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1 A bill to be entitled

2 An act relating to water policy; creating s. 367.172,
3 F.S.; providing legislative findings with regard to
4 potable water standards; requiring certain utilities to
5 obtain county certification; providing for audits;
6 creating an ad hoc committee within the county to oversee
7 the audit and certification procedure; providing an
8 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. Section 367.172, Florida Statutes, is created
13 to read:

14 367.172 County water policy.--

15 (1) The Legislature recognizes that by extending the
16 privilege of monopoly status to certain enterprises, the
17 provisions of this chapter create a class of captive customers
18 who cannot choose to purchase service from an open market.
19 Accordingly, the Legislature finds that it is a priority to
20 ensure that drinking water that is delivered to captive
21 customers meets appropriate quality standards. The Legislature
22 further finds that from county to county there sometimes exists
23 a wide variation of factors that can affect the quality of water
24 that is delivered into customers' homes. In order to ensure that
25 standards are appropriate for local conditions, each county is
26 given the authority to require that monopoly water utilities
27 operating within its borders meet community standards that take
28 into account locally relevant conditions. Each county is hereby
29 authorized to require that potable water provided by monopoly
30 water utilities certified under s. 367.045(5)(a) meet the



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31 standards that are imposed upon the utilities that are owned and
32 operated by that county.

33 (2) A county may require that every monopoly water utility
34 obtain the county's certification that the water service meets
35 that county's community standards. In order to ensure that every
36 monopoly water utility meets its community standards, the county
37 may establish an audit and certification procedure. The county
38 may require periodic recertification by each monopoly water
39 utility that continues to operate within its borders.

40 (a) The audit procedure shall be performed at regular
41 periodic intervals to be determined by the county. The results
42 shall be filed with regulatory agencies such as the Department
43 of Environmental Protection and the Public Service Commission.
44 The report of the audit shall be made available to the customers
45 in the month after it is filed.

46 (b) The audit procedure will be performed by an
47 independent authority nominated by the county.

48 (c) The certification and recertification procedure shall
49 be overseen by an ad hoc committee consisting of two utility
50 representatives, two customer representatives, the county health
51 officer, and two independent scientific observers and shall be
52 chaired by a county commissioner. The ad hoc committee may
53 require interim audits if a monopoly utility's customers file a
54 significant number of complaints about water quality which have
55 not been effectively addressed by the water utility. This
56 committee shall evaluate and determine whether additional audits
57 are appropriate to resolve the complaints. The cost of such
58 additional audits may be considered in establishing the
59 utility's rates, unless an audit reveals evidence of



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60 deficiencies caused by the incompetence, neglect, or
61 indifference of the monopoly water utility.

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