

By Senator Saunders

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A bill to be entitled
An act relating to water and wastewater
systems; amending s. 367.021, F.S.; redefining
the term "governmental authority"; amending s.
367.022, F.S.; providing for an additional
exemption; amending s. 367.071, F.S.;
authorizing specified transactions before
Public Service Commission approval if bond is
posted; providing an effective date.

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

Section 1. Subsection (7) of section 367.021, Florida
Statutes, is amended to read:

367.021 Definitions.--As used in this chapter, the
following words or terms shall have the meanings indicated:

(7) "Governmental authority" means a political
subdivision, as defined by s. 1.01(8), ~~or~~ a regional water
supply authority created pursuant to s. 373.1962, or a
nonprofit corporation formed for the purpose of acting on
behalf of a political subdivision with respect to a water or
wastewater facility.

Section 2. Section 367.022, Florida Statutes, is
amended to read:

367.022 Exemptions.--The following are not subject to
regulation by the commission as a utility nor are they subject
to the provisions of this chapter, except as expressly
provided:

(1) The sale, distribution, or furnishing of bottled
water.†

1 (2) Systems owned, operated, managed, or controlled by
2 governmental authorities, including water or wastewater
3 facilities operated by private firms under water or wastewater
4 facility privatization contracts as defined in s. 153.91, and
5 nonprofit corporations formed for the purpose of acting on
6 behalf of a political subdivision with respect to a water or
7 wastewater facility.†

8 (3) Manufacturers providing service solely in
9 connection with their operations.†

10 (4) Public lodging establishments providing service
11 solely in connection with service to their guests.†

12 (5) Landlords providing service to their tenants
13 without specific compensation for the service.†

14 (6) Systems with the capacity or proposed capacity to
15 serve 100 or fewer persons.†

16 (7) Nonprofit corporations, associations, or
17 cooperatives providing service solely to members who own and
18 control such nonprofit corporations, associations, or
19 cooperatives.†~~and~~

20 (8) Any person who resells water or wastewater service
21 at a rate or charge which does not exceed the actual purchase
22 price thereof, if such person files at least annually with the
23 commission a list of charges and rates for all water service
24 sold, the source and actual purchase price thereof, and any
25 other information required by the commission to justify the
26 exemption; but such person is subject to the provisions of s.
27 367.122.

28 (9) Wastewater treatment plants operated exclusively
29 for disposing of industrial wastewater.

30 (10) The sale of bulk supplies of desalinated water to
31 a governmental authority.

1 (11) Any person providing only nonpotable water for
2 irrigation purposes in a geographic area where potable water
3 service is available from a governmentally or privately owned
4 utility or a private well.

5 (12) The sale for resale of bulk supplies of water to
6 a governmental authority or to a utility regulated pursuant to
7 this chapter either by the commission or the county.

8 Section 3. Subsection (1) and paragraph (a) of
9 subsection (4) of section 367.071, Florida Statutes, are
10 amended to read:

11 367.071 Sale, assignment, or transfer of certificate
12 of authorization, facilities, or control.--

13 (1) No utility shall sell, assign, or transfer its
14 certificate of authorization, facilities or any portion
15 thereof, or majority organizational control without
16 determination and approval of the commission that the proposed
17 sale, assignment, or transfer is in the public interest and
18 that the buyer, assignee, or transferee will fulfill the
19 commitments, obligations, and representations of the utility.
20 However, a sale, assignment, or transfer of its certificate of
21 authorization, facilities or any portion thereof, or majority
22 organizational control may occur prior to commission approval
23 if the buyer posts a surety bond in an amount equal to at
24 least 5 percent of the gross sales price. The bond must be
25 applied to the expenses of the buyer and seller to rescind the
26 transaction if the commission does not approve the transaction
27 and shall be released or canceled upon commission approval of
28 the transaction.

29 (4) An application shall be disposed of as provided in
30 s. 367.045, except that:

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