

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.

**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(b) Jurisdiction by the Authority over private water and sewer utilities within St. Johns County is rescinded.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: Uvonne King  
Deputy Clerk

REVISION DATE 12/04/08

01/16/09  
Effective Date: ~~12/09/08~~



NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, December 2, 2008, at 9:00 a.m. in the County Auditorium at the County Administrative Complex, 500 San Sebastian View, St. Augustine, Florida, will hold a public hearing to consider adoption of the following proposed ordinance:

**ORDINANCE NO. 2008-**

**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.**

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, per-

# The St. Augustine Record

COPY OF ADVEI

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement being a **NOTICE OF HEARING**

In/the matter of **ORD 2008 WATER/SEWER REGS**

**L 3293-8** was published in said newspaper **NOVEMBER 19, 2008**

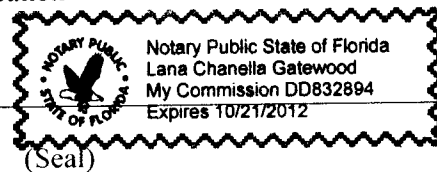
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 19th day of NOV 2008.

by Ulinda E. Verstraate who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification

Lana Chanella Gatewood

(Signature of Notary Public)  
LANA CHANELLA GATEWOOD



Persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator at (904) 209-4650 at the County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084, for hearing accommodations. For hearing device for individuals with hearing impairment, call (TDD): The Deaf Relief Service: 1-800-955-8770, no later than 3 days prior to the date of the OF COUNTY BOARD COMMISSIONERS OF ST. JOHNS COUNTY, CHERYL STRICKLAND, ITS CLERK  
By: Yvonne King, Deputy Clerk  
L3293-8 Nov 19, 2008



**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

December 9, 2008

Ms. Cheryl Strickland  
Clerk of the Circuit Court  
St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Minutes & Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 8, 2008 and certified copies of St. Johns County Ordinance Nos. 2008-57 and 2008-58, which were filed in this office on December 9, 2008.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

FILED  
08 DEC 16 AM 11:13  
CHERYL STRICKLAND  
CLERK OF THE CIRCUIT COURT  
ST. JOHNS COUNTY FL

DIRECTOR'S OFFICE  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282