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CS/HB 1389, Engrossed 1

2012 Legislature

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2 An act relating to water storage and water quality
3 improvements; creating s. 373.4591, F.S.; requiring a
4 specified determination as a condition of an agreement
5 for water storage and water quality improvements on
6 private agricultural lands; providing a methodology
7 for such determination; providing for regulation of
8 such lands for the duration of the agreement and after
9 its expiration; creating the Study Committee on
10 Investor-Owned Water and Wastewater Utility Systems;
11 providing for membership and terms of service;
12 prohibiting compensation of the members; providing for
13 reimbursement of the members for certain expenses;
14 providing for removal or suspension of members by the
15 appointing authority; requiring the Public Service
16 Commission to provide staff, information, assistance,
17 and facilities that are deemed necessary for the
18 committee to perform its duties; providing for funding
19 from the Florida Public Service Regulatory Trust Fund;
20 providing duties of the committee; providing for
21 public meetings; requiring the committee to report its
22 findings to the Governor, the Legislature, and
23 appropriate agencies and make certain recommendations;
24 providing for future termination of the committee;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 373.4591, Florida Statutes, is created
 30 to read:

31 373.4591 Improvements on private agricultural lands.—The
 32 Legislature encourages public-private partnerships to accomplish
 33 water storage and water quality improvements on private
 34 agricultural lands. When an agreement is entered into between a
 35 water management district or the department and a private
 36 landowner to establish such a partnership, a baseline condition
 37 determining the extent of wetlands and other surface waters on
 38 the property shall be established and documented in the
 39 agreement before improvements are constructed. The determination
 40 for the baseline condition shall be conducted using the methods
 41 set forth in the rules adopted pursuant to s. 373.421. The
 42 baseline condition documented in the agreement shall be
 43 considered the extent of wetlands and other surface waters on
 44 the property for the purpose of regulation under this chapter
 45 for the duration of the agreement and after its expiration.

46 Section 2. Study Committee on Investor-Owned Water and
 47 Wastewater Utility Systems.—

48 (1) There is created a Study Committee on Investor-Owned
 49 Water and Wastewater Utility Systems, which shall be composed of
 50 18 residents of the state designated and appointed as follows:

51 (a) The chair of the Public Service Commission or a
 52 commissioner designated by the chair, who shall serve as chair
 53 of the committee and shall be a nonvoting member of the
 54 committee.

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

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

59 (d) One member of the Senate appointed by the President of
60 the Senate.

61 (e) One member of the House of Representatives appointed
62 by the Speaker of the House of Representatives.

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

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

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

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

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

73 (k) One representative of a water management district
74 appointed by the Governor.

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

77 (m) One representative of the Florida Rural Water
78 Association appointed by the Governor.

79 (n) One representative of a water or wastewater system
80 owned or operated by a municipal or county government appointed
81 by the Governor.

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

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

88 (q) One representative of a county health department
 89 appointed by the Governor.

90 (2) The members shall serve until the work of the
 91 committee is complete and the committee is terminated, except
 92 that if a member no longer serves in the position required for
 93 appointment, the member shall be replaced by the individual who
 94 serves in such position.

95 (3) Members of the committee shall serve without
 96 compensation, but are entitled to reimbursement for all
 97 reasonable and necessary expenses, including travel expenses, in
 98 the performance of their duties as provided in s. 112.061,
 99 Florida Statutes.

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

103 (5) The Public Service Commission shall provide the staff,
 104 information, assistance, and facilities as are deemed necessary
 105 for the committee to carry out its duties under this section.
 106 Funding for the committee shall be paid from the Florida Public
 107 Service Regulatory Trust Fund.

108 (6) The committee shall identify issues of concern of
 109 investor-owned water and wastewater utility systems,
 110 particularly small systems, and their customers and research
 111 possible solutions. In addition, the committee shall consider:

112 (a) The ability of a small investor-owned water or

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113 wastewater utility to achieve economies of scale when purchasing
114 equipment, commodities, or services.

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

117 (c) Any tax incentives or exemptions, temporary or
118 permanent, which are available to a small water or wastewater
119 utility.

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

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

124 (f) Other issues that the committee identifies during its
125 investigation.

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

133 (8) By February 15, 2013, the committee shall prepare and
134 submit to the Governor, the President of the Senate, and the
135 Speaker of the House of Representatives a report detailing its
136 findings pursuant to subsection (6) and making specific
137 legislative recommendations, including proposed legislation
138 intended to implement its recommendations. If the committee, in
139 its report, finds that an issue may effectively be addressed
140 through agency rulemaking, the committee shall submit to the

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141 appropriate agencies its report and recommendations, including
142 proposed rules.

143 (9) This section expires and the committee terminates June
144 30, 2013.

145 Section 3. This act shall take effect July 1, 2012.