

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement, by
Rekisha Codogan.

DOCKET NO. 20260090-WS
ORDER NO. PSC-2026-0284-DS-WS
ISSUED: August 20, 2026

The following Commissioners participated in the disposition of this matter:

GABRIELLA PASSIDOMO SMITH, Chairman
GARY F. CLARK
MIKE LA ROSA
BOBBY PAYNE
ANA ORTEGA

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

BY THE COMMISSION:

BACKGROUND

On June 10, 2026, Rekisha Codogan (Petitioner) filed a petition for declaratory statement (Petition) related to her dispute with Orange County Utilities. Orange County Utilities provides water and wastewater services to the Petitioner's property.

More broadly, the Petitioner asked us to determine if Section 120.565, Florida Statutes (F.S.), Rule 28-105.001, Florida Administrative Code (F.A.C.), Rule 28-105.002, F.A.C., Section 153.83, F.S., Chapter 153, F.S., and any applicable Orange County ordinance, resolution, utility service policy, tariff, written customer-service procedure, or order governing the billing of residential water and wastewater service was applicable to the Petitioner's particular residential account and circumstances.

Pursuant to Section 120.565, F.S., and Rule 28-105.0024, F.A.C., a Notice of Declaratory Statement was published in the June 15, 2026, edition of the Florida Administrative Register to inform substantially affected persons of the Petition.

LAW GOVERNING PETITIONS FOR DECLARATORY STATEMENT

Section 120.565, F.S., sets forth the necessary elements of a petition for declaratory statement. This section provides:

- (1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any

rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

Rule 28-105.001, F.A.C., states the purpose of a declaratory statement:

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person.

If a petitioner meets the filing requirements provided by Rule 28-105.002, F.A.C., an agency must issue a declaratory statement. Rule 28-105.003, F.A.C., provides the requirements for how agencies must dispose of declaratory statements and states that an agency may rely on the statements of fact set out in a petition without taking any position with regard to the validity of the facts. A declaratory statement enables members of the public to resolve ambiguities of law and obtain definitive, binding advice as to the applicability of agency law to a particular set of facts.

DISCUSSION AND CONCLUSION

As already discussed, Section 120.565, F.S., allows substantially affected persons to seek a declaratory statement regarding an agency's opinion on the applicability of a statute, agency rule, or agency order. Rule 28-105.001, F.A.C., a rule that implements Section 120.565, F.S., further clarifies that "a declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority." Importantly, this rule implies that an agency may only issue a declaratory statement for guidance on statutes, rules, or orders specifically under the agency's authority.

Chapter 367, F.S., governs whether, and to what extent, our statutes, rules, and regulatory authority apply to a particular water or wastewater utility. Section 367.021(12), F.S., provides that "[u]tility" refers to a "waste or wastewater utility . . . except as provided in s. 367.022." Section 367.022, F.S., lists certain entities that are not subject to regulation by us. Water and wastewater utilities specifically exempt from our regulation include "systems owned, operated, managed, or controlled by governmental authorities."¹ Consequently, we lack jurisdictional authority and possess no regulatory oversight over county government actions concerning their own water and wastewater utilities. Nor do we have jurisdictional authority or regulatory

¹ Section 367.022(2), F.S

oversight over county government operated water and sewer systems' service rules, ordinances, orders, tariffs, policies, or written customer-service procedures.

Orange County Utilities is a water and wastewater system owned, operated, and managed by the Orange County government. Thus, we do not have the regulatory authority to issue any guidance on Orange County ordinances and resolutions, or Orange County Utility service rules, ordinances, orders, tariffs, policies, or written customer-service procedures. Furthermore, we cannot provide any interpretation on the applicability of Chapter 153, F.S., to Orange County Utilities, as we do not implement nor have authority to act pursuant to the statute.

Thus, we hereby deny the petition for declaratory statement as we do not have the jurisdiction to issue the declaratory statement requested under Section 120.565, F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Rekisha Codogan's Petition for Declaratory Statement is denied as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of August, 2026.



ADAM TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

ZB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.