

CS/CS/CS/HB 53: Public Works Stormwater Needs Analysis

June 24, 2021



Florida Legislature
Office of Economic &
Demographic Research
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CS/CS/CS/HB 53: Public Works...

- CS/CS/CS/HB 53 created section 403.9301, Florida Statutes, and section 403.9302, Florida Statutes.
 - Section 4 of the bill concerns wastewater services (s. 403.9301, F.S.)
 - Section 5 of the bill concerns stormwater services (s. 403.9302, F.S.)
- Each section requires “each county, municipality, or special district” providing the relevant services to “create a 20-year needs analysis.

Bill Section Comparison...

Wastewater Management

(1) The Legislature intends for each county, municipality, or special district providing wastewater services to create a **20-year needs analysis**.

...Definitions...

(3) **By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing wastewater services shall develop a needs analysis for its jurisdiction over the subsequent 20 years.** In projecting such needs, each local government shall include the following:

Stormwater Services

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a **20-year needs analysis**.

...Definitions...

(3) **By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years.** In projecting such needs, each local government shall include the following:

Wastewater Management

- (a) A detailed description of the facilities used to provide wastewater services.
- (b) The number of current and projected connections and residents served calculated in 5-year increments.
- (c) The current and projected service area for wastewater services.
- (d) The current and **projected cost** of providing wastewater services calculated in 5-year increments.
- (e) The estimated remaining useful life of each facility or its major components.
- (f) The most recent 5-year history of **annual contributions to, expenditures from, and balances** of any capital account for maintenance or expansion of any facility or its major components.
- (g) The local government's **plan to fund** the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future **revenues and expenditures** with an evaluation of how the local government expects to close any projected **funding gap**.

Stormwater Services

- (a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.
- (b) The number of current and projected residents served calculated in 5-year increments.
- (c) The current and projected service area for the stormwater management program or stormwater management system.
- (d) The current and **projected cost** of providing services calculated in 5-year increments.
- (e) The estimated remaining useful life of each facility or its major components.
- (f) The most recent 5-year history of **annual contributions to, expenditures from, and balances** of any capital account for maintenance or expansion of any facility or its major components.
- (g) The local government's **plan to fund** the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future **revenues and expenditures** with an evaluation of how the local government expects to close any projected **funding gap**.

Wastewater Management

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its service area is located. **Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document.** The county shall file the compiled document with the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

Stormwater Services

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located. **Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document.** The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

Wastewater Management

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

Stormwater Services

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

Timeline...

(repeats every 5 years)

- On or before June 30, 2022:
 - Local government must complete 20-year analysis
 - Local government must send analysis and supporting documentation to county
- On or before July 31, 2022:
 - County must send compiled reports to Department of Environmental Protection and the Office of Economic and Demographic Research
- January 1, 2023:
 - EDR must publish statewide evaluation

EDR's Role...

- Statutorily, EDR's responsibilities begin near the end of the process.
- In order to get sound and reliable information, EDR has received approval from the Legislature to provide guidance at the beginning of the project.
 - Under the new statute, EDR cannot require the local governments to comply with any directives. A front-end role would have to be in the form of guidance.
 - We are in the process of bringing on consulting services to help us with outreach and technical assistance.

Steps that are underway...

- Currently, our major goals are to create a template write guidelines, and identify best practices.
- We are in the process of reaching out to key stakeholders:
 - Florida Stormwater Association
 - Regional Planning Councils
 - Water Management Districts
 - Association of Counties
 - League of Cities
 - DEP's NPDES Stormwater Program
 - DEP's Office of Resilience and Coastal Protection

Help from partners...

- We are looking for feedback and any suggestions you have on leveraging existing planning exercises or permits. Examples include:
 - MS4 permits
 - BMAP projects
 - Local government comprehensive plans
 - Capital facility plans
 - Other long term planning documents
 - FDOT drainage permits
- The template will likely include a Microsoft Excel workbook or some other format that will allow the county government to easily compile data.

Four Key Questions...

For today, we have 4 key questions, though these may prompt additional questions. These first questions concern the following:

1. For the purposes of this analysis, what are the boundaries of the activities and structures that comprise stormwater management—similarly what makes up a system?
 - Should the focus be on financial investments by the local government or more on regulatory scope?
 - Should current and anticipated steps to address tidal events that result in recurrent flooding be included? Traditional stormwater management definitions focus on rain and weather events, but sea level rise has changed the landscape, literally and figuratively.
 - What is the line between stormwater management activities and water quality projects?
2. Knowing that the goal is to develop estimates for all areas of Florida, should the reporting requirements differ between local governments and, if so, what are the most meaningful categorizations and treatment options?
 - Level of past investment?
 - Population density or projected growth?
 - Acres of developed or developable land?
 - Risk level such as miles from the coast or feet above seal level?
 - Some combination of the above, such as an index?

Four Key Questions continued...

3. How should “needs” be defined?

- The time horizon must be taken into account. Infrastructure and facilities that can deal with the current environment may not be enough for increased population, sea level rise, more frequent and severe storm events, or future water quality degradation.
- A system that is budgetarily constrained may need significant upgrading or expansion; however, projections should not be based on pipe dreams that could not be attained even with assistance.

4. How should more detailed short-term needs be projected into the full 20-year planning horizon?

- Should one or more default models or growth rates be provided by EDR as options that local governments could choose between?
- What should be the methodology for a local government that simply operates from one budget cycle to the next and has no longer term plan?