

1 A bill to be entitled
2 An act relating to local government utilities
3 assistance; providing a short title; providing
4 legislative findings; providing definitions;
5 establishing a pilot Local Government Utilities
6 Assistance Program; providing for
7 administration by the Department of
8 Environmental Protection; providing for
9 criteria for acquiring certain private
10 water-wastewater utilities; requiring the
11 Department of Environmental Protection to
12 submit a report on the pilot program to the
13 Governor and Legislature; providing an
14 appropriation to the Department of
15 Environmental Protection to develop a model to
16 analyze infrastructure costs; providing an
17 effective date.

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

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

23 Section 2. Legislative findings; intent.--The
24 Legislature finds that in many areas of the state the
25 condition or operation of privately owned water-wastewater
26 utility systems and facilities create a present or potential
27 threat to the environment or to the health of the utility
28 customers. It is therefore the intent of the Legislature to
29 establish a pilot program to assist local governments in
30 acquiring privately owned water-wastewater utilities. It is
31 the further intent of the Legislature that the Department of

1 Environmental Protection evaluate and report to the President
2 of the Senate and the Speaker of the House of Representatives
3 on this pilot program and on the need to expand the program to
4 address the acquisition or consolidation of publicly owned
5 water-wastewater utilities that threaten the environment or
6 public health.

7 Section 3. Definitions.--As used in this act:

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

15 (2) "Department" means the Department of Environmental
16 Protection.

17 (3) "Privately owned water-wastewater utility" means a
18 water or wastewater utility whose utility assets are privately
19 owned.

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

30 (1) The quality of water or wastewater service
31 provided by the privately owned water-wastewater utility is

1 consistently inadequate to meet public health or water quality
2 standards.

3 (2)(a) The privately owned water-wastewater utility
4 cannot make the improvements necessary to alleviate the public
5 health or water quality threats through its own resources
6 without increasing its rates for services to an amount beyond
7 that which is commensurate with community standards;

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

15 (c) The private utility desires to sell.

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

23 Section 6. By January 1, 2004, the department shall
24 provide to the Governor, the President of the Senate, and the
25 Speaker of the House of Representatives a report on the Pasco
26 County pilot program. The report also shall evaluate the need
27 to expand the Local Government Utilities Assistance Program to
28 address the acquisition or consolidation of publicly owned
29 water-wastewater utilities that threaten water quality or
30 public health. The report shall recommend any statutory
31 changes necessary to implement the Local Government Utilities

1 Assistance Program and identify any rules that would be useful
2 in implementing the program.

3 Section 7. The sum of \$500,000 in nonrecurring revenue
4 is appropriated from the General Revenue Fund to the
5 Department of Environmental Protection to facilitate the
6 development of a uniform fiscal impact analysis model to
7 assist local governments to evaluate the cost of
8 infrastructure to support development.

9 Section 8. This act shall take effect July 1, 2001.

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