



St. Johns County Board of County Commissioners

Office of the County Administrator  
Michael D. Wanchick, County Administrator

090029-WS

January 5, 2009

Clerk's Office  
Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

RECEIVED--FPSC  
09 JAN 16 AM 9:36  
COMMISSION  
CLERK

RE: St. Johns County Regulation of Water & Sewer Utilities

Dear Public Service Commission:

Please be advised the St. Johns County Board of County Commissioners passed and enacted Ordinance 2008-57 on December 2, 2008. This Ordinance relating to the regulation of the Water & Sewer Authority within the unincorporated areas of St. Johns County; revokes all powers and Duties granted to the St. Johns Water & Sewer Authority under St. Johns County Ordinance 89-63; therefore establishing the jurisdiction of the Florida Public Service Commission over Non-Governmental Water & Sewer Utilities with in St. Johns County subject to Chapter 367 of the Florida Statutes.

As requested by the St. Johns County Board of County Commissioners, please let this notice serve as official notification of this Ordinance and enclosed is a certified copy of the Ordinance for your office. If you need further information from our office please let us know.

- COM \_\_\_\_\_ St. Johns County Administrators Office
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_ 904.209.0530
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK \_\_\_\_\_ *Alonny*

DOCUMENT NUMBER-DATE

00429 JAN 16 08

FPSC-COMMISSION CLERK

ORDINANCE NO. 2008- 57

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA RELATING TO REGULATION OF WATER AND SEWER UTILITIES WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY; REVOKING ALL POWERS AND DUTIES GRANTED TO THE ST. JOHNS WATER AND SEWER AUTHORITY UNDER ST. JOHNS COUNTY ORDINANCE 89-63 AND SUBSEQUENT AMENDMENTS; RESCINDING JURISDICTION OF THE ST. JOHNS WATER AND SEWER AUTHORITY OVER PRIVATE WATER AND SEWER UTILITIES WITHIN ST. JOHNS COUNTY; DISSOLVING THE ST. JOHNS WATER AND SEWER AUTHORITY; ESTABLISHING THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION OVER NON-GOVERNMENTAL WATER AND SEWER UTILITIES WITHIN ST. JOHNS COUNTY; DECLARING ST. JOHNS COUNTY SUBJECT TO CHAPTER 367 OF THE FLORIDA STATUTES; REPEALING ANY PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT WITH THIS PROVISION; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, St. Johns County Ordinance 89-63, along with its subsequent amendments, establishes and provides for the powers and the duties of the St. Johns Water and Sewer Authority (hereinafter "Authority") in regulating private water and sewer utilities within the County; and

WHEREAS, the regulation of water and sewer systems in St. Johns County requires expertise and increased staff not currently available; and

WHEREAS, revenues from said regulation are insufficient to offset regulatory costs incurred; and

WHEREAS, St. Johns County is a non-jurisdictional county for purposes of Public Service Commission regulation of water and sewer utilities; and

WHEREAS, Chapter 367 of the Florida Statutes provides a procedure by which a county may invoke the jurisdiction of the Florida Public Service Commission for a period of not less than ten (10) years; and

WHEREAS, the interests of the citizens of St. Johns County will be better served by regulating private water and sewer utilities at the State level.

DOCUMENT NUMBER-DATE

00429 JAN 16 8

FPSC-COMMISSION CLERK

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Johns County, Florida, as follows:

**Section 1. Effect of Recitals.**

The above Recitals are incorporated by reference into the body of this Ordinance and such Recitals are adopted as findings of fact.

**Section 2. Dissolution of the Authority.**

(a) The Authority is hereby dissolved, and any powers and duties granted thereto are hereby revoked.

(b) Jurisdiction by the Authority over private water and sewer utilities within St. Johns County is rescinded.

**Section 3. Jurisdiction by the Florida Public Service Commission.**

(a) Pursuant to Chapter 367 of the Florida Statutes, St. Johns County hereby invokes the jurisdiction of the Florida Public Service Commission over private water and sewer utilities within the County.

(b) All non-governmental water and sewer systems within St. Johns County that meet the definition of "utility" as defined by Section 367.021 of the Florida Statutes are subject to the jurisdiction and regulatory authority of the Florida Public Service Commission.

(c) Pursuant to Section 367.022 of the Florida Statutes, any systems owned, operated, managed or controlled by St. Johns County, a political subdivision of the State of Florida, shall not be subject to regulation as a utility by the Florida Public Service Commission.

**Section 4. Prior Ordinances and Resolutions.**

Any prior ordinances and resolutions inconsistent with the provisions set forth above are hereby repealed.

**Section 5. Notice to the Florida Public Service Commission.**

(a) The County Administrator shall immediately notify the Florida Public Service Commission of this Ordinance and shall provide a certified copy of the same to the Commission.

(b) The County Administrator shall forthwith forward to the Florida Public Service Commission any pending complaints against a water or sewer utility in St. Johns County, Florida.

**Section 6. Severability.**

In the event that any provision, sentence, phrase, clause, section or subsection of this Ordinance is held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such holding shall not be construed as to render invalid, illegal or unconstitutional the remaining provisions, sentences, phrases, clauses, sections and subsections of this Ordinance.

**Section 7. Effective Date.**

This Ordinance shall be effective upon its proper filing with the Florida Public Service Commission.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this 2nd day of December, 2008.

**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA**

By: Cyndi Stevenson  
Cyndi Stevenson, Chairman

**ATTEST:** Cheryl Strickland, Clerk

By: Yvonne King  
Deputy Clerk

RECORDATION DATE 12/04/08

Effective Date: 12/09/08



I HEREBY CERTIFY THAT I  
IS A TRUE AND CORRECT COPY  
ON RECORD IN ST. JOHNS COUNTY  
WITNESS MY HAND AND OFFICIAL SEAL  
THIS 17th DAY OF December 2008  
CHERYL STRICKLAND, CLERK  
Ex-Officio Clerk of the Board of County Commissioners

BY: Yvonne King D.C.

