

STORAGE NAME: h0041a.utco.doc
DATE: February 22, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
UTILITIES & TELECOMMUNICATIONS
ANALYSIS**

BILL #: HB 41

RELATING TO: Water and Wastewater Systems

SPONSOR(S): Representative(s) Argenziano

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) UTILITIES & TELECOMMUNICATIONS (RIC) YEAS 17 NAYS 0
 - (2) LOCAL GOVERNMENT AND VETERANS AFFAIRS (CSG)
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

Prior to the 2000 Regular Session, the duty of Public Counsel was to provide Florida citizens with legal representation in proceedings before the Public Service Commission, (PSC). In PSC water and wastewater cases, the Public Counsel represents the affected citizens or the general body of utility customers.

The law was amended in the 2000 Regular Session to expand the Public Counsel's duties to include representing state citizens in county proceedings relating to water and wastewater regulation.

This bill reenacts the provision regarding the Public Counsel's representation in water and wastewater proceedings at the county level.

The bill does not appear to have a new fiscal impact on state or local governments.

The bill shall take effect upon becoming a law.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill reenacts the provision of chapter 2000-350, Laws of Florida, establishing additional responsibility for the Office of Public Counsel.

B. PRESENT SITUATION:

Under section 367.171, Florida Statutes, county government may regulate the rates, charges, services, and territorial authorization of the privately owned water and wastewater utilities operating within the county, or the government may opt to cede jurisdiction of these utilities over to the PSC. Privately owned water and wastewater utilities in thirty-six counties, out of 67 counties in Florida, are regulated by the PSC.

Prior to the 2000 Regular Session, section 350.0611, Florida Statutes, provided that the Public Counsel's duties include providing legal representation for the people of the state in proceedings before the PSC. For water and wastewater issues, the Public Counsel represents the affected citizens or the general body of utility customers in PSC cases.

Section 350.0611, Florida Statutes, was amended by chapter 2000-350, Laws of Florida, to provide that the Public Counsel's duties include representing the public in proceedings before counties pursuant to section 367.171(8), Florida Statutes. Chapter 2000-350, Laws of Florida, has been challenged as a violation of the single subject requirement in Article III, section 6, Florida Constitution, in that "(e)very law shall embrace but one subject and matter properly connected therewith, . . ." A single subject violation is cured by either the biennial adoption of the statutes or by reenacting the provision separately. See Salters v. State, 758 So.2d 667 (Fla. 2000). Amendments enacted in the 2000 Regular Session will be adopted in 2002.

C. EFFECT OF PROPOSED CHANGES:

The bill reenacts the amendment to section 350.0611, Florida Statutes, to provide that the Public Counsel's duties are expanded to include citizen representation in water and wastewater issues before county government.

D. SECTION-BY-SECTION ANALYSIS:

Please see Present Situation and Effect of Proposed Changes sections.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the Office of Public Counsel, any costs incurred could be absorbed by the existing office budget. The reenactment of this provision does not have a new fiscal impact on local government.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON UTILITIES & TELECOMMUNICATIONS:

Prepared by:

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