

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** June 6, 2024

**TO:** Office of Commission Clerk (Teitzman)

**FROM:** Division of Engineering (M. Watts, Ramos) *TB*  
Office of the General Counsel (Dose) *JSC*

**RE:** Docket No. 20240089-WS – Resolution of the Board of County Commissioners of Columbia County declaring Columbia County subject of the provisions of Section 367, F.S.

**AGENDA:** 06/18/24 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

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## Case Background

On May 16, 2024, the Board of County Commissioners of Columbia County (County) adopted Resolution No. 2024R-13 (Resolution, Attachment A), transferring regulation of the privately-owned, for profit water and wastewater utilities in the County to the Florida Public Service Commission (Commission). Effective upon the adoption of the resolution, all non-exempt water and wastewater systems in the County became subject to the provisions of Chapter 367, Florida Statutes (F.S.). Therefore, the effective date of the transfer of jurisdiction is May 16, 2024. This recommendation addresses the acknowledgement of that Resolution. The Commission has jurisdiction pursuant to Section 367.171, F.S.

## Discussion of Issues

**Issue 1:** Should the Commission acknowledge Resolution No. 2024R-13 by the Board of County Commissioners of Columbia County?

**Recommendation:** Yes. The Commission should acknowledge Resolution No. 2024R-13 by the County Commissioners of Columbia County, effective May 16, 2024. All non-exempt, privately-owned water and wastewater utilities in Columbia County should be directed to comply with the provisions of Chapter 367, F.S. (M. Watts, Dose)

**Staff Analysis:** On May 16, 2024, the Board of County Commissioners of Columbia County passed and adopted Resolution No. 2024R-13, which transfers jurisdiction over the County's privately-owned water and wastewater utilities to the Commission. The Resolution contained a list of the privately-owned water and wastewater utilities, which were regulated by Columbia County on May 16, 2024. In addition, staff has contacted the County requesting information on each utility's current rates, charges, and territory served. Since they are now subject to Chapter 367, F.S., each utility must continue to collect the rates and charges for water and wastewater service which were being collected on May 16, 2024, until changed by the Commission.

Staff has contacted the Florida Department of Environment Protection (DEP) to advise it of the Resolution, and to obtain a list of all privately-owned water and wastewater facilities in Columbia County, which the DEP monitors for environmental compliance. The utilities identified by the County and the DEP will receive a letter from Commission staff advising them of the transfer of jurisdiction and providing them with information to determine whether or not they are exempt from Commission regulation pursuant to Section 367.022, F.S.

Entities which are not exempt from Commission regulation will receive instruction for filing an application for grandfather certificates. The resulting applications will be processed in individual dockets. These applicants will also be advised of their responsibility to file an annual report for 2024, pursuant to Rule 25-30.110, Florida Administrative Code (F.A.C.), as well as their responsibility to remit Annual Regulatory Assessment Fees (RAFs). The applicants will also be advised of their right to file for a pass-through of RAFs should they not be currently collecting RAFs, or if they are collecting a lesser amount than they would be paying to the Commission.

Staff recommends that the Commission acknowledge Resolution No. 2024R-13 by the County Commissioners of Columbia County, effective May 16, 2024. All non-exempt, privately-owned water and wastewater utilities in Columbia County should be directed to comply with the provisions of Chapter 367, F.S.

**Issue 2:** Should this docket be closed?

**Recommendation:** This docket should remain open to process letters to water and wastewater operators and their subsequent responses. Upon staff's verification that the final response from a water or wastewater system operator affirming exemption status has been received, and that no further action is necessary, this docket should be closed administratively. (Dose)

**Staff Analysis:** This docket should remain open to process letters to water and wastewater operators and their subsequent responses. Upon staff's verification that the final response from a water or wastewater system operator affirming exemption status has been received, and that no further action is necessary, this docket should be closed administratively.

COLUMBIA COUNTY, FLORIDA  
Office of the County Attorney

Joel F. Foreman  
County Attorney

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**MEMORANDUM**

To: Board Agenda, May 16, 2024  
From: Joel F. Foreman  
Re: Transfer of jurisdiction for the regulation of Private Water and Wastewater Utilities to the Florida Public Service Commission  
Date: May 10, 2024

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In recent months the Board has received numerous complaints relating to water utility rates and collections practices, and staff has recommended returning regulation of these utilities to the Florida Public Service Commission ("PSC") which is better equipped to police and enforce these issues.

The County Manager has been contacted by Bart Fletcher with the Office of Public Counsel. Mr. Fletcher was contacted by a constituent who is having issues with their private utility provider, and through his investigation Mr. Fletcher has inquired about the county's regulation of that utility. Mr. Fletcher has pointed out that utilities regulated by the PSC can be easily reviewed because of the information the PSC requires these utilities to produce and the PSC's publication of that information to its website. The County does not provide this level of transparency. Because of that Mr. Fletcher has been required to make records requests directly to the County Manager's office, often with mixed results.

Florida Statutes section 367.171 provides that any county may transfer regulatory jurisdiction over private utilities to the PSC by the adoption of a simple resolution indicating the county commission's desire to transfer. Once a transfer is completed through this process, it cannot be rescinded for ten years.

Given recent challenges with private utility regulation, it is recommended that the Board adopt the attached resolution, which was modelled after one adopted by Charlotte County in February of 2023. If adopted, staff will coordinate with PSC for the timely handoff of jurisdiction. Each private utility will be required to register with PSC within thirty days, and the County will have no further regulatory authority.

Recommended motion: To adopt Resolution 2024R-13

**COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2024R-13**

**A RESOLUTION BY THE COLUMBIA COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS, RELATING TO REGULATION OF PRIVATE WATER AND WASTEWATER SYSTEM UTILITIES; MADE PURSUANT TO FLORIDA STATUTES SECTION 367.171; DECLARING COLUMBIA COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES; TRANSFERRING REGULATION OF PRIVATE WATER AND WASTEWATER UTILITIES AND RATES TO THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR MAILING A CERTIFIED COPY HEREOF; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Columbia County Board of County Commissioners presently regulates certain private water and wastewater system utilities pursuant to its authority as a charter county and Chapter 367, Florida Statutes, the "Water and Wastewater System Regulatory Law";

WHEREAS, the Columbia County Board of County Commissioners has determined that it is in the best interest of the citizens and residents of Columbia County that private, for-profit water and wastewater systems within Columbia County be regulated by the Florida Public Service Commission ("PSC"), which has jurisdiction and adequate staff to timely analyze utility system rates and enforce the same;

WHEREAS, the Columbia County Board of County Commissioners now desires to transfer the regulation of all private utilities in Columbia County to the PSC, pursuant to Section 367.171(1), Florida Statutes, and thereby make the provisions of Chapter 367 effective in Columbia County, Florida.

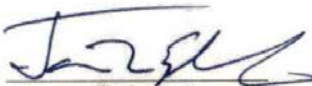
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Columbia County, Florida:

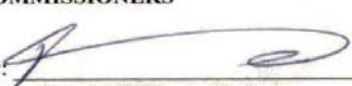
1. Columbia County, Florida, is hereby subject to the provisions of Chapter 367, Florida Statutes, the "Water and Wastewater Regulatory Law," effective immediately, and all non-exempted water and sewer systems in the County that meet the definition of "utility" as defined by Section 367.021, Florida Statutes, are hereby subject to the jurisdiction and regulatory authority of the Florida Public Service Commission.

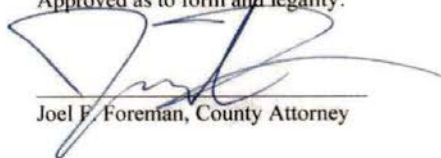
2. As a matter of law, sections 118-221 through 118-249 of the Columbia County Code of Ordinances are preempted, and shall be of no further force or effect except to the extent they are necessary to the Florida Public Service Commission for the orderly transfer of jurisdiction to that agency.

Duly adopted in regular session this 16 day of May, 2024.

**COLUMBIA COUNTY BOARD OF COUNTY  
COMMISSIONERS**

Attest:   
James M. Swisher, Jr.  
Clerk of Court and Comptroller

By:   
Ronald Williams, Chairman

Approved as to form and legality:  
  
Joel F. Foreman, County Attorney

