

By the Committee on Utilities & Telecommunications and  
Representative Attkisson

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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