

Bill No. CS for SB 2758

Amendment No. ____ Barcode 441122

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 19, between lines 17 and 18,

insert:

Section 11. Pilot project for Pasco County; countywide standards for black water and customer service.--

(1) It is the 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

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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 Section 12. Section 11 of this act is intended to
23 supersede the provisions of chapter 367, Florida Statutes, to
24 the extent that they are inconsistent with section 11 of this
25 act.

26 Section 13. Section 11 of this act shall stand
27 repealed July 1, 2005.

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29 (Redesignate subsequent sections.)
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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 7, after the second semicolon,

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5 insert:

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

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