

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN ☐ (Y/N)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

Committee/Subcommittee hearing bill: Commerce Committee
 Representative Giallombardo offered the following:

Amendment (with title amendment)

Remove lines 121-239 and insert:

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

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

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than~~

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17 ~~25 percent of such rates, fees, and charges to consumers outside~~
18 ~~the boundaries.~~ Fixing of such rates, fees, and charges in this
19 manner shall not require a public hearing except as may be
20 provided for service to consumers inside the municipality.

21 (b)1. It may charge rates, fees, and charges that are just
22 and equitable and which are based on the same factors used in
23 fixing the rates, fees, and charges for consumers inside the
24 municipal boundaries. ~~In addition thereto, the municipality may~~
25 ~~add a surcharge not to exceed 25 percent of such rates, fees,~~
26 ~~and charges for said services to consumers outside the~~
27 ~~boundaries. However, the total of all~~ Such rates, fees, and
28 charges for the services to consumers outside the boundaries may
29 ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates,
30 fees, and charges ~~total amount~~ the municipality charges
31 consumers served within the municipality for corresponding
32 service. No such rates, fees, and charges shall be fixed until
33 after a public hearing at which all of the users of the water or
34 sewer systems; owners, tenants, or occupants of property served
35 or to be served thereby; and all others interested shall have an
36 opportunity to be heard concerning the proposed rates, fees, and
37 charges. Any change or revision of such rates, fees, or charges
38 may be made in the same manner as such rates, fees, or charges
39 were originally established, but if such change or revision is
40 to be made substantially pro rata as to all classes of service,

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both inside and outside the municipality, no hearing or notice shall be required.

2. Any municipality within this state operating a water or sewer utility that provides services to consumers within the boundaries of a separate municipality through the use of a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

Section 3. Effective July 1, 2025, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2026, and annually thereafter, each municipality that provides electric, natural gas, water, or sewer utility services pursuant to section 180.91(1) must provide a report to the Florida Public Service Commission that identifies, for each type of utility service provided by the municipality:

(a) The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

(b) The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

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66 (c) Whether the rates, fees, and charges imposed on
67 customers that receive services at a location outside the
68 municipality's boundaries are different than the rates, fees,
69 and charges imposed on customers within the boundaries of the
70 municipality, and, if so, the amount and percentage of the
71 differential.

72 (2) The commission shall compile the information provided
73 pursuant to subsection (1) and submit a report containing this
74 information to the Governor, the President of the Senate, and
75 the Speaker of the House of Representatives by March 31, 2026,
76 and annually thereafter.

77 (3) This subsection does not modify or extend the
78 authority of the commission otherwise provided by law with
79 respect to any municipal utility that is required to comply with
80 subsection (1).

81 **Section 4. Subsections (1), (2), and (5) of section**
82 **366.032, Florida Statutes, are amended to read:**

83 366.032 Preemption over utility service restrictions.—

84 (1) A municipality, county, board, agency, commission, or
85 authority of any county, municipal corporation, or political
86 subdivision, special district, community development district
87 created pursuant to chapter 190, or other political subdivision
88 of the state may not enact or enforce a resolution, ordinance,
89 rule, code, or policy or take any action that restricts or
90 prohibits or has the effect of restricting or prohibiting the

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91 types or fuel sources of energy production which may be used,
92 delivered, converted, or supplied by the following entities to
93 serve customers that such entities are authorized to serve:

94 (a) A public utility or an electric utility as defined in
95 this chapter;

96 (b) An entity formed under s. 163.01 that generates,
97 sells, or transmits electrical energy;

98 (c) A natural gas utility as defined in s. 366.04(3)(c);

99 (d) A natural gas transmission company as defined in s.
100 368.103; or

101 (e) A Category I liquefied petroleum gas dealer or
102 Category II liquefied petroleum gas dispenser or Category III
103 liquefied petroleum gas cylinder exchange operator as defined in
104 s. 527.01.

105 (2) Except to the extent necessary to enforce the Florida
106 Building Code adopted pursuant to s. 553.73 or the Florida Fire
107 Prevention Code adopted pursuant to s. 633.202, a municipality,
108 county, board, agency, commission, or authority of any county,
109 municipal corporation, or political subdivision, special
110 district, community development district created pursuant to
111 chapter 190, or other political subdivision of the state may not
112 enact or enforce a resolution, an ordinance, a rule, a code, or
113 a policy or take any action that restricts or prohibits or has
114 the effect of restricting or prohibiting the use of an
115 appliance, including a stove or grill, which uses the types or

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fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

Section 5. Except as otherwise provided in this act, this act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove lines 16-26 and insert:

customers; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on customers located outside the municipal boundaries; creating s. 180.192, F.S.; requiring municipalities that provide specified utility services to report

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Bill No. CS/HB 1523 (2025)

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141 certain information by a specified date to the Florida
142 Public Service Commission on an annual basis;
143 requiring the commission to compile certain
144 information and submit a report containing such
145 information to the Governor and the Legislature by a
146 specified date; providing construction;