

By Senator Bennett

21-01074-10

20101712\_\_

1                   A bill to be entitled  
2           An act relating to county water system and sanitary  
3           sewer financing; amending s. 153.02, F.S.; defining  
4           the terms "system capacity charge," "contribution-in-  
5           aid-of-construction," "contributor," and "hydraulic  
6           share"; amending s. 153.11, F.S.; providing that if a  
7           contributor is charged a system capacity charge, the  
8           charge must be based on the actual hydraulic share  
9           applied to the contributor during the preceding 12-  
10          month period; requiring that the county commission  
11          refund to the contributor the difference between the  
12          charge imposed during the 12-month period and the  
13          hydraulic share if the system capacity charge is an  
14          amount greater than the hydraulic share; providing  
15          that if the system capacity charge is in an amount  
16          less than the hydraulic share for the preceding 12-  
17          month period, the county commission may require the  
18          contributor to pay the difference between the charges;  
19          providing that if a contributor is charged a system  
20          capacity charge, the system capacity charge must be  
21          based on the actual hydraulic share used by the  
22          contributor during the preceding 12-month period;  
23          providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Section 153.02, Florida Statutes, is amended to  
28   read:

29           153.02 Definitions.—As used in this part, the term

21-01074-10

20101712\_\_

30 ~~following words and terms shall have the following meanings~~  
31 ~~unless some other meaning is plainly indicated:~~

32 (1) ~~The word~~ "County" means ~~shall mean~~ any of the several  
33 counties of the state operating under the authority granted by  
34 this chapter.

35 (2) ~~The term~~ "County commission" or the word "commission"  
36 means ~~shall mean~~ the board of county commissioners of any county  
37 operating under the powers granted by this chapter.

38 (3) ~~The term~~ "Water system" means ~~shall mean and shall~~  
39 ~~include~~ any plant, wells, pipes, tanks, reservoirs, system,  
40 facility, or property used or useful or having the present  
41 capacity for future use in connection with the obtaining and  
42 supplying water and alternative water supplies, including, but  
43 not limited to, reclaimed water and water from aquifer storage  
44 and recovery and desalination systems, for human consumption,  
45 fire protection, irrigation, consumption by business, or  
46 consumption by industry, and, without limiting the generality of  
47 the foregoing definition, includes ~~shall embrace~~ all necessary  
48 appurtenances and equipment and ~~shall include~~ all property,  
49 rights, easements, and franchises relating to any such system  
50 and deemed necessary or convenient for the operation of the  
51 system thereof.

52 (4) ~~The term~~ "Water system improvements" mean ~~shall include~~  
53 all water pipes or lines, valves, meters, and other water-  
54 supplying equipment within the county other than such equipment  
55 as constitute a part of the water supply system and includes  
56 ~~shall embrace~~ water mains and laterals for the carrying of water  
57 to the premises connected therewith and for carrying such water  
58 from some part of the water supply system.

21-01074-10

20101712

59           (5) ~~The term~~ "Sewage disposal system" means ~~shall mean and~~  
60 ~~shall include~~ any plant, system, facility, or property used or  
61 useful or having the present capacity for future use in  
62 connection with the collection, treatment, purification, or  
63 disposal of sewage, or reuse of wastewater, and, without  
64 limiting the generality of the foregoing definition, includes  
65 ~~shall embrace~~ treatment plants, pumping stations, intercepting  
66 sewers, pressure lines, mains, and all necessary appurtenances  
67 and equipment and includes ~~shall include~~ all property, rights,  
68 easements, and franchises relating to any such system and deemed  
69 necessary or convenient for the operation of the system ~~thereof~~.

70           (6) ~~The term~~ "Sewer improvements" mean ~~shall include~~ all  
71 sanitary sewers within the county other than such mains and  
72 lines as constitute a part of a sewage disposal system, and  
73 includes ~~shall embrace~~ sewer mains and laterals for the  
74 reception of sewage from premises connected therewith and for  
75 carrying the ~~such~~ sewage to some part of the sewage disposal  
76 system or for the distribution of reclaimed sewage for reuse.

77           (7) ~~The word~~ "Facility" means ~~shall mean~~ such water  
78 systems, sewage disposal systems, water system improvements, or  
79 ~~and/or~~ sewer improvements or additions thereto ~~as are defined by~~  
80 ~~this chapter~~.

81           (8) ~~The word~~ "Cost" as applied to a water supply system or  
82 extensions or additions thereto or to water supply improvements  
83 or to a sewage disposal system or extensions or additions  
84 thereto or to sewer improvements means ~~shall include~~ the cost of  
85 construction or reconstruction, the cost of all labor,  
86 materials, machinery, and equipment, the cost of all lands,  
87 property, rights, easements, and franchises acquired, financing

21-01074-10

20101712

88 charges, interest before ~~prior to~~ and during construction and  
89 for 1 year after completion of construction, cost of plans and  
90 specifications, surveys of estimates of costs and of revenues,  
91 cost of engineering and legal services, ~~and~~ all other expenses  
92 necessary or incident to determining the feasibility or  
93 practicability of such construction or reconstruction,  
94 administrative expense, and such other expense as may be  
95 necessary or incident to the financing herein authorized. Any  
96 obligation or expense heretofore or hereafter incurred by the  
97 county in connection with any of the foregoing terms of cost may  
98 be regarded as a part of the ~~such~~ cost and reimbursed to the  
99 county out of the proceeds of bonds issued under ~~the provisions~~  
100 ~~of~~ this chapter.

101 (9) ~~The term~~ "Water revenue bonds" mean ~~shall mean~~ special  
102 obligations of the county which are payable solely from water  
103 service charges and which do not ~~shall in no way~~ pledge the  
104 property, credit, or general tax revenue of the county.

105 (10) ~~The term~~ "Sewer revenue bonds" mean ~~shall mean~~ special  
106 obligations of the county which are payable solely from sewer  
107 service charges and which do not ~~in no way~~ pledge the property,  
108 credit, or general tax revenue of the county.

109 (11) ~~The term~~ "General obligation bonds" mean ~~shall mean~~  
110 general obligations of the county which are payable from  
111 unlimited ad valorem taxes or from such taxes and additionally  
112 secured by a pledge of water service charges or sewer service  
113 charges or special assessments, or all of them.

114 (12) ~~The word~~ "Bonds" mean ~~shall include~~ water revenue  
115 bonds, sewer revenue bonds, and general obligation bonds.

116 (13) ~~The word~~ "Sewage" means ~~shall include~~ any substance

21-01074-10

20101712

117 that contains any of the waste products, excrement, or other  
118 discharge from the bodies of human beings or animals as well as  
119 such other wastes as normally emanate from dwelling houses.

120 (14) "System capacity charge" means the charge that is  
121 designed to defray a portion of the cost of the utility system  
122 made by a utility for each new connection to the system.

123 (15) "Contribution-in-aid-of-construction" means any amount  
124 or item of money, service, or property that is received by a  
125 utility from any person or governmental agency, that represents  
126 an addition or transfer to the capital of the utility, and that  
127 is used to offset the acquisition, improvement, or construction  
128 costs of the utility's property, facilities, or equipment used  
129 to provide utility services to the public. The term includes,  
130 but is not limited to, system capacity charges, main extension  
131 charges, and customer connection charges.

132 (16) "Contributor" means a person, builder, or developer  
133 who makes a contribution-in-aid-of-construction.

134 (17) "Hydraulic share" means the pro rata share of the  
135 capabilities of the utility's facilities which is to be made  
136 available for service to the contributor.

137 Section 2. Paragraph (f) is added to subsection (1) of  
138 section 153.11, Florida Statutes, to read:

139 153.11 Water service charges and sewer service charges;  
140 revenues.—

141 (1)

142 (f) If a contributor is charged a system capacity charge,  
143 the system capacity charge must be based on the actual hydraulic  
144 share applied during the preceding 12-month period. If the  
145 system capacity charge is an amount greater than the hydraulic

21-01074-10

20101712\_\_

146 share for the preceding 12-month period, the county commission  
147 shall refund to the contributor the difference between the  
148 charge imposed during the 12-month period and the hydraulic  
149 share. If the system capacity charge is in an amount less than  
150 the hydraulic share for the preceding 12-month period, the  
151 county commission may require the contributor to pay the  
152 difference between the charges.

153 Section 3. This act shall take effect July 1, 2010.