

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Oliver offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 121-124 and insert:

6 (4) (a) A municipality that operates water or wastewater
7 utility services outside of its municipal boundaries must enter
8 into an interlocal agreement pursuant to s. 163.01 with a county
9 in which it provides such service if all of the following
10 conditions are met:

11 1. The county has designated an area located outside such
12 municipal boundaries but within the county as an economic
13 development zone;

14 2. The economic development zone is located entirely or
15 partially within the municipal utility's service territory; and

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16 3. The economic development zone is geographically
17 surrounded by unincorporated area of the county, except that a
18 portion of its boundary may abut the municipal boundary of the
19 municipality.

20 (b) The interlocal agreement must address the provision of
21 water and wastewater services to the entire economic development
22 zone to ensure, to the maximum extent practicable, the provision
23 of safe, efficient, and sufficient service to meet current and
24 forecasted needs of the economic development zone. The agreement
25 must, at a minimum:

26 1. Define service and maintenance responsibilities for
27 facilities and infrastructure required to provide such services,
28 including all necessary supporting infrastructure;

29 2. Establish and define responsibilities for capacity
30 planning, infrastructure expansion, and cost allocation for the
31 investments needed to provide such services;

32 3. Provide timelines and permitting procedures to ensure
33 the timely and reliable delivery of such services; and

34 4. Include procedures for amending the agreement and for
35 dispute resolution to prevent unreasonable delay in the
36 provision of such services.

37 (c) The interlocal agreement must be executed within 12
38 months after the effective date of this act or within 12 months
39 after the designation of the economic development zone,
40 whichever occurs later.

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41 (d) An extension of utility service made pursuant to an
42 interlocal agreement under this subsection is not subject to any
43 other provision of this section related to the establishment of
44 a new agreement for extension of service.

45 (5) This section does not prohibit a municipality from
46 imposing reasonable impact fees, connection fees, or
47 infrastructure contributions necessary to fund system expansion
48 required for a new connection.

49 **Section 2. Section 166.0487, Florida Statutes, is created**
50 **to read:**

51 166.0487 Limitation on municipal regulation of wastewater
52 utility infrastructure on property owned by another political
53 subdivision.--

54 (1) As used in this section:

55 (a) "Wastewater utility upgrade project" means a project
56 to improve the operation or efficiency or to expand the capacity
57 of existing wastewater utility infrastructure in a manner
58 intended, in whole or in part, to prevent or reduce pollution.

59 (b) "Wastewater utility infrastructure" includes
60 wastewater treatment plants, lift stations, vacuum stations,
61 pump stations, and appurtenances.

62 (2) A municipality may not apply a comprehensive plan
63 amendment or a land use regulation, including, but not limited
64 to a land development regulation, setback requirement, lot size
65 requirement, or use restriction, to a wastewater utility upgrade

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66 project proposed by another political subdivision that owns the
67 property on which the infrastructure is located when all of the
68 following conditions are met:

69 (a) The existing wastewater utility infrastructure is
70 located within the municipal boundaries of the municipality
71 applying the land use regulation;

72 (b) The land use regulation is more burdensome or
73 restrictive than the regulations that applied at the time the
74 infrastructure was originally installed and would prevent,
75 hinder, obstruct, or increase the cost of the proposed
76 wastewater utility upgrade project; and

77 (c) The wastewater utility infrastructure is owned or
78 operated by:

79 1. The political subdivision that owns the property;

80 2. A private firm operating under a wastewater facility
81 privatization contract as provided in part III of chapter 153;
82 or

83 3. A private company operating under a franchise granted
84 by a municipality as provided in chapter 180.

85 (3) The prohibition of subsection (1) does not apply to
86 any property that:

87 (a) Does not have any wastewater utility infrastructure
88 installed at the time the land use regulation is adopted by the
89 municipality, and

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90 (b) Would be acquired or developed for wastewater utility
91 purposes by another political subdivision as part of the
92 proposed wastewater utility upgrade project.

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

96 Remove line 17 and insert:
97 conditions; requiring municipalities that operate
98 water and wastewater utility services to negotiate
99 interlocal agreements with counties under certain
100 conditions; providing minimum requirements for such
101 agreements; establishing a deadline for executing such
102 agreements; providing construction; creating s.
103 166.0487, F.S.; providing definitions; prohibiting a
104 municipality from applying certain regulations to
105 wastewater utility upgrade projects under specified
106 circumstances; amending s.