within twenty (20) days from the date  
1047 rendered shall be considered delinquent and service subject to termination. A reminder notice will  
1048 be mailed by the District on the 21st day after the statement or billing is rendered indicating a  
1049 cutoff date which shall be no less than ten (10) days from the date of the delinquent notice.  
1050 Statements or billings not paid within 48 hours of the cutoff date will receive a doorhanger  
1051 indicating a Final Notice of Intent to Terminate Service which shall be placed on or about the main  
1052 entrance of the premises at which Service is being provided. Non-payment by 10:00 a.m. EST on  
1053 the cutoff date will result in termination of service on that date. Service shall not be resumed after  
1054 termination until all charges outstanding at the premises have been paid in full in cash, and all  
1055 fees and deposits authorized by these rules have been paid. If a statement or billing remains  
1056 unpaid and the new billing is rendered, the statement or billing will include the uncollected  
1057 delinquent balance, listed as a "prior balance" in addition to the current charges. No service will  
1058 be discontinued for a balance due equal to or less than one month's minimum charge.

1059 Specific Authority: Chapter 190.035, 190.012, 120.54, Florida Statutes  
1060 Law Implemented: Chapter 190.035 Florida Statutes  
1061 History: Revision to Chapter II establishing water and wastewater  
1062 regulations, rates and charges for utility service.  
1063

1064 *1.05 EFFECTIVE DATE. This amendment to Chapter 11 of the Rules of the Port of the Islands*  
1065 *Community Improvement District shall become effective January 1, 1996.*  
1066

1067 Specific Authority: Chapter 190.035, 190.012, 120.54, Florida Statutes  
1068 Law Implemented: Chapter 190.035, Florida Statutes  
1069 History: Revision to Chapter II established water and wastewater  
1070 regulations, rates and charges for utility service.  
1071 Adopted: January 19, 1996  
1072 Amendment No. 3: January 1, 1996  
1073

1074 **5.11 Adjustment of Bills: Meter Readings, and Inspections**

1075 When a consumer is determined by District to have been overcharged or undercharged  
1076 as a result of incorrect meter reading, defective metering, incorrect application of rate schedule  
1077 fees and charges, or mistake in billing, the amount so determined may be credited or billed to  
1078 the consumer, as the case may be. The District may read and inspect meters periodically to  
1079 determine their condition and accuracy and as a basis for periodic billings. If a consumer requests  
1080 an inspection or re-reading of a meter, the District may impose a service charge therefor in  
1081 accordance with policies for service established by the utility department and approved by District  
1082 administration.

1083 **5.12 Access to Premises**

1084 As a condition to providing service, the consumer shall grant to the District or its authorized  
1085 agents or employees access to consumer's property during all reasonable hours and, in the event  
1086 of an emergency, at any time, for the purposes of reading meters or maintaining, inspecting,  
1087 repairing, installing or removing District's property, and for any other purposes incident to  
1088 performance under or termination of any agreement with a consumer or such consumer's  
1089 predecessor in interest or use of the facilities or services made accessible to the District by the  
1090 consumer or be relocated by the District.

1091 **5.13 Inspection of Consumer's Installation**

1092 District reserves the right to inspect and approve any consumer installation prior to  
1093 providing service and from time to time thereafter to ensure compliance with applicable laws,  
1094 ordinances of the District; and rules and regulations affecting such installation. No changes or  
1095 increases in any consumer installation which will materially affect proper operation of District  
1096 utility system shall be made by a consumer without express written consent of the District  
1097 Engineer and approval of the District Utilities Director. Consumer shall be responsible for the  
1098 cost of making changes or repairs resulting from any unauthorized alteration, and the District  
1099 may require payment or reimbursement therefor as a condition to continued service.

1100

1101 **5.14 Protection of District Property**

1102 In the event of any damage to District property located upon consumers' property which  
1103 arise out of any act of consumer or agents, employees or independent contractors upon the  
1104 premises, the cost of repairs or replacement shall be the responsibility of the consumer, and full  
1105 payment or reimbursement to District therefore may be condition imposed by District for the  
1106 continuation of service.

1107 **5.15 Change of Occupancy, Termination or Transfer of Services**

1108 It shall be the obligation of the consumer to notify the District of change of occupancy, or  
1109 other circumstances for which termination or transfer of service is requested, and consumer shall  
1110 be responsible for all service charges incurred to the date upon which written or personal  
1111 notification is received by District.

1112 **5.16 Resumption of Service**

1113 After termination or discontinuance of service as provided herein, the District may require  
1114 as a condition precedent to service resumption payment in full or adequate security in the form  
1115 of additional security deposits to cover all costs reasonably incurred by District as the result of  
1116 such termination or discontinuance, including any re-connection fees, meter installation or  
1117 removal and re-installation costs, inspection costs, or other costs, or other costs incident thereto  
1118 in accordance with District's schedule of fees and costs for such services then in effect.

1119  
1120 **5.17 Continuity of Service**

1121 The District will at all times use reasonable diligence to provide continuous service, and  
1122 having used reasonable diligence, shall not be liable to the consumer for failure or interruption of  
1123 continuous service. The District shall not be liable for any act or omission caused directly or  
1124 indirectly by strikes, labor troubles, accident, litigations, breakdowns, shutdowns for repairs or  
1125 adjustments, acts of sabotage, enemies of the United States, wars, governmental interference,  
1126 acts of God or other causes beyond its control.

1127 **5.18 Maintenance and Standards**

1128 All pipes, conduits or other component parts of service installed in or upon the premises  
1129 of a utility consumer shall conform to District standards of type, quality, quantity and regulations  
1130 regarding installation. Consumer shall be responsible for maintaining all on site facilities in proper  
1131 repair, and shall not alter or modify any interconnection of service without first notifying District  
1132 and securing approval therefor in writing or by permission from an authorized representative of  
1133 District's utility department. Unauthorized alteration or modification of any on site utility service

1134 interconnection may result in immediate termination of the affected service and repair or  
1135 restoration by District or at its direction at the consumer's costs.

### 1136 **5.19 Meters**

1137 Each consumer of the District receiving water must have a water meter which measures  
1138 flow, and which is the ultimate basis for water charges. All water meters shall be furnished by,  
1139 installed by and remain the property of the District and shall be accessible to and subject to its  
1140 control. Meters are not transferrable to another residence or business site. The consumer shall  
1141 provide meter space to the District at a suitable and readily accessible location and when the  
1142 District considers it advisable, within the premises to be served, adequate and proper space for  
1143 the installation of meters and other similar devices.. Before a meter is installed, all meter fees and  
1144 connection fees being due must be paid.

1145 Consumers may have separate meters for irrigation purposes only. The meter to be  
1146 furnished by the District shall be sized to be compatible with the existing line and main sizes  
1147 according to District standards and specifications at the consumers expense. The consumer shall  
1148 be required to provide a proper service connection and service line in accordance with the District  
1149 standards and specifications. Meter sizes, other than those originally specified or intended, shall  
1150 be as approved by the District Engineer and the District Utilities Director.

1151

### 1152 **5.20 All Water Through Meters**

1153 That portion of the consumer's installation for water service shall be arranged so that all  
1154 water service shall pass through the meter. No person shall make or cause to be made any  
1155 connection with, any main, service pipe, or other pipes, appliances or appurtenance used for or  
1156 in connection with the District's water system in such manner as to cause to be supplied water  
1157 from such plant to any faucet or other outlet whatsoever without such water passing through a  
1158 meter provided by the District and used for measuring and registering the quantity of water  
1159 passing through the same, or make or cause to be made, without the consent of the District, any  
1160 connection with any such plant or any main, pipe service pipe or other instrument or appliance  
1161 connected with such plant in such manner as to take or use, without the consent of the District,  
1162 any water.

### 1163 **5.21 Meter Testing**

1164 The District reserves the right to remove the meter and check, repair, or replace it at any  
1165 time at no cost to the consumer. Should a consumer desire his meter to be checked at any time,  
1166 he may have this work done by submitting a written request accompanied by a fee in accordance  
1167 with the rate schedules of the District in effect at the time of such testing. Should the meter be  
1168 tested and found to be registering over two percent (2%) more than is actually used, the last three

1169 months service bill will be adjusted accordingly, the meter will be repaired or replace, and the fee  
1170 returned. In any other case, the amount of the fee shall be retained by the District to defray the  
1171 cost of testing.

1172 **5.22 Damaging, Tampering with, ETC. Facilities of Utility Plant or System**

1173 No person shall: damage or knowingly cause to be damaged any meter or water or  
1174 wastewater pipe or fittings connected with or belonging to a District water or wastewater system,  
1175 or tamper or meddle with any meter or other appliance or any part of such system in such manner  
1176 as to cause loss or damage to the District; prevent any meter installed for registering water from  
1177 registering the quantity which otherwise would pass through the same; alter the index or break  
1178 the seal of any such meter; in any way hinder or interfere with the proper action of just registration  
1179 of any such meter; fraudulently use, waste or suffer the loss of water passing through any such  
1180 meter, pipe or fitting, or other appliance or appurtenance connected with or belonging to such  
1181 system after such meter, pipe, fitting, appliance or appurtenance has been tampered with, injured  
1182 or altered.

1183 **5.23 Private Fire Service Connection**

1184 A private fire service connection is to be used for fire purposes only and is to have no  
1185 connection whatsoever with any service lines that may be used for other than fire purposes, and  
1186 because of the danger of pollution, shall have no connection with any other source of supply with  
1187 the exception in case a tank or fire pump is installed as secondary supply. There shall be a  
1188 backflow preventer installed by the consumer at his expense in each District connection to prevent  
1189 the water from these secondary supplies from following into the District mains.

1190 The consumer shall not draw any water whatsoever through this connection for any  
1191 purpose except the extinguishing of fires, or for periodic tests of the fire system, which tests shall  
1192 be made in the presence of a representative of the District. Any authorized representative of the  
1193 District shall have free access to the building at any reasonable time for the purpose of inspecting  
1194 any of the equipment.

1195 The consumer shall set in this connection at the point of delivery a weighted check valve  
1196 fitted with a by-pass on which shall be set a meter, installed by District at consumer's expense,  
1197 the purpose of which shall be to indicate whether or not water is being used through this  
1198 connection and for the further purpose of showing any leakage, if same exists. All meters shall  
1199 become the property of the District.

1200 Violation by the consumer of any of the regulations in this section shall justify the District  
1201 to disconnect said pipe or pipes or stop the flow of water through same.

1202           The right is reserved by the District to shut off the supply at any time in case of accident,  
1203 or to make alterations, extensions, connections, or repairs and if possible, the District agrees to  
1204 give due and ample notice of such shut-off.

1205           The District does not make any guarantee as to a certain pressure in the pipe or in the  
1206 main supplying same, and shall not be, under any circumstances held liable for loss or damage  
1207 to the owner for a deficiency or failure in the supply of water, whether occasioned by shutting off  
1208 of water in case of accident or alteration, extensions, connections or repairs, or for any cause  
1209 whatsoever.

1210           When fire line valves or connections are used in case of fire or for any other reason  
1211 whatsoever, the consumer shall immediately notify the District and the District shall forthwith  
1212 reseal the used valves or connections.

1213

#### 1214 **5.24 Termination of Service**

1215           All utility service shall be pursuant to proper permit or application, which procedure  
1216 accords the District the opportunity to provide for orderly expansion of facilities and regulation  
1217 thereof in a manner calculated to ensure continuous service to all consumers. Inherent in this  
1218 obligation is the governmental prerogative of necessity to terminate consumption which is averse  
1219 to the continuous, orderly and uninterrupted operation and maintenance of its utility service.  
1220 Accordingly, the District reserves the right by unilateral act in its sole discretion to refuse service,  
1221 or to terminate service temporarily, or to discontinue service in all instances when conditions exist  
1222 which would constitute an emergency of public concern, or when the providing of any service  
1223 would constitute a threat to the safety, health or welfare of consumers generally or a significant  
1224 portion of the consumer population. When discontinuance or termination of service can be  
1225 remedied by an act of the consumer, District shall provide notice of remedial action to the  
1226 consumer in order that service may be continued uninterrupted. Acts considered to be remedial  
1227 by the consumer, and for which service may be temporarily terminated, discontinued or  
1228 interrupted are the following;

1229           (a) Failure to pay required deposits for service.

1230           (b) Failure of consumer to meet provisions of agreements with the District.

1231           (c) Failure to correct deficiencies in piping or other components upon consumer's  
1232 property after reasonable notice thereof.

1233           (d) Use of service for any other property or purpose than described in the permit or  
1234 application.

1235           (e) When requested by consumer, in which case resumption of service shall be  
1236 accomplished in accordance with District policy as herein provided.

1237 The District reserves the right by unilateral act in its sole discretion to refuse service,  
1238 terminate service temporarily, or to discontinue service without notice under the following  
1239 circumstances:

1240 (a) Causing, or allowing to exist, a hazardous condition with respect to the  
1241 location, use of, or access to any utility service or component.

1242 (b) Alteration or modification of any transmission or metering component or device  
1243 used in providing any utility service to the consumer. Any such unauthorized use, if fraudulent,  
1244 may result in criminal prosecution and may result in restitution of revenue lost to the District as a  
1245 condition to restoration of service, including costs of repair or restoration of any meters or  
1246 components to normal service condition, as shall be determined by District.

1247 (c) Total or partial destruction of, or abandonment of, any structure, including any  
1248 vacancy for a duration which, in District's opinion, may create a hazardous or unsafe condition or  
1249 constitute a nuisance.

## 1250 **5.25 Amendments to Rate Schedules**

1251 Rate schedules are attached hereto as exhibits, being identified as: Schedule "A," Water  
1252 and Wastewater Rates and Charges; Schedule "B," Water and Wastewater Connection  
1253 Charges; and Schedule "C," Water and Wastewater Inspection Fees and Water Management  
1254 Permit Fees. These rate schedules and charges may be amended from time to time by resolution  
1255 of the Board of Supervisors upon public notice and at least one public hearing. Resolution  
1256 amending rate schedules shall be entitled: "A Resolution of the District Amending Schedule (A),  
1257 (B), (C) Relating to Water and Wastewater Rates and Charges; providing an effective date. When  
1258 enacted these resolutions shall become exhibits to these Official Rules.

## 1259 **5.26 General, Declaration or Policy**

1260 The District owns, operates and maintains water treatment and distribution and  
1261 distribution and wastewater collection, also treatment and disposal systems which serve  
1262 residents within the District. New development may require the intention of mains to provide  
1263 service, as well as expansion of facilities to accommodate new development. In some  
1264 instances, the District in anticipation of expansion of its systems due to growth and  
1265 development has already provided mains for service thereof. The cost of providing new  
1266 extensions, notifications, and expansions of facilities may be borne by the District or by  
1267 property owners, builders or developers as the District may decide in each instance. It is the  
1268 declared policy of the District by this Resolution to establish a uniform method of determining  
1269 charges for availability of services so that all such contributions shall be non-discriminatory  
1270 among the various consumers within a given class, as defined by the District, served by the  
1271 District's systems. District specifically reserves its rights to fix and determine rates, charges,



1272 and contributions required for the provisions, consumption, operation, maintenance,  
1273 extension, and expansion of its utility services as provided herein and as authorized by law.  
1274 Each consumer is hereby notified that the District, in the exercise of its governmental  
1275 responsibility to provide for the welfare of all consumers of its utility services, has the authority  
1276 and responsibility to amend its schedules of rates, charges and contributions from time to time  
1277 to ensure the perpetuation of service.

#### 1278 **5.27 Easements and Rights of Way**

1279 As a prerequisite to the construction of any water distribution or wastewater collection  
1280 system proposed to be connected to the facilities of District, developer shall agree to grant to  
1281 District such easements or rights of way corresponding with the installation of the proposed  
1282 facilities. Such grant or conveyance shall be in the form satisfactory to the District. Such  
1283 conveyances, when located on the property of developer, shall be made without cost to the  
1284 District. District reserves the right to require such easement or right of way to the point at which  
1285 the meter is proposed to be installed or at the point of delivery of service, being the point at  
1286 which the facilities of District joins with consumers. Such easements and right of way shall be  
1287 conveyed and accepted upon completion, approval and acceptance of the work done by  
1288 developer.

#### 1289 **5.28 Inspection**

1290 The District shall inspect the installation of all water distribution or installation of all water  
1291 distribution or wastewater collection facilities installed by developer or developers' contractors,  
1292 which facilities are proposed to be transferred to District for ownership, operation and control.

1293 Such inspections are intended to assure that water and wastewater lines and/or lift  
1294 stations are installed in accordance with approved designs and are further consistent with the  
1295 criteria and specifications governing the kind and quality of such installation. Representatives of  
1296 the District may be present at tests of component parts of water distribution or wastewater  
1297 collection systems for the purpose of determining that the system, as constructed, conforms to  
1298 District's criteria for exfiltration, infiltration, pressure testing, line and grade. Such tests will be  
1299 performed by developer or developer's contractor, but only under the direct supervision of the  
1300 engineer of record or his authorized inspector. The results of such testing shall be certified by the  
1301 engineer of record. The District shall be notified at least 48 hours prior to any inspections or  
1302 testing performed in accordance with these regulations.

#### 1303 **5.29 Transfer of Contributed Property**

1304 Each Developer who has constructed portions of the water distribution and wastewater  
1305 collection system prior to interconnection with District's existing facilities, shall sell or convey, as

1306 may be agreed between the parties, such component parts of water distribution and wastewater  
1307 collection system to District by bill of sale in form satisfactory to the District, together with such  
1308 evidence as may be required by District that the water distribution and wastewater collection  
1309 system proposed to be transferred to District is free of all liens and encumbrances.

1310 Any facilities in the category of consumers lines, plumber's lines or consumers  
1311 installation, located on the discharge side of the water meter or on the consumer's side of the  
1312 point of delivery of service shall not be transferred to District and shall remain the property of  
1313 developer, a subsequent owner-occupant or their successors and assignees. Such consumers  
1314 lines, plumber's lines or consumers installation shall remain the maintenance responsibility of  
1315 developer or subsequent consumers.

1316 District shall not be required to accept title to any component part of the water distribution  
1317 or wastewater collection system as constructed by developer until the District Engineer has  
1318 approved the construction of said lines, accepted the tests to determine that such construction is  
1319 in accordance with the criteria established by District and the Board of Supervisors has evidenced  
1320 its acceptance of such lines for District's ownership, operation and maintenance.

1321 Developer shall maintain accurate cost records establishing the construction costs of all  
1322 utility facilities constructed by developer and proposed to be transferred to District. Such cost  
1323 information shall be furnished to District concurrently with the bill of sale and such cost information  
1324 shall be a prerequisite for the acceptance by District of the portion of the water distribution and  
1325 wastewater collection system construction by Developer.

1326 District may refuse connection and deny the commencement of service to any consumer  
1327 seeking to be connected to portions of the water distribution and wastewater collection system  
1328 installed by developer until such time as the provisions of this paragraph have been fully met by  
1329 developer or developer's successors or assigns.

1330 **5.30 Improvements and Extensions of the Water Distribution and Wastewater Collection**  
1331 **Systems and Utility Inspection Fees.**

1332 The District shall be responsible for the financing, purchase, construction and operation  
1333 of major mains, lift stations, force mains and related appurtenances hereinafter referred to as  
1334 major facilities as identified in the District's Utility Master Plan. Any other facilities not specifically  
1335 identified in said plan will be the responsibility of the landowner and/or developer and will include  
1336 water distribution and wastewater collection lines, lift stations, and appurtenances that are  
1337 required to serve lots, tracts or parcels that connect to the District's major facilities, hereinafter  
1338 referred to as subdivision facilities. The subdivision facilities will be designed in accordance with  
1339 District standards and the developer may choose one of the two following procedures for the  
1340 design and construction of subdivision facilities:

1341 1) Developer may request the District, through its consulting engineers to  
1342 design the subdivision facilities and shall advance the funds to the District as required to pay  
1343 engineering invoices incurred by the District in said design. Such advances will be non-  
1344 reimbursable and may be required to be posted in total prior to the District's authorization for its  
1345 engineers to commence the work.

1346 Upon the completion of the design the District will solicit competitive bids  
1347 award same in accordance with the provisions of Chapter 287 Florida Statutes and Chapter 190  
1348 Florida Statutes for the construction of the subdivision facilities. The award will be contingent  
1349 upon the developer advancing to the District funds in the amount of the accepted bid plus 25%  
1350 for engineering, legal and contingencies. Upon the completion of the subdivision facilities, any  
1351 monies remaining will be returned to developer within 30 days of receipt of the engineer's  
1352 certification of completion.

1353 2) Developer may choose his own engineer to design the subdivision  
1354 facilities in accordance with District rules and regulations and in accordance with the District's  
1355 design criteria and submit same to the District for review which upon the submittal, developer  
1356 will pay to the District a permit fee in accordance with Schedule "C."

1357 Upon the completion of the design and approval of same by the District, developer  
1358 may contract directly with a company who has knowledge and expertise in the installation of water  
1359 distribution and wastewater collection facilities to install the subdivision facilities. District shall be  
1360 notified prior to the commencement of construction and will make periodic inspections of the  
1361 work. Developer agrees to pay to the District such fees as District may currently have in effect to  
1362 defray the costs of such inspections.

### 1363 **5.31 Refundable Advances**

1364 The District may require a refundable advance by developer to further temporarily defray  
1365 the cost of any off-site extension of water and/or wastewater mains and pumping stations  
1366 necessary to connect the developer's property with the terminus of the District's water and  
1367 wastewater facilities adequate in size to provide service to the subject property. However, this  
1368 Resolution recognizes instances in which a developer may be required to advance the hydraulic  
1369 share applicable to other undeveloped property in order that offsite facilities may be constructed  
1370 to serve developer's property and at the same time be sized in accordance with the District's  
1371 master plane. All amounts expended by developer, over and above developer's hydraulic share  
1372 for offsite facilities shall be refunded to developer in accordance with the terms and conditions of  
1373 a refunding agreement which the District will execute with developer. The refund agreement shall  
1374 provide for a plan of refund based upon the connection of other properties, to the extent of their  
1375 hydraulic share, which properties will be served by the offsite facilities installed by developer.

1376 Notwithstanding the provisions of this section, the District will limit the life of such refund  
1377 agreement to a term of not more than five (5) years after which time any portion of the refund not  
1378 made to developer by the terms and conditions of the refund agreement will have lapsed and  
1379 thereafter, such refund agreement will be cancelled. In no event shall developer recover an  
1380 amount greater than the difference between the capitalized cost of such offsite improvements  
1381 and developer's own hydraulic share of such improvements. The District shall not include any  
1382 Interest upon the refund of developer's advance.

1383 **5.32 Severability**

1384 If any section, sentence, clause, phrase, or portion of this Resolution is for any reason  
1385 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be  
1386 deemed a separate, distinct and independent provision and such holding shall not affect the  
1387 validity of the remaining portions thereof.

1388 **5.33 Effective Date**

1389 This Rule shall become effective upon its adoption.  
1390 Specific Authority: Chapter 190.035 (1); 120.54, Florida Statutes  
1391 Law Implemented: Chapter 190.035 (1), Florida Statutes  
1392

1393 **5.34 EZ pay Service -Form**



1394 PORT OF THE ISLANDS  
1395 Premier District Management  
1396 P.O. Box 9363, Fort Myers, FL 33902  
1397 888-233-1144

1398 Auto Bill Pay/ ACH (Automatic Clearing House) Form  
1399 Completed forms can be mailed to the address above or faxed: 239-214-6074.

1400  
1401 New Enrollment \_\_\_\_\_ Change in Financial Institution \_\_\_\_\_

1402  
1403 I (we) hereby authorize Port of the Islands to initiate debit entries to my (our) account indicated  
1404 below and the financial institution named below, hereinafter called FINANCIAL INSTITUTION to  
1405 debit the same to such account. I (we) acknowledge that the origination of ACH transactions to  
1406 my (our) account must comply with the provisions of U.S. law.

1407 **Port of the Islands Services Account Information**

1408 \_\_\_\_\_  
1409 Name(s) shown on Port of the Islands Utility bill  
1410  
1411 \_\_\_\_\_

1412 Service Address:  
1413 \_\_\_\_\_  
1414 \_\_\_\_\_

\_\_\_\_\_  
Port of the Islands Account Number                      Cell Phone Number  
E-mail address: \_\_\_\_\_                      Home telephone: \_\_\_\_\_

**Financial Institution Information:**

\_\_\_\_\_  
Name(s) on the Financial Institution Account                      Financial Institution Name

1415 Financial Institution Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
1416 Type of Account: (check one): Savings \_\_\_\_\_ Checking \_\_\_\_\_  
1417 Routing Number: \_\_\_\_\_ Account Number: \_\_\_\_\_

1418 **Payments will be deducted from your financial institution account on the due date**  
1419 **stated on your bill.**

1420 Automatic withdrawal will begin with the next billing cycle. Please continue to pay your bill until  
1421 you see your EZ Payments appears on your statement.

1422

1423 Based on the information above, I hereby authorize Port of the Islands /Premier District  
1424 Management to initiate entries to my account at the Financial Institution named above and  
1425 authorize that financial institution to debit my account for those entries. This authority is to remain  
1426 in full force and effect until Port of the Islands has received written notification from the customer  
1427 at least 30 days in advance of the next scheduled payment. I have the right to stop payment on  
1428 an individual entry or to have entries corrected by timely notification to my Financial Institution.  
1429 Port of the Islands also has the right to cancel this agreement for insufficient payments to my  
1430 account.

1431 \_\_\_\_\_  
1432 (Print individual Name) (Signature) (Date)

1433

1434 **5.35 Transfer of Equivalent Residential Connections Between Properties**

1435  
1436 1.01 **Purpose:** The purpose of this rule is to provide a process for the District to consider the  
1437 transfer of utility capacity to properties or between properties, as a result of changes in the  
1438 development potential for property subject to assessment for irrigation, potable water and  
1439 wastewater capacity.

1440 Specific Authority: Chapter 190.011(5); 190.012(1); 120.54, Florida Statutes

1441  
1442 1.02 **Necessity:** To establish a uniform and comprehensive procedure for capacity of the  
1443 District's water, wastewater and irrigation system and related assessments for debt service or  
1444 operation and maintenance allocated to a specific property to be transferred to other property  
1445 within the District boundaries and for the assignment of District held ERCs to properties lacking  
1446 sufficient ERCs for development.

1447  
1448 1.03 **Procedure.** Transfer of Equivalent Residential Connections Between Properties.

1449  
1450 2.0 **Scope:** It is recognized that the development potential of property subject to  
1451 assessments for irrigation, potable water, and wastewater utility capacity may change and that  
1452 certain tax parcels may develop in a manner that requires actual service greater or less than the  
1453 number of Equivalent Residential Connections ("ERCs") originally attributed to the parcels. As  
1454 such, the following procedures for the transfer of ERCs are provided.

1455  
1456 3.0 **Procedure to Transfer ERCs Between Parcels Under Common Ownership:** The  
1457 owner of any tax parcel subject to assessments for ERCs shall make application to the District  
1458 to sever all or any portion of the ERCs from the tax parcel and transfer such ERCs to other tax  
1459 parcels within the District that are in common ownership with such tax parcel, in the following  
1460 manner:

- 1461 A. The owner shall provide an attorney's affidavit in certification of the following:
- 1462 i. The affidavit is given as an inducement to the District to transfer ERCs.
  - 1463 ii. The identity of the record title holder to the tax parcel from which the ERCs  
1464 are to be transferred, with a copy of the instrument by which the property  
1465 owner acquired title, specifying the recording information within the Official  
1466 Records of Collier County, Florida for that document.
  - 1467 iii. The identity of the record title holder to the tax parcel to which the ERCs  
1468 are to be transferred, with a copy of the instrument by which the property  
1469 owner acquired title, specifying the recording information within the Official  
1470 Records of Collier County, Florida for that document.



- 1471           iv.     The ad valorem property tax identification number of the tax parcel from  
1472           which the ERCs are to be transferred.
- 1473           v.     The identity of any other entity or person, corporate or natural, who has  
1474           any interest in the property from which the ERCs will be transferred,  
1475           whether such interest is equitable or legal, including mortgage holders of  
1476           record, if any.
- 1477        B.     The owner shall provide a Request to Transfer ERCs in form and substance  
1478           satisfactory to the District, which shall be executed by all parties with interests in  
1479           the property from which the ERCs will be transferred, with the formality  
1480           necessary to record a Deed in the Public Records.
- 1481
- 1482        C.     The owner shall prepay all assessments for the ERCs being transferred; to the  
1483           extent the current year's assessments have not been paid.
- 1484
- 1485        D.     The owner shall provide evidence satisfactory to the District that there are no  
1486           unpaid prior year's assessments outstanding on the property from which ERCs  
1487           are being transferred, and there are no outstanding tax certificates associated  
1488           with the property from which the ERCs are being transferred.
- 1489
- 1490        E.     The owner shall pay to the District a transfer fee in the amount of two  
1491           hundred and no/100 Dollars (\$200.00) per ERC transferred for purposes of  
1492           covering the District's administrative and professional services costs in reviewing  
1493           and processing the Request to Transfer ERCs.

1494

1495    **4.0     Procedure to Transfer District Owned Equivalent Residential Connections**

1496    Any property owner who desires to transfer District Owned Equivalent residential Connections  
1497    To increase the available utility capacity on its property may do so in the following manner:

- 1498
- 1499        A.     The owner of the property to which the ERCs will be transferred shall provide an  
1500           attorney's affidavit in certification of the following:
- 1501           (i)     The affidavit is given as an inducement to the District to transfer ERCs.
- 1502           (ii)    The identity of the record title holder to the tax parcel to which the ERCs  
1503           are to be transferred, with a copy of the instrument by which the property  
1504           owner acquired title, specifying the recording information within the  
1505           Official Records of Collier County, Florida for that document.

1506

- 1507 (iii) The ad valorem property tax identification number of the tax parcel to  
1508 which the ERCs are to be transferred.
- 1509 (iv) The identity of any other entity or person, corporate or natural, who has  
1510 any interest in the property to which the ERCs will be transferred, whether  
1511 such interest is equitable or legal, including mortgage holders of record, if  
1512 any.
- 1513
- 1514 B. The owner shall provide a Request to Transfer ERCs in form and substance  
1515 satisfactory to the District, which shall be executed by all parties with interest in  
1516 the parcels, with the formality necessary to record a Deed in the Public Records.  
1517
- 1518 C. The owner shall prepay, or cause to be prepaid the amount of \$4,250.00 per  
1519 District Owned ERC transferred to the Property at the time the District issues its  
1520 letter of utility capacity in support of the property owner's application for  
1521 development approvals from Collier County.  
1522
- 1523 D. For purposes of this Rule:
- 1524
- 1525 (i) The \$4,250.00 per District Owned ERC is based on the amount of  
1526 assessments for deferment of the District's debt service obligations under  
1527 the District's 2010 Special Assessment Revenue Bonds which were  
1528 payable on account of the District Owned ERCs.  
1529
- 1530 (ii) District Owned Equivalent Residential Connection shall mean those six  
1531 equivalent residential connections that were given to the District at the  
1532 time of the conveyance of the one acre more or less from BRH  
1533 Enterprises to the District plus the seventeen equivalent residential  
1534 connections that were associated with parcels 74890000602 and  
1535 74890000301 and the ERCs previously apportioned to parcels  
1536 01058920005 and 01058920500.

1537

1538 **5.0 Procedure to Transfer ERCs Between Parcels Under Separate Ownership**

1539 Once all District Owned ERCs have been sold, the owner of any tax parcel subject to  
1540 assessments for ERCs shall make application to the District to sever all or any portion of the  
1541 ERCs from the tax parcel and transfer such ERCs to other tax parcels within the District that are  
1542 under separate ownership with such tax parcel, in the following manner:

- 1543 A. The owner of the property from which the ERCs will be transferred shall provide

- 1544 an attorney's affidavit in certification of the following:
- 1545 (i) The affidavit is given as an inducement to the District to transfer ERCs.
- 1546 (ii) The identity of the record title holder to the tax parcel from which the
- 1547 ERCs are to be transferred, with a copy of the instrument by which the
- 1548 property owner acquired title, specifying the recording information within
- 1549 the Official Records of Collier County, Florida for that document.
- 1550 (iii) The ad valorem property tax identification number of fee tax parcel from
- 1551 which the ERCs are to be transferred.
- 1552 (iv) The identity of any other entity or person, corporate or natural, who has
- 1553 any interest in the property from which the ERCs will be transferred,
- 1554 whether such interest is equitable or legal, including mortgage holders of
- 1555 record, if any.
- 1556 B. The owner of the property to which the ERCs will be transferred shall provide an
- 1557 attorneys affidavit in certification of the following:
- 1558 (i) The affidavit is given as an inducement to the District to transfer ERCs.
- 1559 (ii) The identity of the record title holder to the tax parcel to which the ERCs
- 1560 are to be transferred, with a copy of the instrument by which the property
- 1561 owner acquired title, specifying the recording information within the
- 1562 Official Records of Collier County, Florida for that document.
- 1563 (iii) The ad valorem property tax identification number of the tax parcel to
- 1564 which the ERCs are to be transferred.
- 1565 (iv) The identity of any other entity or person, corporate or natural, who has
- 1566 any interest in the property to which the ERCs will be transferred, whether
- 1567 such interest is equitable or legal, including mortgage holders of record, if
- 1568 any.
- 1569 C. The owners of both parcels shall jointly provide a Request to Transfer ERCs in
- 1570 form and substance satisfactory to the District, which shall be executed by all
- 1571 parties with interest in the parcels, with the formality necessary to record a Deed
- 1572 in the Public Records.
- 1573
- 1574 D. The owners of both parcels shall prepay, or cause to be prepaid all assessments
- 1575 for the ERCs allocated to those parcels, to the extent the current year's
- 1576 assessments have not been paid.
- 1577

1578 E. The owner of the property from which the ERCs will be transferred shall provide  
1579 evidence satisfactory to the District that there are no unpaid prior year  
1580 assessments outstanding on the property from which ERCs are being transferred,  
1581 and that there are no outstanding tax certificates associated with the property from  
1582 which the ERCs are being transferred.

1583  
1584 F. The owners shall each pay, or cause to be paid, to the District, a Transfer Fee in  
1585 the amount of two hundred and no/100 Dollars (\$200.00) per ERC transferred for  
1586 purposes of covering the District's administrative and professional services costs  
1587 in reviewing and processing the Request to Transfer ERCs.

1588

1589 **6.0 Districts Actions Upon Receipt of Application to Transfer ERCS**

1590 Upon receipt of an Application to Transfer ERCs, the District shall take the following  
1591 actions:

1592 A. Upon receipt of an Application to Transfer ERCs, the District Manager shall  
1593 transmit a copy of the Application to the District Engineer and the District Attorney.

1594  
1595 B. The District's Attorney will review the Application to determine whether all  
1596 requirements of this rule have been satisfied. Within ten (10) working days of  
1597 receipt by the District's Attorney, the District's Attorney will notify the applicant in  
1598 writing of any deficiency in the content of the Application. There is no time  
1599 requirement imposed on the applicant to respond to this notice of deficiency.  
1600 However, all time requirements imposed upon the District are tolled, until such  
1601 time as an Application complying with these rules has been received by the  
1602 District.

1603  
1604 C. The District's Engineer will review the Application to determine whether the  
1605 infrastructure necessary to accommodate the capacity transferred to the  
1606 receiving property is in place. Within ten (10) working days of receipt by the  
1607 District's Engineer, the District's Engineer will notify the applicant of any  
1608 infrastructure improvements the District's Engineer reasonably believes are  
1609 necessary to accommodate the transferred capacity. Any infrastructure  
1610 improvements shall be constructed at the cost of the Applicant. This review does  
1611 not obviate any requirements imposed by Collier County for review of utility  
1612 infrastructure in conjunction with any SDP or rezoning approvals, and is in

1613 addition to any review requirements imposed by the Department of  
1614 environmental Protection for permitting purposes. It is the intent of this section to  
1615 provide for review of the District's primary infrastructure providing services to the  
1616 site receiving the transferred ERCs.

1617  
1618 D. The District Manager shall schedule a hearing before the District's Board of  
1619 Supervisors at a regularly scheduled meeting occurring within sixty (60) days of  
1620 receipt of the Application to Transfer ERCs.

1621  
1622 E. If the Board of Supervisors determines that the provisions of this Rule have  
1623 been fully satisfied, it shall approve the Request to Transfer ERCs, absent  
1624 any compelling reason to the contrary.

1625 *(AMENDMENT 1-05/21/10)*

1626 7.0 **Severability**

1627 If any portion of this Rule shall be found to be invalid by any event or hearing officer with  
1628 jurisdiction to consider the validity of Rules under Chapter 120, Florida Statutes, said  
1629 portion shall be severed here from and the remainder of this Rule shall remain in full  
1630 force and effect to the extent permitted by law.

1631 8.0 **Effective Date**

1632 This Chapter of the Rules of the Port of the Islands Community Improvement District shall  
1633 become effective immediately upon approval.

1634 *ADOPTED: November 29, 2000*

1635 *Amendment 1 05/21/10*

1636

1637 **5.36 Relative to the Method of Determining the Equivalent Residential Connection**  
1638 **Necessary for Commercial Development to Utilize the District's Potable Water and**  
1639 **Wastewater System**

1640 POLICY FOR DETERMINATION OF  
1641 UTILITY AVAILABILITY

1642 Recitals

1643 A. The Port of the Islands Community Improvement District owns, operates and  
1644 maintains potable water production and distribution facilities and wastewater  
1645 collection and treatment facilities providing services to the properties within the  
1646 boundaries of the District.

1647 B. Each property that is provided services by Port of the Islands Community  
1648 Improvement District was assigned a specific number of Equivalent Residential  
1649 Units (ERCs) for utilities services (water and wastewater) as its allocation of  
1650 capacity within the District's systems.  
1651

1652 C. The number of ERCs assigned to each property establishes a limit on the system  
1653 capacity that the District can commit to each property within the District.  
1654

1655 D. From time to time the District is asked to provide a letter of utility concurrency to  
1656 Collier County as part of the County's review of development projects within the  
1657 District.

1658 E. The allocation of utility service between the various properties was based on a  
1659 methodology that assigned a numerical equivalency (for utilities services purposes)  
1660 between various types of development anticipated to incur on the property at the time  
1661 that the District was established, and the facilities were constructed.  
1662

1663 F. A single family residential unit was assigned the value of 1.0 ERC. The following  
1664 table identifies the equivalency of planned uses compared to that for a single family  
1665 residential unit.

|                                       |         |
|---------------------------------------|---------|
| Single Family Residential Unit        | 1.0 ERC |
| Multifamily Residential Unit          | 0.8 ERC |
| Recreational Vehicle Residential Unit | 0.4 ERC |
| Hotel Room or Suite                   | 0.6 ERC |

|                                 |          |
|---------------------------------|----------|
| Restaurant Seat                 | 0.2 ERC  |
| Bar or Cocktail Lounge Seat     | 0.08 ERC |
| Marina Slip (water supply only) | 0.12 ERC |
| Marina Slip (Water and Sewer)   | 0.2 ERC  |
| Larger Boat Slips               | 0.3 ERC  |
| House Boats                     | 0.3 ERC  |

1666 G. The Board of Supervisors of the District finds that it is probable that a property  
1667 owner may propose a use for their property that was not considered in the original  
1668 determination of equivalency and that it is more fair and certain to the owners of property  
1669 and to the District if the District has a uniform policy for determining utility availability.

1670 NOW THEREFORE, be it resolved that it is the Policy of the Port of the Islands  
1671 Community Improvement District that:

1672 1. Prior to providing a letter of utility availability to Collier County on behalf of any of  
1673 the properties served by the systems owned by the Port of the Islands Community  
1674 Improvement District, the District will review the proposed site development plan and  
1675 determine that the anticipated system demands from the proposed development does  
1676 not exceed the system capacity reserved for the property.

1677 2. The amount of system capacity necessary to support a single family residential  
1678 unit is assigned the value of 1.0 ERC. Per the table above(F) identifies the numerical  
1679 relationship between other uses as compared to that for a single family residential unit.

1680 3. In the event that future development is proposed that involves types of  
1681 development other than those identified above then an evaluation of the numerical  
1682 equivalency of each of the proposed additional types of development will be  
1683 performed by the District's Engineer of Record. The District's Engineer of Record will  
1684 utilize Chapter 64E-6.008 (Table 1) with an effective date of May 24, 2004 in  
1685 performing this evaluation. For the purpose of establishing the definition of a single  
1686 ERC, a dwelling with 3 bedrooms as identified in Chapter 64E-6.008 (Table 1) as  
1687 requiring 300 gallons per day is equal to 1.0 ERC. The number of gallons per day  
1688 identified in Chapter 64E6.008 (Table 1) for an identified type of establishment will be  
1689 divided by 300 in order to determine the numerical equivalency of that type of  
1690 establishment as compared to a single family residential unit. In some cases,  
1691 engineering judgment will be necessary to accommodate types of establishments that



1692 may not be specifically included in Chapter 64E-6.008 (Table 1) or proposed facilities  
1693 that may combine functions associated with multiple types of establishments as  
1694 identified in Table 1.

1695 4. In the event that the owner of a subject property does not agree with the  
1696 evaluation performed by the District's Engineer of Record then they may petition the  
1697 District's Board of Supervisors and present evidence for an alternative assessment  
1698 for the proposed type of establishment to be developed.

1699 5. This rule and the determination of utility capacity is not intended to and does not  
1700 affect the number of "ERCs" assigned to a property for purposes of allocating operation  
1701 and maintenance expense or the apportionment of the duty to pay any non-ad valorem  
1702 special assessments for operations and maintenance or debt service. Whether a  
1703 property utilizes all the utility capacity assigned to the property or not it will continue to  
1704 be subject to the same level of non-ad valorem assessments, unless and until a transfer  
1705 of ERCs is made from one property to another and the District's Board of Supervisors  
1706 accepts an amended methodology reapportioning the duty to pay the assessments.

1707 *Adopted January 27, 2006*

1708  
1709 **5.37 Establishment of a Cross-Connection Control Plan for the Districts Water Utilities**

1710 I. INTRODUCTION

1711 A. Goal

1712 The Port of the Islands Community Improvement District drinking water system  
1713 has the responsibility to supply safe water to each and every customer under  
1714 foreseeable circumstances. Each instance where water is used so as to create  
1715 the possibility of backflow threatens the health and safety of our customers. Such  
1716 situations may result in the public water system becoming a transmitter of disease  
1717 organisms, toxic materials or other hazardous substances, which may adversely  
1718 affect large numbers of people. The only protection against such occurrences is  
1719 the elimination of such cross-connections or the isolation of such hazards from  
1720 the water supply lines by properly installed, approved backflow prevention  
1721 devices.

1722 B. Plan of Action

1723 The Port of the Islands Utility (Utility) is determined to take every reasonable  
1724 precaution to see that cross-connections are not allowed to contaminate the water  
1725 being distributed to its customers. This Cross-Connection Control Plan outlines a  
1726 plan designed to control cross-connections within the area served by the water

1727 system. The Port of the Islands water system customer base is mostly residential  
1728 with the exception of a marina, gun club and two hotels. The Port of the Islands  
1729 community does have a zoned commercial tract that has not yet been developed,  
1730 A fire/irrigation system provides service to the South hotel, single-family areas VI,  
1731 VII, IXA, IXB, and X, the Orchid Cove subdivision, and the Villages of Stella Maris.  
1732 In the future, the fire/irrigation system may be extended to other areas of the  
1733 community. The current irrigation supply option is water from the Faka Union  
1734 Canal. The District has permitted and is in the process of extending this  
1735 fire/irrigation system to connect to the wastewater treatment plant. Once this  
1736 construction is complete a combination of reclaimed water, raw water from the  
1737 potable water wellfield, and canal water will supply this system. Reclaimed water  
1738 is not currently utilized for irrigation in the Port of the Islands community.

1739 Auxiliary water is any water supplied from a source other than the community water  
1740 system serving the premises, such as from a lake, river, pond, stream, well, spring,  
1741 harbor, reclaimed water, or industrial fluids.

1742  
1743 Auxiliary water on a premise of any type (commercial or residential) can present a  
1744 hazard to the community water system. If auxiliary water is present on a premise,  
1745 the appropriate backflow prevention device must be installed. The fire/irrigation  
1746 system in Port of the Islands is one example of an auxiliary water system. All Utility  
1747 customers that are served by the fire/irrigation system must have the appropriate  
1748 backflow prevention device.

1749  
1750 It is expected that reclaimed water will become available for irrigation in the near  
1751 future. Prior to its use, all public areas to be irrigated with reclaimed water will be  
1752 posted with warning signs notifying the public that irrigation water is not safe for  
1753 potable use.

1754  
1755 This plan is intended to be a practical guide for safeguarding the quality of water  
1756 from becoming contaminated or polluted through backflow. The Utility intends to  
1757 install appropriate backflow prevention devices in areas where there is an actual  
1758 or verified potential hazard to the community water system. The Utility shall own,  
1759 install, test and maintain any backflow prevention assemblies required to be  
1760 installed by this plan.

1761

1762 II AUTHORITY FOR CONTROLLING CROSS-CONNECTIONS

1763 Chapter 62-555.360, Florida Administrative Code, requires community water systems,  
1764 and all public water systems that have service areas that are also served by reclaimed  
1765 water to establish and implement a routine cross-connection control program. This  
1766 program prohibits cross-connections within the water system, authorizes the water system  
1767 to make inspections of the customers' premises, requires that cross-connection hazards  
1768 be corrected and provides for enforcement. This program expresses a clear determination  
1769 on the part of the Utility that the water system is to be operated free of cross-connections  
1770 that endanger the health and safety of those depending upon the public water supply.

1771 III PROGRAM TO BE PURSUED

1772 The Utility has established an ongoing cross-connection control program. This program is  
1773 to be a continuing-effort to locate and correct all existing cross-connection hazards, and  
1774 to discourage the creation of new problems. These efforts will involve residential and  
1775 commercial customers, and piping and building contractors in Port of the Islands.  
1776 Safeguarding the quality of water being distributed to our customers is a high priority  
1777 concern of the Utility.

1778 A. Cross-Connection Surveys

1779 A survey will be performed of all connections between the potable water system  
1780 and irrigation piping in order to verify the number and location of all such  
1781 connections. Surveys of the commercial customers will be performed as well as  
1782 any residential customer suspected of having a cross-connection.

1783 B. Public Awareness Efforts

1784 The Utility recognizes that it is important to inform its customers of the health  
1785 hazards associated with cross-connections and to acquaint them with the control  
1786 program being pursued. Information will be displayed and delivered to residents  
1787 through local civic clubs, bulletin boards, publications, and other locally appropriate  
1788 avenues. Prior to golf course irrigation with reclaimed water commencing, golf  
1789 course scorecards will have an advisory notice printed on them. Contractors  
1790 involved with new home construction as well as drinking water and irrigation piping  
1791 installation will be given copies of this plan and be advised of required construction  
1792 standards surrounding cross-connections.

1793 C. Customers Responsibility

1794 The customer is responsible for immediately notifying the Utility if the backflow  
1795 prevention assembly is observed to be either malfunctioning or damaged

1796 D. Enforcement

1797 Where residential cross-connections are found to exist, the Utility will require  
1798 the cross-connection(s) to be eliminated, or isolated by a properly installed,  
1799 approved backflow prevention device. Such protective measures will include,  
1800 where internal corrections do not fully protect the water system, a backflow  
1801 protection device on the customer's water service line after the meter and ahead  
1802 of any water outlets. Every effort will be made to secure the voluntary cooperation  
1803 of the customer in correcting cross-connection hazards. If voluntary corrective  
1804 action cannot be obtained within a reasonable period of time, water service will be  
1805 discontinued, for the protection of the public health and safety.

1806 E. Schedule

1807 The Utility has established a schedule acceptable to the Florida Department of  
1808 Environmental Protection under which all existing facilities will be brought into  
1809 compliance with the requirements of this plan. This schedule consists of installing  
1810 all devices required for commercial customers within 6 months of implementation  
1811 of this plan. In addition, devices required for residential properties will be installed  
1812 at a rate of 100 customers annually to allow for the entire Port of the Islands service  
1813 area to become compliant with this plan within 5 years of implementation.

1814 F. Existing Devices

1815 All existing backflow prevention devices that were installed as of the effective date  
1816 of this plan that do not meet the requirements of this plan but that were approved  
1817 assemblies at the time of installation, and that have been properly maintained, shall  
1818 be exempt from the construction standards of this plan provided that any such  
1819 devices will satisfactorily protect the community water system. Whenever any such  
1820 existing assembly is moved from its present location or requires replacement, an  
1821 approved backflow prevention assembly meeting all of the requirements of this plan  
1822 shall replace the assembly.

1823 IV INSPECTIONS

1824 A. Scheduling Inspections

1825 Selection of residential premises for cross-connection surveys will be made on the  
1826 basis of suspected hazard. In general, those customers suspected of having the  
1827 most hazardous cross-connections will be inspected first. All commercial premises  
1828 will be inspected as well as all connections between the potable and irrigation  
1829 systems.

1830 B. Follow-up Notification and Enforcement Action

1831 Follow-up notification will be made as needed to obtain appropriate backflow  
1832 protection voluntarily. If voluntary cooperation cannot be obtained from customers,  
1833 the utility will take appropriate enforcement action to obtain adequate backflow  
1834 protection. If the customer refuses to assist the Utility in making the corrective  
1835 action needed for the protection of the water system, the Utility will, after  
1836 appropriate written notification, discontinue water service to the customer. In such  
1837 cases, water service will not be restored until appropriate protection has been  
1838 provided.

1839 V. PROCEDURES FOR INSPECTIONS

1840 When the need arises for Utility personnel to inspect, the following procedures will be  
1841 followed. This will only be done if a premise is considered the source of a backflow incident  
1842 that has caused contamination or pollution of Utility facilities or if the premise is suspected  
1843 of having a cross connection.

1844 It is recognized that many customers may not recognize that they have a situation that  
1845 would permit backflow into the water supply lines. In these cases where a device is not  
1846 required but a hazard is suspected, a thorough investigation will be made of the premises.  
1847 Such inspections will involve the customer's entire internal water delivery system including  
1848 the various outlets, water using equipment, and other system components in an effort to  
1849 locate all actual and potential cross-connections. The findings will be reported to the  
1850 owner or occupant in writing along with a notice for needed corrective action necessary  
1851 to properly protect the public water system.

1852 A. Field Visits Procedures  
1853 During the investigation, a field sheet will be completed showing details of  
1854 significant findings. The hazards that cross-connections pose will be explained fully  
1855 to the persons assisting in the survey. The customer will be informed that the  
1856 information gathered during the survey will be reviewed by the Utility, and that a  
1857 written report containing any recommendations will be delivered to them as soon  
1858 as possible.

1859 B. Follow-up Visit and Re-inspection  
1860 Follow-up visits will be made as needed to assist the customer, and to assure that  
1861 satisfactory progress has been made. Such visits will continue until all corrective  
1862 action has been completed to the satisfaction of the Utility.

1863 C. Installation of Backflow Prevention Devices  
1864 Only approved devices will be installed where a backflow prevention assembly is  
1865 required. This list consists of the most current list of approved devices issued by  
1866 the University of Southern California's Foundation for Cross Connection Control  
1867 and Hydraulic Research (FCCCHR). In addition, minimum acceptable installation  
1868 criteria will be supplied. It will be pointed out that a unit cannot be approved until  
1869 the Utility has verified that the installation fully meets the installation criteria and  
1870 has been tested to verify that the unit is meeting accepted performance standards.

1871 VI PREMISES REQUIRING PROTECTION MEASURES

1872 A. Extreme Hazards Requiring Immediate Correction  
1873 Where cross-connections are found which pose an extreme hazard of immediate  
1874 concern, the cross-connection inspector shall require immediate corrective action  
1875 to be taken. In the case of non-compliance, immediate steps will be taken to notify  
1876 the Utility. In such cases, water service will be discontinued and not reestablished  
1877 until the necessary corrections have been made.

1878 B. Premises of Less Immediate Concern  
1879 In cases where there is less hazard, or less likelihood of cross-connections  
1880 contaminating the system, a reasonable time period will be allowed for corrections.

1881 C. Hazard Classification

1882 The American Water Works Association (AWWA) standards and guidelines in  
1883 determining all classifications of hazards will be used by the Utility. Single-family  
1884 residences that do not have auxiliary water sources or other systems on-site which  
1885 would classify the system as hazardous are not required to have a backflow  
1886 prevention assembly. Multifamily residences with a single service connection or  
1887 individual service connections having auxiliary water or other systems that would  
1888 classify them as hazardous shall have a backflow prevention assembly as required  
1889 by this plan.

1890  
1891 \*All continuous pressure type devices such as the reduced pressure, double check  
1892 valve, and double check-detector checks, must be tested routinely.

1893  
1894 The following partial list of facilities shall be served by an approved backflow prevention device of  
1895 the type designated, installed at the meter or service connection of the public potable drinking  
1896 water supply.

1897  
1898 RP = Reduced pressure principle backflow prevention device

1899 DC = Double check valve assembly backflow prevention device

1900 DDC = Double detector check valve assembly backflow prevention device

1901 DRP = Detector reduced pressure principle backflow prevention device

1902

1903 1. Surface water auxiliary water system RP

1904 2. Ground water auxiliary water system DC

1905 3. Building under construction RP

1906 4. Buildings with sewage ejector (no in-plant protection) RP

1907 5. Buildings with sewage ejector (good in-plant protection) DC

1908 6. Irrigation systems (premises having a separate source  
1909 of water) RP

1910 7. Irrigation systems (premises not having a separate  
1911 source of water) DC

1912 8. Mobile home parks DC

1913 9. Restaurants, kitchens, food processing facilities RP

1914 10. Sewage and storm drainage facilities (including sewage  
1915 lift stations and storm drainage lift stations) RP

1916 11. Water main construction RP



1917 12. Waterfront facilities RP

1918 13. Where a cross connection is maintained RP

1919

1920 The following is a partial list of plumbing devices, and/or fixtures that shall be provided with  
1921 appropriate backflow prevention devices the purpose of which is to protect the purity of potable  
1922 water and thereby safeguard public health.

1923

1924 1. Commercial dishwashing machines

1925 2. Degreasing equipment

1926 3. Garbage can washers

1927 4. Ice Machines

1928 5. Lawn irrigation systems with and without fertilizer injection systems

1929 6. Rubber hoses

1930 7. Swimming pools, home and commercial

1931

1932 VII. TESTING OF PROTECTIVE DEVICES

1933 The Utility recognizes that it is essential that a competent tester test continuous pressure  
1934 type backflow prevention device on a regular basis, if the devices are to be relied upon.

1935 It is recognized that the devices can fail to meet the performance standards for which  
1936 they are designed due to fouling, wear, or mechanical problems. Routine testing and  
1937 proper maintenance is considered essential for proper operation.

1938

1939 A. Routine Testing of Backflow Prevention Devices

1940 A trained certified tester will test all backflow prevention devices that are utilized  
1941 for the protection of the water system routinely at the following intervals:

1942

1943 (1) Immediately following installation;

1944 (2) At least annually, and more frequently where high hazards are  
1945 involved;

1946 (3) Any time protective devices have been partially disassembled for  
1947 cleaning and/or repairs and;

1948 (4) Where there is indication that the unit may not be functioning  
1949 properly (i.e., excessive or continuous discharges from relief valve, chatter  
1950 or vibration of internal parts).

- 1951 B. Accepted Test Procedures
- 1952 Tests of these units will be made using test equipment and test procedures
- 1953 conforming to those outlined in the latest edition of the "Cross Connection Control
- 1954 Manual" published by the Foundation for Cross Connection Control and Hydraulic
- 1955 Research - University of Southern California.
- 1956 C. Repairs
- 1957 Should a protective device be found defective (not meeting above referenced
- 1958 performance standards), the Utility will require the device to be repaired promptly
- 1959 and placed in proper operating condition. Following repairs, the device is to be
- 1960 tested again to verify that it is meeting performance standards. The Utility will be
- 1961 responsible for maintaining protective measures in a good state of repairs.
- 1962 D. Official Tests
- 1963 Only a test performed by a certified tester will be considered as an official test by
- 1964 the Utility.
- 1965 E. Prior Arrangements for Testing
- 1966 Unless otherwise requested, arrangements for testing the devices are the
- 1967 responsibility of the Utility.
- 1968 F. Parallel Units
- 1969 The Utility may require the installation of parallel units if the customer cannot
- 1970 readily accommodate interruptions of water service for periodic testing and repairs
- 1971 of the backflow prevention device or is unwilling to cooperate in scheduling a
- 1972 shutdown promptly for testing during normal hours worked by Utility personnel.
- 1973 G. Records
- 1974 Adequate records will be maintained as a part of the Utility's permanent files to:
- 1975 (1) Document the overall effort of the water system to properly
- 1976 discharge its responsibility to see that each customer receives safe
- 1977 water under all foreseeable circumstances;
- 1978 (2) Provide a historical perspective and the current status of
- 1979 individual premises regarding the potential for backflow, corrections
- 1980 made, etc.;

- 1981 (3) To support enforcement action, whenever necessary, to  
1982 obtain backflow protection and;  
1983 (4) Document that protective measures have been properly  
1984 installed, maintained, and routinely tested.

1985 **5.38 Voluntary Water Service Suspension Rule**

1986 1.01 PURPOSE: The purpose of this amendment is to establish a policy for voluntary water  
1987 service suspension by property owners who will be absent from the District for an extended  
1988 period of time.

1989 Specific Authority: Sections 190.012, 190.035 and 120.54, Florida Statutes.  
1990 Law Implemented: Section 190.035, Florida Statutes.

1991  
1992 1.02 NECESSITY: This rule is necessary to ensure that water service is properly turned off  
1993 to protect the integrity of the back-flow preventers operated and owned by the District.

1994  
1995 1.03 PROCEDURE ADOPTED: Any property owner who will be absent from the District for  
1996 an extended period of time and who desires to suspend their water service may contact the  
1997 Utility Office and request a turn off or turn on. The District will provide one turn off and  
1998 subsequent turn on of the service at the Property each year at no charge to the property  
1999 owner. Subsequent turn offs and turn ons will be charged the applicable rate under the  
2000 District's then effective schedule of rates and charges. The actual time and date of the turn  
2001 off or turn on is subject to staff scheduling. Utility service will not be restored unless someone  
2002 with access to the property is present.

2003 1.04 VIOLATIONS: Any property owner who turns off their own water without the assistance  
2004 of District staff will be liable for any damages that occur to the District-owned back flow  
2005 preventer. Damage occurring during the time the water is turned off will be presumed to be  
2006 the result of the property owner's violation of this procedure.

2007 1.05 EFFECTIVE DATE: This rule is effective upon adoption.

2008 1.06 STATEMENT OF ESTIMATED REGULATORY COST:

2009 A. This Statement of Estimated Regulatory Cost is prepared as required by  
2010 Chapter 120.54, Florida Statutes, and supports the rulemaking action of the  
2011 District as it establishes its policy for voluntary water service suspension by

2012 property owners who will be absent from the District for an extended period  
2013 of time.

2014 B. The proposed rule will have a nominal financial impact on the District because  
2015 the District will no longer charge a "turn off" fee for voluntarily suspended  
2016 accounts. However, this reduction in revenue should be offset by savings  
2017 realized from the extended life for back flow preventers that have been  
2018 properly turned off.

2019 C. No impacts are expected to any other federal, state or local agency or to small  
2020 businesses, visitors, citizens of Florida or local residents. The adoption of this  
2021 policy will not have an impact on competition or the open market for  
2022 employment.

2023 *Adopted February 17, 2012*  
2024 *Amendment No 10 02/17/12*

2025  
2026 **SECTION 6 WATER AND SEWER RATES, FEES AND CHARGES**

2027 **WATER AND WASTEWATER REGULATIONS: ESTABLISHING RATES AND**  
2028 **CHARGES FOR UTILITY SERVICE**

2029  
2030 PURPOSE. The purpose of these Rules is to establish comprehensive regulations pertaining to  
2031 water and wastewater utilities owned and operated by the District; providing for and establishing  
2032 rates and charges for utility service, use or consumption by consumers within or without the  
2033 District; providing provisions for extension of mains and services; providing definitions, including  
2034 limitations and prohibited uses or practices; providing procedures for hearing disputes involving  
2035 charges and disconnections; providing for deposits and adjustments; providing an effective date.

2036  
2037 NECESSITY. To establish uniform and comprehensive regulations pertaining to water,  
2038 wastewater and irrigation water rates' connection fees and meter fees within the Port of the  
2039 Islands Community Improvement District by establishing rates and fees.

2040 *(Amendment No 9 10/01/99)*  
2041 *(Amendment No 1 10/18/90)*

2042  
2043 TIME OF PAYMENT: The Connection Fees and Meter Fees are due by definition, upon  
2044 Application for Service as a condition precedent to interconnection to the District's Facilities.

2045 *(Amendment No 9 10/01/99)*  
2046 *(Amendment No 1 10/18/90)*  
2047

2048 SCHEDULE OF FEES: The fees to be paid for the enumerated categories shall be in accordance  
2049 with the following schedule:  
2050 (*Amendment No 1 10/18/90*)

2051 **SECTION 6.1 CUSTOMER HOOK UP FEES**

2052 **CUSTOMER HOOK-UP FEES**

2053 Purpose: The Purpose of these Rules is to establish hook-up fees to be paid by users of the  
2054 District's water distribution and wastewater collection facilities.

2055 Specific Authority: 190.035(1), 120.54. Florida Statutes.

2056 Law Implemented: 190.035(1) Florida Statutes.

2057 History - New

2058

2059 Necessity: The hook-up fees herein established are necessary to generate revenue to amortize  
2060 the cost and expense to the District of financing and operating its water and wastewater utility  
2061 system to service the lands within the District.

2062 Specific Authority: 190.035(1), 120.54 F.S.

2063 Law Implemented: 190.035(1) F.S.

2064

2065 Schedule of Hook-up Fees: The hook-up fees to be paid for the enumerated categories shall be  
2066 in accordance with the following schedule:

2067

2068 **Meter Fee**

| <u>Meter Size</u>                 | <u>Fee</u>           |
|-----------------------------------|----------------------|
| 2069 5/8" x 3/4"                  | \$250 Per Meter      |
| 2070 Meter Sizes greater than     |                      |
| 2071 5/8" x 3/4                   | Actual Cost of Meter |
| 2072 and appurtenances plus \$200 |                      |
| 2073                              |                      |

2074 Specific Authority: 190.035 (1), 120.54 F.S.

2075 Law Implemented: 190.35 (1), F. S.

2076 Amendment 1-Chapter 2

2077 10/01/1990

2078

2079 1-104 Time of Payment: The hook-up fees hereby established shall be payable to the  
2080 District in advance of actual connection to the District's facilities, and no user is authorized or  
2081 permitted to connect thereto until all such fees have been fully paid.

2082 Specific Authority: 190.035(1), 120.54 F.S.

2083 Law Implemented: 190.035(1), F.S

2084 *Amendment 1 - Chapter II*

2085 10/01/1990

2086

2087 **SECTION 6.2 CONNECTION FEES**

2088

2089 **WATER CONNECTION FEES (AREA 1 ONLY)**

2090

2091 FEES REQUIRED PER ERC FOR OFFSETTING THE EXPENSE FOR PROVIDING  
2092 CAPITAL IMPROVEMENTS TO PROPERTY, DUE PRIOR TO ISSUANCE OF  
2093 BUILDING PERMIT = \$3,306.00.

2094

2095 **BACKFLOW FEES**

2096 FEES REQUIRED FOR THE PURCHASE OF A WATER METER,, BACKFLOW  
2097 DEVICE AND APPURTENANCES, INCLUDING LABOR FOR INSTALLATION:

2098 5/8' OR 3/4" METER                      \$500/Meter

2099

2100 ALL OTHER SIZES

2101 ACTUAL COST OF METER AND APPURTENANCES, PLUS \$50.

2102 METERS WILL BE SIZED PER THE FOLLOWING TABLE:

2103

| Demand Range (GPM) | Meter Size   |
|--------------------|--------------|
| 0 to 24            | 5/8" or 3/4" |
| 24.1 to 40         |              |
| 40.1 to 80         |              |
| 80.1 to 144        | 2"           |
| 144.1 to 405       |              |
| 405.1 to 900       | 4"           |

2104

2105

2106 **SECTION 6.3 SCHEDULE "A" WATER, WASTEWATER FEES AND**  
 2107 **IRRIGATION FEES**  
 2108

2109 SCHEDULE A

2110 WATER AND WASTEWATER RATES AND CHARGES

| 2111 |   |                      |                      | Proposed        |
|------|---|----------------------|----------------------|-----------------|
| 2112 | <u>POTABLE WATER</u>  | <u>Existing Rate</u> | <u>Rate Increase</u> | <u>New Rate</u> |
| 2113 |   |                      |                      |                 |
| 2114 | Commodity rates/1,000 gallon                                    | \$2.82               | 20%                  | \$3.38          |
| 2115 | <u>WASTE WATER</u>  |                      |                      |                 |
| 2116 | Commodity rates/1,000 gallon                                    | \$5.78               | 20%                  | \$6.94          |
| 2117 | <u>IRRIGATION WATER</u>   |                      |                      |                 |
| 2118 | <b>Single Family Residential Customer Class Irrigation Rate</b> |                      |                      |                 |
| 2119 | <u>Bi-Monthly Consumption Tier (per 1,000 gallons)</u>          |                      |                      |                 |
| 2120 | 0 to 20,000 gallons   | \$1.21               | 20%                  | \$1.45          |
| 2121 | 20,001 to 40,000 gallons  | \$1.82               | 20%                  | \$2.18          |
| 2122 | 40,001 to 60,000 gallons  | \$2.42               | 20%                  | \$2.90          |
| 2123 | 60,001 to 80,000 gallons  | \$3.03               | 20%                  | \$3.64          |
| 2124 | Greater than 80,000 gallons                                     | \$3.63               | 20%                  | \$4.36          |

2125 **Multi-Family Residential Customer Class Irrigation Rate**

| 2126 | <u>Bi-Monthly Consumption Tier (per 1,000 gallons)</u> |        |     |        |
|------|--|--------|-----|--------|
| 2127 | 0 to 12,000 gallons                                    | \$1.21 | 20% | \$1.45 |
| 2128 | 12,001 to 24,000 gallons                               | \$1.82 | 20% | \$2.18 |
| 2129 | 24,001 to 36,000 gallons                               | \$2.42 | 20% | \$2.90 |
| 2130 | 36,001 to 48,000 gallons                               | \$3.03 | 20% | \$3.64 |
| 2131 | Greater than 48,000 gallons                            | \$3.63 | 20% | \$4.36 |

2132 Each multi-family irrigation customer will have the total number of multi-family units  
 2133 that have been constructed assigned to each irrigation meter. For example, a multi-  
 2134 family irrigation meter provides service for 48 multi-family residences and uses  
 2135 1,500,000 gallons per Bi-month. The first consumption tier would be 576,000 gallons  
 2136 per bi-month (48 x12,000). The second consumption tier for this example meter would  
 2137 be from (48 x 24,000). The third consumption tier would be charged for the remaining  
 2138 gallons over 1152,000.  
 2139

2140 *Amendment No XI 09/19/14*  
 2141 *Resolution 2015-06 adopted 09/04/2015*  
 2142 *Adjusted Tiers 04/21/17*



|      |   |        |     |        |
|------|---|--------|-----|--------|
| 2143 | <b>Hotel, Commercial, and RV Customer Class Irrigation Rate</b> |        |     |        |
| 2144 | <u>BI-Monthly Consumption Tier (per 1,000 gallons)</u>          |        |     |        |
| 2145 | 0 to 12,000 gallons   | \$1.21 | 20% | \$1.45 |
| 2146 | 12,001 to 24,000 gallons  | \$1.82 | 20% | \$2.18 |
| 2147 | 24,001 to 36,000 gallons  | \$2.42 | 20% | \$2.90 |
| 2148 | 36,001 to 48,000 gallons  | \$3.03 | 20% | \$3.64 |
| 2149 | Greater than 48,000 gallons                                     | \$3.63 | 20% | \$4.36 |

2150

2151 Each hotel, commercial or RV irrigation customer will have the total number of utility system

2152 ERCs assigned to each irrigation meter using the CID's standard allocation methodology. In

2153 the event that the irrigated area for such a customer is fairly well built out, the actual number

2154 of constructed units will not be used. In the event that the irrigated area for such a customer

2155 has not been generally built out, the CID's District Engineer will make a determination, in

2156 conjunction with input from the property owner, to establish the percentage of total build-out

2157 ERCs for which irrigation appears to be used at the time. This determination will be

2158 confirmed once per year, unless a significant amount of landscaping is added resulting in an

2159 enlargement of the irrigated area for a given property, and then the percentage of build-out

2160 ERCs will be adjusted at that time.

2161 \*Information for CPI was calculated from the last rate increase enacted in 1999.

2162 Customer deposits for non-owner occupied residential dwellings: \$150.00.

2163 *Amendment No XI 09/19/14*

2164 *Resolution 2015-06 adopted 09/04/2015*

2165 *Adjusted Tiers 04/21/17*

- 2166 IV. DEPOSITS
- 2167 1. Residential-non-owner \$150.00
- 2168 *Resolution 2015-06 09/04/15*

2169 **SECTION 6.4 METER FEES**

2170

2171 A. METER TURN-OFF OR TURN-ON, CONSUMER REQUEST

2172 Water service may be discontinued temporarily at the request of the consumer.

2173 During the period when service is turned off, minimum monthly charges will continue for water

2174 and wastewater service as listed above. A fee of \$10.00 will be charged for turn-on or turn-off of

2175 service.

2176

2177 B. METER TURN-OFF AND TURN-ON OF WATER SERVICE FOR NON-  
2178 PAYMENT.

2179 1. Water Service will be discontinued due to non-payment of bi-monthly  
2180 utility service bills. A fee of \$10.00 will be charged for turning off service. A fee of \$10.00  
2181 will be charged for turning on service. Service will be restored when all past due and  
2182 accrued fees and charges have been paid in full.

2183 2. Tampering with a locked-off service will result in removal of the water  
2184 meter and unplugging of the water service line. A fee of \$50.00 will be charged for meter  
2185 removal. Monthly minimum charges noted herein will continue to accrue for both water  
2186 and wastewater service.

2187 3. A meter installation fee of \$50.00 will be charged for .reinstallation of the  
2188 water meter and restoration of service. Service will be restored when all accrued charges  
2189 and fees have been paid in full.

2190

2191 **SECTION 6.5 SCHEDULE "B" FEES- METER**

2192

SCHEDULE

2193

CONNECTION FEES CONNECTION FEE

| <u>METER SIZE</u>                                  | <u>WATER</u> | <u>SEWER</u> |
|--|--------------|--------------|
| 5/8 x 3/4"<br>(Single Family detached<br>dwelling) | 750.00       | 900.00       |
| 5/8" or 3/4"<br>(Multi-Family<br>dwelling)         | 450.00       | 550.00       |
| 1"   | 1,750.00     | 1,450.00     |
| 1 1/2"   | 3,500.00     | 2,920.00     |
| 2"   | 6,000.00     | 5,000.00     |
| 3"   | 14,000.00    | 11,700.00    |
|  | 21,000.00    | 17,500.00    |
| 6"   | 45,500.00    | 37,900.00    |

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2196 **SECTION 6.6 SCHEDULE "C" PERMIT REVIEW FEES**

2197 **SCHEDULE "C" PERMIT REVIEW FEES**

2198

2199 **SANITARY SEWER COLLECTION SYSTEMS**

|      |    |   |                   |
|------|----|---|-------------------|
| 2200 | 1. | Gravity and Force Mains                 | \$0.05/linear ft. |
| 2201 | 2. | Manholes                                | \$8.00/ea.        |
| 2202 | 3. | Pump Station and Lift Station Wet wells | \$20.00/ea.       |
| 2203 | 4. | Motor Horsepower                        |                   |
| 2204 |    | 0.0 to 5.0                              | \$25.00           |
| 2205 |    |   |                   |
| 2206 |    | 5.1 to 14.9                             | \$50.00           |
| 2207 |    |   |                   |
| 2208 |    | 15.0 to 44.9                            | \$75.00           |
| 2209 |    |   |                   |
| 2210 |    | 45.0 to 64.9                            | \$100.00          |
| 2211 |    |   |                   |
| 2212 |    | 65.0 to 124.9                           | \$125.00          |
| 2213 |    |   |                   |
| 2214 |    | 125.0 to 199.9                          | \$150.00          |
| 2215 |    |   |                   |
| 2216 |    | 200.0 and Greater                       | \$200.00          |
| 2217 |    |   |                   |

2218 **WATER DISTRIBUTION SYSTEMS**

|      |    |                             |                 |
|------|----|-----------------------------|-----------------|
| 2219 | 1. | Mains 6" diameter or larger | 0.03/linear ft. |
| 2220 | 2. | Mains less than 6" diameter | 0.01/linear ft. |
| 2221 |    | Minimum Fee                 | \$250.00        |

2222

2223 *Amendment No 9 10/01/99*

2224 *This Resolution shall be effective as of the billing cycle commencing immediately prior to June 1, 2008.*

2225 *Resolution 2008-01- adopted March 21,2008*

2226 *Amendment No 8 06/01/08*

2227

2229 *1.04 EFFECTIVE DATE. This amendment to Chapter 11 of the Rules of the Port of the Islands Community Improvement District shall become effective for all water and wastewater billings on July 1, 2002.*

2232 Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

2233 Law Implemented: Chapter 190.035, Florida Statutes.

2234 History: Revision to Chapter 2

2235 establishing a fee for water and

2236 wastewater rates, connection fees and

2237 meter fees within the District

2238 *Adopted July 19, 2002*

2239 *Amendment No 7 07/01/02*

2240

2241 1.04 EFFECTIVE DATE. This amendment to Chapter 11 of the Rules of the Port of the  
2242 Islands Community Improvement District shall become effective for all water and  
2243 wastewater billings on August 1, 1999.

2244 Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

2245 Law Implemented: Chapter 190.035, Florida Statutes.

2246 History: Revision to Chapter 2  
2247 establishing a fee for water and  
2248 wastewater rates, connection fees and  
2249 meter fees within the District

2250 Adopted August 19, 1999

2251 Amendment No 5 08/01/99

2252

2253 **SECTION 6.7 MISC FEES AND CHARGES**

2254 **Customer Service Charges**

2255 **Returned Check Charges**

2256 Charge for consumer checks returned by bank for reasons of non-sufficient funds, uncollected  
2257 funds, account closed, stop payments etc. **\$10.00.**

2258

2259 **Late Fees**

2260 Customer Late Fees The District will Charge \$25.00 late fee for any water, sewer or irrigation  
2261 bill not paid within ten days of the due date.

2262 *Amendment (8)*

2263 *Adopted 03/21/08*

2264

2265 **METER RE-READ FEES**

2266 Determined by the District.

2267

2268 **SECTION 6.8 WATER RESTRICTION SURCHARGE**

2269 During periods when Collier County imposes **Water Restriction Surcharges** in conjunction  
2270 with the South Florida Water Management District Water Shortage Plan, the CID will also  
2271 impose **Water Restriction Surcharges** in order to promote additional levels of water  
2272 conservation. The amount of the surcharge shall be calculated by taking the consumption  
2273 charge as determined using the conservation rates for the appropriate customer class above  
2274 and multiplying times the appropriate "flow charge rate adjustment percentage". This amount  
2275 will then be added to the customer's irrigation bill during these periods of declared water  
2276 shortage.

| 2277 | Water Shortage   | Percent Reduction Goal   | Flow Charge Rate             |
|------|------------------|--------------------------|------------------------------|
| 2278 | <u>Phase</u>     | <u>In Overall Demand</u> | <u>Adjustment Percentage</u> |
| 2279 | Phase 2-Severe   | 30%                      | 15%                          |
| 2280 | Phase 3-Extreme  | 45%                      | 30%                          |
| 2281 | Phase 4-Critical | 60%                      | 40%                          |

2282

- 2283 1. Adjustments to the Flow Charge Rate Adjustment Percentage are effective the first  
2284 day of the billing cycle following the South Florida Water Management District  
2285 notification. The District will charge a \$25.00 late fee for any water, sewer or irrigation  
2286 bill not paid within 10 (ten) days of the due date.
- 2287 2. The District will disconnect the water service to any property that has a bill that has  
2288 not been paid within 45 (forty-five) days of the due date.
- 2289 3. The District will charge \$25.00 to reconnect service to any property whether the  
2290 disconnection is a result of late payment of bills or customer's request.
- 2291 4. All provisions of the District's water and sewer rate rules not expressly affected hereby  
2292 shall remain in full force and effect. Said rates and fees will be extended on the District's  
2293 bi-monthly water and wastewater bill and/or service application and will be subject to the  
2294 same regulations as contained in Section 7 of the District's Rules.

Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes.

2295 Law Implemented: Chapter 190.035, Florida Statutes

2296 History: Revision to Chapter II Establishing Rates for Water and  
2297 Wastewater Service, Connection Fees and Meter Fees within the  
2298 District.

2299

2300 Amendment 9

2301 EFFECTIVE DATE. This Amendment to Chapter 11 of the Rules+ of the Port of the Islands  
2302 Community Improvement District shall become effective for all water and wastewater billings  
2303 and applications for service on or after October 1, 1999.

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**SECTION 7 RULE MAKING FOR SIGNAGE**

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1. Purpose and Intent:
  - (a) It is the intent and purpose of this rule, and it shall be interpreted, to promote the health, safety, convenience, aesthetics, and general welfare of the community by controlling signs which are intended to communicate to the public and to authorize the use of signs which are:
  - (b) Compatible with their surroundings;
  - (c) Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists;
  - (d) Appropriate to the type of activity to which they pertain;
  - (e) Are large enough to convey sufficient information and small enough to satisfy the needs for this rule;
  - (f) Reflective of the identity and creativity of the community.
2. Unapproved Signs on Property Owned by the Port of the Islands Community Improvement District Prohibited.
  - (a) All signs erected on property owned by the Port of the Islands Community Improvement District must be approved by the Board of Supervisors.
  - (b) Any sign erected on property owned by the Port of the Islands Community Improvement District without approval of the Board of Supervisors are prohibited and shall be subject to immediate removal without compensation to the owner of the sign.
  - (c) All signs presently existing on property owned by the Port of the Islands Community Improvement District must be removed within ten (10) days of the effective date of this Rule.
3. Approval Process
  - (1) Prior to erecting any sign on property owned by the Port of the Islands Community Improvement District, the person proposing the sign shall submit a detailed graphic depiction of the proposed sign showing the location, dimensions and content of the sign.
  - (2) All signs must be consistent with the community appearance and include the "Heron and Sunset" logo.
  - (3) The submitted graphic depiction shall be included in the next regular Board of Supervisors meeting agenda for consideration.
  - (4) Approval shall be by majority vote of the Supervisors present and constituting a quorum.

2340 4. Exempt Signs

2341 (1) All signs owned and maintained by the Port of the Islands  
2342 Community Improvement District or Collier County.

2343 (2) Traffic signs.

2344 (3) Neighborhood identification signs including only the "Heron and  
2345 Sunset" logo and the name of the neighborhood provided that the  
2346 sign is limited to fifteen square feet in size and four feet in height.

2347 (4) Any existing exempt sign not in compliance with the size and  
2348 content requirements must be brought into compliance with the size  
2349 and content requirements within the earlier of:

2350 (i) Two (2) years of the effective date of this Rule or

2351 (ii) The time the sign is substantially repaired or replaced due to  
2352 wear, tear or other damage.

2353 Effective Date. This Rule shall be effective upon adoption.

2354 Adopted April 13, 2007 after a public hearing at which a quorum of the Board of Supervisors was  
2355 present and majority of those Supervisors present voted to adopt.