

HB 411

2012

1                   A bill to be entitled  
2           An act relating to municipal water and sewer  
3           utilities; amending s. 180.191, F.S.; prohibiting  
4           certain municipalities from imposing certain  
5           surcharges on consumers outside their boundaries for  
6           provision of water or sewer utility services;  
7           providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Section 180.191, Florida Statutes, is amended  
12           to read:

13           180.191 Limitation on rates charged consumer outside city  
14           limits.—

15           (1) Subject to subsection (4), any municipality within the  
16           state operating a water or sewer utility outside of the  
17           boundaries of such municipality shall charge consumers outside  
18           the boundaries rates, fees, and charges determined in one of the  
19           following manners:

20           (a) It may charge the same rates, fees, and charges as  
21           consumers inside the municipal boundaries. However, in addition  
22           thereto, the municipality may add a surcharge of not more than  
23           25 percent of such rates, fees, and charges to consumers outside  
24           the boundaries. Fixing of such rates, fees, and charges in this  
25           manner shall not require a public hearing except as may be  
26           provided for service to consumers inside the municipality.

27           (b) It may charge rates, fees, and charges that are just  
28           and equitable and which are based on the same factors used in

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29 fixing the rates, fees, and charges for consumers inside the  
30 municipal boundaries. In addition thereto, the municipality may  
31 add a surcharge not to exceed 25 percent of such rates, fees,  
32 and charges for said services to consumers outside the  
33 boundaries. However, the total of all such rates, fees, and  
34 charges for the services to consumers outside the boundaries  
35 shall not be more than 50 percent in excess of the total amount  
36 the municipality charges consumers served within the  
37 municipality for corresponding service. No such rates, fees, and  
38 charges shall be fixed until after a public hearing at which all  
39 of the users of the water or sewer systems; owners, tenants, or  
40 occupants of property served or to be served thereby; and all  
41 others interested shall have an opportunity to be heard  
42 concerning the proposed rates, fees, and charges. Any change or  
43 revision of such rates, fees, or charges may be made in the same  
44 manner as such rates, fees, or charges were originally  
45 established, but if such change or revision is to be made  
46 substantially pro rata as to all classes of service, both inside  
47 and outside the municipality, no hearing or notice shall be  
48 required.

49 (2) Whenever any municipality has engaged, or there are  
50 reasonable grounds to believe that any municipality is about to  
51 engage, in any act or practice prohibited by subsection (1), a  
52 civil action for preventive relief, including an application for  
53 a permanent or temporary injunction, restraining order, or other  
54 order, may be instituted by the person or persons aggrieved.

55 (3) This section applies ~~shall apply~~ to municipally owned  
56 water and sewer utilities within the confines of a single county

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57 and may apply, pursuant to interlocal agreement, to municipally  
58 owned water and sewer utilities beyond the confines of a single  
59 county.

60 (4) A municipality located in a county that has a  
61 population of more than 1.5 million as reported in the most  
62 recent United States Decennial Census may not impose any  
63 surcharges authorized under subsection (1) on consumers outside  
64 the boundaries of the municipality.

65 (5)-(4) In any action commenced pursuant to this section,  
66 the court in its discretion may allow the prevailing party  
67 treble damages and, in addition, a reasonable attorney's fee as  
68 part of the cost.

69 Section 2. This act shall take effect upon becoming a law.