

HB 1457

2011

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

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

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

12 180.191 Limitation on rates charged consumer outside city
 13 limits.-

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

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

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

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

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

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

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57 | owned water and sewer utilities beyond the confines of a single
58 | county.

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

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.