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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. The county must compensate the~~
53 ~~municipality for the fair market value of such facilities.~~

54 (b) If the franchise agreement, resolution, or ordinance
55 contains no term or date after which the municipality's
56 authority expires, the county, pursuant to the requirements of
57 s. 125.3401, may purchase the facilities owned by the
58 municipality that are located in and used to serve the
59 unincorporated area, subject to the following requirements:

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

64 2. The county compensates the municipality for the fair
65 market value of the facilities purchased from the municipality
66 to serve the unincorporated area; and

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

68 (2) To issue water revenue bonds and/or sewer revenue
69 bonds or general obligation bonds of the county to pay all or a

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70 part of the cost of such purchase and/or construction or
71 reconstruction.

72 (3) To fix and collect rates, fees and other charges for
73 the service and facilities furnished by any such water supply
74 system or water system improvements and sewage disposal system
75 or sewer improvements and to fix and collect charges for making
76 connections with the water system of the county.

77 (4) To receive and accept from the Federal Government or
78 any agency thereof grants for or in aid of the planning,
79 purchase, construction, reconstruction, or financing of any
80 facility and to receive and accept contributions from any source
81 of either money, property, labor, or other things of value to be
82 held, used, and applied only for the purpose for which such
83 grants and contributions may be made.

84 (5) To acquire in the name of the county by gift, purchase
85 as hereinafter provided or by the exercise of the right of
86 eminent domain, such lands and rights and interests therein,
87 including lands under water and riparian rights, and to acquire
88 such personal property as it may deem necessary for the
89 efficient operation or for the extension of or the improvement
90 of any facility purchased or constructed under the provisions of
91 this chapter and to hold and dispose of all real and personal
92 property under its control; provided, however, that no county
93 shall have the right to exercise the right of eminent domain
94 over any such lands or rights or interests therein or any
95 personal property owned by any municipality within the state nor

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96 to exercise such right with respect to any privately owned water
97 supply system or sewage disposal system including without
98 limitation ponds, streams and surface waters constituting a part
99 thereof, provided any such system is primarily used, owned or
100 operated by an industrial or manufacturing plant for its own use
101 as a water supply system or in disposing of its industrial
102 wastes.

103 (6) To make and enter into all contracts and agreements
104 necessary or incidental to the performance of its duties and the
105 execution of its powers under this chapter and to employ such
106 consulting and other engineers, superintendents, managers,
107 construction and accounting experts and attorneys and such other
108 employees and agents as it may deem necessary in its judgment
109 and to fix their compensation.

110 (7) Subject to the provisions and restrictions as may be
111 set forth in the resolution hereinafter mentioned authorizing or
112 securing any bonds issued under the provisions of this chapter
113 to enter into contracts with the government of the United States
114 or any agency or instrumentality thereof or with any other
115 county or with any municipality, private corporation,
116 copartnership, association, or individual providing for or
117 relating to the acquisition and supplying of water and the
118 collection, treatment and disposal of sewage.

119 (8) To acquire by gift or purchase at a price to be
120 mutually agreed upon, any of the facilities or portions thereof,
121 provided for by this chapter, which shall, prior to such

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122 acquisition, have been owned by any private person, group, firm,
123 partnership, association or corporation; provided, however, if
124 the price for same cannot be agreed upon, the price shall be
125 determined by an arbitration board consisting of three persons,
126 one of whom shall be selected by the board of county
127 commissioners, one shall be appointed by the private company or
128 corporation, and the two persons so selected shall select a
129 third member of said board; and provided, further, that in the
130 event said board cannot agree as to the price to be paid by the
131 said board of county commissioners, then the board of county
132 commissioners shall exercise the right of eminent domain.

133 (9) To enter into agreements and contracts with building
134 contractors erecting improvements within any duly platted
135 subdivision within the county, the terms of which said
136 agreements or contracts may provide that such building
137 contractors shall install within such subdivision water mains,
138 lines and equipment and sewer mains and lines, to be approved by
139 the county commission, said mains and lines to run to a point or
140 location to be agreed upon, at which said point or location said
141 mains and lines shall be connected to the water supply system or
142 water system improvements and/or to the sewage disposal system
143 or sewer improvements of the county. In the event such
144 agreements or contracts are entered into they shall provide that
145 upon the connection of the mains or lines within the subdivision
146 to the water or sewer facilities of the county said mains, lines
147 and equipment running to the various privately owned parcels of

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148 land within such subdivision shall become the property of the
149 county and shall become a part of the county water system
150 improvements and/or sewer improvements.

151 (10) To restrain, enjoin or otherwise prevent any person
152 or corporation, public or private, from contaminating or
153 polluting (as defined in s. 387.08) any source of water supply
154 from which is obtained water for human consumption to be used in
155 any water supply system or water system improvement as
156 authorized by this chapter, and to restrain, enjoin or otherwise
157 prevent the violation of any provision of this chapter or any
158 resolution, rule or regulation adopted pursuant to the powers
159 granted by this chapter; provided, however, that this chapter
160 shall not apply to or affect any existing contract that a
161 municipality may have for water or sewage disposal without the
162 consent of both parties to said contract but this subsection
163 shall not authorize the institution or prosecution of any
164 proceeding hereunder nor the adoption of any resolution, rule or
165 regulation which shall in anywise affect the right of any
166 industrial or manufacturing plant to discharge industrial waste
167 into any nonnavigable or navigable waters unless such waters are
168 now being used or are hereafter used hereunder as a source of
169 water for human consumption and unless the industrial wastes of
170 any such plant are not being discharged into such waters prior
171 to the time that action is taken by the commission under this
172 chapter to include such water as a part of any water supply
173 system.

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174 (11) To acquire by gift or purchase, at such price, and
175 upon such deferred or other terms, as may be mutually agreed
176 upon, all the capital stock of any domestic or foreign
177 corporation which, prior to such acquisition, shall have owned
178 or operated any of the facilities or portions thereof provided
179 for by this chapter; to pledge the revenues from the facilities
180 as security for payment of the purchase price for said stock;
181 and to operate the facilities through the corporation so
182 acquired or to dissolve said corporation and operate the
183 facilities in any other manner authorized by law.

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

186 180.02 Powers of municipalities.-

187 (2) A ~~Any~~ municipality may extend and execute all of its
188 applicable corporate powers to accomplish ~~applicable for the~~
189 ~~accomplishment of~~ the purposes of this chapter outside of its
190 corporate limits, ~~as hereinafter provided and~~ as may be
191 desirable or necessary to promote ~~for the promotion of~~ the
192 public health, safety, and welfare or to accomplish ~~for the~~
193 ~~accomplishment of~~ the purposes of this chapter. ~~;~~ ~~provided,~~
194 However, such ~~that said~~ corporate powers do ~~shall~~ not extend or
195 apply within the corporate limits of another municipality.
196 Further, any applicable corporate power does not extend or apply
197 within an unincorporated area in which that power has not been
198 executed prior to July 1, 2014, or within an unincorporated area
199 in which a county has exercised its authority to provide water

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200 service or sewage collection and disposal services pursuant to
201 s. 153.03(1)(a) or (b), without the express consent of a
202 majority of the commissioners at a duly noticed meeting of the
203 board of county commissioners of that county.

204 Section 4. Section 180.191, Florida Statutes, is amended
205 to read:

206 180.191 Limitation on rates charged consumer outside city
207 limits.—

208 (1) Any municipality within the state operating a water or
209 sewer utility outside of the boundaries of such municipality
210 shall charge consumers outside the boundaries rates, fees, and
211 charges determined in one of the following manners:

212 (a) It may charge the same rates, fees, and charges as
213 consumers inside the municipal boundaries. However, in addition
214 thereto, the municipality may add a surcharge of not more than
215 25 percent of such rates, fees, and charges to consumers outside
216 the boundaries. Fixing of such rates, fees, and charges in this
217 manner shall not require a public hearing except as may be
218 provided for service to consumers inside the municipality.

219 (b) It may charge rates, fees, and charges that are just
220 and equitable and which are based on the same factors used in
221 fixing the rates, fees, and charges for consumers inside the
222 municipal boundaries. In addition thereto, the municipality may
223 add a surcharge ~~not to exceed 25 percent of such rates, fees,~~
224 ~~and charges~~ for said services to consumers outside the
225 boundaries. However, the total of all such rates, fees, and

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226 charges for the services to consumers outside the boundaries
227 shall not be more than 25 ~~50~~ percent greater than ~~in excess of~~
228 the total amount the municipality charges consumers served
229 within the municipality for corresponding service. No such
230 rates, fees, and charges shall be fixed until after a public
231 hearing at which all of the users of the water or sewer systems;
232 owners, tenants, or occupants of property served or to be served
233 thereby; and all others interested shall have an opportunity to
234 be heard concerning the proposed rates, fees, and charges. Any
235 change or revision of such rates, fees, or charges may be made
236 in the same manner as such rates, fees, or charges were
237 originally established, but if such change or revision is to be
238 made substantially pro rata as to all classes of service, both
239 inside and outside the municipality, no hearing or notice shall
240 be required.

241 (c) The amount of any surcharge imposed pursuant to this
242 subsection must be clearly stated as a separate line item on the
243 bill of each customer to which the surcharge is applied.

244 (2) A ratepayer in an unincorporated area of a county who
245 is receiving water or sewer utility services from a municipality
246 may petition the Public Service Commission or, if the
247 municipality is located in a county that has elected to regulate
248 water and sewer utilities pursuant to chapter 367, may petition
249 the county for a review of the rates, fees, or charges being
250 imposed by the municipality. The Public Service Commission or
251 the county, as applicable, shall accept such petition and

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252 determine whether such rates, fees, and charges are just and
253 equitable.

254 ~~(3)(2)~~ Whenever any municipality has engaged, or there are
255 reasonable grounds to believe that any municipality is about to
256 engage, in any act or practice prohibited by subsection (1), a
257 civil action for preventive relief, including an application for
258 a permanent or temporary injunction, restraining order, or other
259 order, may be instituted by the person or persons aggrieved.

260 ~~(4)(3)~~ This section shall apply to municipally owned water
261 and sewer utilities within the confines of a single county and
262 may apply, pursuant to interlocal agreement, to municipally
263 owned water and sewer utilities beyond the confines of a single
264 county.

265 ~~(5)(4)~~ In any action commenced pursuant to this section,
266 the court in its discretion may allow the prevailing party
267 treble damages and, in addition, a reasonable attorney
268 ~~attorney's~~ fee as part of the cost.

269 Section 5. Subsection (4) of section 367.071, Florida
270 Statutes, is amended to read:

271 367.071 Sale, assignment, or transfer of certificate of
272 authorization, facilities, or control.—

273 (4) An application shall be disposed of as provided in s.
274 367.045, except that:

275 (a) The sale of facilities, in whole or part, to a
276 governmental authority shall be approved as a matter of right;
277 however, before taking any official action, the governmental

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278 authority shall, ~~prior to taking any official action,~~ obtain
279 from the utility or commission with respect to the facilities to
280 be sold the most recent available income and expense statement,
281 balance sheet, and statement of rate base for regulatory
282 purposes and contributions-in-aid-of-construction. Any request
283 for rate relief pending before the commission at the time of
284 sale is deemed to have been withdrawn. Interim rates, if
285 previously approved by the commission, must be discontinued, and
286 any money collected pursuant to interim rate relief must be
287 refunded to the customers of the utility with interest.

288 (b) Notwithstanding paragraph (a), approval of the
289 commission is required before a municipality acquires, in whole
290 or in part, the facilities of a utility that will be used to
291 serve ratepayers in the unincorporated area of a county. If the
292 municipality is located in a county that has elected to regulate
293 water and sewer utilities pursuant to chapter 367, approval of
294 the county is required. The municipality shall provide, for
295 review by the commission or county, as applicable, its proposed
296 rate structure, including proposed rates, fees, and charges for
297 ratepayers within the municipal boundaries and for ratepayers in
298 the unincorporated area of the county to be served by the
299 municipality. The commission or county, as applicable, shall
300 approve the transfer on the following conditions:

301 1. The municipality has obtained from the utility or
302 commission, with respect to the facilities to be sold, the most
303 recent available income and expense statement, balance sheet,

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304 and statement of rate base for regulatory purposes and
305 contributions-in-aid-of-construction;

306 2. The purchase price in excess of rate base is reflective
307 of all cost savings as a result of the transfer;

308 3. The transfer will result in improved quality of
309 service;

310 4. The transfer will achieve lower operating costs;

311 5. The transfer will result in an increased ability to
312 attract capital; and

313 6. The transfer will result in more professional and
314 experienced managerial, financial, technical, and operational
315 resources.

316 (c) ~~(b)~~ When paragraph (a) does not apply, the commission
317 shall amend the certificate of authorization as necessary to
318 reflect the change resulting from the sale, assignment, or
319 transfer.

320 Section 6. This act shall take effect July 1, 2014.

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

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

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330 services in such unincorporated areas; authorizing the county to
331 provide water and sewer services upon expiration of an agreement
332 under certain circumstances; authorizing the county to provide
333 water and sewer services in certain circumstances when the
334 agreement does not contain an expiration date; amending s.
335 180.02, F.S.; specifying limits on application and extension of
336 a municipality's corporate powers in unincorporated areas of a
337 county in certain circumstances without the county's express
338 consent; amending s. 180.191, F.S.; limiting the amount of water
339 and sewer utility rates, fees, and charges that a municipality
340 may impose on consumers outside of the municipality's
341 boundaries; requiring billing disclosure of surcharges imposed
342 on consumers outside of the municipality's boundaries;
343 authorizing ratepayers in unincorporated areas to petition the
344 commission or county for determination whether rates, fees, and
345 charges imposed by a municipality are just and equitable;
346 amending s. 367.071, F.S.; requiring and establishing conditions
347 for commission or county approval before a municipality may
348 purchase certain water or wastewater facilities; providing an
349 effective date.