

MEMORANDUM

Agenda Item No. 7(I)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to water remetering; amending sections 8A-380, 8A-381, 8A-382, 8A-384, 8A-385, 8A-386, and 8A-387 of the Code; revising definitions; revising intent and application; revising registration requirements; revising requirements pertaining to records and reports; revising requirements for the rendering and form of submetered billing; requiring persons who render certain billing services to conduct periodic audits of their records; revising submeter requirements; revising prohibited practices; requiring remeterers to report certain information within a specified timeframe after executing a contract to provide remetering services; making technical changes

Ordinance No. 23-69

A substitute was presented and forwarded to the BCC with a favorable recommendation at the July 11, 2023 PortMiami, Resiliency, and Sustainability Committee. This substitute differs from the original item as stated in the County Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: September 6, 2023
To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
From: Daniella Levine Cava
Mayor *Daniella Levine Cava*
Subject: Ordinance Relating to Water Remetering

This substitute differs from the original item by revising Section 8A-386(a)(1) of the ordinance to include “C713” to the list of AWWA Standards.

Executive Summary

Water remetering is the process used in multi-unit buildings to resell water service purchased from the Water and Sewer Department (WASD) through the use of a submeter. Water remetering was originally advanced as a water conservation measure, in addition to serving as a consumer protection measure by providing parameters under which individualized billing for water consumption by building owners can occur in multi-unit buildings. This ordinance updates existing provisions relating to Water Remetering to reflect technological advancements in the industry and to ensure that the County Code conforms with related State preemptive language regarding the registration of 3rd party utility billing companies (Remeterers). The proposed amendments will also further the County’s original intent by removing some outdated provisions thereby resulting in closer alignment with current property management industry standards and adding provisions to more closely align with WASD’s bill calculations.

Recommendation

It is recommended that the Board approve the attached ordinance relating to Water Remetering, amending several provisions including definitions, intent and application, registration requirements, required records and reports, requirements for the rendering and form of submetered billing, submeter requirements and prohibited practices.

Scope

If approved, the amended ordinance will have a County-wide impact.

Delegation of Authority

There is no new delegation of authority, as the Remetering Ordinance is already enforced by the Consumer Protection Division of the Department of Regulatory and Economic Resources. The Remetering Ordinance will continue to be enforced by that Department.

Fiscal Impact/Funding

This ordinance will have minimal fiscal impact. Currently the ordinance requires both the Remeterer and the property owner to register. Removing the registration requirement for the Remeterer because of recent State preemption will reduce annual proprietary revenues by

approximately \$8,140. The property owners that remeter their water service will continue to have to register with the County. The remaining amendments should incentivize new property owner registrations over time, which would correspondingly increase registration revenues. Any expenses associated with increased property owner registrations will be covered by registration fees.

Social Equity Statement

The proposed amendments to the Water Remetering ordinance will update provisions that were written more the 25 years ago and align the regulations with current industry standards and practices, while maintaining current levels of consumer protection. Currently, the management of multiple unit properties continues to move towards comprehensive billing in electronic formats for rent and resident services including water services. As a result, residents of multi-unit properties have become accustomed to receiving monthly billing that contains all services provided by landlords and/or condominium associations in one bill. These amendments will allow for a single bill for all services provided by landlords and/or condominium associations. Additionally, multi-unit properties generally run rental periods or association fees on a 1st of the month basis. WASD billing periods can vary depending on the time of the month that an account is originally opened or on a meter reading schedule, and the length of the billing periods can also vary from month to month. These amendments will allow property managers to conform water service billing periods to rent and other resident service billings, while maintaining the same level of consumer protection by requiring increased self-monitoring of amounts billed to avoid overcharges.

Also, current provisions in the Remetering Ordinance requiring property owners to maintain water meter measuring instruments and testing equipment are outdated. These services are now provided by manufacturers or third parties. The reading of water submeters has moved away from manual reads to electronic transmission to a central office. Amendments to the Remetering Ordinance will help to remove obstacles for properties that have the necessary submeter infrastructure but have hesitated to remeter water services as a result of difficulties in operating in a compliant manner. An increase in the number of properties that remeter water services for their residents will increase conservation of water resources.

Furthermore, the adoption of the companion ordinance creating a Local Technical Amendment to the Florida Building Code to require the installation of individual unit submeters in new multi-unit building construction may further increase the number of properties that remeter water services, resulting in increased water conservation. Installation of submeters at the time of original construction is more cost effective than retrofitting a completed building.

Where a multi-unit building does not bill the residents/tenants for their individual water usage, there is no way to know how much water is being consumed by individual units, and no incentive for individual unit occupants to reduce water consumption. The property owner is liable for the total cost of water consumption, and has limited ways to reduce consumption, and therefore to reduce costs. Inevitably rent or fee increases must be used to cover increased costs. Alternatively, residents/tenants in a remetered property can monitor their consumption and take steps to reduce water usage to save money. In this instance the property owner does not solely bear the liability for the amount of water consumed. Residents/tenants are protected

by the ordinance provisions requiring that water service be resold at rates that do not exceed those used by WASD and prohibiting property owners from making a profit from reselling the water purchased from WASD.

The removal of registration requirements for third party billing companies due to the State's preemption of local regulation of that occupation may make it more difficult to enforce compliance with the billing content and format requirements. This compliance burden will be shifted to the property owner. Previously where an enforcement action may have been commenced against the billing company for activities in violation of the ordinance, those actions will now have to be commenced against the property owner.

Track Record/Monitor

The Department of Regulatory and Economic Resources administers the Remetering Ordinance and is overseen by the Consumer Protection Division Chief II, Gregory Baker.

Background

Multi-unit structures serviced by WASD receive water that is recorded through a master meter for each structure. Individual units in the structures are not metered. The property owner receives one bill for the total amount of water consumed based on the amount of water delivered through the master meter for a given period. The Miami-Dade County Remetering Ordinance was originally adopted to encourage the conservation of water in multi-unit structures, by creating a system whereby individual unit water consumption within a multi-unit structure could be measured and billed accordingly. By making individual units accountable for their water usage, an incentive is created to reduce water usage as a way to save money.

To determine the amount of water consumed by each individual unit in multi-unit structures, it is necessary to install a submeter at the plumbing entry point of each individual unit. This allows the multi-unit property owners to resell water services purchased from WASD based on individual unit consumption. Remetering under the ordinance is defined as the resale of water service by use of a submeter by an owner at a rate or charge which does not exceed the owner's actual purchase price.

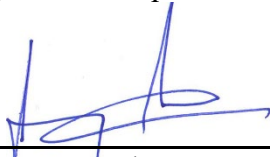
The Remetering Ordinance has established a comprehensive regulatory system to assure that the practice of remetering of water services and billing are just and reasonable. It assures that billing for water service at multiple unit properties is based on individual unit usage, that residents are charged fairly for the services provided by those engaged in re-metering, and that owners and residents are protected from unscrupulous business practices. It also has established the rights and responsibilities of the owner, resident and those engaged in re-metering. The Remetering Ordinance has been administered by the County's Consumer Protection Division since initially adopted. There are currently 306 properties registered which represents close to 65,000 units.

However, as the Ordinance was adopted over 25 years ago, and remains in substantially the same form, there are several outdated and/or unworkable provisions that should be updated.

The proposed revisions will remedy those problems by bringing alignment between ordinance requirements and industry practice while maintaining the same level of consumer protections.

The property management industry standard continues to move towards online billing for rent and resident services including water services. The technology associated with water submeters and reading equipment has substantially evolved and moved away from manual reading to electronic readings that can be conducted at any time and transmitted anywhere. Property owners and remetering companies no longer maintain meter testing equipment. Instead, necessary tests are conducted by the manufacturers or accredited testing facilities. The amendments proposed herein more closely align the ordinance with accepted industry practices and new technologies. Simplifying compliance with the ordinance provisions should encourage more multi-unit properties to conserve water resources through remetering.

Finally, the recently adopted Section 163.211, Florida Statutes preempts local regulation of the remeterers, which is effective July 1, 2023. Consequently, with these current amendments, the registration requirements for remeterers are being removed, while the building owner registration requirement is being maintained.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(I)
9-6-23

ORDINANCE NO. 23-69

ORDINANCE RELATING TO WATER REMETERING; AMENDING SECTIONS 8A-380, 8A-381, 8A-382, 8A-384, 8A-385, 8A-386, AND 8A-387 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITIONS; REVISING INTENT AND APPLICATION; REVISING REGISTRATION REQUIREMENTS; REVISING REQUIREMENTS PERTAINING TO RECORDS AND REPORTS; REVISING REQUIREMENTS FOR THE RENDERING AND FORM OF SUBMETERED BILLING; REQUIRING PERSONS WHO RENDER CERTAIN BILLING SERVICES TO CONDUCT PERIODIC AUDITS OF THEIR RECORDS; REVISING SUBMETER REQUIREMENTS; REVISING PROHIBITED PRACTICES; REQUIRING REMETERERS TO REPORT CERTAIN INFORMATION WITHIN A SPECIFIED TIMEFRAME AFTER EXECUTING A CONTRACT TO PROVIDE REMETERING SERVICES; MAKING TECHNICAL CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 8A-380 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 8A-380. – Definitions

The following words and phrases when used in this section shall have the following meanings:

AWWA shall mean the American Water Works Association.

CSD shall mean the Miami-Dade County ~~[[Consumer Services]]~~ Department >>of Regulatory and Economic Resources, Consumer Protection Division, or successor.<<

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Section 3. Section 8A-381 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Section 8A-381. – Intent and application.

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~~[[d) Any Owner or Remeterer who has installed submeters and who has been individually billing Residents for water service prior to the adoption of this article shall have ninety (90) days from the date of enactment to comply with the provisions of this article.~~

e]] >>(d)<<Any municipality that operates its own water utility in Miami-Dade County may petition, in writing, that the CSD enforce remetering for their retail customers provided that the municipality adopts an ordinance or resolution authorizing Miami-Dade County to regulate water remetering in its municipality. In such cases, all references to WASD shall apply to that municipality's water service.

Section 4. Section 8A-382 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Section 8A-382. – Registration required.

(a) Initial and annual registrations are required of owners ~~[[and Remeterers]]~~. Each application for initial registration, renewal registration and duplicate or amended registration shall be on a form prescribed by the Director and shall be accompanied by a fee in

such amount as shall be established by ~~[[Administrative]]~~ >>Implementing<< Order ~~[[of the County Manager]]~~. Such fees shall be effective upon approval by the Commission. All fees collected shall be deposited in a separate County fund to be utilized solely for the administration and enforcement of this article. No part of such fund shall be used for purposes other than the aforesaid.

- (1) Each application for registration by an Owner shall contain the following information:
 - a. Name, address and type of property to be remetered; Owner's name, telephone number ~~[[and tax identification number and/or social security number]]~~, legal business and trade name, if applicable; names and addresses of any partners, officers, other corporations, entities or trade names through which business is conducted; number of units being remetered; name, address, contact person and telephone number of Remeterer; and name, address, contact person and telephone number of management company, if applicable.
 - b. Copy of sample lease or condominium agreement that states individual unit is or may be submetered.
 - c. Date billing is to begin and copy of bill format that meets the requirements of Section 8A-385(a)(3)f.
 - d. Copies of plumbing and electrical permits, where applicable.
 - e. Specifications, as approved by AWWA Standards, of submeters ~~[[and testing equipment]]~~ to be used.
 - f. Schedule of submeter installations pursuant to Section 8A-387(d), if applicable.
 - g. Comparison report of Owner's regular water service charges from WASD and charges billed to the Residents by the Owner for the same period of time. This

requirement is not necessary during initial registration.

~~[[h. A list of all properties served in Miami-Dade County to include the property name, service address, contact person and telephone number.~~

~~i.]]~~ >>h.<< Other additional information and items as the Director shall require to enforce the provisions of this article.

~~[(2) Each application for registration by a Remeterer shall contain the following information:~~

- ~~a. Company's legal business and trade name, principal or main address and telephone number, tax identification number and/or social security number, names and addresses of any other corporations, entities or trade names through which business is conducted; and names and addresses of Business Owners or Corporate Officers.~~
- ~~b. Copy of occupational license permitting company to do business in Miami-Dade County.~~
- ~~c. Copy of Certificate of Competency as a registered or certified plumbing contractor from Miami-Dade County or the State of Florida, if applicable.~~
- ~~d. Proof of workers' compensation insurance coverage, as required by Chapter 440 of the Florida Statutes, or a state certificate of exemption.~~
- ~~e. Proof of comprehensive general liability which shall have a minimum limit of three hundred thousand dollars (\$300,000.00) per occurrence combined single limit for bodily injury and property damage liability.~~
- ~~f. Specifications, as approved by AWWA Standards, of submeters and testing equipment to be used.~~

- g. ~~Other additional information and items as the Director shall require to enforce the provisions of this article.~~
- (3) ~~Each initial application for registration by an Owner or Remeterer who has installed submeters and has been individually billing Residents for water service usage prior to the adoption of this article shall contain, in addition to the requirements in paragraphs (1) and (2) above, the following information:~~
 - a. ~~Comparison report of Owner's regular water service charges from WASD and charges billed to the Residents by the Owner for the same period of time.~~
 - b. ~~Copy of the signed plumbing and/or electrical permit card or other form of approval issued by the appropriate governmental agency of jurisdiction for the installed submeters.]]~~
- (b) Any change in ownership, address, telephone number, contact person or other information recorded on a registration application shall be reported to the Director, in writing, within ten (10) days of the change.
- (c) Registrations shall become effective upon the date the application is approved by the Director. Completed renewal applications must be submitted to the ~~[[Miami Dade County Consumer Services Department]]~~ >>CSD<<, ~~[[by mail or in person,]]~~ at least thirty (30) days prior to the expiration of the registration. An incomplete application shall be considered abandoned if an applicant fails to complete their application within sixty >>(60)<< days from the date that the application is filed with the CSD. An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Section 5. Section 8A-384 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Section 8A-384. – Records and reports.

- (a) The owner shall maintain the following records and reports:
 - (1) Name, address and telephone number of Owner; name, address and telephone number of the Remeterer; and name, address and telephone number of management company, if applicable.
 - (2) Person to be contacted concerning questions or complaints about service and billing.
 - (3) Resident's name and location of each unit being submetered.
 - ~~[[(4) Copies of the plumbing and electrical permits, where applicable.]]~~
 - ~~(5)]] >> (4) <<~~ Specifications, as approved by AWWA Standards, of submeters ~~[[and testing equipment]]~~ to be used on the subject property.
 - ~~[[(6)]] >> (5) <<~~ Other information as may be required by CSD to enforce the provisions of this article.
- (b) Resident access to submetering records. Upon reasonable request of a Resident, the Owner shall make available for the Resident's inspection, at an agreed upon time and place, the following records during normal business hours (normally, Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m.):
 - (1) The billing from WASD to the Owner for the current month and the twelve (12) preceding months.
 - (2) The calculation for billing, i.e., gallons or hundred (100) cubic feet (ccf), for the current month and the twelve (12) preceding months.
 - (3) All submeter readings and Resident billings for the individual unit for the current month and the twelve (12) preceding months.

- (4) All submeter test results for the individual unit for the current month and the twelve (12) preceding months >>, if any.<<
- ~~[[(5) Documentation of separate account records for rent and/or maintenance fees and submetered water bills, including date of transaction, as required in Section 8A-385(a)(3)d.]]~~
- (c) Submeter records and reports. The Owner and/or Remeterer shall maintain the following submeter records and reports.
 - (1) Submeter equipment record. A record of all submeters, showing the Resident's name and address, date of installation, submeter serial number and date of the last certified test.
 - (2) Record of submeter tests. All submeter tests shall be referenced in the submeter record required by this section. The record of each test made shall show the serial number of the submeter, the type and manufacturer of the submeter ~~[[and any testing equipment used, the date of calibration and certification of the testing equipment]]~~, unit number where submeter is installed, the date and type of test made, who performed the test, the error and/or accuracy percentage of testing and mathematical data to permit verification of all calculations.
- (d) Records and reports pertaining to paragraphs (a) ~~[[and (b)]]~~ >>, (b) and (c) << above must be maintained for a period of ~~[[four (4)]]~~ >> three (3) << years. ~~[[Records and reports pertaining to paragraph (c) above must be maintained for a period of ten (10) years.]]~~ All records and reports shall be provided and/or made available to the CSD upon request in Miami-Dade County.

Section 6. Section 8A-385 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Section 8A-385. – Billing.

(a) The billing process for remetering activities shall be as follows:

- (1) Sale/rental agreement for submetering. All sale/rental agreements between the Owner and the Resident shall clearly state that the unit is or may be submetered, that bills for water service will or may be issued on a submetered basis, and that bills shall not include charges for water service for common areas and facilities. The Resident shall initial this provision on the sale/lease agreement. Each Owner shall provide the Resident, at the time the sale/lease ~~>>agreement<<~~ is signed, ~~[[a copy of a narrative summary prepared by CSD (one (1) copy will be provided by the CSD to the Owner)]]~~ ~~>>information<<~~ to inform the Resident about remetering ~~>>including, but not limited to, the address for the CSD web page that provides a summary of residents' rights and responsibilities relative to their water service billing<<~~. Current Residents must be notified of the information required in this section ninety (90) days prior to the implementation of the service, unless notice was otherwise provided in the Resident's sale/rental agreement.
- (2) Condominiums, cooperatives and other such properties in which the units are owned by the Residents shall be billed in the same manner as paragraph (1) above. All common area's water service usage shall be paid by all owners of the association as designated in their by-laws.
- (3) Rendering and form of submetered bill.
 - a. Bills shall be rendered ~~>>either<<~~ for the same billing period as that of WASD, generally monthly or quarterly, ~~[[unless service is rendered for less than that period The submeters shall be read either~~

~~during or no later than five (5) business days (excluding weekends and legal holidays) after WASD's scheduled window for reading the master meter. Bills shall be rendered as promptly as possible following the reading of the submeters.]] >>or according to the time~~
schedule in the rental agreement, condominium by-laws or property management agreement. Regardless of the method for bill rendering used, it shall be unlawful for any person, firm, corporation or other business entity to resell water service by use of a submeter, or by any other means, at a rate or charge which exceeds the actual purchase price from WASD, as per Sec. 8A-387(c) below. To ensure billing remains in compliance with the aforementioned prohibition, persons engaged in providing services regulated by this article who render bills according to a time schedule in a rental agreement, condominium by-laws, or property management agreement, which is different than the billing period used by WASD, shall conduct periodic audits of their records, no less than every six (6) months per calendar year, to ensure compliance with this subsection. These audits, including any and all documents reviewed for such audits, and any and all documents created thereafter regarding the results of any such audit, shall be maintained for a period of at least three (3) years and shall be provided and/or made available to CSD upon request in Miami-Dade County.

- b. The submeters shall be read no later than five (5) business days (excluding weekends and legal holidays) after the close of the billing period. Bills shall be

rendered as promptly as possible following the reading of the submeters.<<

[[b.]] >>c.<< The billing rate >>and per unit charges<< shall [[be that]] >>not exceed those<< used by WASD in its billing to the Owner for water service.

[[e.]] >>d.<< The Owner shall ensure that water service consumption billed to each individual unit is only for each unit's submetered usage.

[[d.]] >>e.<< A separate bill must be issued with the submetered billing information, separate and distinct from any other charges >>or if issued on a multi-item bill, all information and charges for submetered water services shall be on a separate page or in a distinct section<< [[, and shall not be combined with the sale, rent and/or maintenance payment or with any other service provided to the Resident]] .

[[e.]] >>f.<< The bill shall reflect only submetered usage >>, any WASD per unit meter charge, base facility charge or stormwater charge,<< and the applicable taxes.

[[f.]] >>g.<< The Resident's water service submeter bill shall show all of the following information:

1. The date and submeter reading of the period for which the bill is rendered.
2. The prior and current submeter readings.
3. The total gallons [[of]] >>or<< ccf of water service being billed.
4. The computed rate for gallons or ccf being billed >>and any WASD per unit meter charge, base facility charge or stormwater charge.<<

5. The total amount due for water service used and applicable taxes.
6. The name and address of the Resident to whom the bill is issued.
7. The name of the company rendering the submetering bill and the address and telephone number of the person or section from that firm that is to be contacted in case of a billing dispute.
8. The date by which the Resident must pay the bill.
9. The name, address and telephone number of the party to whom payment is to be made, if different from paragraph 7. above.
10. If it is an estimated bill, the bill shall be distinctly marked as such.
11. The telephone number of the CSD with a statement that indicates the CSD may be contacted if disputes are not resolved amicably with Owners and Remeterers.

* * *

- (7) Delinquent accounts. A one-time per month penalty on current billing not to exceed ten (10) percent of current billing, or a flat rate fee not to exceed ten (10) percent of current billing, may be applied to delinquent accounts. If such penalty is applied, the bill shall indicate the amount due if paid by the due date and the amount due if the late penalty is incurred. No late penalty may be applied if the Resident has not been informed, in writing, of this condition and of the exact dollar amount or percentage amount of such late penalty. No late penalty may be applied if the bill is in dispute until ten (10) days after the dispute has been resolved.

- (8) Owners and remeterers shall not impose any extra charges on the Resident over and above the water service charges, >>and the WASD per unit charges<< and including the applicable taxes that are billed by WASD to the Owner. The bill may not include a deposit, reconnect charge, or additional late penalty, other than as provided in item (7) above.

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Section 7. Section 8A-386 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Section 8A-386. – Submeters.

- (a) Submeter requirements are as follows:
- (1) *Use of submeter.* All water resold by an Owner shall be charged for by submeter measurements. The submeter shall conform to AWWA Standards C700, C708 ~~[[or]]~~ >>C710<< C713<<²>>or C715<<. All submeters shall be rated for a working pressure of at least 150 psi.
 - (2) *Installation by Owner and/or Remeterer.* Each Owner and/or Remeterer shall be responsible for providing, installing and maintaining in good working condition all submeters >>and all electronic transmitting equipment or devices<< necessary for the measurement of water service to the Residents. A shut-off valve shall be installed on the water line on the inlet side of the submeter.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

- (3) *Tamper-proof seal.* Each submeter must have a tamper-proof seal or device. This seal or device shall be clearly noticeable to detect if the submeter has been tampered with.
 - (4) *Submeter readings.* Each submeter shall indicate clearly the gallons and/or ccf of water for which >>a<<charge is made to the Resident >>and any electronic transmitting equipment or device must provide an exact reading of the submeter to which it is attached<<.
 - (5) *Location of submeters.* Submeters and shut-off valves used in conjunction with the submeters shall be installed in accordance with AWWA Standards, and shall be accessible for reading, testing and inspection where such activities will cause minimum interference and inconvenience to the Resident.
- (b) Submeter testing.
- (1) *[Tested and inspected for applicable size and type submeter.]* All submeters must be tested and inspected, within the time intervals recommended by the AWWA for the applicable size and type submeter, by a facility that is accredited and in compliance with AWWA Standards.
 - (2) *Accuracy requirements for submeters.* Submeters shall be tested for accuracy of registration at flow rates and test flow quantities in accordance with the applicable AWWA Standard.
 - (3) *Submeter tests requested by the Resident.* Each Owner shall, upon a reasonable written request from the Resident and, if the Resident so desires, in the presence of the Resident or their authorized representative, perform a test of the accuracy of the submeter. Prior to scheduling the test, the Resident shall be advised of their liability, if any, for the testing and plumbing charge pursuant to paragraph (4) below. >>Unless, as determined by the Director, the

meter must be shipped to an AWWA accredited facility to perform testing.<< the test shall be made during normal business hours (normally, Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m.), at a time convenient to the Resident desiring to observe the test. Submeter tests must be performed by an accredited and certified water meter testing facility.

- (4) *[Test results.]* Following completion of any test pursuant to paragraph (3) above, the owner shall advise the Resident in a timely manner but not ~~[[to exceed]]~~ >>later than<< sixty (60) days >>after completion of such test<<, in writing, of the test results. ~~[[if]]~~ >>If<< the test results are within the AWWA Standard for the applicable water meter, the Owner may charge a reasonable testing and plumbing charge to the Resident. If the submeter's accuracy is not within the appropriate accuracy standards, no charge shall be made to the Resident for the test.

- (5) *Submeter tests prior to installation.* No submeter shall be placed into service unless it has been factory tested or tested by a certified testing facility to comply with AWWA Standards for accuracy. A certification of accuracy shall be required and made available to the CSD upon request. ~~[[If any submeter is removed from service and replaced by another submeter for any purpose whatsoever, the CSD must be notified, in writing, of the serial number of the new submeter placed in the unit.]]~~

- >>(6) *Submeter testing after installation.* Owners and Remeterers must use an AWWA accredited provider/facility to perform any testing required by this article.<<

~~[[e)] Submeter testing facilities and equipment.~~

- (1) ~~Each Owner shall provide or have access to suitable measuring instruments for insuring the accuracy of shop and portable instruments used for testing submeters used in billing.~~
- (2) ~~All testing equipment shall be submitted once each year to a standardizing laboratory of~~

~~recognized standing, for the purpose of testing and adjustment, and shall be accurate to within twenty-five hundredths (0.25) percent of the actual quantity of water, in accordance with AWWA Standards. Owners and Remeterers who do not own testing equipment must use an AWWA accredited facility to do testing when needed and obtain from them proof that instruments used have been tested and adjusted yearly.~~

- ~~(3) All shop and portable instruments used for testing submeters used in billing shall be calibrated by comparing them with a reference standard at least once each year. Test equipment shall at all times be accompanied by a certified calibration card signed by an AWWA approved facility, giving the date when it was last certified and adjusted. Records of certifications and calibrations shall be kept on file in the office of the Remeterer, Owner or the Owner's designee for no less than four (4) years.]]~~

Section 8. Section 8A-387 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Section 8A-387. – Prohibited practices.

* * *

- (g) It shall be unlawful for Owners to make a profit from remetering.

>>(h) It shall be unlawful for a Remeterer to fail to report a property name, service address, contact person and telephone number to CSD within ninety (90) days of executing a contract with any property in Miami-Dade County to provide remetering services.<<

- [[~~(h)~~]] >>(i)<<It shall be unlawful for any person, firm, corporation or other business entity to place a submeter in use that is not registering in accordance with the AWWA specifications set forth in this article.

[[(+)] >>(j)<< Disconnection of water service by an Owner or a Remeterer for delinquent bills is prohibited. Water service may only be disconnected for emergency purposes, such as water service line problems, leakage, flooding or in the event that a dangerous condition exists which is related to the service being provided.

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

September 6, 2023

Approved by County Attorney as
to form and legal sufficiency:

Angela F. Benjamin

GBL
AB