



HB 0987

2004

1 A bill to be entitled

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

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

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27 Section 1. Monopoly water utilities; legislative findings
28 and intent; Pasco County pilot project; countywide standards for
29 black water, rotten-egg odor, and customer service.--



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30 (1) The Legislature recognizes that by extending the
31 privilege of monopoly status to certain utilities, chapter 367,
32 Florida Statutes, creates a class of captive customers who
33 cannot choose to purchase service from an open market.

34 Accordingly, the Legislature finds that it is a priority to
35 ensure that drinking water delivered to captive customers meets
36 appropriate quality standards. The Legislature further finds
37 that there exists a variety of factors that affect the quality
38 of the water delivered into customers' homes. It is the intent
39 of the Legislature to establish a pilot program in Pasco County
40 regarding monopoly water utilities which is intended to allow
41 Pasco County the ability to respond to consumer complaints
42 regarding black water, rotten-egg odor arising from local
43 variations in raw water chemistry, and customer service. It is
44 also the intent of the Legislature to maintain a statewide
45 uniform system of regulation with respect to the establishment
46 of water quality standards. Therefore, the Legislature
47 recognizes that only the Public Service Commission, the
48 Department of Environmental Protection, and the Environmental
49 Protection Agency are authorized to establish statewide water
50 quality criteria requirements. Nonetheless, it is recognized
51 that technology may be available to assist in lessening black
52 water and rotten-egg odor arising from local variations in raw
53 water chemistry. It is also recognized that monopoly water
54 utilities have established varying degrees of customer service
55 programs that are designed to respond to consumer complaints
56 regarding customer service.

57 (2) If Pasco County is receiving black water, rotten-egg
58 odor, or other customer service complaints from a significant
59 number of the customers serviced by any monopoly water utility,



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60 the chair of the county commission may establish a monopoly
61 water utility ad hoc committee consisting of the chair of the
62 county commission, two representatives from the monopoly water
63 utility, two customer representatives, the county health
64 officer, and two independent scientific experts in water
65 chemistry. The committee shall be in existence for no more than
66 2 years, and its functions shall be:

67 (a) To review and evaluate customer service complaints
68 and, if deemed necessary, recommend to the county commission the
69 establishment of uniform customer service criteria to be applied
70 by all monopoly water utilities.

71 (b) To review and evaluate black water and rotten-egg odor
72 concerns expressed by customers serviced by a monopoly water
73 utility if similar complaints have also been filed with the
74 Public Service Commission.

75 (c) If deemed necessary, to recommend to the county
76 commission the propriety of requiring new technology or new
77 uniform minimum technology standards for use by monopoly water
78 utilities in the treatment of black water and rotten-egg odor
79 and the delivery of customer service. The ad hoc committee may
80 evaluate a monopoly water utility's operational protocol only
81 insofar as it relates to customer service and water quality
82 issues related to local variations in water chemistry. The ad
83 hoc committee may not recommend standards that deal with the
84 financial aspects of a water utility or standards or criteria
85 relating to water quality which would conflict with water
86 quality standards presently imposed by the Public Service
87 Commission, the Department of Environmental Protection, or the
88 Environmental Protection Agency. However, the ad hoc committee
89 may recommend the establishment of local technological standards



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90 or methods of processing relating to black water and rotten-egg
91 odor or other minimum standards regarding general responsiveness
92 to customer service complaints. Such technological standards
93 relating to black water and rotten-egg odor must be
94 economically, technologically, and environmentally feasible. The
95 ad hoc committee shall consult with the Public Service
96 Commission, the Department of Environmental Protection, or the
97 Environmental Protection Agency, as necessary.

98 (3) On the recommendation of the ad hoc committee, the
99 county commission may choose to adopt additional technological
100 standards upon demonstration that there will be a substantial
101 improvement in black water and rotten-egg odor conditions and
102 such standards do not conflict with the permitting requirements
103 of the Public Service Commission, the Department of
104 Environmental Protection, or the Environmental Protection
105 Agency. The county commission may also choose to adopt other
106 minimum standards for customer service responsiveness. Upon the
107 adoption of any such standards, each monopoly water utility
108 shall be informed of those new standards and shall be given 3
109 months to submit to the county a plan for compliance with those
110 standards. The county shall allow for a reasonable time to bring
111 such systems into compliance with the new standards.
112 Notwithstanding any other provisions of this act, the county
113 commission may not adopt standards that deal with the financial
114 aspects of a monopoly water utility or standards or criteria
115 relating to water quality as applied to a monopoly water utility
116 which would either conflict with or be more stringent than water
117 quality standards or criteria presently imposed by the Public
118 Service Commission, the Department of Environmental Protection,
119 or the Environmental Protection Agency. The county's decision to



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120 adopt any technological or customer service standards is agency
121 action only for the purposes of this act and is subject to
122 chapter 120, Florida Statutes. Any affected monopoly water
123 utility, consumer, or state agency may challenge, pursuant to
124 chapter 120, Florida Statutes, the county's decision to adopt
125 such standards as not complying with the provisions contained in
126 this act, and the county shall refer the petition to the
127 Division of Administrative Hearings. Any decision of an
128 administrative law judge is final agency action, subject to
129 appeal pursuant to s. 120.68, Florida Statutes. If there is no
130 challenge to the decision of the county commission to impose
131 additional standards as provided for in this act, or if the
132 county prevails in an administrative challenge to the proposed
133 standards, the full amount of any reasonable and prudent costs
134 incurred in complying with the county requirements and any legal
135 or other costs incurred by the utility in participating in the
136 process outlined in this section are recoverable by a monopoly
137 water utility under s. 367.081(4)(b), Florida Statutes, if that
138 monopoly water utility is regulated by the Public Service
139 Commission.

140 (4) This act is intended to supersede the provisions of
141 chapter 367, Florida Statutes, to the extent that such
142 provisions are inconsistent with this act.

143 (5) This act shall expire July 1, 2005.

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