

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Water & Resource Management offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 1, line 22, thru page 2, line 4,
16 remove from the bill: all of said lines

17
18 and insert in lieu thereof:

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

21 367.021 Definitions.--As used in this chapter, the
22 following words or terms shall have the meanings indicated:

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

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

31 367.022 Exemptions.--The following are not subject to

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1 regulation by the commission as a utility nor are they subject
2 to the provisions of this chapter, except as expressly
3 provided:

4 (1) The sale, distribution, or furnishing of bottled
5 water;

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

13 (3) Manufacturers providing service solely in
14 connection with their operations;

15 (4) Public lodging establishments providing service
16 solely in connection with service to their guests;

17 (5) Landlords providing service to their tenants
18 without specific compensation for the service;

19 (6) Systems with the capacity or proposed capacity to
20 serve 100 or fewer persons;

21 (7) Nonprofit corporations, associations, or
22 cooperatives providing service solely to members who own and
23 control such nonprofit corporations, associations, or
24 cooperatives.†~~and~~

25 (8) Any person who resells water or wastewater service
26 at a rate or charge which does not exceed the actual purchase
27 price of the water or wastewater thereof, if such person files
28 ~~at least annually with the commission a list of charges and~~
29 ~~rates for all water service sold, the source and actual~~
30 ~~purchase price thereof, and any other information required by~~
31 ~~the commission to justify the exemption; but such person is~~

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1 ~~subject to the provisions of s. 367.122.~~

2 (9) Wastewater treatment plants operated exclusively
3 for disposing of industrial wastewater.

4 (10) The sale of bulk supplies of desalinated water to
5 a governmental authority.

6 (11) Any person providing only nonpotable water for
7 irrigation purposes in a geographic area where potable water
8 service is available from a governmentally or privately owned
9 utility or a private well.

10 (12) The sale for resale of bulk supplies of water or
11 sale for resale of wastewater services to a governmental
12 authority or to a utility regulated pursuant to this chapter
13 either by the commission or the county.

14 Section 3. Subsection (1) of section 367.071, Florida
15 Statutes, is amended to read:

16 367.071 Sale, assignment, or transfer of certificate
17 of authorization, facilities, or control.--

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

30 Section 4. Subsection (7)(g)(1) of section 163.01,
31 Florida Statutes, is amended to read:

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1 163.01 Florida Interlocal Cooperation Act of 1969.--
2 (7)
3 (g)1. Notwithstanding any other provisions of this
4 section, any separate legal entity created under this section,
5 the membership of which is limited to contiguous
6 ~~municipalities and~~ counties of the state, and municipalities
7 situated within such counties, may acquire, own, construct,
8 improve, operate, and manage public facilities relating to a
9 governmental function or purpose, including, but not limited
10 to, wastewater facilities, water or alternative water supply
11 facilities, and water reuse facilities, which may only serve
12 populations within ~~or outside~~ of the members of the entity.
13 Notwithstanding s. 367.171(7), any separate legal entity
14 created under this paragraph is not subject to commission
15 jurisdiction and may not provide utility services within the
16 service area of an existing utility system unless it has
17 received the consent of the utility. The entity may finance or
18 refinance the acquisition, construction, expansion, and
19 improvement of the public facility through the issuance of its
20 bonds, notes, or other obligations under this section. The
21 entity has all the powers provided by the interlocal agreement
22 under which it is created or which are necessary to own,
23 operate, or manage the public facility, including, without
24 limitation, the power to establish rates, charges, and fees
25 for products or services provided by it, the power to levy
26 special assessments, the power to sell all or a portion of its
27 facility, and the power to contract with a public or private
28 entity to manage and operate its facilities or to provide or
29 receive services or products. Except as may be limited by the
30 interlocal agreement under which the entity is created, all of
31 the privileges, benefits, powers, and terms of s. 125.01, and

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1 153.04 relating to counties, and s. 166.021 and 180.06,
2 relating to municipalities, are fully applicable to the
3 entity. However, neither the entity nor any of its members on
4 behalf of the entity may exercise the power of eminent domain
5 over the facilities or property of any existing water or
6 wastewater plant utility system, nor may the entity acquire
7 title to any water or wastewater plant utility facilities or
8 property which was acquired by the use of eminent domain after
9 the effective date of this act. Bonds, notes, and other
10 obligations issued by the entity are issued on behalf of the
11 public agencies that are members of the entity.

12 Section 5. Section 367.0816, Florida Statutes, is
13 amended to read:

14 367.0816 Recovery of rate case expenses.--The amount
15 of rate case expense determined by the commission pursuant to
16 the provisions of this chapter to be recovered through a
17 public utilities rate shall be apportioned for recovery over a
18 period of 4 years. ~~At the conclusion of the recovery period,~~
19 ~~the rate of the public utility shall be reduced immediately by~~
20 ~~the amount of rate case expense previously included in rates.~~

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22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, lines 2-5,
26 remove from the title of the bill: all of said lines

27
28

and insert in lieu thereof:

29 amending s. 367.021, F.S.; redefining the term "governmental
30 authority"; amending s. 367.022, F.S.; providing for
31 additional exemptions; clarifying an exemption for resellers

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1 from regulation as a utility by the Public Service Commission;
2 amending s. 367.071, F.S.; authorizing specified transactions
3 to occur prior to Public Service Commission approval; amending
4 s. 163.01, F.S.; requiring that counties be contiguous in
5 order to form authorities; requiring that authorities may only
6 serve populations within the members of the entity; amending
7 s. 367.0816, F.S.; removing provision requiring rate case
8 expense reductions at the conclusion of the recovery period;
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