

CHAPTER 367

WATER AND SEWER SYSTEM REGULATORY LAW

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***367.015 Florida Public Service Commission; jurisdiction.**—In addition to its existing functions, the Florida Public Service Commission shall have jurisdiction to regulate and supervise each public utility, as defined herein, with respect to its rates, service, and the issuance and sale of its securities maturing more than twelve months after date of issue.

History.—§1, ch. 67-496.
***Note.**—Section 1, ch. 67-496 purported to amend §367.01 but since the subject matter contained in the amendment was entirely different, the section was given a different number.

367.02 Definitions.—As used in this law the following words and terms shall have the following meanings:

(1) "Commission" shall mean and be limited to the Florida public service commission.

(2) "Governmental agency" shall mean a county, a public authority created by an act of the legislature of this state, an incorporated city, town or village in this state, or any taxing district created by such county, public authority, incorporated city, town or village.

(3) "Territory" shall mean any area in this state, whether within or without the corporate limits of any municipality.

(4) "Water system" shall mean and include any real estate, attachments, fixtures, impounded water, water mains, laterals, valves, meters, plant, wells, pipes, tanks, reservoirs, systems, facility, or other property real or personal, used or useful or having the present capacity for future use in connection with the obtaining, treatment, supplying and distribution of water to the public for human consumption, fire protection, irrigation, consumption by business or industry, and without limiting the generality of the foregoing definition shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include property used solely for or principally in connection with the business of bottling, selling, distributing or furnishing bottled water, nor water systems utilized by manufacturing plants primarily for

the purpose of providing water in connection with its manufacturing operations.

(5) "Sewer system" shall mean and include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage and sewage effluent and residue for the public, and without limiting the generality of the foregoing definition shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals, and all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof; except municipally owned or operated sewer systems and systems for the collection, treatment, purification or disposal of industrial wastes for manufacturing plants owned or operated by such manufacturing plants.

(6) "Person" shall mean and include:

(a) Any natural person, firm, association, corporation, except municipal corporations, business, trust or partnership owning, leasing or operating any water system or sewer system or part thereof within this state; and

(b) Any cooperative, nonprofit corporation or association, membership corporation, or limited dividend or mutual association, now or hereafter created, with respect to that part or portion of its operations devoted to the ownership, leasing or operation of a water system or a sewer system within this state but shall not include the owners or operators of any industrial or manufacturing plants maintaining and operating water systems and sewer systems primarily in connection with its manufacturing operations.

(7) "Public utility" as used herein means and includes every person, corporation, partnership, association or other legal entity and their lessees, trustees or receivers, now or hereafter either owning, operating, managing, controlling or proposing construction of any water system or sewer system serving or proposing to serve four hundred or more connections for wa-

ter or sewer service, or both, within this state, directly or indirectly for compensation; but the term "public utility" as used herein does not include any person selling, distributing or furnishing bottled water, any utility owned or operated by a municipality or other governmental agency, or the owner or operator of any manufacturing or industrial plant owning or operating water or sewer systems primarily in connection with its manufacturing or industrial operations; provided, however, that any person and any lessee, trustee or receiver now or hereafter owning, leasing, constructing, operating, or managing any water system or sewer system or both, in this state, serving or proposing to serve less than four hundred connections for compensation paid or received directly or indirectly shall upon application to the commission be classified as a public utility under the provisions of this law.

(8) Certificate shall mean and be limited to a certificate of public convenience and necessity issued under this law.

History.—§2, ch. 59-372; §1, ch. 63-279; §1, 65-52; §2, ch. 67-496.

367.03 Registration of public utilities; notice to registrants.—Every public utility shall register with the commission, within thirty days after the county wherein any such public utility operates is brought under the jurisdiction of said commission, by filing with the commission a written statement setting forth the full legal name of the public utility, its principal place of business and its mailing address. The commission shall give by mail to every public utility so registering and to every recipient of a certificate issued under this law at least ten days' written notice of every public hearing required by this law.

History.—§3, ch. 59-372; §3, ch. 67-496.

367.04 Certificate of public convenience and necessity required.—

(1) No public utility shall hereafter begin the construction or operation of any water or sewer system, or both, or any extension thereof, or acquire ownership or control thereof, either directly or indirectly, without first obtaining from the commission a certificate that the present or future public convenience and necessity require or will require such construction, operation or acquisition. No public utility shall be required to secure a certificate for an extension within any municipality within which the utility has heretofore lawfully commenced operations, for any extension within or to territory already served by such public utility, necessary in the ordinary course of business, or for substitute facilities within or to any municipality or territory already served by such public utility.

(2) Any public utility obtaining a certificate of convenience and necessity hereunder for any territory shall exercise said authority within a reasonable time. If such public utility fails or refuses to provide reasonably adequate service to such territory after notice and a rea-

sonable opportunity to do so, the commission, in addition to other powers provided by law, shall have power to issue a certificate to any other person willing and able to provide reasonably adequate service to such territory.

History.—§4, ch. 59-372; §4, ch. 67-476.

***367.05 Application for certificate.**—The application for such certificate of convenience and necessity shall be under such rules and regulations as the commission may, from time to time, adopt or prescribe, and each such application shall be accompanied by a filing fee of five hundred dollars to be placed in the general revenue fund. Upon the receipt of any such application for such certificate, the commission shall cause notice thereof, stating a time and place for hearing, to be given by mail or personal service to the chief executive officer of the municipality or municipalities affected, if any, and to any public utility occupying the territory affected, and shall publish such notice once a week for three consecutive weeks in some newspaper of general circulation in each territory affected.

History.—§5, ch. 59-372; §14, ch. 67-319; §5, ch. 67-496.

***Note.**—§14, ch. 67-319, which became law on July 6, 1967, purported to amend subsection (1) to increase the filing fee to five hundred dollars. §5, ch. 67-496, which became law on August 4, 1967, and which consolidated the existing subsections of §367.05 into a single paragraph, contained no reference whatever to a filing fee. The amended filing fee provision of §14, ch. 67-319 was therefore restored to the amended section by the editors.

cf.—§§350.78 and 350.79, deposit and disbursement of fees.

***367.06 Issuance of certificate; existing construction or operation.**—Any public utility engaged in the construction or operation of any line, plant or system, or any extension thereof, on September 1, 1967, shall be entitled to receive a certificate of convenience and necessity from the commission authorizing such utility to continue the construction or operation of such line, plant or system, or extension thereof, in the territory professed to be served by such utility on such date if, within sixty days thereafter, such public utility applies therefor by filing maps with the commission showing its existing lines and facilities, its lines or extensions thereof under construction, and the territory professed to be served by such utility. Each such application shall be accompanied by a filing fee of five hundred dollars to be placed in the general revenue fund. Any public utility that has already been issued a certificate by the commission prior to the effective date of this act shall not be required to obtain another one under the terms of this section, and such existing certificates shall be deemed to have been issued hereunder.

History.—§7, ch. 59-372; §15, ch. 67-319; §6, ch. 67-496.

***Note.**—§15, ch. 67-319, which became law on July 6, 1967, purported to amend subsection (1) by increasing the filing fee to five hundred dollars. §6, ch. 67-496, which became law on August 4, 1967, and which consolidated the existing subsections of §367.06 into a single paragraph, contained no reference whatever to a filing fee. The amended filing fee provision of §15, ch. 67-319 was therefore restored to the amended section by the editors.

cf.—§§350.78 and 350.79, deposit and disbursement of fees.

367.07 Same; powers of commission.—

(1) The commission shall have power, after hearing, to issue said certificate of conveni-

ence and necessity, as prayed for, to refuse to issue the same, or to issue it for the construction, operation or acquisition of a portion only of the contemplated line, plant or system or extension thereof.

(2) The commission shall not grant a certificate for a proposed plant, line or system, or for the extension of a system, which will be in competition with or duplication of any other plant, line or system, unless it shall first determine that such other facilities are inadequate to meet the reasonable needs of the public or that the person operating the same is unable or refuses or neglects, after hearing on reasonable notice, to provide reasonably adequate service.

History.—§7, ch. 59-372; §7, ch. 67-496.

367.08 Extensions of systems.—

(1) **PERMISSIBLE EXTENSIONS.**—Every public utility engaged on June 18, 1959, in the construction or operation of a water or sewer system, and every recipient of a certificate of public convenience and necessity issued under the provisions of this law may extend its facilities to any territory in which at the time of the extension any of its facilities are constructed or operated, and also may extend its facilities in the ordinary course of business within or to any territory which

(a) Is not receiving similar service from any public utility or municipality,

(b) Is not defined in any outstanding certificate, and

(c) Is contiguous to territory served by the extending public utility or to territory defined in its certificate; provided however that no extension shall be permitted in any area within a municipality of one hundred thousand or more population according to the last official census unless such municipality first grants a franchise for such extension.

(2) **ANNUAL AMENDMENT OF CERTIFICATES.**—Every recipient of a certificate of public convenience and necessity issued under the provisions of this law shall file with the commission on or before March 1 in every year, in compliance with such rules and regulations and in such form as the commission may adopt and prescribe from time to time, a description of all additional territory served by extensions of its facilities in the immediately preceding period of January 1 to December 31, inclusive, and the commission shall issue to it an amended certificate describing all territory which it had theretofore been authorized to serve, together with the additional territory served by such extensions. Each filing made pursuant hereto shall be accompanied by a filing fee of two hundred fifty dollars to be placed in the general revenue fund.

(3) **PROHIBITED EXTENSIONS.**—No public utility excluding utilities owned or operated by municipalities shall extend the facilities of its water system or sewer system or either, except as authorized in subsection (1), without first obtaining for such extension a certificate

of public convenience and necessity in accordance with the provisions of §367.05.

(4) **INTERFERENCE WITH ANOTHER SYSTEM.**—If any public utility in extending its water system or sewer system interferes unreasonably or is about to interfere unreasonably or competes or is about to compete with or duplicates or is about to duplicate, in whole or in part, the service or facilities of any other water system or sewer system, the commission, upon complaint, and after public notice and hearing, may with respect to such interference, competition and duplication or any thereof make such order and prescribe such terms and conditions in harmony with this law as are required by public convenience and necessity, and in so doing shall state its reasons therefor and make findings of the subsidiary facts on which its determination of public convenience and necessity is predicated.

History.—§8, ch. 59-372; §16, ch. 67-319.
cf.—§§350.78 and 350.79, deposit and disbursement of fees.

367.09 Unlawful construction or operation of public utility lines, plants or systems; powers of commission.—Whenever any person engages in, or is about to engage in, the construction, operation or acquisition of any line, plant or system without having secured a certificate of convenience and necessity, any interested person may file a complaint with the commission. The commission may, with or without notice, make its order requiring the public utility complained of to cease and desist from such construction, operation or acquisition until the commission makes and files its decision on said complaint or until the further order of the commission. The commission may, after hearing on reasonable notice, make such order and prescribe such terms and conditions with respect thereto as are just and reasonable.

History.—§9, ch. 59-372; §8, ch. 67-496.

367.10 Transfer of certificates.—

(1) If any recipient of a certificate issued under this law shall sell or otherwise transfer all of the physical property comprising its water system or sewer system, it also shall assign its certificate to the purchaser or transferee. Within ten days after such sale or transfer the purchaser or transferee shall surrender the assigned certificate to the commission, which thereupon shall issue to the purchaser or transferee a certificate of public convenience and necessity authorizing the purchaser or transferee to serve the territory described in the surrendered certificate.

(2) If the recipient of a certificate issued under this law shall sell or otherwise transfer less than all of the physical property comprising its water system or sewer system it shall, within ten days after such sale or other transfer, surrender its certificate to the commission and file therewith descriptions of

(a) The territory served by the physical property not sold or otherwise transferred, and

(b) The territory served by the physical property sold or otherwise transferred. The

commission shall thereupon issue

1. To the seller or transferor a new certificate authorizing it to continue serving the territory served by the physical property not sold or otherwise transferred, and

2. To the purchaser or transferee a new certificate authorizing it to serve the territory served by the physical property sold or transferred, provided, however, nothing in this section shall apply to utilities owned or operated by governmental agencies or utilities acquired by any governmental agencies.

(3) Joint applications for transfer of any water system or sewer system certificate of public convenience and necessity shall be accompanied by a fee of five hundred dollars. This requirement shall not apply when the transferee is a municipality or other governmental agency. Such fee shall be placed in the general revenue fund.

History.—§10, ch. 59-372; §17, ch. 67-319.
cf.—§§350.78 and 350.79, deposit and disbursement of fees.

367.11 General duties of public utility.—

(1) Each public utility shall furnish to each person applying therefor reasonably sufficient, adequate and efficient service upon terms as required by the commission; provided, that no public utility shall be required to furnish water or sewer service for resale.

(2) All rates and charges made, demanded or received by any public utility for any service rendered, or to be rendered, by it and each rule and regulation of such public utility shall be fair and reasonable. No public utility shall make or give any undue or unreasonable preference or advantage to any person or locality or subject the same to any undue or unreasonable prejudice or disadvantage in any respect.

(3) The foregoing provisions of this section relate and shall apply only to rates and charges for service after the installation and connection of the facilities of a public utility and shall not apply to nor affect any contract or agreement heretofore or hereafter made providing, in connection with an application for service, for the payment of reasonable sums of money for service availability, reasonable deposits guaranteeing compensatory revenues from the territory to be served, or reasonable contributions in aid of construction to help defray the cost of facilities which will be used and useful in furnishing service, or any combination thereof, or reasonable construction or other advances evidenced by refundable or nonrefundable agreements. Upon appropriate application by any party thereto, such contracts or agreements will be reviewed by the Public Service Commission.

History.—§11, ch. 59-372; §9, ch. 67-496.

367.12 Rates; procedure for fixing and changing.—

(1)(a) All rates being charged and collected on September 1, 1967, by a public utility not previously under the jurisdiction of the commission shall be the lawful rates until changed in accordance with the rules, regula-

tions or orders of the commission or court decree. Under rules and regulations to be prescribed by the commission, every such public utility shall, within ninety days after the effective date of such rules and regulations, file with the commission schedules showing all rates, classifications and charges for service of every kind furnished by it and all rules and regulations relating thereto in effect on September 1, 1967. Thereafter, current schedules shall be maintained on file with the commission on such forms and under such rules and regulations as the commission may prescribe.

(b) All rates being collected on September 1, 1967, by public utilities which prior to such date were subject to the jurisdiction of the commission shall be the lawful rates for such public utilities until changed by the commission.

(2) A public utility shall not, directly or indirectly, charge or receive any rate not on file with the commission for the particular class of service involved, and no change shall be made in any schedule without the approval of the commission. All applications for changes in rates shall be made to the commission in writing under rules and regulations prescribed by said commission. The commission shall have authority to determine and fix the fair, just, compensatory and reasonable rates that shall be charged and collected by any public utility for its service.

(a) With respect to all utilities coming under the jurisdiction of the commission after September 1, 1967, the commission shall investigate and determine the fair value of the utilities' property used and useful in the public service as of September 1, 1967, and shall further investigate and determine the actual legitimate costs to the company of all net additions thereto subsequent to September 1, 1967, and in all rate proceedings shall allow to the utility a fair return on the fair value of the utility's property used and useful in the public service as of September 1, 1967, together with a fair return on the utility's actual cost of all net additions thereto subsequent to September 1, 1967. The commission shall keep a current record of the net investment of each public utility subsequent to September 1, 1967, and shall determine that such net investment shall be the money honestly and prudently invested by the public utility in property used and useful in serving the public, less accrued depreciation, and shall not include any contributions in aid of construction nor any good will or going concern value or franchise value in excess of payment made therefor.

(b) With respect to utilities operating in counties under the jurisdiction of the commission prior to September 1, 1967, the commission in all rate proceedings concerning said utilities shall investigate and determine the fair value of the utilities' property used and useful in the public service as of the date on which the county in which such utilities operate enacted a resolution declaring that the

county is subject to the provisions of this act; and shall further investigate and determine the actual legitimate costs to said utilities of all additions thereto subsequent to such date on which the county became subject to the jurisdiction of the commission. In all rate proceedings concerning said utilities, the commission shall allow to the utilities a fair return on the fair value of the utility's property used and useful in the public service as of the date on which the county in which the utility is located became subject to the jurisdiction of the commission, together with a fair return on the utility's actual costs of all net additions thereto subsequent to said effective date. The commission shall determine that the net investment so computed shall be the money honestly and prudently invested by the public utility in property used and useful in serving the public, less accrued depreciation, and shall not include any contributions in aid of construction.

(3) Whenever the commission shall find, upon request made or upon its own motion, that the rates demanded, charged or collected by any public utility company for public utility service, or the rules, regulations or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory or in any way in violation of law, that such rates are insufficient to yield reasonable compensation for the services rendered, or that such service is inadequate or cannot be obtained, the commission shall order and hold a public hearing in the county wherein a majority of the service involved is furnished, giving reasonable notice to the public and to the public utility, and shall thereafter determine just and reasonable rates to be thereafter charged for such service and to promulgate rules and regulations affecting equipment, facilities and service thereafter to be installed, furnished and used.

History.—§12, ch. 59-372; §10, ch. 67-496.

367.13 Effective rates.—

(1) **PRESENT SERVICE.**—After the rates and charges provided for in subsections (1), (2) and (3) of §367.12 become effective no public utility excluding utilities owned or operated by governmental agencies shall charge or receive, directly or indirectly, any other rate or charge for any class of service provided for in the filings required by §367.12, unless and until such rates and charges shall be changed by the commission in accordance with the provisions of this law.

(2) **NEW SERVICE.**—If any application for the service of a public utility shall be for a new class of service not provided for in the filings required by §367.12, the public utility may furnish the new class of service applied for and fix just, fair, reasonable and compensatory rates and charges therefor. A schedule of any rates and charges so fixed shall be filed with the commission within ten days after the new class of service is furnished. The commission, after

public hearing, may approve, increase or reduce such rates and charges as may be just, fair, reasonable and compensatory.

History.—§13, ch. 59-372.

367.14 Rates; adjustment; application fees.—

(1) Whenever there is filed with the commission by any public utility holding a certificate under the provisions of this law any notice of general increases in a schedule of rates and charges, the commission may, either upon complaint or of its own initiative and after public notice, enter upon a hearing to determine whether the proposed rates are just, reasonable, sufficient and compensatory, and said hearing shall be held and the order entered thereon within one hundred eighty days from the date the public utility filed with the commission its written notice showing the change or changes proposed.

(2) Applications made to the commission by any water or sewer utility for rate increases shall be accompanied by payment of the following application fees, based on number of connections served:

(a) Under 750 connections	\$ 250.00
(b) 750 to 1500 connections	\$ 500.00
(c) Over 1500 connections	\$1,000.00

Such fees shall be placed in the general revenue fund.

History.—§14, ch. 59-372; §§1, 2, 3, ch. 61-477; §18, ch. 67-319; §11, ch. 67-496.

cf.—§350.78 and 350.79, deposit and disbursement of fees.

367.15 Powers of commission.—

(1) In the exercise of its jurisdiction, the commission shall have power:

(a) To prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each public utility;

(b) To prescribe uniform system and classification of accounts for all public utilities, which among other things shall set up adequate, fair and reasonable depreciation rates and charges;

(c) To require the filing by each public utility of periodic reports and all other reasonably necessary data;

(d) To require repairs, improvements, additions and extensions to the plant and equipment of any public utility reasonably necessary to promote the convenience and welfare of the public and secure adequate service or facilities for those reasonably entitled thereto, except that no public utility shall be required to extend its service or make additions to its plant or equipment unless the commission shall first, after a hearing, enter an order based upon findings establishing the financial ability of the public utility to make such additional investment without impairing its capacity to serve its existing customers and its ability to operate efficiently;

(e) To employ and fix the compensation for such examiners and technical, legal and cleri-

cal employees as it deems necessary to carry out the provisions of this chapter;

(f) To prescribe all rules and regulations reasonably necessary and appropriate for the administration and enforcement of this chapter; and

(g) To exercise all judicial powers, issue all writs and do all things necessary or convenient to the full and complete exercise of its jurisdiction and the enforcement of its orders and requirements.

(2) The commission shall provide for the examination and testing of all appliances used for measuring any product or service of a public utility.

(3) Any consumer or user may have any such appliance tested upon payment of the fee fixed by the commission.

(4) The commission shall establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user in excess of the degree or amount of tolerance customarily allowed for such appliances, or as may be provided for in rules and regulations of the commission.

(5) The commission may purchase materials, apparatus and standard measuring instruments for such examinations and tests.

(6) The commission or its duly authorized representatives may during all reasonable hours enter upon any premises occupied by any public utility and may set up and use thereon all necessary apparatus and appliances for the purpose of making investigations, inspections, examinations and tests and exercising any power conferred by this chapter; provided, that such public utility shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations and tests.

History.—§15, ch. 59-372; §12, ch. 67-486.

367.16 Rates of municipal systems.—The commission shall not have jurisdiction to regulate the rates or charges of any system owned or operated by a governmental agency.

History.—§16, ch. 59-372.

367.17 Review of commission's orders.—Any public utility or any person in interest dissatisfied with any order of the commission may have it reviewed by the supreme court by certiorari.

History.—§17, ch. 59-372; §13, ch. 67-486.

367.18 Unaffected powers.—Nothing in this law shall be deemed to repeal or affect §167.22 and chapter 153, or chapter 9861, special acts 1923; chapter 10968, special acts 1925; chapter 31075, special acts 1955; chapter 31076, special acts 1955; chapter 30178, special acts 1955; chapter 31092, special acts 1955; chapter 31011, special acts 1955; chapter 21230, special acts

1941; chapter 23535, special acts 1945; chapter 26223, special acts 1949; chapter 27893, special acts 1951; chapter 6356, special acts 1911; chapter 24605, special acts 1947, as amended by chapter 25927, special acts 1949; chapter 30882, special acts 1955; chapter 23373, special acts 1945; chapter 26443, extra session 1949; chapter 27650, special acts 1951; chapter 27649, special acts 1951; chapter 27659, special acts 1951; chapter 29201, special acts 1953. No provision of this law shall in any way affect any municipal tax or franchise tax in any manner whatsoever, nor to limit, abridge or affect the authority, rights or privileges, now existing or hereafter conferred thereon by law, of any governmental agency to supply water or sewerage service to any area in this state.

History.—§18, ch. 59-372.

367.19 Gross receipts tax.—Every public utility holding a certificate under the provisions of this law shall on or before March 15 in every year report to the comptroller of the state, under oath of its secretary or one of its other officers, the total amount of the gross receipts derived by it in the immediately preceding period of January 1 to December 31, inclusive, from business done within this state, and at the time of so reporting shall pay to the treasurer of the state a gross receipts tax in the amount of one dollar fifty cents for each one hundred dollars or fraction thereof of such gross receipts, provided, however, that whenever a purchase is made of any water and a tax is paid thereon by a public utility and such public utility resells the same directly to consumers such public utility shall be entitled and shall receive credit upon such taxes as may be due by it under this section to the extent of the tax paid or payable upon such water by the person, firm or corporation from whom such purchase was made. If any public utility fails to make such report and pay such tax, the comptroller, after giving at least five days written notice to the public utility, shall estimate the amount of such gross receipts from such information as he may be able to obtain from any source and shall add ten per cent of the amount of such tax as a penalty and shall proceed to collect such tax and penalty, together with all costs of collection thereof, in the same manner as other delinquent taxes are collected, provided, however, that no penalty shall be added to the tax in the event a return is made and the amount of the tax is paid before the expiration of the time fixed in the notice given by the comptroller. All such tax payments and penalties shall be placed in the general revenue fund. The comptroller may audit such reports and upon demand every public utility shall submit all of its records, papers, books and accounts to the comptroller or his representatives for audit.

History.—§19, ch. 59-372.

367.20 Incrimination, violations; penalties.—

(1) Any person called upon to testify

before the commission or one of its examiners shall not be excused from answering on the ground or claim that his testimony would tend to incriminate himself; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

(2) If any public utility, by any authorized officer, agent or employee, shall knowingly refuse to comply with or willfully violate any provision of this chapter or any lawful rate, rule or regulation, order, direction, demand or requirement prescribed by the commission hereunder, such public utility shall incur a penalty for each such offense of not more than \$5,000.00 to be fixed, imposed and collected by the commission. Each day that said refusal or violation continues shall constitute a separate offense. Each penalty shall be a lien upon the real and personal property of the public utility, enforceable by the commission as statutory liens under chapter 85, the proceeds of which shall be deposited in the general revenue fund of the state.

History.—§20, ch. 59-372; §14, ch. 67-496.

367.21 Exclusive jurisdiction.—The jurisdiction conferred upon the commission by this law shall be exclusive, except where municipal jur-

isdiction is exercised in municipalities of one hundred thousand or more population according to the last official census pursuant to existing franchises or special acts.

History.—§21, ch. 59-372.

367.22 Legislative declaration.—The regulation of public utilities as defined herein is declared to be in the public interest, and this law shall be deemed to be an exercise of the police power of the state for the protection of the public welfare and all the provisions of this law shall be liberally construed for the accomplishment of that purpose; provided, however, that no existing franchise or contract rights of municipalities having one hundred thousand or more population according to the last official census shall be impaired thereby; and provided further that no provisions of this chapter shall in any way affect any municipal tax or franchise tax in any manner whatsoever.

History.—§22, ch. 59-372; §15, ch. 67-496.

367.23 Effectiveness dependent on resolution by board of county commissioners.—The provisions of this law shall become effective in a county of this state immediately upon the adoption by the board of county commissioners of such county of a resolution declaring that such county is subject to the provisions of this law and the submission of said resolution to the Florida public service commission.

History.—§23, ch. 59-372; §1, ch. 63-279; §1, ch. 65-62.