

By Senator Fasano

11-805A-03

1                                   A bill to be entitled  
 2           An act relating to water utilities; creating s.  
 3           367.172, F.S.; providing legislative findings  
 4           with respect to monopoly water utilities;  
 5           authorizing counties to require monopoly water  
 6           utilities to meet certain standards for potable  
 7           water; authorizing counties to require  
 8           certification and recertification of water  
 9           quality; providing for an audit procedure to be  
 10          performed by an independent entity; providing  
 11          for an ad hoc committee to oversee the  
 12          certification and recertification procedures;  
 13          providing for the membership of the committee;  
 14          providing that the cost of additional audits  
 15          may be considered in establishing rates, with  
 16          certain exceptions; providing an effective  
 17          date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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

23                   367.172 Monopoly water utilities; certification by  
 24          county.--

25                   (1) The Legislature recognizes that by extending the  
 26          privilege of monopoly status to certain utilities, this  
 27          chapter creates a class of captive customers who cannot choose  
 28          to purchase service from an open market. Accordingly, the  
 29          Legislature finds that it is a priority to ensure that  
 30          drinking water delivered to captive customers meets  
 31          appropriate quality standards. The Legislature further finds

1 that there exists a variety of factors that affect the quality  
2 of the water delivered into customers' homes. In order to  
3 assure that standards are appropriate for local conditions,  
4 each county is authorized to require that a monopoly water  
5 utility operating within its boundaries meets standards that  
6 take into account relevant conditions. Each county may require  
7 that potable water provided by a monopoly water utility  
8 certified under s. 367.045(5)(a) meets the standards imposed  
9 upon a water utility owned and operated by that county.

10 (2) A county may require that each monopoly water  
11 utility obtain certification from the county as meeting the  
12 county's standards. The county may establish an audit and  
13 certification procedure. The county may require periodic  
14 recertification of each monopoly water utility that operates  
15 within the county.

16 (a) The audit procedure shall be performed at periodic  
17 intervals established by the county. The results must be filed  
18 with a regulatory agency determined by the county, such as the  
19 Department of Environmental Protection or the Florida Public  
20 Service Commission. The report of the audit shall be available  
21 to customers 30 days after the audit.

22 (b) The audit procedures shall be performed by an  
23 independent entity chosen by the county.

24 (c) The certification and recertification procedures  
25 shall be overseen by an ad hoc committee consisting of two  
26 members who are representatives of the water utility, two  
27 members who are representatives of customers, the county  
28 health officer, and two independent observers from the  
29 scientific community. A member of the board of county  
30 commissioners shall be the chairperson of the committee. The  
31 committee may require an interim audit if customers file a

