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The Committee on Business Regulation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to water policy; creating s. 367.172, F.S.; providing legislative findings with regard to potable water standards; requiring certain utilities to obtain county certification; providing for audits; creating an ad hoc committee within the county to oversee the audit and certification procedure; providing an effective date.

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

Section 1. Section 367.172, Florida Statutes, is created to read:

367.172 County water policy.--

(1) The Legislature recognizes that by extending the privilege of monopoly status to certain enterprises, the provisions of this chapter create a class of captive customers who cannot choose to purchase service from an open market. Accordingly, the Legislature finds that it is a priority to



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29 ensure that drinking water that is delivered to captive
30 customers meets appropriate quality standards. The Legislature
31 further finds that from county to county there sometimes exists
32 a wide variation of factors that can affect the quality of water
33 that is delivered into customers' homes. In order to ensure that
34 standards are appropriate for local conditions, each county is
35 given the authority to require that monopoly water utilities
36 operating within its borders meet community water quality
37 standards that take into account locally relevant conditions.
38 Each county is hereby authorized to require that potable water
39 provided by monopoly water utilities certified under s.
40 367.045(5)(a) meet the water quality standards that are imposed
41 upon the utilities that are owned and operated by that county.

42 (2) A county may require that every monopoly water utility
43 obtain the county's certification that the water service meets
44 that county's community water quality standards. In order to
45 ensure that every monopoly water utility meets its community
46 standards, the county may establish an audit and certification
47 procedure. The county may require periodic recertification by
48 each monopoly water utility that continues to operate within its
49 borders.

50 (a) The audit procedure shall be performed at regular
51 periodic intervals to be determined by the county. The results
52 shall be filed with regulatory agencies such as the Department
53 of Environmental Protection and the Public Service Commission.
54 The report of the audit shall be made available to the customers
55 in the month after it is filed.



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56 (b) The audit procedure shall be performed by an
57 independent authority nominated by the county.

58 (c) The certification and recertification procedure shall
59 be overseen by an ad hoc committee consisting of two utility
60 representatives, two customer representatives, the county health
61 officer, and two independent scientific observers and shall be
62 chaired by a county commissioner. The members of the ad hoc
63 committee shall be chosen by the chair of the county commission
64 and shall serve 1-year terms. The committee shall meet at the
65 call of the chair or at the request of a majority of its
66 membership to establish an audit and certification procedure, to
67 hear customer complaints, and to determine whether an interim or
68 additional audit is necessary. A majority of committee members
69 shall constitute a quorum, and the affirmative vote of a
70 majority of a quorum is necessary for the committee to take
71 action. The county shall provide administrative support to the
72 committee as necessary. The ad hoc committee may require interim
73 audits if a monopoly utility's customers file a significant
74 number of complaints about water quality which have not been
75 effectively addressed by the water utility. The committee shall
76 evaluate and determine whether additional audits are appropriate
77 to resolve the complaints. The cost of such additional audits
78 may be considered in establishing the utility's rates unless an
79 audit reveals evidence of deficiencies caused by the
80 incompetence, neglect, or indifference of the monopoly water
81 utility.

82 Section 2. This act shall take effect July 1, 2003.

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