

By the Committees on Environmental Preservation and Conservation; and Communications, Energy, and Public Utilities; and Senators Hays, Storms, and Fasano

592-03684-12

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1 A bill to be entitled
2 An act relating to water and wastewater utilities;
3 creating the Study Committee on Investor-Owned Water
4 and Wastewater Utility Systems; providing for
5 membership and terms of service; prohibiting
6 compensation of the members; providing for
7 reimbursement of the members for certain expenses;
8 providing for removal or suspension of members by the
9 appointing authority; requiring the Public Service
10 Commission to provide staff, information, assistance,
11 and facilities that are deemed necessary for the
12 committee to perform its duties; providing for funding
13 from the Florida Public Service Regulatory Trust Fund;
14 providing duties of the committee; providing for
15 public meetings; requiring the committee to report its
16 findings to the Governor, the Legislature, and
17 appropriate agencies and make certain recommendations;
18 providing for future termination of the committee;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Study Committee on Investor-Owned Water and
24 Wastewater Utility Systems.—

25 (1) There is created a Study Committee on Investor-Owned
26 Water and Wastewater Utility Systems, which shall be composed of
27 18 residents of the state designated and appointed as follows:

28 (a) The chair of the Public Service Commission or a
29 commissioner designated by the chair, who shall serve as chair

592-03684-12

20121244c2

30 of the committee and shall be a nonvoting member of the
31 committee.

32 (b) The Secretary of Environmental Protection or his or her
33 designee, who shall be a nonvoting member of the committee.

34 (c) The Public Counsel or his or her designee, who shall be
35 a nonvoting member of the committee.

36 (d) One member of the Senate appointed by the President of
37 the Senate.

38 (e) One member of the House of Representatives appointed by
39 the Speaker of the House of Representatives.

40 (f) Two representatives of Class A investor-owned water or
41 wastewater utilities appointed by the Governor.

42 (g) One representative of a Class B investor-owned water or
43 wastewater utility appointed by the Governor.

44 (h) One representative of a Class C investor-owned water or
45 wastewater utility appointed by the Governor.

46 (i) One customer of a Class A investor-owned water or
47 wastewater utility appointed by the Governor.

48 (j) One customer of a Class B or Class C investor-owned
49 water or wastewater utility appointed by the Governor.

50 (k) One representative of a water management district
51 appointed by the Governor.

52 (l) One representative of the Florida Section of the
53 American Water Works Association appointed by the Governor.

54 (m) One representative of the Florida Rural Water
55 Association appointed by the Governor.

56 (n) One representative of a water or wastewater system
57 owned or operated by a municipal or county government appointed
58 by the Governor.

592-03684-12

20121244c2

59 (o) One representative of a governmental authority that is
60 created pursuant to chapter 163, Florida Statutes, appointed by
61 the Governor.

62 (p) The chair of a county commission that regulates
63 investor-owned water or wastewater utility systems appointed by
64 the Governor.

65 (q) One representative of a county health department
66 appointed by the Governor.

67 (2) The members shall serve until the work of the committee
68 is complete and the committee is terminated, except that if a
69 member no longer serves in the position required for
70 appointment, the member shall be replaced by the individual who
71 serves in such position.

72 (3) Members of the committee shall serve without
73 compensation, but are entitled to reimbursement for all
74 reasonable and necessary expenses, including travel expenses, in
75 the performance of their duties as provided in s. 112.061,
76 Florida Statutes.

77 (4) An appointing authority may remove or suspend a member
78 appointed by it for cause, including, but not limited to,
79 failure to attend two or more meetings of the committee.

80 (5) The Public Service Commission shall provide the staff,
81 information, assistance, and facilities as are deemed necessary
82 for the committee to carry out its duties under this section.
83 Funding for the committee shall be paid from the Florida Public
84 Service Regulatory Trust Fund.

85 (6) The committee shall identify issues of concern of
86 investor-owned water and wastewater utility systems,
87 particularly small systems, and their customers and research

592-03684-12

20121244c2

88 possible solutions. In addition, the committee shall consider:

89 (a) The ability of a small investor-owned water or
90 wastewater utility to achieve economies of scale when purchasing
91 equipment, commodities, or services.

92 (b) The availability of low interest loans to a small,
93 privately owned water or wastewater utility.

94 (c) Any tax incentives or exemptions, temporary or
95 permanent, which are available to a small water or wastewater
96 utility.

97 (d) The impact on customer rates if a utility purchases an
98 existing water or wastewater utility system.

99 (e) The impact on customer rates of a utility providing
100 service through the use of a reseller.

101 (f) Other issues that the committee identifies during its
102 investigation.

103 (7) The committee shall meet at the time and location as
104 the chair determines, except that the committee shall meet a
105 minimum of four times. At least two meetings must be held in an
106 area that is centrally located to utility customers who have
107 recently been affected by a significant increase in water or
108 wastewater utility rates. The public shall be given the
109 opportunity to speak at the meetings.

110 (8) By February 15, 2013, the committee shall prepare and
111 submit to the Governor, the President of the Senate, and the
112 Speaker of the House of Representatives a report detailing its
113 findings pursuant to subsection (6) and making specific
114 legislative recommendations, including proposed legislation
115 intended to implement its recommendations. If the committee, in
116 its report, finds that an issue may effectively be addressed

592-03684-12

20121244c2

117 through agency rulemaking, the committee shall submit to the
118 appropriate agencies its report and recommendations, including
119 proposed rules.

120 (9) This section expires and the committee terminates June
121 30, 2013.

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