

**STORAGE NAME:** h0367s1.uco

**DATE:** March 15, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
UTILITIES AND COMMUNICATIONS  
ANALYSIS**

**BILL #:** CS/HB 367

**RELATING TO:** Water and Wastewater Systems

**SPONSOR(S):** Committee on Utilities and Communications and Representative Argenziano

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) UTILITIES AND COMMUNICATIONS YEAS 10 NAYS 0
  - (2) COMMUNITY AFFAIRS
  - (3) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (4)
  - (5)
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**I. SUMMARY:**

Current law provides that the Office of Public Counsel afford legal representation to the people of the state in proceedings before the PSC. In water and wastewater issues, for example, the Public Counsel represents the citizens or the general body of utility customers in cases before the PSC.

The bill would expand the Public Counsel's jurisdiction to furnish the people of the state legal representation in county proceedings relating to water and wastewater regulation.

The bill does not appear to have a fiscal impact on state government.

The bill appears to have an indeterminate impact on local government.

The bill shall take effect upon becoming a law

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:  
This bill provides additional responsibility for the Office of Public Counsel

B. PRESENT SITUATION:

Under s. 367.171, Florida Statutes, a local county government may provide economic regulation of the privately owned water and wastewater utilities operating in its county, or a local county government may choose the option to cede jurisdiction of water and wastewater utility jurisdiction over to the Public Service Commission (PSC). See s. 367.171, Florida Statutes. Of Florida's 67 counties, thirty-six counties have elected to transfer jurisdiction of water and wastewater utilities to the PSC.

Pursuant to s. 350.0611, Florida Statutes, it is the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the PSC. For example, in water and wastewater issues, the Public Counsel represents the "citizens" or the general body of utility customers in cases before the PSC.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 350.0611, Florida Statutes, to provide that the Public Counsel's duties are expanded to include citizen representation in water and wastewater issues before local county governments.

D. SECTION-BY-SECTION ANALYSIS:

Please see "Effect of Proposed Changes" section.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There is no impact on state government revenues.

2. Expenditures:

According to the PSC, there is no impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There is no impact on local government revenues.

2. Expenditures:

An indeterminate amount of expenditures may be incurred by local government as the Office of Public Counsel represents customers.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

According to Office of the Public Counsel, any costs incurred could be absorbed by the office's budget.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

There are no constitutional issues.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 14, 2000, the Committee on Utilities and Communication unanimously voted to incorporate amendment 1 into the bill, and make the bill a committee substitute. The committee substitute deletes the issue relating to recovery of rate case expense. The bill maintained its provisions relating to consumer representation by the Public Counsel in proceedings before counties pursuant to s. 367.171(8), Florida Statutes.

VII. SIGNATURES:

COMMITTEE ON UTILITIES AND COMMUNICATIONS:

Prepared by:

Staff Director:

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Wendy G. Holt

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Patrick L. "Booter" Imhof