

By the Committee on Regulated Industries; and Senator Mayfield

580-02458-26

20261014c1

A bill to be entitled

An act relating to the provision of municipal utility service to owners outside the municipal limits; amending s. 180.19, F.S.; defining terms; prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; authorizing a municipal utility to establish minimum application filing requirements; authorizing owners to bring a civil action to enforce the act; authorizing a prevailing owner to collect certain fees and costs; requiring the court to order the utility to connect a prevailing owner's property; providing construction; providing an effective date.

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

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

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

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

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30       1. "Controlling municipality" means a municipality  
31 operating a utility pursuant to subsection (1) or a municipality  
32 that has granted a utility a privilege or franchise pursuant to  
33 subsection (2).

34       2. "Main line" means a pipe or conduit that transports  
35 wastewater from, or transports potable water to, lateral lines  
36 serving multiple properties. The term does not include lateral  
37 lines, service connections, customer-owned plumbing or piping  
38 located on private property, or any pipe or conduit serving only  
39 a single property.

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

42       4. "Owner" means a property owner or association of  
43 property owners.

44       5. "Property" means lots or lands, or, in the case of an  
45 association of property owners, the contiguous group of lots or  
46 lands under the association of property owners.

47       6. "Sufficient capacity" means a water or sewer utility  
48 having, as applicable, the infrastructure, water supply, and  
49 managerial and financial ability to reliably meet current and  
50 reasonably anticipated future water demands and treat wastewater  
51 flows while maintaining compliance with applicable state and  
52 federal drinking water and wastewater standards and  
53 requirements.

54       (b) A municipal utility may not decline to extend service  
55 to property outside of its corporate limits on the sole basis  
56 that the owner refuses to assent or otherwise consent to such  
57 property being annexed by that municipal utility's controlling  
58 municipality.

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59        (c) Upon application for service by an owner, a municipal  
60 utility must expand its service territory to allow an owner  
61 whose property is located outside of the municipal utility's  
62 service territory to connect to the municipal utility if:

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

65            2. The municipal utility has sufficient capacity to serve  
66 the property's anticipated water or wastewater load, as  
67 applicable; or

68            3. The property is within one-half mile of a main line of  
69 the municipal utility, measured by the closest property boundary  
70 line from such main line.

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

73            1. Within 90 days after receiving the application,  
74 determine whether it has sufficient capacity to provide service  
75 to the given property. Such determination may account for any  
76 anticipated development on such property. The municipal utility  
77 must provide, in writing, the owner with its determination and  
78 the reasons for such determination.

79            2. If the municipal utility has sufficient capacity to  
80 serve the property, it must provide the owner with the  
81 anticipated fees, charges, contributions, and any other  
82 requirements to connect the property to the municipal utility  
83 under its existing fee, charge, and contribution structure.

84            3. Upon satisfaction of the requirements set forth by the  
85 municipal utility pursuant to subparagraph 2., the municipal  
86 utility shall connect the property to its system in a timely  
87 manner.

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88       (e) A municipal utility may establish reasonable minimum  
89 filing requirements for an application submitted pursuant to  
90 paragraph (c), including:

91       1. A reasonable estimate of the anticipated water and  
92 wastewater load for the property, including accounting for any  
93 anticipated development on such property;

94       2. The nature of any anticipated development on such  
95 property; and

96       3. An application fee to cover the reasonable costs  
97 associated with conducting the capacity determination and  
98 assessing anticipated fees, charges, contributions, and other  
99 requirements, pursuant to subparagraphs (d)1. and 2.

100       (f) If a municipal utility does not allow an owner to  
101 connect to such utility in violation of this subsection, the  
102 owner may bring a civil action to enforce this subsection in any  
103 court of competent jurisdiction. If the owner prevails in such  
104 enforcement action:

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

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

109       (g) This subsection may not be construed to prevent a  
110 municipal utility from collecting any rate, fee, charge, or  
111 contribution authorized under law, including those authorized  
112 pursuant to s. 180.191.

113       Section 2. This act shall take effect July 1, 2026.