

By Senator Cowin

11-442C-98

1 A bill to be entitled

2 An act relating to water and wastewater

3 utilities; amending s. 125.01, F.S.; providing

4 for county governing bodies to approve or

5 disapprove changes in water and wastewater

6 utility rates; amending s. 367.081, F.S.;

7 requiring the Florida Public Service Commission

8 to notify the county governing body of certain

9 proposed changes in water and wastewater

10 utility rates; providing that such changes may

11 not be implemented without approval of the

12 county governing body; amending s. 367.011,

13 F.S.; removing exclusive authority of the

14 commission with respect to water and wastewater

15 utility rates; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (k) of subsection (1) of section

20 125.01, Florida Statutes, is amended to read:

21 125.01 Powers and duties.--

22 (1) The legislative and governing body of a county

23 shall have the power to carry on county government. To the

24 extent not inconsistent with general or special law, this

25 power includes, but is not restricted to, the power to:

26 (k)1. Provide and regulate waste and sewage collection

27 and disposal, water and alternative water supplies, including,

28 but not limited to, reclaimed water and water from aquifer

29 storage and recovery and desalination systems, and

30 conservation programs.

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1 2. The governing body of a county may require that any
2 person within the county demonstrate the existence of some
3 arrangement or contract by which such person will dispose of
4 solid waste in a manner consistent with county ordinance or
5 state or federal law. For any person who will produce special
6 wastes or biomedical waste, as the same may be defined by
7 state or federal law or county ordinance, the county may
8 require satisfactory proof of a contract or similar
9 arrangement by which such special or biomedical wastes will be
10 collected by a qualified and duly licensed collector and
11 disposed of in accordance with the laws of Florida or the
12 Federal Government.

13 3. When the governing body of a county receives notice
14 from the Florida Public Service Commission that the commission
15 has tentatively approved a change in rates for water service
16 or wastewater service in the county, the governing body has 30
17 days within which it must, by resolution, either approve the
18 new rate or disapprove the new rate and state the reasons for
19 its disapproval. The governing body shall notify the Florida
20 Public Service Commission of its action within 5 days after
21 adopting such a resolution.

22 Section 2. Subsection (9) is added to section 367.081,
23 Florida Statutes, to read:

24 367.081 Rates; procedure for fixing and changing.--

25 (9) After the commission approves a change in water or
26 wastewater rates, it shall notify the governing body of the
27 county in which the utility provides the service of the
28 proposed change at least 40 days before the date the
29 commission proposes for the change to take effect. If the
30 governing body of the county fails to take action to approve
31 the proposed change within 30 days after it receives

1 notification of the proposed change from the commission and to
2 notify the commission of its action, the proposed change may
3 not take effect. The proposed change may be implemented only
4 with the approval of the governing board of the county.
5 However, this subsection does not apply to changes resulting
6 from a price increase or decrease index established by the
7 commission under subsection (4), nor does it apply to interim
8 rates authorized under s. 367.082.

9 Section 3. Subsection (2) of section 367.011, Florida
10 Statutes, is amended to read:

11 367.011 Jurisdiction; legislative intent.--

12 (2) The Florida Public Service Commission shall have
13 exclusive jurisdiction over each utility with respect to its
14 authority and~~service, and rates.~~

15 Section 4. Rates for water service and wastewater
16 service which are in effect on January 1, 1999, shall continue
17 until changed in accordance with this act.

18 Section 5. This act shall take effect January 1, 1999.

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21 SENATE SUMMARY

22 Provides that proposed changes to water and wastewater
23 utility rates, other than interim rates and rates changed
24 under a price increase or decrease index, approved by the
25 Florida Public Service Commission may not be implemented
26 without the approval of the governing body in which the
27 changed rates are to be imposed.
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