

Bill No. SB 2368

Amendment No.      Barcode 525252

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

4/AD/2R  
05/02/2003 03:59 PM

.  
. .  
. .  
. .  
. .  
. .

---

Senator Fasano moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 2, through  
page 3, line 8, delete those lines

and insert: of the water delivered into customers' homes. It is the further intent of the Legislature to establish a pilot program in Pasco County regarding monopoly water utilities which is intended to allow Pasco County the ability to respond to consumer criticisms regarding black water and other consumer complaints dealing with customer service. It is also the intent of the Legislature to maintain a statewide uniform system of regulation with respect to the establishment of water quality standards. Therefore, the Legislature recognizes that only the Department of Environmental Protection, the Public Service Commission, and the Environmental Protection Agency are authorized to establish water quality criteria requirements. Nonetheless, it is recognized that technology may be available to assist in lessening black water problems. It is also recognized that monopoly water utilities have

Bill No. SB 2368

Amendment No.      Barcode 525252

1 established varying degrees of customer service programs that  
2 are designed to respond to consumer complaints regarding  
3 customer service.

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

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

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

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

Bill No. SB 2368

Amendment No. \_\_\_\_ Barcode 525252

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

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

Bill No. SB 2368

Amendment No. \_\_\_\_ Barcode 525252

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

21 (4) If any other provision of this chapter is  
22 inconsistent with this section, this section shall prevail.

23 (5) This section shall expire effective July 1, 2005.

24  
25 (Redesignate subsequent sections.)

26  
27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, lines 5-16, delete those lines

31

Bill No. SB 2368

Amendment No. \_\_\_\_ Barcode 525252

1 and insert:

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

26

27

28

29

30

31