

Bill No. CS for CS for SB's 140, 998 & 1060

Amendment No.      Barcode 311458

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/23/2003	.	
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11 Senator Fasano moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 14, line 1, delete that line

15  
16 and insert:

17 Section 5. Pilot project for Pasco County; countywide  
18 standards for black water and customer service.--

19 (1) It is the intent of the Legislature to establish a  
20 pilot program in Pasco County regarding monopoly water  
21 utilities which is intended to allow Pasco County the ability  
22 to respond to consumer criticisms regarding black water and  
23 other consumer complaints dealing with customer service. It is  
24 also the intent of the Legislature to maintain a statewide  
25 uniform system of regulation with respect to the establishment  
26 of water quality standards. Therefore, the Legislature  
27 recognizes that only the Department of Environmental  
28 Protection, the Public Service Commission, and the  
29 Environmental Protection Agency are authorized to establish  
30 water quality criteria requirements. Nonetheless, it is  
31 recognized that technology may be available to assist in

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1 lessening black water problems. It is also recognized that  
2 monopoly water utilities have established varying degrees of  
3 customer service programs that are designed to respond to  
4 consumer complaints regarding customer service.

5 (2) If Pasco County is receiving black water or other  
6 customer service complaints from a significant number of those  
7 customers serviced by a monopoly water utility, the chairman  
8 of the county commission may establish a monopoly water  
9 utility ad hoc committee consisting of the chairman of the  
10 county commission, two utility representatives from monopoly  
11 water utilities, two customer representatives, the county  
12 health officer, and two independent scientific experts in  
13 water chemistry. The committee shall be in existence for no  
14 more than a 2-year period, and its function shall be:

15 (a) To review and evaluate customer service complaints  
16 and, if deemed necessary, recommend to the county commission  
17 the establishment of uniform customer service criteria to be  
18 applied by all monopoly water utilities;

19 (b) To review and evaluate black water concerns  
20 expressed by customers serviced by a monopoly water utility if  
21 similar complaints have also been filed with the Public  
22 Service Commission; and

23 (c) If deemed necessary, recommend to the county  
24 commission the propriety of requiring new technology or new  
25 uniform minimum technology standards for use by monopoly water  
26 utilities in the treatment of black water and customer service  
27 responsiveness. The ad hoc committee may evaluate a monopoly  
28 water utility's operational protocol only insofar as it  
29 relates to customer service. The ad hoc committee may not  
30 recommend standards that deal with the financial aspects of a  
31 water utility or standards or criteria relating to water

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1 quality which would either conflict with or be more stringent  
2 than water quality standards presently imposed by the Public  
3 Service Commission, the Department of Environmental  
4 Protection, or the Environmental Protection Agency. However,  
5 the ad hoc committee may recommend the establishment of local  
6 technological standards or methods of treatment relating to  
7 the esthetics of black water or other minimum standards  
8 regarding general responsiveness to customer service  
9 complaints. Such technological standards relating to black  
10 water must be economically, technologically, and  
11 environmentally feasible. The ad hoc committee shall consult  
12 with the Public Service Commission, the Department of  
13 Environmental Protection, or the Environmental Protection  
14 Agency as necessary.

15 (3) On the recommendation of the ad hoc committee, the  
16 county commission may choose to adopt additional technological  
17 standards designed to resolve black water issues which are not  
18 required by the Public Service Commission, the Department of  
19 Environmental Protection, or the Environmental Protection  
20 Agency and may also choose to adopt other minimum standards  
21 for customer service responsiveness. Upon the adoption of any  
22 such standards, each monopoly water utility shall be informed  
23 of those new standards and shall be given 3 months to submit  
24 to the county a plan for compliance with those standards. The  
25 county shall allow for a reasonable time to bring such systems  
26 into compliance with the new standards. Notwithstanding any  
27 other provisions of this section, the county commission may  
28 not adopt standards that deal with the financial aspects of a  
29 monopoly water utility or standards or criteria relating to  
30 water quality as applied to a monopoly water utility which  
31 would either conflict with or be more stringent than water

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1 quality standards or criteria presently imposed by the Public  
2 Service Commission, the Department of Environmental  
3 Protection, or the Environmental Protection Agency. The  
4 county's decision to adopt any technological or customer  
5 service standards is agency action only for the purposes of  
6 this act and is subject to chapter 120, Florida Statutes. Any  
7 affected monopoly water utility, consumer, or state agency may  
8 challenge, pursuant to chapter 120, Florida Statutes, the  
9 county's decision to adopt such standards as not complying  
10 with the provisions contained in this section, and the county  
11 shall refer the petition to the Division of Administrative  
12 Hearings. Any decision of an administrative law judge is final  
13 agency action, subject to appeal pursuant to section 120.68,  
14 Florida Statutes. If there is no challenge to the decision of  
15 the county commission to impose additional standards as  
16 provided for in this section or the county prevails in an  
17 administrative challenge to the proposed standards, the full  
18 amount of any reasonable and prudent costs incurred in  
19 complying with the county requirements are recoverable by a  
20 monopoly water utility under section 367.081(4)(b), Florida  
21 Statutes.

22 (4) This section is intended to supersede the  
23 provisions of chapter 367, Florida Statutes, to the extent  
24 that they are inconsistent with this section.

25 (5) This section shall take effect July 1, 2003, and  
26 expires July 1, 2005.

27 Section 6. Except as otherwise expressly provided in  
28 this act, this act shall take effect upon becoming a  
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 2, delete that line

4

5 and insert:

6 applicability; providing for a pilot project  
7 for Pasco County to facilitate county response  
8 to certain consumer complaints; providing  
9 legislative intent; allowing the chairman of  
10 the board of county commissioners to establish  
11 a monopoly water utility ad hoc committee for a  
12 prescribed period; providing for the membership  
13 and duties of the ad hoc committee; allowing  
14 the county commission to adopt additional  
15 technological standards to address issues  
16 relating to black water; requiring that  
17 utilities receive notice of the standards and  
18 that they submit a compliance plan to the  
19 county; prohibiting county commissions from  
20 adopting standards that relate to the finances  
21 of a monopoly water utility or that conflict  
22 with specified standards imposed by other  
23 regulatory bodies; providing procedures for  
24 challenging standards adopted by the county;  
25 providing for a monopoly water utility to  
26 recover certain costs of compliance with the  
27 county requirements; providing that this  
28 section supersedes conflicting provisions of  
29 ch. 367, F.S.; providing for future repeal;  
30 providing an expiration date and effective  
31 dates.