

By Representative Kelly

1                                   A bill to be entitled  
2           An act relating to water and wastewater  
3           utilities; amending s. 125.01, F.S.;  
4           prescribing the authority of county governing  
5           bodies with respect to water and wastewater  
6           utility rates; amending ss. 350.011, 367.011,  
7           F.S.; removing authority from the Florida  
8           Public Service Commission with respect to water  
9           and wastewater rates; providing an effective  
10          date.

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

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14           Section 1. Paragraph (k) of subsection (1) of section  
15 125.01, Florida Statutes, is amended to read:

16           125.01 Powers and duties.--

17           (1) The legislative and governing body of a county  
18 shall have the power to carry on county government. To the  
19 extent not inconsistent with general or special law, this  
20 power includes, but is not restricted to, the power to:

21           (k)1. Provide and regulate waste and sewage collection  
22 and disposal, water and alternative water supplies, including,  
23 but not limited to, reclaimed water and water from aquifer  
24 storage and recovery and desalination systems, and  
25 conservation programs.

26           2. The governing body of a county may require that any  
27 person within the county demonstrate the existence of some  
28 arrangement or contract by which such person will dispose of  
29 solid waste in a manner consistent with county ordinance or  
30 state or federal law. For any person who will produce special  
31 wastes or biomedical waste, as the same may be defined by

1 state or federal law or county ordinance, the county may  
2 require satisfactory proof of a contract or similar  
3 arrangement by which such special or biomedical wastes will be  
4 collected by a qualified and duly licensed collector and  
5 disposed of in accordance with the laws of Florida or the  
6 Federal Government.

7 3. The governing body of each county has exclusive  
8 authority to regulate rates for water and wastewater services  
9 within the county.

10 Section 2. Section 350.011, Florida Statutes, is  
11 amended to read:

12 350.011 Florida Public Service Commission;  
13 jurisdiction; powers and duties.--The state regulatory agency  
14 heretofore known as the Florida Railroad and Public Utilities  
15 Commission or Florida Public Utilities Commission shall be  
16 known and hereafter called Florida Public Service Commission,  
17 and all rights, powers, duties, responsibilities,  
18 jurisdiction, and judicial powers now vested in said Railroad  
19 and Public Utilities Commission or said Florida Public  
20 Utilities Commission and the commissioners thereof are vested  
21 in the Florida Public Service Commission and the commissioners  
22 thereof, except that the powers of the commission do not  
23 include the power to regulate rates for water and wastewater  
24 service. Whenever reference is made to the Florida Railroad  
25 and Public Utilities Commission or Florida Public Utilities  
26 Commission and the commissioners thereof in the laws of the  
27 state previously enacted or enacted at this session of the  
28 Legislature, such reference shall be construed to mean the  
29 Florida Public Service Commission and the commissioners  
30 thereof and all appropriations for the use of said Railroad  
31 and Public Utilities Commission or Florida Public Utilities

1 Commission and the members thereof for the biennium or  
2 continuing in nature previously made or made at this session  
3 of the Legislature, shall be construed to be for the use of  
4 said Florida Public Service Commission and the commissioners  
5 thereof, to be used for the purposes set out in the laws  
6 making said appropriations; provided, however, the change in  
7 name of said regulatory agency shall in nowise affect any  
8 pending causes and proceedings, existing notices, orders,  
9 certificates, permits, licenses, or authorities previously  
10 granted or any action previously taken by the Florida Railroad  
11 and Public Utilities Commission or Florida Public Utilities  
12 Commission.

13 Section 3. Subsection (2) of section 367.011, Florida  
14 Statutes, is amended to read:

15 367.011 Jurisdiction; legislative intent.--

16 (2) The Florida Public Service Commission shall have  
17 exclusive jurisdiction over each utility with respect to its  
18 authority and ~~service, and rates~~.

19 Section 4. Rates for water service and wastewater  
20 service which are in effect on January 1, 1999, shall continue  
21 until changed by the governing body of the county in which the  
22 service is provided.

23 Section 5. This act shall take effect January 1, 1999.

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SENATE SUMMARY

Transfers the authority to set rates for water and  
wastewater utility services from the Florida Public  
Service Commission to the governing bodies of the  
respective counties.