

By Senator Wilson

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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 the
5 applicability of provisions limiting the rates that a
6 municipality may charge consumers located outside
7 their boundaries for water or sewer utility services;
8 providing an effective date.

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

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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.