

HB 1497

2009

1 A bill to be entitled
2 An act relating to municipal water and sewer utilities;
3 amending s. 180.191, F.S.; exempting municipalities in
4 certain counties from applicability of provisions limiting
5 the rates they may charge consumers outside their
6 boundaries for provision of water or sewer utility
7 services; 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) This section does not apply to any municipality in a
61 county with a population of more than 1.5 million as reported in
62 the most recent United States Decennial Census.

63 (5)~~(4)~~ In any action commenced pursuant to this section,
64 the court in its discretion may allow the prevailing party
65 treble damages and, in addition, a reasonable attorney's fee as
66 part of the cost.

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