

By Senator Kurth

15-1169-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to water and wastewater  
systems; amending s. 367.045, F.S.; requiring a  
utility that applies for an initial certificate  
of authorization to perform water and  
wastewater services to provide specified notice  
of the application; providing an effective  
date.

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

Section 1. Paragraph (a) of subsection (1), and  
subsections (3) and (4) of section 367.045, Florida Statutes,  
are amended to read:

367.045 Certificate of authorization; application and  
amendment procedures.--

(1) When a utility applies for an initial certificate  
of authorization from the commission, it shall:

(a) Provide notice of the actual application by public  
advertisement in a newspaper that is of general paid  
circulation in the county where the service is to be provided  
and that is of general interest and readership in the county  
pursuant to chapter 50 in the format prescribed by s.  
163.3184(15)(c), and provide such notice by certified mail,  
return receipt requested, filed by mail or personal delivery  
to the governing body of any the county or municipality and  
any system owner city affected, to the Public Counsel, to the  
commission, and to such other persons and in such other manner  
as may be prescribed by commission rule;

(3) If, within 30 days after public notice is given  
that the application has been found complete by the commission

1 ~~the last day that notice was mailed or published by the~~  
2 ~~applicant, whichever is later,~~ the commission does not receive  
3 written objection to the notice, the commission may dispose of  
4 the application without hearing. If the applicant is  
5 dissatisfied with the disposition, it may bring a proceeding  
6 under ss. 120.569 and 120.57.

7 (4) If, within 30 days after public notice is given  
8 that the application has been found complete by the commission  
9 ~~the last day that notice was mailed or published by the~~  
10 ~~applicant, whichever is later,~~ the commission receives from  
11 the Public Counsel, a governmental authority, or a utility or  
12 consumer who would be substantially affected by the requested  
13 certification or amendment a written objection requesting a  
14 proceeding pursuant to ss. 120.569 and 120.57, the commission  
15 shall order such proceeding conducted in or near the area for  
16 which application is made, if feasible. Notwithstanding the  
17 ability to object on any other ground, a county or  
18 municipality has standing to object on the ground that the  
19 issuance or amendment of the certificate of authorization  
20 violates established local comprehensive plans developed  
21 pursuant to ss. 163.3161-163.3211. If a consumer, utility, or  
22 governmental authority or the Public Counsel requests a public  
23 hearing on the application, such hearing must, if feasible, be  
24 held in or near the area for which application is made; and  
25 the transcript of such hearing and any material submitted at  
26 or before the hearing must be considered as part of the record  
27 of the application and any proceeding related thereto.

28 Section 2. This act shall take effect upon becoming a  
29 law.

30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Requires a utility that applies for an initial certificate of authorization from the Public Service Commission to provide water or wastewater services to give notice by advertisement in a newspaper of general circulation and by certified mail, return receipt requested, to the governing body of the county or municipality, any system owner, and other persons affected by such service.