

By Senator Brown-Waite

10-832-00

See HB 365

1 A bill to be entitled
2 An act relating to a refund of excess utility
3 payments by the Public Service Commission;
4 providing for a refund to certain utility
5 customers who paid more under a uniform rate
6 structure than those customers would have paid
7 under a modified stand-alone rate structure;
8 requiring the Public Service Commission to
9 notify utility customers who are eligible for a
10 refund; providing requirements for applying for a
11 refund; requiring the Public Service
12 Commission to verify eligibility for a refund
13 and request the Comptroller to issue payments;
14 providing that the refund shall be funded from
15 the Florida Public Service Regulatory Trust
16 Fund; providing an appropriation; repealing s.
17 215.20(4)(n), F.S., which provides for
18 deduction of a 0.3 percent service charge for
19 the General Revenue Fund from the Florida
20 Public Service Regulatory Trust Fund; amending
21 s. 215.22, F.S.; providing that said trust fund
22 is exempt from the 7-percent service charge for
23 the General Revenue Fund; amending s. 350.113,
24 F.S., to conform; amending s. 367.145, F.S.;
25 authorizing the Public Service Commission to
26 use fees collected pursuant to chapters 364 and
27 366, F.S., for routine monthly cash flow in
28 connection with regulation of water and
29 wastewater systems; providing effective dates.

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

1 Section 1. (1) The Comptroller shall provide a refund
2 to utility customers in this state who paid more for water and
3 sewer services between September 15, 1993, and January 23,
4 1996, under the uniform rate structure imposed pursuant to
5 Order No. PSC-93-0423-FOF-WS of the Public Service Commission,
6 than the amount such customers would have paid under the
7 modified stand-alone rate structure approved on remand in
8 Docket No. 920199-WS of the Public Service Commission. The
9 refund amount for each eligible utility customer shall equal
10 the amount paid in excess of the modified stand-alone rate,
11 plus interest.

12 (2) The Public Service Commission shall notify by mail
13 each utility customer who is eligible for a refund under this
14 section and who resides in the state. The notice must include
15 instructions for filing an application for the refund. An
16 eligible utility customer must file a refund application with
17 the Public Service Commission by July 1, 2001, or shall
18 forfeit eligibility for the refund. The Public Service
19 Commission shall verify an applicant's eligibility and shall
20 request that the Comptroller issue payments for approved
21 applications. The Public Service Commission shall mail the
22 payments to the refund recipients. An amount of less than \$10
23 shall not be refunded.

24 (3) The amount necessary to fund the refund of utility
25 payments provided under this section is appropriated from the
26 Florida Public Service Regulatory Trust Fund.

27 (4) This section shall take effect upon this act
28 becoming a law.

29 Section 2. Paragraph (n) of subsection (4) of section
30 215.20, Florida Statutes, is repealed.

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1 Section 3. Paragraph (v) is added to subsection (1) of
2 section 215.22, Florida Statutes, to read:

3 215.22 Certain income and certain trust funds
4 exempt.--

5 (1) The following income of a revenue nature or the
6 following trust funds shall be exempt from the deduction
7 required by s. 215.20(1):

8 (v) The Florida Public Service Regulatory Trust Fund.

9 Section 4. Subsection (2) of section 350.113, Florida
10 Statutes, is amended to read:

11 350.113 Florida Public Service Regulatory Trust Fund;
12 moneys to be deposited therein.--

13 (2) All fees, licenses, and other charges collected by
14 the commission shall be deposited in the State Treasury to the
15 credit of the Florida Public Service Regulatory Trust Fund to
16 be used in the operation of the commission as authorized by
17 the Legislature; however, penalties and interest assessed and
18 collected by the commission shall not be deposited in the
19 trust fund but shall be deposited in the General Revenue Fund.
20 ~~The Florida Public Service Regulatory Trust Fund shall be~~
21 ~~subject to the service charge imposed pursuant to chapter 215.~~

22 Section 5. Subsection (3) of section 367.145, Florida
23 Statutes, is amended to read:

24 367.145 Regulatory assessment and application fees.--

25 (3) Fees collected by the commission pursuant to this
26 section may only be used to cover the cost of regulating water
27 and wastewater systems. Other than for purposes of routine
28 monthly cash flow, fees collected by the commission pursuant
29 to chapters 364 and 366 may not be used to pay the cost of
30 regulating water and wastewater systems.

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1 Section 6. Except as otherwise provided in this act,
2 this act shall take effect July 1, 2000.

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5 LEGISLATIVE SUMMARY

6 Provides for a refund to certain water and sewer utility
7 customers who paid more under a uniform rate structure
8 than they would have paid under a modified stand-alone
9 rate structure. Requires the Public Service Commission to
10 notify customers who are eligible for such refund and
11 provides requirements for applying for the refund.
12 Requires the commission to verify eligibility for a
13 refund and request the Comptroller to issue payments.
14 Provides an appropriation from the Florida Public Service
15 Regulatory Trust Fund to fund the refunds.

16 Exempts the trust fund from the 7-percent and 0.3-percent
17 service charge deductions for the General Revenue Fund.
18 Authorizes the commission to use fees collected pursuant
19 to chapters 364 and 366, F.S., for routine monthly cash
20 flow in connection with regulation of water and
21 wastewater systems.
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