

By Senator Peaden

1-1394-01

1                                   A bill to be entitled  
2           An act relating to water and wastewater  
3           utilities; amending s. 367.171, F.S.;  
4           prohibiting the exercise of eminent domain  
5           powers over water and wastewater utilities  
6           regulated by a county; providing an effective  
7           date.

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

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11           Section 1. Subsection (8) of section 367.171, Florida  
12   Statutes, is amended to read:

13           367.171 Effectiveness of this chapter.--  
14           (8) Each county ~~that which~~ is excluded from the  
15   provisions of this chapter or adopts a resolution under  
16   subsection (1) shall regulate the rates of all utilities in  
17   that county which would otherwise be subject to regulation by  
18   the commission pursuant to s. 367.081(1), (2), (3), and (6).  
19   The county shall not regulate the rates or charges of any  
20   system or facility which would otherwise be exempt from  
21   commission regulation pursuant to s. 367.022(2). A county or  
22   any authority or district thereof shall not exercise the right  
23   of eminent domain over any water or wastewater utility system  
24   or facility regulated by that county under this chapter.For  
25   this purpose the county or its agency shall proceed as though  
26   the county or agency is the commission. In all proceedings  
27   conducted by a county or its agency under the authority of  
28   this chapter, the provisions of ss. 120.569 and 120.57 shall  
29   apply.

30           Section 2. This act shall take effect upon becoming a  
31   law.

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SENATE SUMMARY

Prohibits a county from exercising the right of eminent domain over water or wastewater utilities regulated by that county.