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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/12/2026 02:03 PM

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Senator Mayfield moved the following:

1 **Senate Amendment to House Amendment (277705) (with title**
2 **amendment)**

3
4 Delete lines 5 - 315

5 and insert:

6 Section 1. Subsection (3) is added to section 180.19,
7 Florida Statutes, to read:

8 180.19 Use by other municipalities and by individuals
9 outside corporate limits.—

10 (3) (a) As used in this subsection, the term:

11 1. "Controlling municipality" means a municipality



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12 operating a utility pursuant to subsection (1) or a municipality
13 that has granted a utility a privilege or franchise pursuant to
14 subsection (2).

15 2. "Main line" means a pipe or conduit that transports
16 wastewater from, or transports potable water to, lateral lines
17 serving multiple properties. The term does not include lateral
18 lines, service connections, customer-owned plumbing or piping
19 located on private property, or any pipe or conduit serving only
20 a single property.

21 3. "Municipal utility" means a water or sewer utility
22 constituted on the basis of subsection (1) or subsection (2).

23 4. "Owner" means a property owner or an association of
24 property owners.

25 5. "Property" means lots or lands, or, in the case of an
26 association of property owners, the contiguous group of lots or
27 lands under the association of property owners.

28 6. "Sufficient capacity" means a water or sewer utility
29 having, as applicable, the infrastructure, water supply, and
30 managerial and financial ability to reliably meet current and
31 reasonably anticipated future water demands for the treatment or
32 disposal of wastewater flows while maintaining compliance with
33 applicable state and federal drinking water and wastewater
34 standards and requirements.

35 (b) A municipal utility may not decline to extend service
36 to property outside of its corporate limits on the sole basis
37 that the owner refuses to assent or otherwise consent to such
38 property being annexed by that municipal utility's controlling
39 municipality, unless the property is subject to an annexation
40 agreement or developer agreement on or before July 1, 2026.



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41 (c) Upon application for service by an owner, a municipal
42 utility must expand its service territory to allow an owner
43 whose property is located outside of the municipal utility's
44 existing service territory to connect to the municipal utility,
45 subject to the utility's service requirements, if:

46 1. The property is not within the service territory of
47 another water or wastewater utility, as applicable;

48 2. The municipal utility has sufficient capacity to serve
49 the property's anticipated water or wastewater load, as
50 applicable;

51 3. The property is within 1 mile of a main line of the
52 municipal utility, measured by the closest property boundary
53 line from such main line; and

54 4. The property owner agrees to pay all fees associated
55 with connection, including fees for infrastructure required to
56 serve the property.

57 (d) Upon application by an owner pursuant to paragraph (c),
58 the municipal utility must:

59 1. Within 90 days after receiving the application,
60 determine whether it has sufficient capacity to provide service
61 to the given property. Such determination may account for any
62 anticipated development on such property. The municipal utility
63 shall provide, in writing, the owner with its determination and
64 the reasons for such determination.

65 2. If the municipal utility has sufficient capacity to
66 serve the property, provide the owner with the anticipated fees,
67 charges, contributions, and any other requirements to connect
68 the property to the municipal utility, under its existing fee,
69 charge, and contribution structure, including any proportionate



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70 share of onsite, offsite, or systemwide improvements necessary
71 to serve the property.

72 3. Upon satisfaction of the requirements set forth by the
73 municipal utility pursuant to subparagraph 2., including full
74 payment of, or legally enforceable funding assurances for, all
75 required capital improvements, connect the property to its
76 system in a timely manner.

77 (e) A municipal utility may establish reasonable minimum
78 filing requirements for an application submitted pursuant to
79 paragraph (c), including:

80 1. A reasonable estimate of the anticipated water and
81 wastewater load for the property, including accounting for any
82 anticipated development on such property;

83 2. The nature of any anticipated development on such
84 property; and

85 3. An application fee to cover the reasonable costs
86 associated with conducting the capacity determination and
87 assessing anticipated fees, charges, contributions, and other
88 requirements, pursuant to subparagraphs (d)1. and 2.

89 (f) If a municipal utility does not allow an owner to
90 connect to such utility in violation of this subsection, the
91 owner may bring a civil action to enforce this subsection in any
92 court of competent jurisdiction. If the owner prevails in such
93 enforcement action:

94 1. The owner may recover reasonable attorney fees and court
95 costs from the municipal utility; and

96 2. The court shall order the municipal utility to connect
97 to the owner's property in question.

98 (g) This subsection may not be construed to prevent a



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99 municipal utility from collecting any rate, fee, charge, or
100 contribution authorized under law, including those authorized
101 pursuant to s. 180.191.

102 Section 2. Present subsections (6), (7), and (8) of section
103 425.09, Florida Statutes, are redesignated as subsections (7),
104 (8), and (9), respectively, a new subsection (6) is added to
105 that section and subsection (5) and present subsection (6) of
106 that section are amended, to read:

107 425.09 Members.—

108 (5) Except as hereinafter otherwise provided, written or
109 printed notice stating the time and place of each meeting of
110 members, and in the case of a special meeting the purpose or
111 purposes for which the meeting is called, must ~~shall~~ be given to
112 each member, ~~either~~ personally, ~~or~~ by mail, or by e-mail, not
113 less than 10 days or ~~not~~ more than 45 days before the date of
114 the meeting. For any meeting at which an election of trustees or
115 successors to trustees will be held, the notice must be provided
116 not less than 30 days or more than 45 days before the date of
117 the meeting and must state the name or names of those nominated
118 and certified for the election as provided in this chapter.

119 (6) By January 1, 2027, and annually thereafter, the board
120 of trustees shall prepare an updated, alphabetical list of the
121 names of all members and, if applicable, the voting district
122 established under s. 425.11 in which each member receives
123 service. The board of trustees shall make the list available
124 upon request of any qualified nominee for election to the board
125 of trustees of the cooperative. At each meeting of members, any
126 qualified nominee for election to the board of trustees is
127 entitled to inspect the list at any time during the meeting or



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128 any adjournment. The board of trustees may require the nominee
129 to agree to reasonable restrictions on the use and disclosure of
130 the list provided pursuant to this subsection prior to making
131 the list available. However, no such restriction may impair the
132 nominee from utilizing the list to lawfully communicate with
133 members as part of said election.

134 (7)-(6) One percent of all members, present in person,
135 constitutes ~~shall constitute~~ a quorum for the transaction of
136 business at all meetings of the members., ~~unless~~ The bylaws may
137 prescribe the presence of a greater percentage of the members
138 for a quorum. Notwithstanding the requirement that members be
139 present in person in order to be counted in determining a
140 quorum, voting by Internet-based online voting, if a member
141 consents, must be permitted and the bylaws may permit voting by
142 limited proxy or by mail, and members so voting shall be counted
143 as present in person for determination of a quorum. A majority
144 of a quorum is required to approve any motion or matter before a
145 meeting of the members. Members voting by Internet-based online
146 voting, mail, or limited proxy may ~~shall~~ not be counted on any
147 matter raised at a meeting which was not specifically listed and
148 identified on the Internet-based online voting ballot, mail
149 ballot, or proxy. If less than a quorum is present at any
150 meeting, a majority of those present in person may adjourn the
151 meeting from time to time without further notice. The bylaws may
152 prescribe the conditions under which Internet-based online
153 voting may be exercised.

154 Section 3. Present subsections (4), (5), and (6) of section
155 425.10, Florida Statutes, are redesignated as subsections (5),
156 (6), and (7), respectively, a new subsection (4) is added to



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157 that section, and subsection (1) of that section is amended, to
158 read:

159 425.10 Board of trustees.—

160 (1) The business and affairs of a cooperative shall be
161 managed by a board of not less than five trustees, each of whom
162 shall be a member of the cooperative or of another cooperative
163 which shall be a member thereof. The bylaws shall prescribe the
164 number of trustees, their qualifications, other than those
165 provided for in this chapter, the manner of holding meetings of
166 the board of trustees and of the election of successors to
167 trustees who shall resign, die, or otherwise be incapable of
168 acting. Effective October 1, 2027, the bylaws must prescribe a
169 process by which members may nominate one or more individuals
170 for any election as a trustee or a successor to a trustee, a
171 process by which the board of trustees may certify that a
172 nominee meets the qualifications for a trustee or a successor to
173 a trustee as set forth in the bylaws and this chapter, and a
174 process by which a nominee who is not certified by the board of
175 trustees may challenge the noncertification decision. The bylaws
176 may also provide for the removal of trustees from office and for
177 the election of their successors. Without approval of the
178 members, trustees shall not receive any salaries for their
179 services as trustees and, except in emergencies, may ~~shall~~ not
180 be employed by the cooperative in any capacity involving
181 compensation. The bylaws may, however, provide that a fixed fee
182 and expenses of attendance, if any, may be allowed to each
183 trustee for attendance at each meeting of the board of trustees
184 and that such may be allowed for the performance of other
185 cooperative business, provided it has prior approval of the



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186 board of trustees.

187 (4) (a) For each meeting of members at which an election for
188 trustees or successors to trustees is to be conducted, a
189 cooperative shall appoint one or more inspectors to carry out
190 the duties under paragraph (b). Each inspector shall faithfully
191 execute the duties under paragraph (b) with strict impartiality
192 and according to the best of his or her ability. An inspector
193 may be an officer or employee of the cooperative.

194 (b) An inspector shall:

195 1. Determine the number of votes represented at the
196 meeting, whether in person, electronically, or by proxy.

197 2. Determine the validity of mail-in ballots and proxy
198 appointments and ballots.

199 3. Count the votes.

200 4. Make a written report of the results.

201

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

203 And the title is amended as follows:

204 Delete lines 323 - 375

205 and insert:

206 F.S.; defining terms; prohibiting a municipal utility
207 from declining to extend service to properties outside
208 its corporate limits under certain circumstances;
209 providing an exception; requiring a municipal utility
210 to expand its service to an owner who makes such a
211 request under certain circumstances, subject to the
212 utility's service requirements; requiring the
213 municipal utility to make a determination within a
214 specified timeframe and provide such determination to



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215 the owner in writing; requiring the municipal utility
216 to provide the owner with specified information and to
217 connect properties in a timely manner; authorizing a
218 municipal utility to establish minimum application
219 filing requirements; authorizing owners to bring a
220 civil action to enforce the act; authorizing a
221 prevailing owner to collect certain fees and costs;
222 requiring the court to order the utility to connect a
223 prevailing owner's property; providing construction;
224 amending s. 425.09, F.S.; authorizing notices for
225 rural electrical cooperative board of trustees
226 meetings to be delivered by e-mail; revising notice
227 requirements for meetings during which elections will
228 occur; requiring the board of trustees, beginning on a
229 specified date, to annually prepare a list of
230 cooperative members and to make the list available for
231 certain inspection; authorizing the board of trustees
232 to require a nominee to agree to restrictions on the
233 use or disclosure of such list; providing that such
234 restriction may not impair the nominee from using the
235 list for a specified purpose; authorizing electronic
236 voting; amending s. 425.10, F.S.; requiring that the
237 bylaws of rural electrical cooperatives include
238 specified provisions relating to the nomination of
239 members for election to the board of trustees;
240 requiring the appointment of inspectors; providing
241 duties of inspectors; providing an effective