



HB 0129

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A bill to be entitled
 An act relating to water and wastewater utility facilities; requiring a water or wastewater utility facility to be subject to county commission jurisdiction under certain circumstances; authorizing a local government to purchase a facility and establish rates for service; providing exceptions; amending s. 367.021, F.S.; revising a definition; repealing s. 163.01(7)(g), F.S., relating to the Florida Interlocal Cooperation Act of 1969; providing an effective date.

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

Section 1. (1) Notwithstanding the provisions of s. 367.022, Florida Statutes, any water or wastewater utility facility acquired after September 1, 2003, by a legal entity created under s. 163.01(7)(g), Florida Statutes, outside of the territorial limits of the members of the entity shall be subject to county commission jurisdiction in the county where services are provided and received unless the ownership of the facility is transferred to one of the entities described in subsection (2) or subsection (3) of this act. Such transfer must be completed within 12 months after the effective date of this act.

(2) (a) The local government within which the water or wastewater utility facility is located may purchase the facility. Prior to taking any official action on the purchase, the local government shall obtain from the separate legal entity created under s. 163.01, Florida Statutes, the most recent available income and expense statement, balance sheet, and



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30 statement of rate base, any contributions in aid of
31 construction, and any other necessary information concerning the
32 facility to be purchased.

33 (b) The local government may establish rates which are
34 just, reasonable, compensatory, and not unfairly discriminatory.
35 In establishing the rates, the local government shall consider
36 the value and quality of the service and the cost of providing
37 the service, which shall include, but not be limited to, debt
38 interest; the requirements of the utility for working capital;
39 and maintenance, depreciation, tax, and operating expenses
40 incurred in the operation of all property used and useful in the
41 public service.

42 (3) If the local government does not wish to purchase the
43 water or wastewater utility facility, it shall:

44 (a) Establish government authority as defined in s.
45 367.021, Florida Statutes, to purchase and operate the facility
46 on behalf of the local government; or

47 (b) Petition the circuit court of the judicial circuit in
48 which the utility facility is domiciled to appoint a receiver.
49 The receiver shall operate the utility on behalf of the local
50 government from the date of transfer until such time as the
51 receiver disposes of the property of the utility in a manner
52 designed to continue the efficient and effective operation of
53 utility service.

54 Section 2. Paragraph (g) of subsection (7) of section
55 163.01, Florida Statutes, is repealed.

56 Section 3. Subsection (7) of section 367.021, Florida
57 Statutes, is amended to read:



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58 367.021 Definitions.--As used in this chapter, the
59 following words or terms shall have the meanings indicated:

60 (7) "Governmental authority" means a political
61 subdivision, as defined by s. 1.01(8), a regional water supply
62 authority created pursuant to s. 373.1962, or a nonprofit
63 corporation formed for the purpose of acting on behalf of a
64 political subdivision with respect to a water or wastewater
65 utility facility.

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