

STORAGE NAME: h0555b.wrm

DATE: March 11, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 555

RELATING TO: Water and Wastewater Systems

SPONSOR(S): Representative Wiles

STATUTE(S) AFFECTED: Section 367.171, Florida Statutes (F.S.)

COMPANION BILL(S): SB 602

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER & RESOURCE MANAGEMENT YEA 10 NAY 0
- (2) UTILITIES & COMMUNICATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

The Public Service Commission (PSC) regulates privately owned water and wastewater utilities in counties which have ceded regulatory authority to the PSC. Counties which have ceded this authority to the PSC are known as "jurisdictional" counties, and counties which have retained authority to regulate privately owned water and wastewater utilities are known as "non-jurisdictional" counties. Pursuant to s. 367.171 (1), F.S. after a period of 10 years, a jurisdictional county may rescind its assignment of jurisdiction to the PSC.

Flagler County has recently rescinded its assignment of jurisdiction, and has re-asserted authority over privately owned water and wastewater utilities within the county. The PSC has recognized this rescission of jurisdiction. HB 555 simply amends statute to reflect this change and places Flagler County on the list of non-jurisdictional counties in s. 367.171 (3), F.S.

HB 555 takes effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The PSC regulates privately owned water and wastewater utilities in counties which have ceded regulatory authority to the PSC. Counties which have ceded this authority to the PSC are known as "jurisdictional" counties, and counties which have retained authority to regulate privately owned water and wastewater utilities are known as "non-jurisdictional counties." Pursuant to s. 367.171 (1), F.S. after a period of 10 years, a jurisdictional county may rescind its assignment of jurisdiction to the PSC.

Flagler County has recently rescinded its assignment of jurisdiction, and has re-asserted authority over privately owned water and wastewater utilities within the county. The PSC has recognized this rescision of jurisdiction.

B. EFFECT OF PROPOSED CHANGES:

This bill has no substantive legal effect. HB 555 simply amends statute to reflect Flagler County's change from a jurisdictional to a non-jurisdictional county, and it places Flagler County on the list of non-jurisdictional counties referenced in s. 367.171 (3), F.S.

S. 367.171 (3), F.S. listed all the non-jurisdictional counties when Chapter 367, F.S. was last revised during the PSC sunset review process in 1991. At that time there were 33 jurisdictional counties and 34 non-jurisdictional counties. Because counties can, by local ordinance, opt in or out of PSC jurisdiction over privately owned water and wastewater utilities within their county, and legislative action is not necessary, s. 367.171 (3), F.S. has not been amended to reflect the current status of counties. Presently 29 counties are non-jurisdictional and 38 are jurisdictional.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

2. Lower Taxes:

Not applicable.

3. Individual Freedom:

Not applicable.

4. Personal Responsibility:

Not applicable.

5. Family Empowerment:

Not applicable.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

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2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Not applicable.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

None.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON Water & Resource Management:

Prepared by:

Legislative Research Director:

Charles R. Fletcher

Joyce Pugh