



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, *County Attorney*

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MEMORANDUM

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Aleas Koos, Assistant County Attorney *ARK*
Contact: (407) 836-7320

DATE: June 26, 2023

RE: **Consent Agenda Item for the Board Meeting on July 11, 2023 Revised Administrative Regulation No.: 10.03.08, titled "Credit Account Policy - Solid Waste Division, Landfill Operations, Utilities Department"**

I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:

The regulation was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures.

It is our intent to place the revised regulation on the July 11, 2023 Consent Agenda for approval by the Board of County Commissioners.

II. ACTION REQUESTED:

Approval of proposed revisions to Administrative Regulation No.: 10.03.08, titled "Credit Account Policy - Solid Waste Division, Landfill Operations, Utilities Department"

AMC
Attachment

c: Byron Brooks, County Administrator
Joel D. Prinsell, Deputy County Attorney

Deputy County Attorney
Joel D. Prinsell

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Elaine M. Asad

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Dylan Schott
Scott Shevenell
Shonda White

Legal Administrative Supervisor
Anna M. Caban

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Melessia Lofgren

Paralegals
Maria Vargas, ACP
Gail Stanford
Lamar Sharpe



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ADMINISTRATIVE REGULATIONS

CHANGE 61

MEMORANDUM

To: All Administrative Regulations Recipients

From: Anna M. Caban, Legal Administrative Supervisor
County Attorney's Office 

Date: July 19, 2023

Subject: Revised Administrative Regulation 10.03.08 titled, "Credit Account Policy-Solid Waste Division, Landfill Operations, Utilities Department" and Administrative Regulation 11.08, titled "Unlicensed Contracting.."

The following attached revision and corrections are forwarded to you for inclusion in Orange County's Administrative Regulations:

- Attachment 1: Revised Table of Contents to properly reflect all revisions to date.
- Attachment 2: Revised Administrative Regulation 10.03.08 and 11.08 approved by the Board of County Commissioners on July 11, 2023.

Please insert the updated Table of Contents revised Administrative Regulations in your copy of the Orange County Administrative Regulations notebook.



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

TABLE OF CONTENTS

	EFFECTIVE/ APPROVAL DATE	REV. DATE	EFFECTIVE/ APPROVAL DATE	REV. DATE
EXECUTIVE ORDERS				
06.001 Purpose/Introduction	8/1/06		2.12.03 Driver Education Training Course (DET)	2/16/87 6/27/06
06.003 Commission Staffing	8/1/06		2.12.04 County Motor Vehicle Operations	2/16/87 6/27/06
06.004 Delegation of Authority to Sign Contracts, Resolutions, Plats, Deeds, Ordinances and other Legal Documents after Board Approval	8/1/06	5/19/08		7/29/08 8/04/09 2/10/15
10.001 Tobacco in the Workplace	1/1/10	5/28/10 10/06/10 11/11/14	2.12.05 Citizen Injury in County Buildings	2/16/87 6/27/06
			2.12.07 Personal Property Insurance Coverage	9/21/87 6/27/06
			2.12.08 Automobile Liability Insurance	5/2/88 6/27/06
			2.12.09 Civil Summons, Complaint, or Lawsuit Against a County Employee	9/21/87 6/27/06
			2.12.10 Fuel and Chemical Spills	9/18/89 6/27/06
			2.12.11 Correctional and Correctional Probation Officer; Death Benefits	6/05/07
			2.12.12 Firefighter; Death Benefits	10/12/21
			2.13 Telephone Systems and Network Infrastructure Control	2/16/87 6/27/06
			2.14 Equal Employment Opportunity	2/16/87 6/27/06
			2.14.01 Investigation of Complaints of Discrimination	2/16/87 6/18/91 8/24/93 6/27/06
			2.14.02 Equal Employment Opportunity Plan – Objectives & Responsibilities	2/16/87 6/27/06
			2.14.03 Equal Employment Opportunity Commission (EEOC) and Florida Commission on Human Relations (FCHR) Charge(s)	2/16/87 6/18/91 6/27/06
			2.14.05 Investigation of Charges of Sexual Harassment	8/24/93 6/27/06
			2.16 The Naming of Orange County Parks, and Related Facilities	6/27/06
			2.16.01 Use of County Parks and Facilities by County Departments	11/19/90 6/27/06
			2.16.02 Reporting Allegations of Fraud	12/02/93 6/27/06
			2.16.03 Delegation of Limited Authority to Execute Agreements Relating to Parks and Recreation Instructors	8/11/20
			2.16.04 Use of Alcoholic Beverages in County Parks and Facilities	10/20/92 6/27/06
			2.17 Executive Sessions with the BCC to Discuss Litigation	6/27/06 3/18/08
			2.17.01 Collective Bargaining: Closed Sessions with the Board of County Commissioners	6/27/06
			2.18 State of the County Message	10/20/92 6/27/95 1/2/01 6/27/06
			2.19 Disaster Planning and Control	6/18/91 11/11/97 6/27/06
			2.20 Specific Project Expenditure Report	12/16/08 10/30/12
GENERAL				
1.01 Introduction	5/1/87			
1.02 Administrative Regulations	5/11/87	6/27/06		
ADMINISTRATION				
2.02 Acting County Administrator	2/16/87	11/19/90 6/27/06		
2.03 Acting Department Directors and Division Managers	2/16/87	6/27/06		
2.04 Intergovernmental Relations	10/29/90	6/27/06		
2.05 Issuance and Control of Forms	2/16/87	6/27/06		
2.05.01 Printing and Copy Center Services	9/18/89	6/27/06		
2.06 Public Records	9/21/87	6/27/06 7/29/08 2/26/13 8/16/16		
2.06.01 Disposition of Public Records	2/16/87	12/10/90 6/27/06		
2.07.01 Uniform Stationary Requirements	2/16/87	6/27/06		
2.07.02 Uniform Mailing Requirements	2/16/87	6/27/06		
2.07.03 Use of County Seals and Logos	5/11/87	3/11/97 6/27/06		
2.08 Disclosure of Financial Interest	2/16/87	6/27/06		
2.08.01 Local Disclosure Requirements	12/16/08			
2.09 Compliance with the "Sunshine Law" – Meetings of the Board of County Commissioners	2/16/87	10/15/02 6/27/06		
2.09.01 Compliance with the "Sunshine Law" – Meetings of County Advisory Boards	9/21/87	10/15/02 6/27/06 2/21/17		
2.10 Official County Ceremonies	2/16/87	6/27/06		
2.11 County Attorney's Office – Request for Assistance	2/16/87	6/27/06		
2.11.01 County Attorney's Office – Waivers of Conflicts of Interest for Outside Legal Counsel	9/19/98	6/27/06		
2.12 Safety and Risk Management	2/16/87	6/27/06		
2.12.01 Risk Management Program	2/16/87	6/27/06		
2.12.02 Cost Allocation System – Self Insurance Program	2/16/87	6/27/06		



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

		EFFECTIVE/ APPROVAL DATE	REV. DATE		EFFECTIVE/ APPROVAL DATE	REV. DATE
2.21	Identify Theft Protection	4/07/09				
2.22	Complaint Form and Enforcement Response Guide and Fines Matrix	6/29/10				
2.23	HIPAA Standards for Implementation	9/10/13				
2.23.01	Health Information Privacy Policy and Procedures for HIPAA	9/10/13				
2.24	Digital / Electronic Signatures	12/13/22				
COUNTY COMMISSION RELATIONS						
3.01	Preparation of Board of County Commissioners Agendas	5/11/87	6/27/06			
3.02	Advisory Boards	5/11/87	6/27/06			
3.03	Rules of Procedure for Meetings of the Board of County Commissioners	11/23/87	8/16/94 1/26/99 6/27/06			
3.04	Travel Policy	6/18/91	6/27/06			
3.05	Mass Mailings by a Board Member	11/10/98	6/27/06			
3.06	Honorary Designation of Roadways	6/20/15				
COMMUNITY, ENVIRONMENTAL, & DEVELOPMENT SERVICES						
4.01	Impact Fees	2/23/10	4/21/15 9/13/22			
4.02	Alternative Impact Fees	6/27/06	2/23/10 6/05/15			
4.03	Road Impact Fee Credits and Roadway Agreements	6/27/06				
4.04	Concurrency Management and Proportionate Fair-Share Agreements	6/27/06				
4.04.01	Concurrency Management Office Capacity Reservation Fee and Impact Fee Refund Policy	2/23/10				
4.05	Planning and Zoning Commission/ Local Planning Agency; Process for Review of Draft Land Development Regulations, Zoning Regulations, Comprehensive Plan Amendments, and Roadway Conceptual Analyses	6/27/06				
4.06	Deferral of Impact Fees in Limited Circumstances, and Requirements for Acceptable Letters of Credit from Developers	6/27/06				
4.07	Transportation Impact Fee Square Footage Aggregation Requirements	6/27/06				
4.08	Threshold Criteria for Affordable Housing, Single- and Multi-Family Developments	6/27/06				
4.08.01	Expedited Review of Affordable Housing Applications	6/27/06				
4.09	Water Quality Capital Projects Prioritization	12/20/18	2/25/20			
CITIZENS COMMUNICATIONS						
5.01	Communicating with Citizens	6/8/87				6/27/06
5.01.01	Preparation and Presentation of Speeches	10/29/90				6/27/06
5.02	News Releases	5/11/87				6/27/06 5/6/14
5.02.01	Newsletters, Public Information and/or Public Relations Publications	5/11/87				6/27/06 5/6/14 6/20/17
5.02.02	Social Media Policy	3/11/14				
FINANCE AND BUDGET						
6.01.01	Operating Revenues and Expenditures	5/11/87				6/27/06
6.01.02	Capital Revenues and Expenditures	5/11/87				6/27/06
6.02	General Operating Budget	6/8/87				6/27/06 8/16/16
6.02.01	General Capital Budget	6/8/87				6/27/06
6.02.02	Implementation of Capital Improvements Program	6/8/87				6/27/06
6.02.03	Budget Transfers and Amendments	6/8/87				8/4/92 6/27/06
6.02.04	Issuance of Revenue Bonds	2/22/94				6/27/06
6.02.05	Continuing Disclosure and Post-Closing Responsibilities for Debt Issues	6/27/06				3/07/12 5/21/19
6.02.06	Bond Waiver Procedures	6/27/06				
6.02.07	Economic Development Tax Exemptions	4/10/12				
6.03	General Accounting	9/21/87				6/27/06 4/06/10
6.03.01	Petty Cash and Change Funds	9/21/87				9/18/89 6/27/06
6.03.02	Payroll	9/21/87				6/27/06
6.03.03	Revenue Collection	9/21/87				6/27/06
6.05	Disposition of Small Credit Balance Amounts and Unclaimed Checks	9/21/87				6/27/06
6.05.01	Control of County Property	9/21/87				6/27/06
6.05.02	Acquisition of Real Property	8/24/93				8/13/02 6/27/06
6.05.03	Purchase, Replacement and Donation of Computer Equipment	6/27/06				
6.05.04	Disposition of Tangible Personal Property	12/3/91				6/27/06
6.06	Establishment of Fees for County Services	6/6/87				6/27/06
6.07	Building Permit Fees for County Construction Projects	5/11/87				6/27/06
6.08	Payment of Dues for Professional Organizations/Memberships	6/8/87				6/27/06
6.10	Performance Based Measurement System	6/27/06				
6.12	Invoice Payment Procedures	10/2/89				6/27/06



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

		EFFECTIVE/ APPROVAL DATE	REV. DATE		EFFECTIVE/ APPROVAL DATE	REV. DATE
6.12.01	Method of Payment	3/17/92	6/27/06	7.13	Public Employee Code of Ethics	9/21/87 6/27/06
6.13	Creation, Administration, and Abolishment of Streetlighting Municipal Service Benefit Units (MSBUs)	6/27/06		7.13.01	Discounts and Special Offers to County Employees	9/21/87 6/27/06
6.13.01	Creation, Administration and Abolishment of Common Area Maintenance MSBUs	9/3/91	10/20/92 6/27/06	7.13.02	Employee and Volunteer Service Awards Recognition	6/2/98 12/1/98 6/27/06 4/11/17 1/23/18 12/17/19 3/21/23
6.13.02	Creation and Administration of Wall Construction MSBUs	9/18/01	10/20/92 6/27/06	7.14	Working Meals and Refreshments at Events Relating to County Business	12/17/91 4/6/93 6/2/98 6/27/06 4/11/17
6.13.03	Creation, Administration, and Abolishment of Municipal Service Benefit Units (MSBUs) for County Maintenance of Retention Pond(s)	6/27/06		EQUIPMENT AND FACILITIES		
6.13.04	Creation, Administration, and Abolishment of Lake Maintenance Municipal Service Benefit Units (MSBUs)	8/16/16		8.01	Assignment and Utilization of Building Space	9/18/89 6/27/06
6.13.05	Creation, Administration, and Abolishment of Lake Maintenance Municipal Service Taxing Units (MSTUs)	8/16/16		8.02	County Parking	6/27/06
6.14	Auditor Selection and Oversight	5/5/92	6/27/06 11/12/19 12/01/20	8.04	Building and Facility Security	9/18/89 6/27/06
6.15	Federal and State Grant Application, Approval, Procurement and Management Process	6/27/06	11/15/16 5/24/22	8.05	Solicitation on County Property	10/29/90 6/27/06
6.15.01	Impact Fee Grant Guidelines for Non-Profit Organizations	6/27/06	7/10/12 7/11/17	8.06	Building Operation and Maintenance	10/29/90 6/27/06 11/09/10
6.16	Gift Card Guidelines for Child and Youth Residential Programs	2/22/11	5/2/23	8.07	Authorized Use of County Vehicles	5/11/87 8/17/87 9/18/89 12/15/98 6/27/06 9/20/11 6/27/06
6.17	Neighborhood Grant Program	1/26/16		8.07.01	Care and Maintenance of County-Owned Vehicles	12/03/91 9/20/11 6/27/06
EMPLOYEE RELATIONS				8.07.02	Markings on County Vehicles	12/03/91 9/20/11 6/27/06
7.01	Orange County Personnel Policy Manual	8/28/89*		8.07.03	Purchase or Lease of County Vehicles	12/03/91 9/20/11 6/27/06
7.04	Pre-Employment Background Investigations	6/27/06		8.07.04	Surplus County Vehicles and Heavy Equipment	9/18/89 6/27/06 9/20/11
7.05	Arrest Tracking	6/27/06		8.07.05	Vehicle Take-Home Assignment Policy	3/8/94 6/27/06 9/20/11 1/26/16
7.06	General, Electronic Mail and Network Security Policy	6/27/06	7/29/08	8.07.06	Vehicle E-Pass Transponder Assignment Policy	3/8/94 6/27/06 9/20/11 1/26/16
7.10	Local Mileage	6/27/06	10/11/22	8.07.07	Pooled Vehicles	9/20/11
7.11	Local Travel and Training	6/27/06		8.07.08	General Vehicle Usage Policies	9/20/11
7.12	Non-Local Travel and Training	9/2/87	9/18/89 11/19/90 3/19/92 11/24/92 6/27/06 7/31/12 10/11/22 6/27/06	8.09	Development of Facilities Exempt from County Zoning Regulations; Public Meeting Procedures	9/19/97 6/27/06
7.12.01	Reimbursement of Employees for Travel or Moving Expenses	6/8/87		8.10	Designated Employee Break Room Facilities	6/27/06
				8.11	Great Oaks Village Facilities	6/18/91 6/27/06
				8.12	Use of County Facilities	11/24/92 6/27/06
				8.13	Energy Conservation	11/09/10
				PROCUREMENT		
				9.01	Contract Negotiation Procedures	6/27/06 3/21/23
				9.01.01	Responsibilities for Preparing Contracts	6/27/06
				9.01.02	Procurement Policies and Procedures	6/27/06

* Refer to Orange County Policy Manual



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

		EFFECTIVE/ APPROVAL DATE	REV. DATE		EFFECTIVE/ APPROVAL DATE	REV. DATE
9.01.03	Single-Use Products Policy on County Property	4/21/20		11.09	Delegation of Limited Authority to Execute Agreements Relating to Animal Services	8/21/18 3/21/23
9.01.09	Recycled Product Procurement Policy	11/24/92	6/27/06			
9.01.10	Continuing Contracts for Engineering, Architectural, Surveying and Mapping, and/or Landscaping Architectural Services	11/03/92	6/27/06 3/21/23			
9.01.13	Procedures for Competitive Proposal Awards	8/4/02	4/13/93 6/27/06 3/21/23			
9.01.14	Protest Meetings with the Board of County Commissioners	6/27/06				
9.01.15	Discrimination Complaints Pursuant to the Orange County Procurement Ordinance	2/19/08				
9.02	Minority / Women-Owned Business	2/07/12				
UTILITIES						
10.02	Temporary Water Services	6/27/06				
10.03	Costs of Collecting Outstanding Balance Due	6/27/06				
10.03.01	Dishonored Payments – Utilities	6/27/06				
10.03.02	Discontinuation of Service	6/27/06				
10.03.04	Customers on Life Support	6/27/06	7/14/09			
10.03.05	After-Hours Charges	6/27/06				
10.03.06	Payment Arrangements	6/27/06				
10.03.07	Deposits	6/27/06				
10.03.08	Credit Account Policy – Solid Waste Division, Landfill Operations, Utilities Department	6/27/06	7/11/23			
10.03.09	Temporary Wastewater Service	4/07/09				
MISCELLANEOUS						
11.01.01	Burial and Cremation Service	8/21/01	6/27/06			
11.03	Convention Center Regulations	6/18/91	6/27/06			
11.03.01	Convention Center Promotions	9/18/89	6/27/06 7/31/12			
11.03.02	Convention Center Pricing	9/18/89	7/31/12			
11.03.03	Authority to Execute Routine Documents Relating to Convention Center	7/31/12				
11.05.03	Lot Pipe Installation	9/18/89	6/27/06			
11.05.05	Cosmetic Maintenance	9/18/89	6/27/06			
11.05.07	Sidewalk Policy	10/29/90	6/27/06			
11.06	Telephones (Land-line), Cellular Telephone, and Other Instant Communication Devices	6/27/06	2/26/13			
11.07	Lost or Abandoned Property Found by County Employees	9/18/89	6/27/06			
11.07.01	Environmentally Sensitive Lands Acquisitions	11/10/92	6/22/99 6/27/06 3/10/20 11/9/21			
11.07.02	Policy Regarding Use of TM/ECON Mitigation Bank Phase IV Credits	3/10/20				
11.08	Unlicensed Contracting	8/06/13	7/11/23			

Table of Contents 4 (07/11/2023)

UTILITIES

10.02 TEMPORARY WATER SERVICES

I. POLICY

Temporary water service for use by builders, developers, contractors, etc. may be provided when water service is not otherwise reasonably available. Service may be provided in the form of an appropriately-sized meter affixed to fire hydrants or blow-off valves for non-transient applications. Also, portable hydrant meters are provided for use on public hydrants that are on the Orange County water system.

II. PROCEDURES

A. Customers can apply for service in the Utilities Customer Service Office. Customers will be charged for usage monthly.

B. A deposit is required for all meters accordant with the rate resolution, or in an amount equal to the purchase price of a new hydrant meter. The deposit, less any outstanding charges, will be refunded when the account is terminated.

C. If the meter is lost, an amount equal to the purchase price will be charged for the meter, and a bill for estimated usage will be generated.

D. Meter readings must be reported monthly.

1. Customers will bring hydrant meters to the Water Division every 30 days for the meter to be read and inspected. All other meter types will be scheduled into a meter route and read by Utility Staff.

2. Accounts will be billed the minimum monthly rate or highest recorded monthly consumption from no more than two (2) consecutive months without the reading being verified.

E. If a meter reading is not reported for two (2) consecutive months, the deposit amount will be applied to the account and the meter will be removed by Utilities, or reported as stolen if Utilities Department staff is unable to locate the meter. The total amount due and applicable fees must be paid in full before service resumes.

F. Customers must inform the Utilities

Department of the location at which the meter will be used and must notify the Utilities Department prior to changing the location.

G. On all hydrant meters, the customer must provide, install and use the proper backflow prevention device which must remain connected at all times.

H. Customers will be charged to repair damages incurred to the meter while in their use, or full replacement cost if the meter cannot be repaired.

FOR MORE INFORMATION CONTACT: Customer Service Division; Utilities Department

REFERENCE: Rate Resolution

APPROVED: 6/27/06

10.03 COSTS OF COLLECTING OUTSTANDING BALANCE DUE

I. POLICY

Reasonable costs incurred by the Orange County Utilities Department to collect outstanding balances due shall be paid by the debtor.

II. PROCEDURES:

The following costs shall be added to accounts with an outstanding balance due:

1. Returned check charges at the maximum amount established by law or set by the Board of County Commissioners;

2. Filing and satisfaction of lien charges;

3. Collection cost or fees;

4. Late fees as established by the Board of County Commissioners;

5. Legal fees and expenses;

6. Any other costs that are outside the normal activity of the Department;

7. If legal action is filed, any sums permitted by law or ordered by the court.

FOR MORE INFORMATION CONTACT: Customer Service Division; Utilities Department
REFERENCE: None
APPROVED: 6/27/06

10.03.01 DISHONORED PAYMENTS – UTILITIES

I. POLICY

A dishonored payment charge, in accordance with County rate resolutions, shall apply to all dishonored payments, including automatic clearing house returns, unless the dishonored payment is the result of a bank processing error or the customer's check(s) have been reported as lost or stolen, and documentation is provided by customer's bank or police report.

II. PROCEDURES

A. The Customer Service Division will provide a letter giving a statutory notice of a dishonored payment to the maker and/or address of record.

B. Dishonored payments must be replaced in cash, money order or credit card by the date on the notification.

C. If service is discontinued due to a dishonored payment, all applicable charges must be paid in cash or certified funds, such as a money order or cashier's check, or by credit card, prior to the service being restored. If the dishonored payment was for payment of service restoration, service will be discontinued without prior notice.

D. The Utilities Department reserves the right to exercise all other remedies available including termination of service.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCE: Rate Resolution; Bond Covenants Section 6.14
APPROVED: 6/27/06

10.03.02 DISCONTINUATION OF SERVICE

I. POLICY

All utility services will be discontinued for non-payment of bills.

Utilities 2 (07/11/2023)

II. PROCEDURES

A. Any customer who has an outstanding balance for their utility services for 30 days or more shall have service discontinued until all charges are paid in full.

B. The term "all charges" shall include, but not be limited to, past due charges, related service charges, deposits, applicable utility or public service taxes, and current charges.

C. Service charges shall be assessed as follows:

1. A turn-off fee is payable if payment is not rendered prior to utility staff arrival for disconnection of service.

2. A turn-on fee is payable if payment is not rendered prior to service turn-off.

3. A meter removal fee is payable if the meter is removed due to tampering with the meter or locking device by anyone other than Utility staff.

4. Collection costs.

5. A tampering fee is payable if the locking or anti-tampering device is removed or any plumbing device or aperture is found for the unauthorized use of water. Any such devices will be removed and confiscated by Utility staff.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCE: Bond Covenants Section 6.1 and 6.15; Florida Statute 153.12; Rate Resolution
APPROVED: 6/27/06
REVISED: 7/14/09

10.03.04 CUSTOMERS ON LIFE SUPPORT

I. POLICY

While no laws require the continuation of service to non-paying customers the County wishes to ensure that its customers on life support systems are identified and properly notified before service interruption. Accounts noted as life support system customers, are still subject to service interruption for non-payment.

II. PROCEDURES

A. The Customer Service Division must be

notified by the customer or his/her representative. Documentation must be provided initially and annually by a licensed health care provider attesting to the medical condition and necessity of our Utility Services over and above normal needs.

B. The Customer Service Division will verify the condition and need with the health care provider.

C. The Customer Service Division will cap and lock the curb stop in the on position, paint it red and attach a warning notice to call the Orange County Utilities Customer Service office prior to turning the service off.

D. The Customer Service Division will flag the account. Prior to service termination for account delinquency, a certified letter will be mailed to the service address advising that service termination is scheduled to occur.

E. If a delinquent amount is not paid, service will be discontinued after the date noted in the certified letter.

F. In the case of scheduled repairs or other system work, the Water Division should advise the affected customer(s) in sufficient time before service is interrupted to allow the customer to make adequate medical arrangements.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCE: None
APPROVED: 6/27/06

10.03.05 AFTER-HOUR CHARGES

I. POLICY

After-hours charges for customer requested turn-on or turn-off service on weekends, holidays, or after 5:00 p.m. on regular work days shall be assessed.

II. PROCEDURES

A. Additional charges will be charged on the following services:

1. Service Initiation
2. Delinquent account turn-on
3. Turn-off for customer convenience

credit or surety bond. Commercial deposits will be

Turn-on for customer convenience

B. All after-hours charges may be billed to the customer, except delinquent account charges which must be paid in full prior to resumption of service.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCE: Rate Resolution; Bond Covenants Section 6.14
APPROVED: 6/27/06

10.03.06 PAYMENT ARRANGEMENTS

I. POLICY

Payment arrangements for utility bills may be made prior to discontinuance of service for non-payment.

II. PROCEDURES

Prior to discontinuance of service, arrangements may be made as follows:

A. Normal maximum term of the arrangement is six months which can be extended with a supervisor's approval.

B. Late fees as established by the Board of County Commissioners will apply.

C. Default of any payment for more than 15 days from the payment due date, will be grounds for discontinuance of service without additional notice.

D. All other charges not detailed in the arrangement are due as scheduled.

E. All payment arrangements shall be in writing with customer signature.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCE: None
APPROVED: 6/27/06

10.03.07 DEPOSITS

I. POLICY

Deposits are required for all residential accounts maintained by the Orange County Utilities Department, except as specified. Commercial accounts must pay an initial deposit(s) or provide an irrevocable letter of audited yearly and adjusted as necessary to maintain a

Utilities 3 (07/11/2023)

deposit of two (2) times their average monthly water and wastewater charge(s) based on 12 months' bill history. Accounts established for other Orange County government offices, municipalities within Orange County, the Orange County School Board, and other utilities and government agencies will not be required to pay a deposit so long as they do not require Orange County to pay or maintain deposits for goods and/or services provided by any such public agencies to Orange County government.

II. PROCEDURES

A. New residential customers must pay a deposit unless they:

1. Meet credit verification criteria established by the Customer Service Division.
2. Can provide a letter of reference from a utility showing that they have met the following criteria:
 - a. Been a customer for a minimum of twelve (12) consecutive billings immediately preceding the request for service; and
 - b. During the last twelve (12) billings, had none of the following:
 - involuntary turn-off
 - dishonored check
 - more than two (2) delinquent notices.

B. Current residential customers transferring service to a new location on the County's system:

1. Will not be required to pay a deposit if they meet the following criteria:
 - a. Been a customer for a minimum of twelve (12) consecutive billings; and
 - b. During the last twelve (12) billings, had none of the following:
 - involuntary turn-off
 - dishonored check
 - more than two (2) delinquent notices.

2. Will have the service at the new location terminated if the bill from the previous location is not paid.

C. Customers who do not have a deposit on their account may be required to pay a deposit if:

1. Their service is cut-off for non-payment; or
2. A dishonored check occurs; or,
3. They receive more than two (2) delinquent notices in any consecutive 12-billings period.

D. Interest on cash deposits is credited to customer accounts monthly at a rate commensurate with the earnings on such deposits.

E. Residential deposits are refunded after 12 months, provided the account has had no more than 2 late notices, and no returned checks or no returned automatic clearinghouse (checking account draft) transactions or has not been turned off for non-payment.

F. Commercial customers may provide a surety bond or a letter of credit in lieu of a deposit provided the deposit amount is in excess of \$1,000.00 and the letter of credit is from a qualified public depository bank doing business in Orange County.

G. Deposits for commercial accounts will be returned only upon termination of the account.

H. Upon termination of the account, any deposit held by Orange County will be applied against the final bill. Any remaining credit balance will be forwarded to the customer of record, subject to the guidelines of Administrative Regulation 6.05.

FOR MORE INFORMATION CONTACT: Customer Service Division, Utilities Department
REFERENCES: Rate Resolution; Bond Covenants Section 6.14
APPROVED: 6/27/06

10.03.08 CREDIT ACCOUNT POLICY – SOLID WASTE DIVISION, LANDFILL OPERATIONS, UTILITIES DEPARTMENT

I. POLICY

Uniform procedures for extending of credit and the

processing of accounts receivable and their collection for the Solid Waste Division are a necessary component of sound financial practices. Accordingly, the following procedures are established and the Customer Service Division, Orange County Utilities Department, is hereby charged with the responsibility for ensuring compliance.

II. PROCEDURES

A. Applications for credit accounts:

1. All customers desiring a credit account must apply for credit, in person or by mail, at the Orange County Solid Waste Division Landfill located at 5901 Young Pine Road.

2. Customers are required to complete the Solid Waste Division Credit Application form and submit either a deposit, a surety bond, or letter of credit to establish credit.

3. Only those customers in compliance with the Orange County Code and Orange County Administrative Regulations are eligible for a credit account.

4. Credit accounts will become active after notification by the Solid Waste Division.

B. Deposits/Surety Bonds/Letters of Credit:

1. A cash deposit, surety bond, or letter of credit equal to three times the estimated average monthly bill is required from all customers maintaining credit accounts.

2. All customer deposits will be reviewed monthly to ensure that existing deposits are adequate. In the event of a deposit being inadequate, an increase to the existing deposit may be required.

3. A minimum deposit of \$1,000.00 is required to establish a credit account.

4. The deposit will be maintained for the life of the credit account. Credit accounts with no activity for a period of one year may be terminated at the discretion of the Solid Waste Division. Upon termination of the credit account, the cash deposit will be applied to the outstanding balance on the account and the unused portion of the deposit will be refunded to the customer.

5. Customers may submit a surety bond underwritten by a firm in Orange County and licensed to

write surety bonds in the State of Florida. Customers submitting surety bonds are required to provide annual renewal documentation to the Utilities Fiscal and Operational Support Division for all bonds at least 60 days prior to the expiration of the term of the surety bond.

6. Customers may submit a letter of credit drawn on a financial institution having an office for the letter of credit presentation in either Orange, Seminole, or Osceola counties. The financial institution must be on the State of Florida approved "Qualified Public Depositories" list for local governments, as identified in Chapter 280, Florida Statutes. All letters of credit must be in a form acceptable to the Utilities Director. Customers submitting letters of credit are required to provide renewal documentation to the Utilities Fiscal and Operational Support Division for all letters of credit at least 60 days prior to expiration of the term of the letter of credit.

7. Governmental Agencies/Offices.

a. Governmental agencies are defined as agencies of local, state, and federal governments, including public schools, state universities, military installations, and other governmental departments. Haulers holding both a residential franchise and a commercial haulers license must post a deposit, surety bond, or letter of credit for the commercial collection and disposal activities.

b. Accounts established for other Orange County government offices; municipalities within Orange County; the Orange County School Board; and other utilities and government agencies will not be required to pay a deposit so long as they do not require Orange County to pay or maintain deposits for goods and/or services provided by any such public agencies to Orange County government.

8. Interest will be credited annually to accounts posting cash deposits at a rate commensurate with the earnings on such deposits.

9. Accounts held by governmental agencies and holders of residential franchises in the County's Mandatory Refuse Collection Program are exempt from the deposit/surety bond/letter of credit requirement in this Regulation.

C. Billing Policy

1. Credit accounts will be billed monthly and payment is due by the due date specified on the monthly billing statement.

2. Government agencies will be subject to a late fee penalty as defined by the State of Florida Prompt Payment Act (Part VII, Chapter 218, Florida Statutes).

3. Past due charges for all other credit customers will be subject to a late fee penalty as established by the BCC from the date due. This amount will be added to the unpaid balance.

D. Suspension or Revocation of Credit Accounts

1. If the accumulated account balance exceeds the deposit, surety bond, or letter of credit amount, credit privileges will be suspended until the outstanding balance, including appropriate late fees, and any other charges including collection costs are paid in full. The customer may continue to utilize the Solid Waste Division facilities on a "cash only" basis.

2. Payments not made by the due date or a history of delinquent payments shall be sufficient grounds for revocation of credit privileges and access to the Solid Waste facilities will be permitted on a "cash only" basis.

3. Failure to comply with Orange County Code and Orange County Administrative Regulations may result in suspension or revocation of credit privileges at the discretion of the Manager, Solid Waste Division. Suspensions may be implemented as follows:

a. Non-issuance of an unattended scale transponder to the customer;

b. Termination of the functionality of the customer's scale transponder; or

c. Revocation of the customer's credit privileges, or any combination of the foregoing.

E. Reinstatement of Credit Accounts

1. Reinstatement of credit to customers who have had their account revoked or suspended will be made at the discretion of the Solid Waste Division.

2. Reinstatement of credit will be considered only upon receipt of all outstanding charges plus the late fee penalties and any other charges including collection costs imposed.

3. Reinstatement of credit will be considered only upon achieving compliance with the Orange County Code and Orange County

Utilities 6 (07/11/2023)

Administrative Regulations.

4. Reinstatement of credit may require re-application by the customer per sections A and B of this policy.

F. Dishonored Payments:

1. Dishonored payments must be replaced with cash, money order, or cashier's check within seven (7) days of notification to the check maker.

2. Access to the Solid Waste Division facilities will be permitted on a "cash only" basis until proper payment is made on the dishonored payment.

For credit customers, dishonored payments shall be sufficient grounds for revocation of credit privileges, at the discretion of the Solid Waste Division Manager.

3. A fee will be charged on all dishonored checks accordant to the Fee Directory established by the Office of Management and Budget.

4. The Customer Service Division will coordinate with the Comptroller's Finance and Accounting Department to satisfy dishonored payments.

FOR MORE INFORMATION CONTACT: Customer Service Division; Solid Waste Division

REFERENCE: Office of Management and Budget Fee Directory

APPROVED: 6/27/06

REVISED: 7/11/23

10.03.09 TEMPORARY WASTEWATER SERVICE

I. POLICY

Orange County Utilities (OCU) may, at its sole discretion, provide temporary wastewater service for discharges from groundwater remediation facilities, groundwater dewatering facilities related to construction, and other temporary discharges. Authorization of a temporary discharge does not reserve treatment capacity or guarantee the availability of treatment capacity on a permanent basis.

II. PROCEDURES

A. Customers must obtain a written determination from OCU of transmission system hydraulic capacity

for the proposed connection. A written request for hydraulic grade line determination shall be submitted and must include site location information, proposed discharge duration, estimated flow range (average and peak), and the proposed connection point to the OCU system.

B. Customers must obtain an Industrial Waste Discharge Permit from OCU. Discharges must meet the requirements of Ch. 37, Article XX of the Orange County Code. Remediation facilities that discharge to the OCU wastewater system shall be classified as significant industrial users. The Industrial Waste Discharge Permit will define the required pretreatment and sampling regime.

C. Customers must obtain a permit for the physical connection to the OCU wastewater system. Customers shall submit signed and sealed construction plans to the OCU Development Engineering Division and should contact OCU for specific submittal requirements. OCU will determine the specific metering requirements. The meter shall be privately owned. The meter installation must be approved by OCU and be accessible to OCU staff.

D. A customer service account must be established with the OCU Customer Service Division for meter reading and billing of service charges. Customers will be charged for services in accordance with current rate resolutions, ordinances and permits

FOR MORE INFORMATION CONTACT: Development
Engineering Division, Utilities Department
REFERENCE: None
APPROVED: 04/07/09