



HARDEE COUNTY
BOARD OF COUNTY COMMISSIONERS
 412 West Orange Street, Room 103
 Wauchula, Florida 33873
 (863)773-9430 * (863)773-6952 * Fax (863)773-0958
bcc@hardeecounty.net www.hardeecounty.net

DISTRIBUTION CENTER
 09 OCT 26 AM 7:48

090489-WS

October 23, 2009

Florida Public Service Commission
 2540 shumard Oak Blvd.
 Tallahassee, FL 32399-0850

RECEIVED-FPSC
 09 OCT 26 AM 9:17
 COMMISSION
 CLERK

To Whom It May Concern:

Please find enclosed one certified copy of Hardee County Ordinance 2010-02 establishing the jurisdiction of the Florida Public Service Commission over non-governmental water and sewer utilities within Hardee County.

If you need anything else, please let me know.

Sincerely,

Sandy Meeks
 Office Manager

Enclosure

COM ___
 ECR ___
 GCL ___
 OPC ___
 RCP ___
 SSC ___
 SGA ___
 ADM ___
 CLK *None*

Dale A. Johnson, Chairman - Minor L. Bryant, Vice-Chairman
 Terry Atchley - Clifton N. Timmerman - Bobby R. Smith
 County Manager Lexton H. Albritton, Jr. - County Attorney Ken Evers

"An Equal Opportunity Employer"

DOCUMENT NUMBER-DATE

10829 OCT 26 8

FPSC-COMMISSION CLERK

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA RELATING TO REGULATION OF PRIVATELY OWNED AND OPERATED WATER AND SEWER UTILITIES WITHIN THE UNINCORPORATED AREAS OF HARDEE COUNTY; ESTABLISHING THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION OVER NON-GOVERNMENTAL WATER AND SEWER UTILITIES WITHIN HARDEE COUNTY; DECLARING HARDEE 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.

10-22-09P02:19 RCVD

RECITALS

WHEREAS, the regulation of privately owned and operated water and sewer systems in Hardee County requires expertise and increased staff not currently available; and

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

WHEREAS, Hardee County is a non-jurisdictional county for purposes of Public Service Commission regulation of privately owned and operated 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 Hardee County will be better served by regulating private water and sewer utilities at the State level.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hardee 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. Jurisdiction by the Florida Public Service Commission.

(a) Pursuant to Chapter 367 of the Florida Statutes, Hardee 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 Hardee County that meet the definition of "utility" as defined by Section 367.021, Florida Statutes and that are not otherwise exempt pursuant to Section 367.022, Florida Statutes, are subject to the jurisdiction and regulatory authority of the Florida Public Service Commission.

DOCUMENT NO. DATE
10829-09 10 126109
FPSC - COMMISSION CLERK

(c) Pursuant to Section 367.022 of the Florida Statutes, any systems owned, operated, managed or controlled by Hardee 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 3. Prior Ordinances and Resolutions.

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

Section 4. Notice to the Florida Public Service Commission.

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

Section 5. Severability.

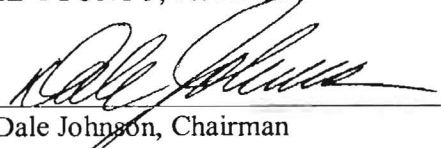
In the event that any provision, sentence, phrase, clause, section or subsection of this Ordinance is held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such holding shall not be construed as to render invalid, illegal or unconstitutional the remaining provisions, sentences,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

Section 6. Effective Date.

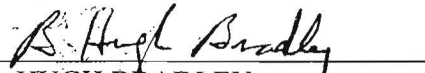
This Ordinance shall be effective upon its proper filing with the Florida Public Service Commission and as otherwise provided by law

PASSED AND ADOPTED by the Board of County Commissioners of Hardee County, Florida, this 22ND day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
HARDEE COUNTY, FLORIDA


By: 
Dale Johnson, Chairman

ATTEST:


B. HUGH BRADLEY
Ex-Officio Clerk to the Board

Date: 10/22/2009

Approved as to form:


KENNETH B. EVERS
County Attorney

Date: 10/22/09

STATE OF FLORIDA
COUNTY OF HARDEE
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF Ordinance NO. _____

2010-03

AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
HARDEE COUNTY THE 22nd DAY OF October 20 09

WITNESS MY HAND AND OFFICIAL SEAL THIS 23rd
DAY OF October 2009

B. HUGH BRADLEY, CLERK OF DISTRICT COURT

BY: AC. Albritton _____ D.C.