

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

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Stormwater Template Overview

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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 management (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.”

Section 403.9302, Florida Statutes

- (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**.
- (2) As used in this section, the term:
 - (a) "Facility" means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.
 - (b) "Stormwater management program" has the same meaning as provided in s. 403.031(15).
 - (c) "Stormwater management system" has the same meaning as provided in s. 403.031(16).

Section 403.9302, Florida Statutes

(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:

- (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.

Section 403.9302, Florida Statutes

(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.

(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 Recap...

(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.
- EDR received approval from the Legislature to provide guidance at the beginning of the project.
- Guidance is in the form of a stormwater template for each city, county and special district to use to comply with the bill's requirements

EDR's Template Project

- Sought and received feedback from various partners including:
 - Florida Stormwater Association
 - Regional Planning Councils
 - Water Management Districts
 - Association of Counties
 - League of Cities
 - Florida Association of Special Districts
 - DEP's NPDES Stormwater Program
 - DEP's Office of Resilience and Coastal Protection
 - Private Consultants
- EDR completed the Excel Workbook Template in October, and can be downloaded from EDR's website under the Natural Resource & Infrastructure Tab at: [Stormwater & Wastewater 20-Year Needs Analyses \(state.fl.us\)](https://www.state.fl.us/nr/infrastructure/stormwater-wastewater-20-year-needs-analyses)

Template

- Timely completion of the template fulfills the requirements of section 403.0302, F.S.
- The template is fashioned in such a way that the data will be most useful in EDR's final report to the legislature, and maximizes any potential benefit afforded to cities, counties and special districts by presenting the best information possible to the Legislature
- Participating in the needs analysis assures your jurisdiction's representation in the report to the Legislature

Because this analysis is “forward looking,” it will necessarily include a large number of assumptions regarding future actions. Predictions should be based on available data coupled with best professional judgment.

Guiding Principles

- Cities, counties and special districts that own or operate stormwater management systems must perform the needs analysis
- Excludes stormwater systems owned/operated by:
 - Private entities, federal government, state government, WMDs, school districts, state universities or colleges
- Future Routine O&M is assumed to be fully funded (not asking to identify O&M activities that are not funded)
- Local governments should include dependent special districts in their reports. Only independent districts report separately
- Current laws and rules prevail. Not assuming the effect of any future stormwater rules

General Comments

- Instructions for Completing the Workbook are still Under Development
- Statutory paragraphs—(3)(a) through (3)(g)—form the titles for each Part (Parts 1 through 8) of the template
- The same project should not appear in multiple tables unless the expenditures are allocated between the tables (*e.g.*, a capital improvement project equally devoted to flood control and water quality goals)
- Dollars reported in \$1,000s
- For situation where more than one entity may include expenditures, please contact EDR

General Comments, continued

- Cost reporting: Include only expenditures that *“have flowed, are flowing, or will likely flow”* through your budget
 - That is to say, do not include private projects and funds
 - Do not include costs borne by other entities, unless that money flowed through your budget.
 - The concept of future expenditures should be viewed as an expression of identified “needs”
- Projections are necessarily speculative and DO NOT represent a commitment of future budget actions

Background Information

- Name of Local Government:
- Name of stormwater utility, if applicable:
- Contact Person
 - Name:
 - Position/Title:
 - Email Address:
 - Phone Number:
- Indicate the Water Management District(s) in which your service area is located.
 - Northwest Florida Water Management District (NFWMD)
 - Suwannee River Water Management District (SRWMD)
 - St. Johns River Water Management District (SJRWMD)
 - Southwest Florida Water Management District (SWFWMD)
 - South Florida Water Management District (SFWMD)
- Indicate the type of local government:
 - Municipality
 - County
 - Independent Special District

Part 1 – A Detailed Description of the Stormwater Management Program...

- Section 403.9302(a), F.S. is divided into Part 1 and Part 2 in the template (Program and System)
- **Stormwater Management Program** is defined in Section 403.031(15), F.S., as *“the institutional strategy for stormwater management, including urban, agricultural, and other stormwater.”*

Part 1 – Detailed Description of the Stormwater Management Program, continued

- “Detailed” program description is reduced into three simple subparts:
 - **Brief Narrative**, including a relative rating of the importance of flood control, water quality, and reducing vulnerability for your jurisdiction
 - **Goal Ranking:** Goals for the Program, Ranked 0 thru 5
 - **Itemized Program Activities:** Yes/No questions related to Program activities
 - **Itemized O&M Activities:** Yes/No questions related to routine O&M activities

Part 2 – ...A Detailed Description of the Stormwater Management System

- **Stormwater Management System** is defined in Section 403.031(16), F.S., as *“a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system.”*

Part 2 – A Detailed Description of the Stormwater Management System, continued

- “Detailed” system description is reduced into an aggregate summary list requiring gross estimates for items such as:
 - Miles or Feet of buried storm sewer, *etc.*
 - Number of wet and dry ponds
 - Number of pump stations
 - Other similar inventory summaries
- Yes/No questions related to green infrastructure
- Check Boxes for Resources or Documents that helped you answer the above

Part 3 - The Number of current and projected residents served in 5-year increments

- For counties and municipalities: EDR will calculate the appropriate population estimates and include in the report to the legislature
- For Independent Special Districts (ISDs), EDR will also calculate the appropriate population estimates subject to the following:
 - An ISD whose boundaries align with a county or municipality must only provide the name of that local government
 - For ISDs whose boundaries do not align with a county or municipality, provide a GIS shapefile of the current and proposed service area
 - Additionally, districts supplying a GIS shapefile for part 3 can skip Part 4 entirely.

Part 4 – The Current and Projected Service Area for the Stormwater Management Program or Stormwater Management System

- EDR is not requesting legal descriptions or detailed maps
- Rather, this part is “exception-based,” if your stormwater service area extends beyond the geographic limits of your jurisdiction, please explain.
- Similarly, if your service area is expected to change within the 20-year horizon, please describe the changes.

Part 5 – The Current and Projected Cost of Providing Services Calculated in 5-year Increments

- For simplicity, “Services” is restricted to:
 1. **Routine Operation & Maintenance:** O&M items listed previously (in Part 1.3) and including administration and non-structural elements
 2. **Expansion** – Defined herein as “improvement” of the stormwater management system, or in other words, new work, new projects, retrofitting, and significant upgrades

Part 5 – The Current and Projected Cost of Providing Services, continued

- The template separates expansion into four categories:
 - Flood protection/abatement projects
 - Water quality projects
 - Resiliency projects (addressing sea level rise and increased flood events)
 - Major end of useful life replacement projects (aging infrastructure)

While local governments don't necessarily use these categories when planning or budgeting and the boundaries between these categories are sometimes fuzzy, EDR believes that these divisions are of interest to the legislature.

Part 5 – The Current and Projected Cost of Providing Services, continued

- Expenditures within the four expansion categories are also reported as either having a committed funding source or having no identified funding source.
 - Committed funding sources include: the capacity to absorb the project’s capital cost within current budget levels or forecasted revenue growth; financing that is underway or anticipated (bond or loan); known state or federal funding (appropriation or grant); special assessment; or dedicated cash reserves for future expenditure
- Future expenditures are aggregated into 5-year increments and based on the local fiscal year.
- If there are more projects than the Template allows, please use the “Additional Projects” tab at the end of the Workbook

Part 5.1 - Routine Operation & Maintenance

- Include all Operation & Maintenance costs
- BUT NOT those associated with
 - Resiliency
 - Replacement of aging infrastructure
- DO Include: Costs associated with non-structural programs like public outreach and education efforts
- The most recent O&M Costs can be “grown” using inflation, population growth or other factors you choose to use
- Please provide explanation for any O&M expenses estimated to be greater than 15% over any 5-yr period (tell us what this is)

Part 5.2 - Future Expansion with a Committed Funding Source

- Future Expansion in this section deals with new work, retrofitting and upgrades for:
- Flood Protection
- Water Quality Projects (Identify BMAP initiatives by project number, if possible)

EDR realizes that many projects have both quantity and quality components.

Use best professional judgment to select best-fit category

Part 5.3 - Future Expansion with No Identified Funding Source

- Flood Protection
- Water Quality (BMAP list, etc.)
- For both committed and no identified funding, provide source of estimation

Please indicate which resources or documents you used to complete this table (5.3).

- Stormwater Master Plan
- Basin Studies or Engineering Reports
- Adopted BMAP
- Adopted Total Maximum Daily Load
- Regional or Basin-specific Water Quality Improvement Plan or Restoration Plan
 - Specify: <text box>
- Other(s): <text box>

Example System – Part 5.2 Tables

One of the water quality projects is on DEP's STAR Report list of BMAP Projects

Regional Airport Rebuild project is allocated between Flood Protection (75%) and Water Quality (25%)

5.2 Expansion Projects with a Committed Funding Source					
5.2.1 Flood Protection					
Project Name	LFY 2021-2022	Expenditures			
		2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Connections to Clear Creek Development		500	100		
Permeable walking paths downtown	30	400	600	630	662
Midtown Park projects	1,000	750	500	250	

5.2.2 Water Quality					
Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	Expenditures			
		2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
DeSoto Drainage Project	0	50	60	70	
BMAP 1A5033670	20	450	450		
Alum Injection System (Northern Ponds)			75		

5.3 Expansion Projects with No Identified Funding Source					
5.3.1 Flood Protection					
Project Name	LFY 2021-2022	Expenditures			
		2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
City Hall permeable parking lot		300	25		
Regional Airport Rebuild (part)			3,250	3,500	3,750

5.3.2 Water Quality					
Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	Expenditures			
		2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Center Lake Nutrient Reduction Fac.		100	200		
Regional Airport Rebuild (part)			1,083	1,167	1,250

Part 5.4 – Stormwater Projects Part of Resiliency to Address Climate Change

- Include all costs associated with resiliency, sea level rise, or more frequent or intense rainfall
- Same Categories as Previous Section:
 - Committed Funding Source
 - No Identified Funding Source
- Also Included: a few Yes/No Questions related to Resiliency Planning
- Please include Resiliency O&M costs in this section (**not** in Part 5.1)
- Replacement of aging infrastructure should not be included in this section

Part 6 – The Estimated Remaining Useful Life of Each Facility or Its Major Components

- Remaining useful life is reduced to a summary list of those stormwater projects scheduled or identified for replacement due to old age/failure
- Limited to those projects considered “Major”
- Major defined as any single replacement project greater than 5% of the total O&M expenditures over the most recent five-year period.

Part 7 – The Past 5-Year History of Contributions, Expenditures, and Balances of Any Capital Account

- Actual Expenditures over past 5-years
- Same categories as projections: Routine O&M, Expansion, Resiliency, and Aging Infrastructure
- Funding Sources divided into:
 - Current Year Revenues
 - Bond Proceeds
 - Dedicated Reserve
 - Rainy day Funds
- Contributions to Reserve Account or Capital Account refers to any reserve account specifically to cover future expenditures
- If you have no formal reserve, enter 0 for reserves

Part 8 – Plan to Fund O&M and Expansion over 20-year Horizon, including How Expect to Close any Funding Gap

- The Workbook calculates any funding gap based on data provided in previous tables following within the same categories:
 - Committed Funding Source; No Identified Funding Source, and
 - O&M, Expansion, Resiliency, Aging Infrastructure
- The table provides space to describe strategies to close funding gaps (if any) and the expected revenues from such strategies

Additional Projects Tab

- Final Tab provides additional space for lists of projects that exceed the allocated cells in the previous Sections.
- Project Type and Funding Source Type all inserted into appropriate category/Section by use of Dropdown Lists

Continued EDR Assistance

- More Specific Directions are under Development
- Schedules for Growth Rates Available Soon
- County-Specific Workbooks Under Development

Questions/Comments?

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