

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

595-02925-26

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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, subject to the utility's service
11 requirements; requiring the municipal utility to make
12 a determination within a specified timeframe and
13 provide such determination to the owner in writing;
14 requiring the municipal utility to provide the owner
15 with specified information and to connect properties
16 in a timely manner; authorizing a municipal utility to
17 establish minimum application filing requirements;
18 authorizing owners to bring a civil action to enforce
19 the act; authorizing a prevailing owner to collect
20 certain fees and costs; requiring the court to order
21 the utility to connect a prevailing owner's property;
22 providing construction; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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59 municipality, unless the property is subject to an annexation
60 agreement or developer agreement on or before July 1, 2026.

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

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

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

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

74 4. The property owner agrees to pay all fees associated
75 with connection, including fees for infrastructure required to
76 serve the property.

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

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

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

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88 the property to the municipal utility, under its existing fee,
89 charge, and contribution structure, including any proportionate
90 share of onsite, offsite, or systemwide improvements necessary
91 to serve the property.

92 3. Upon satisfaction of the requirements set forth by the
93 municipal utility pursuant to subparagraph 2., including full
94 payment of, or legally enforceable funding assurances for, all
95 required capital improvements, connect the property to its
96 system in a timely manner.

97 (e) A municipal utility may establish reasonable minimum
98 filing requirements for an application submitted pursuant to
99 paragraph (c), including:

100 1. A reasonable estimate of the anticipated water and
101 wastewater load for the property, including accounting for any
102 anticipated development on such property;

103 2. The nature of any anticipated development on such
104 property; and

105 3. An application fee to cover the reasonable costs
106 associated with conducting the capacity determination and
107 assessing anticipated fees, charges, contributions, and other
108 requirements, pursuant to subparagraphs (d)1. and 2.

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

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

116 2. The court shall order the municipal utility to connect

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117 to the owner's property in question.

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

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