

Bill No. SB 2234

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, between lines 30 and 31,

insert:

Section 4. 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 5. 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

Bill No. SB 2234

Amendment No. \_\_\_\_

1 provided:

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

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

11 (3) Manufacturers providing service solely in  
12 connection with their operations.†

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

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

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

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

23 (8) Any person who resells water or wastewater service  
24 at a rate or charge which does not exceed the actual purchase  
25 price thereof, if such person files at least annually with the  
26 commission a list of charges and rates for all water service  
27 sold, the source and actual purchase price thereof, and any  
28 other information required by the commission to justify the  
29 exemption; but such person is subject to the provisions of s.  
30 367.122.

31 (9) Wastewater treatment plants operated exclusively

Bill No. SB 2234

Amendment No. \_\_\_\_

1 for disposing of industrial wastewater.

2 (10) The sale of bulk supplies of desalinated water to  
3 a governmental authority.

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

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

11 Section 6. Subsection (1) of section 367.071, Florida  
12 Statutes, is amended to read:

13 367.071 Sale, assignment, or transfer of certificate  
14 of authorization, facilities, or control.--

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

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28 (Redesignate subsequent sections.)

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Bill No. SB 2234

Amendment No. \_\_\_\_

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

2 And the title is amended as follows:

3       On page 1, line 11, after the semicolon

4

5 insert:

6       amending s. 367.021, F.S.; redefining the term

7       "governmental authority"; amending s. 367.022,

8       F.S.; providing for an additional exemption;

9       amending s. 367.071, F.S.; authorizing

10       specified transactions before Public Service

11       Commission approval;

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