

By the Committees on Community Affairs; and Regulated Industries; and Senator Mayfield

578-02729-26

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1 A bill to be entitled  
2 An act relating to the provision of municipal utility  
3 service to owners outside the municipal limits;  
4 amending s. 180.19, F.S.; defining terms; prohibiting  
5 a municipal utility from declining to extend service  
6 to properties outside its corporate limits under  
7 certain circumstances; providing an exception;  
8 requiring a municipal utility to expand its service to  
9 an owner who makes such a request under certain  
10 circumstances; requiring the municipal utility to make  
11 a determination within a specified timeframe and  
12 provide such determination to the owner in writing;  
13 requiring the municipal utility to provide the owner  
14 with specified information and to connect properties  
15 in a timely manner; authorizing a municipal utility to  
16 establish minimum application filing requirements;  
17 authorizing owners to bring a civil action to enforce  
18 the act; authorizing a prevailing owner to collect  
19 certain fees and costs; requiring the court to order  
20 the utility to connect a prevailing owner's property;  
21 providing construction; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsection (3) is added to section 180.19,  
26 Florida Statutes, to read:

27 180.19 Use by other municipalities and by individuals  
28 outside corporate limits.—

29 (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 residential property owner, an  
43 association of residential property owners, or a developer of  
44 property to be used for residential purposes, including  
45 supporting amenities.

46 5. "Property" means lots or lands, or, in the case of an  
47 association of residential property owners, the contiguous group  
48 of lots or lands under the association of residential property  
49 owners.

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

57 (b) A municipal utility may not decline to extend service  
58 to property outside of its corporate limits on the sole basis

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59 that the owner refuses to assent or otherwise consent to such  
60 property being annexed by that municipal utility's controlling  
61 municipality, unless the property is subject to an annexation  
62 agreement or developer agreement on or before July 1, 2026.

63 (c) Upon application for service by an owner, a municipal  
64 utility must expand its service territory to allow an owner  
65 whose property is located outside of the municipal utility's  
66 existing service territory to connect to the municipal utility  
67 if:

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

70 2. The municipal utility has sufficient capacity to serve  
71 the property's anticipated water or wastewater load, as  
72 applicable; and

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

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

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

84 2. If the municipal utility has sufficient capacity to  
85 serve the property, it must provide the owner with the  
86 anticipated fees, charges, contributions, and any other  
87 requirements to connect the property to the municipal utility

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88 under its existing fee, charge, and contribution structure.

89 3. Upon satisfaction of the requirements set forth by the  
90 municipal utility pursuant to subparagraph 2., the municipal  
91 utility shall connect the property to its system in a timely  
92 manner.

93 (e) A municipal utility may establish reasonable minimum  
94 filing requirements for an application submitted pursuant to  
95 paragraph (c), including:

96 1. A reasonable estimate of the anticipated water and  
97 wastewater load for the property, including accounting for any  
98 anticipated development on such property;

99 2. The nature of any anticipated development on such  
100 property; and

101 3. An application fee to cover the reasonable costs  
102 associated with conducting the capacity determination and  
103 assessing anticipated fees, charges, contributions, and other  
104 requirements, pursuant to subparagraphs (d)1. and 2.

105 (f) If a municipal utility does not allow an owner to  
106 connect to such utility in violation of this subsection, the  
107 owner may bring a civil action to enforce this subsection in any  
108 court of competent jurisdiction. If the owner prevails in such  
109 enforcement action:

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

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

114 (g) This subsection may not be construed to prevent a  
115 municipal utility from collecting any rate, fee, charge, or  
116 contribution authorized under law, including those authorized

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117 pursuant to s. 180.191.

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