

Amendment No. 1

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| WITHDRAWN | 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: Regulatory Affairs
 2 Committee

3 Representative Smith offered the following:

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 5 **Amendment (with title amendment)**

6 Remove lines 233-244 and insert:

7 Section 7. Section 367.165, Florida Statutes, is amended
 8 to read:

9 367.165 Abandonment.—It is the intent of the Legislature
 10 that water or wastewater service to the customers of a utility
 11 not be interrupted by the abandonment or placement into
 12 receivership of the utility. Notwithstanding s. 367.171, this
 13 section applies to each county. To that end:

14 (1) A ~~No~~ person, lessee, trustee, or receiver owning,
 15 operating, managing, or controlling a utility may not ~~shall~~
 16 abandon the utility without giving 60 days' notice to the county
 17 or counties in which the utility is located and to the

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18 commission. Anyone who violates ~~the provisions of~~ this
19 subsection is guilty of a misdemeanor of the first degree,
20 punishable as provided in s. 775.082 or s. 775.083. Each day of
21 such abandonment constitutes a separate offense. In addition,
22 such act is a violation of this chapter, and the commission may
23 impose upon the utility a penalty for each such offense of not
24 more than \$5,000 or may amend, suspend, or revoke its
25 certificate of authorization; each day of such abandonment
26 without prior notice constitutes a separate offense.

27 (2) After receiving such notice, the county, or counties
28 acting jointly if more than one county is affected, shall
29 petition the circuit court of the judicial circuit in which such
30 utility is domiciled to appoint a receiver, which may be the
31 governing body of a political subdivision or any other person
32 deemed appropriate. The receiver shall operate the utility from
33 the date of abandonment until such time as the receiver disposes
34 of the property of the utility in a manner designed to continue
35 the efficient and effective operation of utility service.

36 (3) The notification to the commission under subsection
37 (1) is sufficient cause for revocation, suspension, or amendment
38 of the certificate of authorization of the utility as of the
39 date of abandonment. The receiver operating such utility shall
40 be considered to hold a temporary authorization from the
41 commission, and the approved rates of the utility shall be
42 deemed to be the interim rates of the receiver until modified by
43 the commission.

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

Remove lines 33-34 and insert:

activities; amending s. 367.165, F.S.; requiring a county that regulates water or wastewater services to comply with the requirements for abandoned water and wastewater systems; providing an effective date.