

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Energy & Utilities
 2 Subcommittee

3 Representative Mayfield offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Ratepayer
 8 Representation Act."

9 Section 2. Section 153.03, Florida Statutes, is amended to
 10 read:

11 153.03 General grant of power.—~~A county Any of the several~~
 12 ~~counties of the state which may hereafter come under the~~
 13 ~~provisions of this chapter as hereinafter provided~~ is hereby
 14 authorized ~~and empowered~~:

15 (1) To purchase or ~~and/or~~ construct and to improve,
 16 extend, enlarge, or ~~and~~ reconstruct a water supply system ~~or~~
 17 ~~systems~~ or sewage disposal system ~~or systems, or both,~~ within

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18 ~~the such~~ county and any adjoining ~~county or counties;~~ and to
19 ~~purchase and/or construct or reconstruct water system~~
20 ~~improvements or sewer improvements, or both, within such county~~
21 ~~and any adjoining county or counties and to operate, manage, and~~
22 control those all such systems ~~so purchased and/or constructed~~
23 and all properties pertaining thereto; and to furnish and supply
24 water and sewage collection and disposal services to any of such
25 counties and to any municipalities and any persons, firms, or
26 corporations, public or private, in any of such counties. ~~+~~
27 ~~provided,~~ However, ~~that~~ none of the facilities described in
28 ~~provided by~~ this chapter may be constructed, owned, operated, or
29 maintained by the county on property located within the
30 corporate limits of a any municipality without the consent of
31 the governing council, ~~commission or body having general~~
32 ~~legislative authority in the government~~ of such municipality
33 unless the such facilities were owned by the county before the
34 ~~on such property prior to the time such~~ property was included
35 within the corporate limits of the such municipality.

36 (a) If a municipality, pursuant to a franchise agreement
37 with a county or by county resolution or ordinance, is
38 authorized to provide water service or sewage collection and
39 disposal services in an unincorporated area of the county, the
40 ~~No~~ county may not shall furnish any of the facilities described
41 in provided by this chapter to that unincorporated area any
42 ~~property already being furnished like facilities by any~~
43 municipality without the express consent of the governing

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44 ~~council, commission or body having general legislative authority~~
45 ~~in the government of that such municipality until the franchise~~
46 ~~agreement, resolution, or ordinance has expired or is no longer~~
47 ~~in effect. If the county thereafter elects to provide water~~
48 ~~service or sewage collection and disposal services to the~~
49 ~~unincorporated area, the county, pursuant to the requirements of~~
50 ~~s. 125.3401, may purchase the facilities owned by the~~
51 ~~municipality that are located in and used to serve the~~
52 ~~unincorporated area, subject to the following conditions:~~

53 1. A majority of the ratepayers in the unincorporated
54 area, either by vote in a referendum or written response to a
55 mail survey, have agreed to receive water service or sewage
56 collection and disposal services from the county; and

57 2. The county compensates the municipality for the fair
58 market value of the facilities purchased from the municipality
59 to serve the unincorporated area.

60 (b) If the franchise agreement, resolution, or ordinance
61 contains no term or date after which the municipality's
62 authority expires, the county, pursuant to the requirements of
63 s. 125.3401, may purchase the facilities owned by the
64 municipality that are located in and used to serve the
65 unincorporated area, subject to the following requirements:

66 1. A majority of the ratepayers in the unincorporated
67 area, either by vote in a referendum or written response to a
68 mail survey, have agreed to receive water service or sewage
69 collection and disposal services from the county, provided that

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70 the referendum or mail survey may not be conducted within 10
71 years of the date the franchise agreement was approved by the
72 county and may not be conducted more frequently than once every
73 10 years;

74 2. The county compensates the municipality for the fair
75 market value of the facilities purchased from the municipality
76 to serve the unincorporated area; and

77 3. The purchase does not occur before July 1, 2016.

78 (2) To issue water revenue bonds and/or sewer revenue
79 bonds or general obligation bonds of the county to pay all or a
80 part of the cost of such purchase and/or construction or
81 reconstruction.

82 (3) To fix and collect rates, fees and other charges for
83 the service and facilities furnished by any such water supply
84 system or water system improvements and sewage disposal system
85 or sewer improvements and to fix and collect charges for making
86 connections with the water system of the county.

87 (4) To receive and accept from the Federal Government or
88 any agency thereof grants for or in aid of the planning,
89 purchase, construction, reconstruction, or financing of any
90 facility and to receive and accept contributions from any source
91 of either money, property, labor, or other things of value to be
92 held, used, and applied only for the purpose for which such
93 grants and contributions may be made.

94 (5) To acquire in the name of the county by gift, purchase
95 as hereinafter provided or by the exercise of the right of

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96 eminent domain, such lands and rights and interests therein,
97 including lands under water and riparian rights, and to acquire
98 such personal property as it may deem necessary for the
99 efficient operation or for the extension of or the improvement
100 of any facility purchased or constructed under the provisions of
101 this chapter and to hold and dispose of all real and personal
102 property under its control; provided, however, that no county
103 shall have the right to exercise the right of eminent domain
104 over any such lands or rights or interests therein or any
105 personal property owned by any municipality within the state nor
106 to exercise such right with respect to any privately owned water
107 supply system or sewage disposal system including without
108 limitation ponds, streams and surface waters constituting a part
109 thereof, provided any such system is primarily used, owned or
110 operated by an industrial or manufacturing plant for its own use
111 as a water supply system or in disposing of its industrial
112 wastes.

113 (6) To make and enter into all contracts and agreements
114 necessary or incidental to the performance of its duties and the
115 execution of its powers under this chapter and to employ such
116 consulting and other engineers, superintendents, managers,
117 construction and accounting experts and attorneys and such other
118 employees and agents as it may deem necessary in its judgment
119 and to fix their compensation.

120 (7) Subject to the provisions and restrictions as may be
121 set forth in the resolution hereinafter mentioned authorizing or

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122 securing any bonds issued under the provisions of this chapter
123 to enter into contracts with the government of the United States
124 or any agency or instrumentality thereof or with any other
125 county or with any municipality, private corporation,
126 copartnership, association, or individual providing for or
127 relating to the acquisition and supplying of water and the
128 collection, treatment and disposal of sewage.

129 (8) To acquire by gift or purchase at a price to be
130 mutually agreed upon, any of the facilities or portions thereof,
131 provided for by this chapter, which shall, prior to such
132 acquisition, have been owned by any private person, group, firm,
133 partnership, association or corporation; provided, however, if
134 the price for same cannot be agreed upon, the price shall be
135 determined by an arbitration board consisting of three persons,
136 one of whom shall be selected by the board of county
137 commissioners, one shall be appointed by the private company or
138 corporation, and the two persons so selected shall select a
139 third member of said board; and provided, further, that in the
140 event said board cannot agree as to the price to be paid by the
141 said board of county commissioners, then the board of county
142 commissioners shall exercise the right of eminent domain.

143 (9) To enter into agreements and contracts with building
144 contractors erecting improvements within any duly platted
145 subdivision within the county, the terms of which said
146 agreements or contracts may provide that such building
147 contractors shall install within such subdivision water mains,

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148 lines and equipment and sewer mains and lines, to be approved by
149 the county commission, said mains and lines to run to a point or
150 location to be agreed upon, at which said point or location said
151 mains and lines shall be connected to the water supply system or
152 water system improvements and/or to the sewage disposal system
153 or sewer improvements of the county. In the event such
154 agreements or contracts are entered into they shall provide that
155 upon the connection of the mains or lines within the subdivision
156 to the water or sewer facilities of the county said mains, lines
157 and equipment running to the various privately owned parcels of
158 land within such subdivision shall become the property of the
159 county and shall become a part of the county water system
160 improvements and/or sewer improvements.

161 (10) To restrain, enjoin or otherwise prevent any person
162 or corporation, public or private, from contaminating or
163 polluting (as defined in s. 387.08) any source of water supply
164 from which is obtained water for human consumption to be used in
165 any water supply system or water system improvement as
166 authorized by this chapter, and to restrain, enjoin or otherwise
167 prevent the violation of any provision of this chapter or any
168 resolution, rule or regulation adopted pursuant to the powers
169 granted by this chapter; provided, however, that this chapter
170 shall not apply to or affect any existing contract that a
171 municipality may have for water or sewage disposal without the
172 consent of both parties to said contract but this subsection
173 shall not authorize the institution or prosecution of any

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174 proceeding hereunder nor the adoption of any resolution, rule or
175 regulation which shall in anywise affect the right of any
176 industrial or manufacturing plant to discharge industrial waste
177 into any nonnavigable or navigable waters unless such waters are
178 now being used or are hereafter used hereunder as a source of
179 water for human consumption and unless the industrial wastes of
180 any such plant are not being discharged into such waters prior
181 to the time that action is taken by the commission under this
182 chapter to include such water as a part of any water supply
183 system.

184 (11) To acquire by gift or purchase, at such price, and
185 upon such deferred or other terms, as may be mutually agreed
186 upon, all the capital stock of any domestic or foreign
187 corporation which, prior to such acquisition, shall have owned
188 or operated any of the facilities or portions thereof provided
189 for by this chapter; to pledge the revenues from the facilities
190 as security for payment of the purchase price for said stock;
191 and to operate the facilities through the corporation so
192 acquired or to dissolve said corporation and operate the
193 facilities in any other manner authorized by law.

194 Section 3. Subsection (2) of section 180.02, Florida
195 Statutes, is amended to read:

196 180.02 Powers of municipalities.—

197 (2) A ~~Any~~ municipality may extend and execute all of its
198 applicable corporate powers to accomplish ~~applicable for the~~
199 ~~accomplishment of~~ the purposes of this chapter outside of its

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200 corporate limits, ~~as hereinafter provided and as may be~~
 201 desirable or necessary to promote ~~for the promotion of~~ the
 202 public health, safety, and welfare or to accomplish ~~for the~~
 203 ~~accomplishment of~~ the purposes of this chapter. ~~;~~ ~~provided,~~
 204 However, such ~~that said~~ corporate powers do ~~shall~~ not extend or
 205 apply within the corporate limits of another municipality.
 206 Further, any applicable corporate power does not extend or apply
 207 within an unincorporated area in which that power has not been
 208 executed prior to July 1, 2014, or within an unincorporated area
 209 in which a county has exercised its authority to provide water
 210 service or sewage collection and disposal services pursuant to
 211 s. 153.03(1)(a) or (b), without the express consent of a
 212 majority of the commissioners at a duly noticed meeting of the
 213 board of county commissioners of that county.

214 Section 4. This act shall take effect July 1, 2014.

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 219 **T I T L E A M E N D M E N T**

220 Remove everything before the enacting clause and insert:
 221 An act relating to water and wastewater utilities; providing a
 222 short title; amending s. 153.03, F.S.; prohibiting a county from
 223 providing water or sewer services in unincorporated areas
 224 covered by an agreement with a municipality to provide such
 225 services in such unincorporated areas; authorizing the county to

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226 provide water and sewer services upon expiration of an agreement
227 under certain circumstances; authorizing the county to provide
228 water and sewer services in certain circumstances when the
229 agreement does not contain an expiration date; amending s.
230 180.02, F.S.; specifying limits on application and extension of
231 a municipality's corporate powers in unincorporated areas of a
232 county in certain circumstances without the county's express
233 consent; providing an effective date.