

By Senator Wilson

33-01737-09

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1                   A bill to be entitled  
2           An act relating to municipal water and sewer  
3           utilities; amending s. 180.191, F.S.; exempting  
4           municipalities in certain counties from applicability  
5           of provisions limiting the rates they may charge  
6           consumers outside their boundaries for provision of  
7           water or sewer utility services; providing an  
8           effective date.

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

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

14           180.191 Limitation on rates charged consumer outside city  
15   limits.-

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

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

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

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

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

56 (3) This section applies ~~shall apply~~ to municipally owned  
57 water and sewer utilities within the confines of a single county  
58 and may apply, pursuant to interlocal agreement, to municipally

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59 owned water and sewer utilities beyond the confines of a single  
60 county.

61 (4) This section does not apply to any municipality in a  
62 county that has a population of more than 1.5 million as  
63 reported in the most recent United States Decennial Census.

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

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