

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Peaden

316-1801-01

1 A bill to be entitled
 2 An act relating to local government regulation
 3 of water or wastewater utilities; amending s.
 4 367.171, F.S.; providing for regulation of
 5 certain utilities by certain counties;
 6 prohibiting exercise of eminent domain by
 7 certain governmental entities under certain
 8 circumstances; providing an effective date.

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

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

14 367.171 Effectiveness of this chapter.--

15 (8) Each county which is excluded from the provisions
 16 of this chapter or adopts a resolution pursuant to subsection
 17 (1) shall regulate the rates of all utilities in that county
 18 which would otherwise be subject to regulation by the
 19 commission pursuant to s. 367.081(1), (2), (3), and (6). The
 20 county shall not regulate the rates or charges of any system
 21 or facility which would otherwise be exempt from commission
 22 regulation pursuant to s. 367.022(2). No county, or authority
 23 or district within such county, shall exercise the power of
 24 eminent domain over any water or wastewater utility system or
 25 facility regulated by such county pursuant to this chapter, or
 26 which has been regulated by such county within the preceding 5
 27 years, unless the county demonstrates that the utility system
 28 or facility to be condemned constitutes a present danger to
 29 the public health or has been abandoned. For this purpose the
 30 county or its agency shall proceed as though the county or
 31 agency is the commission. In all proceedings conducted by a

1 county or its agency under the authority of this chapter, the
2 provisions of ss. 120.569 and 120.57 shall apply.

3 Section 2. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 2062

9 The committee substitute qualifies the prohibition against
10 counties exercising the power of eminent domain over water or
11 wastewater facilities regulated by such county to allow
12 condemnation where the county demonstrates that the facilities
13 pose a present danger to the public health or are abandoned.
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