

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Energy, Communications &  
 2 Cybersecurity Subcommittee  
 3 Representative Busatta Cabrera offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 180.19, Florida Statutes, is amended to  
 8 read:

9 180.19 Use by other municipalities and by individuals  
 10 outside corporate limits.—

11 (1) A municipality which constructs any works as are  
 12 authorized by this chapter, may permit any other municipality  
 13 and the owners or association of owners of lots or lands outside  
 14 of its corporate limits or within the limits of any other  
 15 municipality, to connect with or use the utilities mentioned in  
 16 this chapter upon such terms and conditions as may be agreed

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17 between such municipalities, and the owners or association of  
18 owners of such outside lots or lands.

19 (2) Any private company or corporation organized to  
20 accomplish the purposes set forth in this chapter, which has  
21 been granted a privilege or franchise by a municipality, may  
22 permit the owners or association of owners of lots or lands  
23 outside of the boundaries of said municipality granting said  
24 privilege or franchise, or other municipality, to connect with  
25 and use the utility operated by the said private company or  
26 corporation upon such terms as may be agreed between the said  
27 private company or corporation and the owners or association of  
28 owners of said lots or lands or the said municipality.

29 (3)(a) A new agreement, or an extension, renewal, or  
30 material amendment of an existing agreement, to provide  
31 electric, natural gas, water, or sewer utility service at retail  
32 pursuant to subsection (1) must be written and may not become  
33 effective before the municipality that provides service or  
34 intends to provide the service, in conjunction with the  
35 governing body of each municipality and unincorporated area  
36 served or to be served, has conducted a public meeting within  
37 each municipality and unincorporated area served or to be served  
38 for purposes of providing information and soliciting public  
39 input on:

40 1. The nature of the service to be provided or changes to  
41 the service being provided;

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42        2. The rates, fees, and charges to be imposed for the  
43 services provided or intended to be provided, including any  
44 differential with the rates, fees, and charges imposed for the  
45 same service on customers located within the boundaries of the  
46 serving municipality, the basis for the differential, and the  
47 length of time that the differential is expected to exist;

48        3. The extent to which revenues generated from the  
49 provision of the service will be used to fund or finance non-  
50 utility government functions or services; and

51        4. Any other matters deemed relevant by the parties to  
52 the agreement.

53        (b) Rates, fees, and charges imposed for water or sewer  
54 utility service provided pursuant to subsection (1) shall comply  
55 with s. 180.191.

56        (c) Each municipality that provides electric, natural gas,  
57 water, or sewer utility service pursuant to subsection (1), in  
58 conjunction with the governing body of each municipality and  
59 unincorporated area in which it provides service, must annually  
60 conduct a customer meeting within each such municipality and  
61 unincorporated area for purposes of soliciting public input on  
62 utility-related matters, including rates and service.

63        (d) For purposes of this subsection, "governing body"  
64 refers to each:

65        1. Governing body of a municipality in which service is  
66 provided or proposed to be extended.

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67 2. Board of county commissioners of a county in which  
68 service is provided or proposed to be extended, if service is  
69 provided or will be extended in an unincorporated area within  
70 the county.

71 (4) A municipality that generates revenue from the  
72 provision of electric, natural gas, water, or sewer utility  
73 service pursuant to subsection (1) may not use more than 10  
74 percent of the gross revenues generated from such services to  
75 fund or finance general government functions.

76 (5) By November 1, 2024, and annually thereafter, each  
77 municipality that provides electric, natural gas, water, or  
78 sewer utility service pursuant to subsection (1) must provide a  
79 report to the Florida Public Service Commission that identifies,  
80 for each type of utility service provided by the municipality:

81 1. The number and percentage of customers that receive  
82 utility service provided by the municipality at a location  
83 outside the boundaries of the municipality;

84 2. The volume and percentage of sales made to such  
85 customers, and the gross revenues generated from such sales; and

86 3. Whether the rates, fees, and charges imposed on  
87 customers that receive service at a location outside the  
88 municipality's boundaries are different than the rates, fees,  
89 and charges imposed on customers within the boundaries of the  
90 municipality, and, if so, the amount and percentage of the  
91 differential.

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92  
93 The commission shall compile this information and submit a  
94 report of this information to the Speaker of the House of  
95 Representatives, the Senate President, and the Governor by  
96 January 31, 2025, and annually thereafter. This paragraph does  
97 not modify or extend the authority of the commission otherwise  
98 provided by law with respect to any municipal utility that is  
99 required to comply with this paragraph.

100 Section 2. Subsection (1) of section 180.191, Florida  
101 Statutes, is amended, and a new subsection (5) is added to that  
102 section, to read:

103 180.191 Limitation on rates charged consumer outside city  
104 limits.—

105 (1) Any municipality within the state operating a water or  
106 sewer utility outside of the boundaries of such municipality  
107 shall charge consumers outside the boundaries rates, fees, and  
108 charges determined in one of the following manners:

109 (a) It may charge the same rates, fees, and charges as  
110 consumers inside the municipal boundaries. ~~However, in addition~~  
111 ~~thereto, the municipality may add a surcharge of not more than~~  
112 ~~25 percent of such rates, fees, and charges to consumers outside~~  
113 ~~the boundaries.~~ Fixing of such rates, fees, and charges in this  
114 manner shall not require a public hearing except as may be  
115 provided for service to consumers inside the municipality.

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116 (b)1. It may charge rates, fees, and charges that are just  
117 and equitable and which are based on the same factors used in  
118 fixing the rates, fees, and charges for consumers inside the  
119 municipal boundaries. ~~In addition thereto, the municipality may~~  
120 ~~add a surcharge not to exceed 25 percent of such rates, fees,~~  
121 ~~and charges for said services to consumers outside the~~  
122 ~~boundaries. However, the total of all~~ Such rates, fees, and  
123 charges for the services to consumers outside the boundaries may  
124 ~~shall not exceed 25~~ be more than 50 percent ~~in excess~~ of the  
125 total amount the municipality charges consumers served within  
126 the municipality for corresponding service. No such rates, fees,  
127 and charges shall be fixed until after a public hearing at which  
128 all of the users of the water or sewer systems; owners, tenants,  
129 or occupants of property served or to be served thereby; and all  
130 others interested shall have an opportunity to be heard  
131 concerning the proposed rates, fees, and charges. Any change or  
132 revision of such rates, fees, or charges may be made in the same  
133 manner as such rates, fees, or charges were originally  
134 established, but if such change or revision is to be made  
135 substantially pro rata as to all classes of service, both inside  
136 and outside the municipality, no hearing or notice shall be  
137 required.

138 2. Any municipality within the state operating a water or  
139 sewer utility that provides service to consumers within the  
140 boundaries of a separate municipality through the use of a water

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141 treatment plant or sewer treatment plant located within the  
142 boundaries of that separate municipality may charge consumers in  
143 the separate municipality no more than the rates, fees, and  
144 charges imposed on consumers inside its own municipal  
145 boundaries.

147 -----  
148 **T I T L E A M E N D M E N T**

149 Remove everything before the enacting clause and insert:  
150 An act relating to municipal utilities; amending s. 180.19,  
151 F.S.; requiring certain public meetings as a condition precedent  
152 to the effectiveness of a new or extended agreement under which  
153 a municipality will provide specified utility services in other  
154 municipalities or unincorporated areas; specifying the matters  
155 to be addressed in such public meetings; requiring such  
156 agreements to be written; requiring annual customer meetings;  
157 defining "governing body" for specified purposes; limiting the  
158 portion of certain utility revenues that a municipality may use  
159 to fund or finance general government functions; requiring  
160 municipalities that provide specified utility services to report  
161 certain information to the Public Service Commission on an  
162 annual basis; requiring the commission to compile and provide a  
163 report of this information; providing construction; amending s.  
164 180.191, F.S.; modifying provisions relating to permissible  
165 rates, fees, and charges imposed by municipal water and sewer

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166 | utilities on customers located outside the municipal boundaries;  
167 | providing an effective date.