



Meeting Date 9/2/2026

☐ Consent Section

☐ Regular Section

☒ Public Hearing

Subject: Public hearing to consider a draft ordinance to amend Chapter 121 of the Hillsborough County Code of Ordinances and Laws relating to Cross Connection and Backflow Control.

Department Name: County Attorney's Office

Contact Person: Greg Hass

Contact Phone: 813-272-5670

Sign-Off Approvals

	<u>Hank Ennis</u>	<u>8/21/2026</u>
	Managing County Attorney	Date
<u>Julia Mandell</u>	<u>8/21/2026</u>	
County Attorney		Date
<u>Kevin Brickey</u>	<u>8/21/2026</u>	
	<u>Gregory Hass</u>	<u>8/21/2026</u>
Management and Budget – Approved	Assistant County Attorney	Date
as to Financial Impact Accuracy		

Staff's Recommended Board Motion:

Hold a public hearing to consider a draft ordinance to amend Chapter 121 of the Hillsborough County Code of Ordinances and Laws relating to Cross Connection and Backflow Control. These proposed amendments shall eliminate the Hillsborough County Backflow Control Board, give code enforcement officers authority to enforce Chapter 121, and provide that future amendments to the Cross Connection Control Plan will be approved by the Board of County Commissioners by Resolution. There are no financial impacts to the County from these amendments other than the cost to advertise the public hearing.

Financial Impact Statement:

There are no financial impacts to the County from these amendments other than the cost to advertise the public hearing.

Background:

The need to protect Drinking Water systems from cross connections to and backflow of contaminated water has been recognized for over 100 years. Sanitary engineers and drinking water professionals created local rules and regulations to protect their systems from being contaminated by pollutants from users of the system. These efforts were standardized under a federal law known as the Safe Drinking Water Act (SDWA) passed by Congress in 1974. The SDWA requires utilities operating a permitted Community Water System to have a Cross Connection and Backflow Program. Hillsborough County has maintained a Cross Connection and Backflow Prevention Program (CCCP) for many years as required by Federal and State laws.

The proposed amendments are being proposed as improvements to the County's existing program. The existing Cross Connection Control Board was established to hear appeals to actions taken by County staff under the CCCP. There has not been an appeal submitted to the Board for the past several years. With the elimination of the Cross Connection Control Board, future appeals may be heard by the code enforcement board.

List Attachments:

ORDINANCE NO.

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS CHAPTER 121, RELATING TO CROSS CONNECTION AND BACKFLOW CONTROL; PROVIDING FOR THE ELIMINATION OF THE HILLSBOROUGH COUNTY BACKFLOW CONTROL BOARD; GIVING ENFORCEMENT AUTHORITY TO HILLSBOROUGH COUNTY CODE ENFORCEMENT OFFICERS TO ENFORCE CHAPTER 121; PROVIDING THAT FUTURE AMENDMENTS TO THE CROSS CONNECTION CONTROL PLAN WILL BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS BY RESOLUTION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE HILLSBOROUGH COUNTY CODE AND AN EFFECTIVE DATE.

WHEREAS, the standards and requirements of Chapter 121 of the Hillsborough County Code of Ordinances and Laws implement the Cross-Connection Control Program required by Chapter 62-555, Florida Administrative Code (FAC); and

WHEREAS, revisions to Chapter 121 are needed to improve the County's existing program and to update Chapter 121; and

WHEREAS, the standards and requirements set forth herein are necessary for the health, safety, and welfare of the citizens of Hillsborough County and the protection of the County's water utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 2nd DAY OF SEPTEMBER 2026, AS FOLLOWS:

1) Sec. 121-5 of the Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 121-5. Administration.

This chapter shall be administered by the County Administrator. Until such authority is revoked or amended by the County Administrator, the Director of the County's **Public**

~~Utilities~~ Water Resources Department and the County Building Official are authorized to act in all matters related to the administration and enforcement of this chapter. It is the intent of Board of County Commissioners that there be no conflicting requirements between the Director of the County Water Resources ~~Public Utilities~~ Department and the County Building Official in their interpretation and enforcement. If conflict should occur, the more restrictive shall apply. If agreement still cannot be achieved, the conflict shall be resolved by the ~~Cross-Connection and Backflow Control Board~~ County Administrator.

2) Sec. 121-7 of the Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 121-7. ~~Cross-connection and backflow control board.~~ Reserved.

~~(a) — The Cross-Connection and Backflow Control Board established herein and hereinafter referred to as the "Board" shall assist the Board of County Commissioners, County Administrator, Public Utilities Director, Building Official and their designees in the enforcement of this Chapter. Complaints of any citizen shall be brought before the Board for review and recommendation to the appropriate authority. The Board shall also serve as an appeals board in the manner hereinafter set forth.~~

~~(b) — The Board shall be composed of the following: One representative of the water purveyor, one member of the plumbing inspection department, one member of the building and housing department, one member from the health department, one attorney licensed to practice law in Florida, one representative of industry at large, one citizen and any other appropriate representative which may be appointed. The term of office for these members shall be established under the applicable procedure of the government authority.~~

~~(c) — The Board shall select annually a chairman from among its members. The Board shall hold at least four regular meetings each year and such additional meetings as deemed necessary. All hearings shall be held before a majority of the Board.~~

~~(d) — Appeals.~~

~~(1) — In addition to the other duties set forth in this Section, the Board is hereby vested with the authority to decide appeals from any decision, ruling, or determinations of the inspection agency.~~

~~(2) — Any person seeking a variance from the provisions of this Chapter or any person taking exception to and who is uniquely affected by any decision, ruling,~~

69 ~~requirement, rule, regulation, or order of the inspection agency may take an appeal to~~
70 ~~the Board as established by this section. Such appeals shall be made within 15 days~~
71 ~~after receiving notice of such decision, ruling, requirement, rule, regulation, or order~~
72 ~~by filing a written notice of appeal directly to the Board specifying the ground thereof~~
73 ~~and the relief requested. Such an appeal shall act as a stay of the decision, ruling,~~
74 ~~requirement, rule, regulation or order in question until the Board has taken final action~~
75 ~~on the appeal, except when a health hazard (high hazard) exists. The Board, not less~~
76 ~~than 30 days after the date of filing an appeal, shall set a date for the hearing and shall~~
77 ~~give notice thereof by mail to the interested parties.~~

78 ~~(e) — Hearings.~~

79 ~~Hearings before the Board shall be conducted in the following manner:~~

80 ~~(1) — Any person making an appeal who is uniquely affected by the action of the~~
81 ~~inspection agency may appear in person or by agent or attorney and present evidence,~~
82 ~~both written and oral, pertinent to the questions and issues involved and may examine~~
83 ~~and cross-examine witnesses.~~

84 ~~(2) — All testimony shall be under oath and recorded. The Board is authorized to~~
85 ~~have all the testimony transcribed and a transcript of such testimony, if transcribed,~~
86 ~~shall be made available to the respondents or any party to the hearing upon payment of~~
87 ~~the normal fee, which shall not exceed the cost of transcribing such testimony.~~

88 ~~(3) — After due consideration of the written and oral statements, the testimony and~~
89 ~~arguments submitted at the hearing upon such complaint, or upon default in~~
90 ~~appearance of the respondent on the return date specified in the formal notice of~~
91 ~~complaint, the Board shall issue and enter such final order or make such final~~
92 ~~determination as it shall deem appropriate, and shall immediately notify the~~
93 ~~respondent thereof, in writing, by certified mail. Such order or determination shall be~~
94 ~~approved by a majority of members of the Board.~~

95 ~~(4) — Upon failure of the Board to enter a final order or determination within 60 days~~
96 ~~after the final argument of any such hearing, the respondent shall be entitled to treat~~
97 ~~for all purposes such failure to act as a finding favorable to the respondent.~~

98 ~~(5) — Any person aggrieved by any final order or determination of the Board~~
99 ~~hereunder may seek judicial review thereof by common law writ of certiorari. No~~
100 ~~judicial review shall be available until and after all administrative remedies have been~~
101 ~~exhausted.~~

3) Sec. 121-8 of the Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 121-8. Cross-connection control plan incorporated by reference; intent and periodic review; conflict resolution.

(a) Additional regulations developed pursuant to this chapter shall be embodied in a Cross-Connection Control Plan (the Control Plan). Said Control Plan is incorporated herein by reference ~~and made a part hereof~~. Proposed amendments to the Control Plan shall include input from the community following such amendments being posted on the County's Backflow and Cross-Connection Service Page. Any amendments shall be approved by require public notice and notification of the Board of County Commissioners' approval by Resolution. in the same manner as an amendment of this chapter.

(b) It is the intent of the Board of County Commissioners that this chapter comply with and implement the requirements of Section 62-555.360, Florida Administrative Code, which is incorporated herein by reference. Unless modified by this chapter the provisions of Section 62-555.360, F.A.C., applicable to community water systems shall apply to the County's cross-connection and backflow control program. It is further the intent of the Board of County Commissioners that this chapter comply with the applicable provisions of Recommended Practice for Backflow Prevention and Cross Connection Control, AWWA Manual M14, American Water Works Association (3d ed., 2004) (AWWA Manual M14), incorporated herein by reference, and with the State Building Codes as adopted by the County. The County Administrator shall periodically review and recommend revisions to this chapter to ensure compliance with applicable laws, rules, and regulations of the State and of all other regulatory agencies having jurisdiction over the matters concerned therein.

(c) If any conflict should exist between a provision of the Control Plan and the provisions of this chapter, the County Construction Code, the State Building Codes as adopted by the County, the Florida Safe Drinking Water Act (F.S. §§ 403.850 et seq.), or any other State, County or Federal statute, ordinance, rule or regulation applicable to the public water system, the more restrictive provision shall apply. Unless otherwise provided in this chapter, in the event of any conflict between AWWA Manual M14 and any applicable statute, ordinance, rule or regulation, the statute, ordinance, rule or regulation shall apply.

4) Sec. 121-15 of the Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 121-15. Enforcement.

- (a) The person(s) responsible for a violation of this chapter shall be liable for all expenses, losses or damage, including attorneys' fees and legal costs, incurred by the County by reason of such violation, including all costs and expenses associated with the interruption and restoration of water service for the service address where the violation occurred.
- (b) If the County Administrator determines that a violation of this chapter has occurred, the County Administrator may:
 - (1) Determine the actions necessary and appropriate to correct such violation;
 - (2) Determine the person(s) responsible either in whole or in part for such violation and require correction thereof;
 - (3) Determine the amount of any expense, loss, or damage incurred by the County as a result of such violation;
 - (4) Assess the responsible person(s) for such amounts; and
 - (5) Receive payment thereof for deposit in appropriate County accounts.
- (c) In order to require any such correction or payment and prior to pursuing any other remedy or enforcement action on behalf of the County, the County Administrator shall provide each responsible party with written notice of:
 - (1) The aforesaid determinations;
 - (2) The specific corrections and/or payment required from that party; and
 - (3) Any other liability or penalty which may be applicable to such a violation hereunder.
- (d) In addition to any penalty or remedy provided by law for a violation of the provisions of this chapter, the County may petition a court of competent

jurisdiction to enjoin, restrain, or otherwise prevent any such violation or to recover expenses, losses, or damages pursuant to Subsection(a) of this section.

(e) If any property owner fails to install the backflow preventer(s) required hereunder for a water service connection, the County may cause the installation of, at the property owner's expense, the required backflow preventer(s). If the property owner or lawful occupant denies reasonable access to perform such installations, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of the installations is provided by the property owner or lawful occupant, as applicable.

(f) If any property owner fails to provide the County with the documentation prescribed by this Chapter to evidence performance of each test required hereunder for a water service connection, the County may cause the test to be performed, such testing to be at the property owner's expense. If the property owner or lawful occupant denies reasonable access to perform such testing, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of the testing is provided by the property owner or lawful occupant, as applicable.

(g) If any property owner fails to provide the County with the documentation prescribed by this chapter to evidence the performance of the repair or replacement of a backflow preventer where such repairs or replacement are necessary for that backflow preventer to comply with this chapter, the County may cause the performance of such repairs or replacement at the property owner's expense. If the property owner or lawful occupant denies reasonable access to perform such repairs or replacement, the County may interrupt water service to the private water system at the service address until such time that either access for or evidence of such repairs or replacement is provided by the property owner or lawful occupant, as applicable.

(h) The County's code enforcement officers may enforce the provisions of this chapter. The provisions and procedures authorized by Chapter 162, Florida Statutes, as may be amended, and as outlined in Hillsborough County Code of Ordinances and Laws, Chapter 14, Articles II and III, as may be amended, are incorporated herein by reference and will apply. If the County has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, as defined by Section 41-64 of this Code, as it may be

amended, such violations may be addressed via the procedures and increased penalties as provided by applicable law. Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this chapter, including but not limited to:

1. Pursuing injunctive or declaratory relief in a court of competent jurisdiction; or
2. Initiating any action to recover any and all damages that may result from a violation of or refusal to comply with any part of this chapter; or
3. Utilizing any other action or enforcement method allowable by law.

5) Severability. If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

6) Inclusion in the Hillsborough County Code. The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established.

7) Effective Date. This Ordinance shall become effective upon filing with the Secretary of State.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Victor Crist, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the revisions to Chapter 121 of the Hillsborough County Code of Ordinances and Law adopted by the Board at its public hearing held on September 2, 2026, as the same appears of record in Minute Book _____, of the Public Records of Hillsborough County, Florida.

257 WITNESS my hand and official seal this _____ day of _____, 2026.

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Attest: VICTOR CRIST
Clerk of the Circuit Court

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BY: _____
Deputy Clerk

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266 Approved by County Attorney as to
267 Form and Legal Sufficiency

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269 By: _____
270 Assistant County Attorney

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Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Hillsborough County's website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

Proposed Ordinance Title/Reference:
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The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), F.S. As such, if one or more boxes are checked below, Hillsborough County believes that a BIE is not required by state law for the proposed ordinance referenced above.

Notwithstanding, Hillsborough County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Hillsborough County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation.
- ☐ The proposed ordinance relates to the issuance or refinancing of debt.
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.
- ☐ The proposed ordinance is an emergency ordinance.
- ☐ The ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243.
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the County;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this _____ day of _____, 202__:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare): This is a revision to the County's existing Cross Connection Control & Backflow Prevention Ordinance, which is known as Chapter 121 – Cross-Connection and Backflow Control. The ordinance is being updated to remove the Backflow Board, give Code Enforcement authority to enforce Chapter 121, and providing that future amendments to the Cross Connection Control Plan will be approved by the Board of County Commissioners by Resolution.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; There are no direct costs to businesses.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and There are no new charges or fees imposed by the revised ordinance. Any new charges or fees would be included in the County's Schedule of Rates.

(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. There are no new regulatory costs due to the revised ordinance.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance: Although there are no anticipated costs due to the revised ordinance, the following number of facilities are currently regulated by this ordinance:

The County currently tracks 5,670 commercial locations with 8,342 backflow assemblies.

4. Additional information the governing body deems useful (if any):

While the proposed ordinance is exempt pursuant to 125.66(3)(c), F.S., additional minor revisions are being made to the current ordinance as follows: (1) The Cross-connection and backflow control board will be dissolved; (2) Wording was added to give the County's code enforcement officers enforcement authority; (3) Providing that future amendments to the Cross Connection Control Plan will be approved by the Board of County Commissioners by Resolution.