

By the Committee on Regulated Industries and Senator Saunders

315-1777-99

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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; 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) of section 367.071, Florida
9 Statutes, is amended to read:

10 367.071 Sale, assignment, or transfer of certificate
11 of authorization, facilities, or control.--

12 (1) No utility shall sell, assign, or transfer its
13 certificate of authorization, facilities or any portion
14 thereof, or majority organizational control without
15 determination and approval of the commission that the proposed
16 sale, assignment, or transfer is in the public interest and
17 that the buyer, assignee, or transferee will fulfill the
18 commitments, obligations, and representations of the utility.
19 However, a sale, assignment, or transfer of its certificate of
20 authorization, facilities or any portion thereof, or majority
21 organizational control may occur prior to commission approval
22 if the contract for sale, assignment, or transfer is made
23 contingent upon commission approval.

24 Section 4. This act shall take effect upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1494

-Deletes requirement that utility post a 5% bond, and requires instead that the sale, assignment or transfer be contingent on Public Service Commission approval if the parties to the transaction desire that it occur prior to final approval by the Commission.

-Deletes the creation of a point of approval as a matter of right upon delivery of a notice by a governmental authority acquiring a water or wastewater facility.