

Bill No. SB 1614

Amendment No. 1 Barcode 192254

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Natural Resources recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Short title.--This act may be cited as the "Local Government Utilities Assistance Act."

Section 2. Legislative findings; intent.--The Legislature finds that in many areas of the state the condition or operation of privately owned water-wastewater utility systems and facilities create a present or potential threat to the environment or to the health of the utility customers. It is therefore the intent of the Legislature to establish a pilot program to assist local governments in acquiring privately owned water-wastewater utilities. It is the further intent of the Legislature that the Department of Environmental Protection evaluate and report to the Legislature on this pilot program and on the need to expand the program to address the acquisition or consolidation of

Bill No. SB 1614

Amendment No. 1 Barcode 192254

1 publicly-owned water-wastewater utilities that threaten the
2 environment or public health.

3 Section 3. Definitions.--As used in this act, the
4 term:

5 (1) "Community standards" means, with respect to water
6 and sewer utility rates, rates that are on a par with other
7 rates in the county, or similar utility jurisdictions in
8 surrounding counties, after accounting for relative household
9 incomes or other measures of affordability and size of
10 customer base, all as may be further defined by department
11 rule.

12 (2) "Department" means the Department of Environmental
13 Protection.

14 (3) "Privately owned water-wastewater utility" means a
15 water or wastewater utility whose utility assets are privately
16 owned.

17 Section 4. Local government utilities assistance
18 program; state assistance.--The Local Government Utilities
19 Assistance Program is established in the department. The
20 department may award financial assistance to a local
21 government in the form of a grant for the purpose of acquiring
22 privately owned water-wastewater utilities. A local government
23 may qualify for financial assistance if it documents to the
24 department that the privately owned water-wastewater utility
25 the local government intends to acquire meets the following
26 criteria:

27 (1) The quality of water or wastewater service
28 provided by the privately owned water-wastewater utility is
29 consistently inadequate to meet public health or water quality
30 standards; and

31 (2) The privately owned water-wastewater utility

Bill No. SB 1614Amendment No. 1 Barcode 192254

1 cannot make the improvements necessary to alleviate the public
2 health or water quality threats through its own resources
3 without increasing its rates for services to an amount beyond
4 that which is commensurate with community standards; or

5 (3) Operation of the privately owned water-wastewater
6 utility represents a public health or water quality threat
7 that would be more effectively addressed through public
8 management or ownership, as demonstrated through a feasibility
9 determination provided by the applicant for financial
10 assistance to the department, that takes into account
11 economic, managerial and administrative considerations; or

12 (4) The private utility desires to sell.

13 Section 5. Acquisition of privately owned
14 water-wastewater utility.--If the applicant for financial
15 assistance demonstrates, based on documentation acceptable to
16 the department, that acquisition of a privately owned
17 water-wastewater utility qualifies under section 4, the
18 department may authorize financial assistance for such
19 acquisition.

20 Section 6. Allocation of moneys to the program;
21 disposition.--Notwithstanding section 212.20(6)(e)2., Florida
22 Statutes, for fiscal year 2001-2002, one-half of the moneys
23 that would otherwise be distributed to the Solid Waste
24 Management Trust Fund pursuant to section 212.20, Florida
25 Statutes, not to exceed \$5 million, shall be distributed to
26 the program to be used as provided in this act to implement
27 the program as a pilot program in Pasco County. Upon approval
28 by the department, awarded funds may be used in accordance
29 with sections 4 and 5. The department may use up to 2 percent
30 of the funds appropriated for the program to pay the costs of
31 administering the pilot program.

Bill No. SB 1614

Amendment No. 1 Barcode 192254

1 Section 7. By January 1, 2003, the department shall
2 provide to the Governor, the President of the Senate and the
3 Speaker of the House a report on the Pasco County pilot
4 program. The report also shall evaluate the need to expand the
5 Local Government Utilities Assistance Program to address the
6 acquisition or consolidation of publicly owned
7 water-wastewater utilities that threaten water quality or
8 public health. The report shall recommend any statutory
9 changes necessary to implement the Local Government Utilities
10 Assistance Program and identify any rules that would be useful
11 in implementing the program.

12 Section 8. This act shall take effect July 1, 2001.
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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

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19 and insert:

20 A bill to be entitled
21 An act relating to local government utilities
22 assistance; providing a short title; providing
23 legislative findings; providing definitions;
24 establishing a pilot local government utilities
25 assistance program; providing for
26 administration by the Department of
27 Environmental Protection; providing for the
28 uses of certain moneys for certain purposes;
29 providing for qualification criteria for grants
30 and allocation of revenues for a pilot program
31 in Pasco County; providing for transfer of

Bill No. SB 1614

Amendment No. 1 Barcode 192254

1 certain moneys from the Solid Waste Management
2 Trust Fund to the pilot program; providing an
3 effective date.
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