

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 1075](#)

TITLE: Municipal Utility Connections

SPONSOR(S): Sirois and Oliver

COMPANION BILL: [CS/CS/CS/SB 1014](#) (Mayfield)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Economic Infrastructure](#)

14 Y, 1 N



[Intergovernmental Affairs](#)

8 Y, 3 N, As CS



[Commerce](#)

17 Y, 6 N, As CS

SUMMARY

Effect of the Bill:

The bill requires a municipality to extend utility service to other municipalities or property owners located outside its municipal boundaries if certain conditions are met. The bill requires the municipality to determine if sufficient capacity exists and provides the method for a requesting municipality or property owner to challenge that determination. The bill also requires a municipality that operates water or wastewater utility services in an economic development zone located outside of its municipal boundaries to enter into an interlocal agreement with a county in which it provides such service if certain conditions are met. The bill establishes limits on a municipality's ability to apply comprehensive plan amendments or land use regulations to wastewater utility infrastructure upgrade projects on property owned by another political subdivision.

The bill also revises provisions relating to rural electric cooperatives. Specifically, the bill:

- Allows notice of member meetings to be provided by e-mail, requires a longer notice period for meetings for electing trustees, and increases the required minimum quorum for member meetings.
- Requires each cooperative to address certain matters in its bylaws and appoint one or more inspectors to ensure accurate elections for trustees.
- Authorizes cooperatives to use an internet-based online voting system, provides requirements for the voting system, and allows members voting using such a system to count toward quorum in certain instances.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

Municipal Utility Services

The bill establishes requirements related to the provision of municipal utility services to municipalities or property owners outside the municipal boundaries.

The bill requires a municipality that operates utility services to allow another municipality or property owner outside its municipal boundaries to connect with or use its utility services if each of the following conditions is met:

- The utility system has sufficient system capacity¹ to serve the requested connection without materially impairing service to existing utility customers.

¹ "Capacity" in utility services refers to the maximum amount or volume of product (electricity, water, gas) that can be provided at a specific point in time under specific conditions. *See e.g.,* U.S. Energy Information Administration, *Electricity explained: Electricity generation, capacity, and sales in the United States*,

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- The property is not within the service territory of another water or wastewater utility, as applicable.
- The property is within one mile of a main line of the municipal utility, measured by the closest property boundary line from such main line.
- The requesting municipality or property owner agrees to pay all applicable [rates and charges authorized by law](#).² (Section [1](#))

The bill provides that where the conditions above are not met, another municipality or a property outside municipal boundaries may still connect to the utility subject to an [agreement](#). (Section [1](#))

The bill prohibits a municipality from declining to extend service to property outside of its municipal boundaries on the sole basis that the owner refuses to agree to the property's annexation by the municipality that controls the utility, unless, as of July 1, 2026, the property is subject to an annexation agreement or developer agreement or is located in an area subject to a joint planning agreement between the municipality and the applicable county.³ (Section [1](#))

The bill provides that a municipality must, within 30 days after receipt of a connection application from a municipality or property owner outside its municipal boundaries, make a written capacity determination. The determination must be based on generally accepted engineering standards and current system data. (Section [1](#))

The bill establishes certain requirements where the municipality denies a connection request. Specifically:

- If the connection request is denied due to lack of capacity, the denial must include specific engineering findings identifying the deficient components of the system.
- A requesting municipality or property owner denied connection with or use of utility services may appeal the capacity determination to the [circuit court](#) in the county in which the municipality or property is located. The court must review the determination de novo.⁴
- If the court finds that the municipality's denial was in violation of the provisions of the bill, the court must order the connection and award the prevailing party reasonable attorney fees and court costs, unless the municipality providing utility services demonstrates by clear and convincing evidence that the denial was based on a good faith, reasonable engineering determination of insufficient capacity. (Section [1](#))

The bill provides that a private company or corporation granted a privilege or franchise by a municipality to operate utility services may allow connection by another municipality or property owner by agreement. (Section [1](#))

The bill requires a municipality that operates water or wastewater utility services outside of its municipal boundaries to enter into an interlocal agreement⁵ with the county in which the municipality provides such services if all of the following conditions are met:

- The county has designated an area located outside such municipal boundaries but within the county as an economic development zone.⁶

<https://www.eia.gov/energyexplained/electricity/electricity-in-the-us-generation-capacity-and-sales.php> (last visited Feb. 17, 2026).

² The requesting municipality or property owner must agree to pay all rates and charges imposed by the municipal utility in accordance with [s. 180.191, F.S.](#)

³ [S. 163.3171, F.S.](#), authorizes a municipality to exercise its authority in unincorporated areas adjacent to incorporated municipalities if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas and on certain other matters.

⁴ "De novo," is a Latin term that means "anew," "from the beginning," or "afresh." A court that hears a case de novo decides the issues without reference to any conclusions or findings made by a lower or previous court. *See e.g.*, Cornell Law School, Legal Information Institute, *de novo*, https://www.law.cornell.edu/wex/de_novo (last visited Feb. 17, 2026).

⁵ [S. 163.01, F.S.](#), known as the "Florida Interlocal Cooperation Act of 1969," governs the ability of local governments to enter agreements with one another by which they may cooperate on a basis of mutual advantage to provide services and facilities in a manner that will accord best with the needs and development of local communities.

⁶ The bill does not define the term "economic development zone."

- The economic development zone is located entirely or partially within the municipal utility's service area.
- The economic development zone is geographically surrounded by unincorporated area of the county, except that a portion of the boundary of such zone may abut the municipal boundary of the municipality. (Section [1](#))

The bill requires that such an interlocal agreement must ensure, to the maximum extent practicable, the provision of safe, efficient, and sufficient services to meet current and forecasted needs of the economic development zone. The agreement must be executed by July 1, 2027, or within 12 months after the designation of the economic development zone, whichever occurs later and must, at a minimum:

- Define service and maintenance responsibilities for facilities and infrastructure required to provide such services, including all necessary supporting infrastructure.
- Establish and define responsibilities for capacity planning, infrastructure expansion, and cost allocation for the investments needed to provide such services.
- Provide timelines and permitting procedures to ensure the timely and reliable delivery of such services.
- Include procedures for amending the agreement and for dispute resolution to prevent unreasonable delay in the provision of such services. (Section [1](#))

The bill clarifies that it does not prohibit a municipality from imposing reasonable impact fees, connection fees, or infrastructure contributions necessary to fund system expansion required for a new connection. (Section [1](#))

Municipal Regulation of Wastewater Utility Infrastructure

The bill provides that a municipality may not apply a comprehensive plan amendment or a land use regulation, including, but not limited to, a land development regulation, setback requirement, lot size requirement, or use restriction, to a wastewater utility upgrade project⁷ proposed by another political subdivision that owns the property on which the infrastructure is located if all of the following conditions are met:

- The existing wastewater utility infrastructure⁸ is located within the municipal boundaries of the municipality applying the land use regulation.
- The land use regulation is more burdensome or restrictive than the regulations that applied at the time the infrastructure was originally installed and would prevent, hinder, obstruct, or increase the cost of the proposed wastewater utility upgrade project.
- The wastewater utility infrastructure is owned or operated by the political subdivision that owns the property or by a private entity operating under a wastewater facility privatization contract.⁹ (Section [2](#))

The bill provides that this prohibition does not apply to any property that does not have any wastewater utility infrastructure installed at the time the land use regulation is adopted by the municipality or to property that would be acquired or developed for wastewater utility purposes by another political subdivision as part of the proposed wastewater utility upgrade project. (Section [2](#))

Rural Electric Cooperatives

Notice Requirements

The bill authorizes rural electric cooperatives to provide notice of member meetings by electronic mail. For any meeting at which an election of [trustees](#) or of successors to trustees will be held, the bill requires the notice to be

⁷ The bill defines the term “wastewater utility upgrade project” to mean a project to improve the operation or efficiency or expand the capacity of existing wastewater utility infrastructure in a manner intended, in whole or in part, to prevent or reduce pollution.

⁸ The bill provides that the term “wastewater utility infrastructure” includes wastewater treatment plants, lift stations, vacuum stations, pump stations, and appurtenances.

⁹ A local government, on its own or together with one or more other local governments, is authorized by law to enter a privatization contract with private entities to provide utility services within its jurisdiction on its behalf. See Ch. 153, part III, and [s. 180.301, F.S.](#)

provided not less than 30 days nor more than 45 days before the date of the meeting and to state the name or names of those nominated and certified for such elections. (Section [3](#))

Membership List

The bill requires the board of trustees of a cooperative, by January 1, 2027, and annually thereafter, to prepare an updated list of the names of all members showing each member's name in alphabetical order and, if applicable, the voting district¹⁰ in which each member receives service. The board of trustees must make the list available upon request of any member of the cooperative. At each meeting of members, any member or the member's [proxy](#) is entitled to inspect the list at any time during the meeting or any adjournment. (Section [3](#))

Quorum

The bill increases the required [minimum quorum](#) to transact business at meetings of cooperative members. The bill provides that five percent of all members constitutes a quorum, except that ten percent of all members is required to constitute a quorum for any meeting at which an election of trustees is to be held. In addition to counting members that appear in person or vote by mail toward these quorum requirements, as allowed under current law, the bill allows members that vote electronically to be counted for determination of quorum. (Section [3](#))

Board of Trustees Elections

The bill requires a cooperative to address certain matters in its bylaws related to elections of trustees. Specifically, the bylaws must prescribe:

- A process by which members may nominate one or more individuals for election as a trustee or as a successor to a trustee.
- A process by which the board of trustees may certify that a nominee meets the qualifications for trustee set forth in Florida law and in the bylaws of the cooperative.
- A process by which a nominee who is not certified by the board may challenge the noncertification decision. (Section [4](#))

The bill requires a cooperative, for each meeting of members at which an election for trustees or successors to trustees is to be conducted, to appoint one or more [inspectors](#) to carry out certain duties related to the vote. An inspector may be an officer or an employee of the cooperative. The bill requires each inspector to faithfully execute the duties of inspector with strict impartiality and according to the best of the inspector's ability. The bill requires the inspector or inspectors to:

- Determine the number of votes represented at the meeting, whether in person, electronically, or by proxy;
- Determine the validity of proxy appointments and ballots, and of mail-in ballots;
- Count the votes; and
- Make a written report of the results. (Section [4](#))

Voting

The bill authorizes a cooperative to conduct elections electronically through an [internet-based online voting system](#) for any matter requiring a vote of members, provided that each member voting electronically consents to do so. In order to provide online voting, the cooperative must provide each member with:

- A method to authenticate the member's identity to the online voting system.
- A method to confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.
- A method that is consistent with the election and voting procedures in the cooperative's bylaws. (Section [5](#))

Additionally, the bill requires that an online voting system used by a cooperative must be able to:

- Authenticate the member's identity.

¹⁰ [Section 425.11, F.S.](#), provides circumstances and conditions under which a cooperative's service territory may be divided into two or more voting districts.

- Authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
- Transmit a receipt from the online voting system to each member who casts an electronic vote.
- Permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific member.¹¹
- Store and keep electronic ballots accessible for recount, inspection, and review purposes. (Section [5](#))

The bill provides that a member voting electronically must be counted as being in attendance at the meeting for purposes of determining a quorum but that when a quorum is established based on members voting electronically, no substantive vote of the members may be taken on any issue other than the issues specifically identified in the electronic vote. (Section [5](#))

The bill requires that online voting be approved by a resolution of the board of trustees of the cooperative and requires that notice of a meeting at which the board resolution will be considered must be given to each member in accordance with the notice requirements for member meetings. The bill also provides that if at least 25 percent of the members petition the board of trustees to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The resolution approving online voting must:

- Provide that members receive notice of the opportunity to vote through an online voting system;
- Establish reasonable procedures and deadlines for members to consent, electronically or in writing, to online voting; and
- Establish reasonable procedures and deadlines for members to opt out of online voting after giving consent. (Section [5](#))

The bill provides that a member's consent to online voting is valid until the member opts out of online voting pursuant to the procedures established by the board of trustees. (Section [5](#))

Effective Date

The bill provides an effective date of July 1, 2026. (Section [6](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Local Government Authority

Pursuant to s. 2(b), Art. VIII of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes, except when expressly prohibited by law.¹² The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act with certain exceptions.¹³ Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and even in other municipalities.

Municipal Utility Services

¹¹ This provision applies only if a cooperative's bylaws provide for secret ballots for the election of trustees.

¹² Section [166.021\(2\), F.S.](#), provides that any activity or power which may be exercised by the state or its political subdivisions is considered a municipal purpose.

¹³ Pursuant to [s. 166.021\(3\), F.S.](#), a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.

Many municipalities own and operate electric utilities and natural gas utilities and govern the operation of those utilities through ordinance, code, or policies. Currently, there are 35 municipal electric utilities in the state and 27 municipally owned natural gas utilities.¹⁴ Municipal electric and natural gas utility rates are not directly regulated by the Florida Public Service Commission (PSC), however, the PSC does have jurisdiction over municipal electric utilities for matters related to rate structure, power plant transmission line site certification, general reporting jurisdiction, service territory and territory disputes, energy efficiency reporting, ten-year site plans, reporting on system hardening and resiliency, reporting on net metering, audits related to regulatory assessment fees, monitoring renewable energy, reporting on facilities inspection and vegetation management, and ensuring a reliable, coordinated power grid.¹⁵ Many of these utilities provide service to customers located outside of the municipality's boundaries.¹⁶

Municipalities are authorized by general law to provide water and sewer utility services.¹⁷ With respect to public works projects, including water and sewer utility services,¹⁸ municipalities may extend and execute their corporate powers outside of their corporate limits as “desirable or necessary for the promotion of the public health, safety and welfare.”¹⁹ A municipality may not extend or apply these corporate powers within the corporate limits of another municipality.²⁰ In general, however, local governments may enter into mutually advantageous agreements to provide services or facilities to other localities.²¹ Further, the law specifically authorizes a municipality to negotiate [agreement to terms and conditions](#) upon which any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality may connect with its utility services.²² Municipal water and sewer utility systems are exempt from PSC jurisdiction.

Florida law authorizes a municipality that operates a water or sewer utility outside of its municipal boundaries to impose [higher rates, fees, and charges](#) on customers receiving service outside of its corporate boundaries compared those imposed on customers within its boundaries. The municipality can accomplish this in two ways:

- It may add a surcharge of up to 25 percent of the rates, fees, and charges imposed on customers within its boundaries. This mechanism does not require a public hearing.²³
- It may set separate rates, fees, and charges for customers outside its boundaries based on the same factors used to set rates for customers within its boundaries. It may then add a surcharge of up to 25 percent of these charges, provided that the total of all such rates, fees, and charges for service to customers outside its boundaries may not exceed the total charges to customers within its boundaries by more than 50 percent for corresponding service. Rates set in this manner require a public hearing at which all users served or to be served by the water or sewer utilities and all other interested persons will have an opportunity to be heard concerning the proposed rates.²⁴

¹⁴ Florida Public Service Commission (PSC), *Facts and Figures of the Florida Utility Industry (2025)*, at pages 1, 14, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf> (last visited Feb. 17, 2026).

¹⁵ Presentation on *Florida Public Power*, Florida Municipal Electric Association (Feb. 9, 2023), slide 3, available at <https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3226&Session=2023&DocumentType=Meeting+Packets&FileName=ecc+2-9-23.pdf> (last visited Feb. 17, 2026).

¹⁶ [S. 367.022\(2\), F.S.](#)

¹⁷ Pursuant to [s. 180.06, F.S.](#), a municipality may “provide water and alternative water supplies;” “provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;” and “construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works” to accomplish these purposes.

¹⁸ Other public works projects authorized under [s. 180.06, F.S.](#), include alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes, garbage collection and disposal, airports, hospitals, jails, golf courses, gas plants and distribution systems, and related facilities.

¹⁹ [S. 180.02\(2\), F.S.](#)

²⁰ *Id.*

²¹ See [s. 163.01, F.S.](#)

²² [S. 180.19, F.S.](#)

²³ [S. 180.191\(1\)\(a\), F.S.](#)

²⁴ [S. 180.191\(1\)\(b\), F.S.](#)

Trial Courts

The State Constitution establishes a two-tier system of trial courts granting distinct jurisdiction to county courts and to circuit courts.²⁵ County courts have limited jurisdiction set by statute and hear matters such as traffic offenses, landlord-tenant disputes, small claims cases up to \$8,000, misdemeanor criminal matters, local government ordinance violations, and monetary disputes up to \$50,000.²⁶ There are 67 county courts, one for each county in the state.²⁷ **Circuit courts**, meanwhile, have general jurisdiction to hear all matters not within the county courts' jurisdiction, including dissolution of marriage and other "family law" proceedings, felony criminal matters, juvenile delinquency and dependency proceedings, probate proceedings, guardianship matters, and monetary disputes over \$50,000.²⁸ There are 20 circuit courts in Florida, one for each judicial circuit.²⁹

Rural Electric Cooperatives

Rural electric cooperatives³⁰ are electric utilities that are owned by their members.³¹ These private companies are generally nonprofit, with their principal purpose being to deliver electrical service to their members. Rural electric cooperatives are mostly located in rural areas where, at least historically, the return on investment for building or installing electrical infrastructure was not enough to incentivize investor-owned utilities to provide service.³²

Rural electric cooperatives have their origin in the Rural Electrification Act of 1936 (REA),³³ signed by President Franklin D. Roosevelt as part of his "New Deal" policy.³⁴ At the time, about 90 percent of urban areas had electricity, while only ten percent of farms did.³⁵ The REA provided federal loans for the installation of electrical systems in rural areas, and empowered local farmers, residents, and businesses to join together to create their own electric utilities.³⁶ The first cooperative electric companies in Florida were incorporated in 1937.³⁷

As of 2025, there were eighteen rural electric cooperatives in Florida, operating in 57 of Florida's 67 counties and having a total membership of more than 2.7 million customers.³⁸ In Florida, as in most of the U.S., rural electric cooperatives serve a large percentage of geographic area but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land mass.³⁹

²⁵ Art. V, ss. 5 and 6, Fla. Const.

²⁶ Office of the State Courts Administrator, *Trial Courts – County*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-County> (last visited Feb. 17, 2026).

²⁷ *Id.*

²⁸ Office of the State Courts Administrator, *Trial Courts - Circuit*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-Circuit> (last visited Feb. 17, 2026).

²⁹ *Id.*

³⁰ The term "cooperative" is defined in [s. 425.02, F.S.](#), as "[c]ooperative, nonprofit, membership corporations" that are organized "for the purpose of supplying electric energy and promoting and extending the use thereof in rural areas."

³¹ The term "member" is defined in [s. 425.03, F.S.](#), and may include "any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic."

³² University of Wisconsin Center for Cooperatives, *Research on the Economic Impact of Cooperatives*, <https://reic.uwcc.wisc.edu/electric/> (last visited Feb. 17, 2026).

³³ The Rural Electrification Act of 1936, Pub. L. No. 74-432, 49 Stat. 1363, (May 20, 1936), codified at 7 U.S.C. §§ 901-18.

³⁴ Living New Deal, Jonathan Shipley, *A Light Went On: New Deal Rural Electrification Act*, Dec. 5, 2020, <https://livingnewdeal.org/a-light-went-on-new-deal-rural-electrification-act/> (last visited Feb. 17, 2026).

³⁵ *Id.*

³⁶ *Id.*; Florida Electric Cooperative Association (FECA), *Our History*, <https://feca.com/our-history/> (last visited Feb. 17, 2026).

³⁷ FECA, *Our History*, *supra* note 36.

³⁸ PSC, *Facts & Figures of the Florida Utility Industry 2025*, *supra* note 14 at p. 1; FECA, *Our History*, *supra* note 36.

³⁹ FECA, *Our History*, *supra* note 36.

In addition to providing electric service, cooperatives in Florida are authorized to own and operate water and sewer systems.⁴⁰ To promote economic development, a cooperative may provide any energy or nonenergy services to its membership.⁴¹

Cooperative Bylaws

Each rural electric cooperative is required to adopt bylaws that set forth the rights and duties of its members and trustees consistent with Florida law.⁴² The original bylaws of a cooperative are adopted by the board of trustees, but subsequent adoption, amendment, or repeal of bylaws requires a vote by the members of the cooperative.⁴³

Member Meetings

Each cooperative is required to hold an annual member meeting, at such time and place as provided in the bylaws.⁴⁴ Special meetings may be called by the board of trustees, by any three trustees, by not less than 10 percent of the members, or by the president of the cooperative.⁴⁵ At least 10 days before the meeting, but not less than 45 days before the meeting, a cooperative must provide written or printed notice, either personally or by mail, stating the time and place of each meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called.⁴⁶

One percent of all members of the cooperative, present in person, constitutes a [quorum](#) for the transaction of business at meetings, unless the bylaws prescribe a greater percentage for a quorum.⁴⁷ If the bylaws permit voting by proxy or by mail, members so voting are counted as present in person for determination of a quorum for the matters listed and identified on the mail ballot or proxy.⁴⁸

Member Votes

Any motion or matter before a meeting of the members must be approved by a majority of the quorum.⁴⁹ Each member is entitled to one vote on each matter submitted to a vote at a meeting, and a cooperative may permit voting in person, by mail through an absentee ballot, or by limited [proxy](#),⁵⁰ but a cooperative may not allow voting by general proxy.⁵¹

If a cooperative permits voting by limited proxy, a member must record his or her vote for or against the issue or issues specifically listed on the proxy.⁵² No person may vote as proxy for more than three members at any meeting of the members except as otherwise permitted in the bylaws.⁵³ Additionally, no limited proxy is valid for a period longer than 90 days after the date of the first meeting for which the proxy is given, and every proxy is revocable, at any time, at the pleasure of the member executing it.⁵⁴

Board of Trustees

⁴⁰ [S. 425.04\(4\), F.S.](#)

⁴¹ [S. 425.04\(17\), F.S.](#)

⁴² [S. 425.08, F.S.](#)

⁴³ *Id.*

⁴⁴ [S. 425.09\(2\)-\(4\), F.S.](#)

⁴⁵ [S. 425.09\(3\), F.S.](#)

⁴⁶ [S. 425.09\(5\), F.S.](#)

⁴⁷ [S. 425.09\(6\), F.S.](#)

⁴⁸ [S. 425.09\(6\), F.S.](#)

⁴⁹ [S. 425.09\(6\), F.S.](#)

⁵⁰ A limited proxy is one on which a member has recorded a vote for or against an issue or issues specifically listed on the proxy. [S. 425.09\(7\), F.S.](#) By contrast, a general proxy allows a proxy holder to vote however he or she sees fit on any matter that may be considered meeting. *See, e.g.,* Fla. Dep't of Prof. Regulation, *What is the difference between a general proxy and a limited proxy?*, updated Sep. 2, 2025, https://myfloridalicense.custhelp.com/app/answers/detail/a_id/2039/~/_/what-is-the-difference-between-a-general-proxy-and-a-limited-proxy%3F (last visited Feb. 17, 2026).

⁵¹ [S. 425.09\(6\)-\(7\), F.S.](#)

⁵² [S. 425.09\(7\), F.S.](#)

⁵³ *Id.*

⁵⁴ *Id.*

Each cooperative is governed by a board of not less than five [trustees](#) elected by the cooperative's membership.⁵⁵ A trustee must be a member of the cooperative, or of another cooperative that is a member of the cooperative, for which he or she serves as trustee.⁵⁶ The bylaws must prescribe the number of trustees and their qualifications, other than those provided for by law, as well as the manner of holding meetings of the board of trustees and of the election of trustees and their successors in the case of vacancies.⁵⁷

Each trustee holds office for the term for which he or she was elected until the next following annual meeting of the members or until their successors are elected and qualified.⁵⁸ At each annual meeting or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members must elect trustees to hold office until the next following annual meeting of the members, except as otherwise provided by law.⁵⁹ The bylaws may provide that, rather than electing the whole number of trustees annually, the trustees may be divided into three classes serving three-year terms, with the terms of one class expiring at each succeeding annual meeting.⁶⁰

Florida law also provides that the bylaws of a cooperative may divide the territory in which it supplies electric energy to its members into two or more voting districts.⁶¹ For each such district, the bylaws may provide that:

- A designated number of trustees must be elected by the members residing therein; or
- A designated number of delegates must be elected by such members; or
- Both such trustees and delegates must be elected by such members.⁶²

If a cooperative establishes such districts, the bylaws may prescribe the manner in which a voting district, its members, and any delegates and trustees elected therefrom shall function. The bylaws may also prescribe the powers of the delegates, which may include the power to elect trustees. No member at any voting district meeting and no delegate at any meeting may vote by proxy or by mail.⁶³

Online Voting Systems

In 2015, Florida law authorized condominium associations, cooperative property associations, and homeowners' associations to conduct elections and other membership votes through an [internet-based online voting system](#) if a member consents, electronically or in writing, to online voting.⁶⁴ In order to provide online voting, the association must provide each member with:

- A method to authenticate the member's identity to the online voting system.
- A method to confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.
- A method that is consistent with the election and voting procedures in the association's bylaws.⁶⁵

An online voting system used by such associations must be:

⁵⁵ [S. 425.10\(1\), F.S.](#); FECA, *Our History*, *supra* note 36.

⁵⁶ [S. 425.10\(1\), F.S.](#) Some rural electric cooperatives are comprised of member cooperatives rather than individual customers. For example, Seminole Electric Cooperative is a generation and transmission cooperative whose member organizations are retail distribution cooperatives. Seminole Elec. Coop., Inc., *About*, <https://www.seminole-electric.com/about/> (last visited Feb. 17, 2026).

⁵⁷ [S. 425.10\(1\), F.S.](#)

⁵⁸ [S. 425.10\(2\), F.S.](#)

⁵⁹ *Id.*

⁶⁰ [S. 425.10\(3\), F.S.](#)

⁶¹ [S. 425.11, F.S.](#)

⁶² *Id.*

⁶³ *Id.*

⁶⁴ [Ss. 718.128, 719.129, and 720.317\(1\), F.S.](#)

⁶⁵ [Ss. 718.128\(1\), 719.129\(1\), and 720.317\(1\)\(a\), F.S.](#) Condominium associations must also provide, for elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot. [S. 718.128\(1\)\(b\), F.S.](#)

- Able to authenticate the member’s identity.
- Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
- Able to transmit a receipt from the online voting system to each member who casts an electronic vote.
- Able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific member.⁶⁶
- Able to store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes.⁶⁷

Online voting offers benefits over in-person or mail-in voting, such as reduced costs, increased member participation, increased accuracy compared to paper votes, decreased meeting times, and improved efficiency in voting and inspections.⁶⁸ Some online voting system providers advertise as having products specifically designed to comply with Florida law to allow members in condominium, cooperatives, and homeowners' associations to cast their votes online.⁶⁹

Elections Inspectors

An [inspector of elections](#) serves as a manager or referee in public or private elections. In Florida election law, each polling place is managed by a board of inspectors, and ch. 101, F.S., prescribes certain duties of inspectors related to conducting the election, such as verifying voter identification and keeping a list of registered voters available for designated poll watchers.⁷⁰

Additionally, Florida law authorizes all private corporations, and requires some, to appoint one or more inspectors to act at a meeting of shareholders in connection with determining voting results.⁷¹ These inspectors must:

- Ascertain the number of shares outstanding and the voting power of each;
- Determine the shares represented at a meeting;
- Determine the validity of proxy appointments and ballots;
- Count the votes; and
- Make a written report of the results.⁷²

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 1523 - Utility Services	Busatta	Died in Senate

⁶⁶ This requirement applies to condominium associations and cooperative property associations for elections of the board of administration, and to a homeowners’ association if its bylaws provide for secret ballots for the election of directors.

⁶⁷ [Ss. 718.128\(2\), 719.129\(2\), and 720.317\(1\)\(b\), F.S.](#)

⁶⁸ Ben Solomon, Fla. Cmty. Ass’n Prof’ls, *Everything You Need to Know about Electronic (Online) Voting in Florida*, Oct. 2019, <https://www.fcagroup.com/flcaj/flcaj-articles/everything-you-need-to-know-about-electronic-online-voting-in-florida/> (last visited Feb. 17, 2026).

⁶⁹ See, e.g., eVoteMAX, <https://evotemax.com/> (last visited Feb. 17, 2026); CondoVoter, <https://www.condovoter.com/florida-homeowner-association-elections> (last visited Feb. 17, 2026).

⁷⁰ See [ss. 101.043, 101.23](#), and [101.71, F.S.](#)

⁷¹ [S. 607.0729\(1\), F.S.](#)

⁷² [S. 607.0729\(2\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	14 Y, 1 N	1/28/2026	Keating	Rubottom
Intergovernmental Affairs Subcommittee	8 Y, 3 N, As CS	2/12/2026	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Revised requirements for which properties must be allowed to connect to municipal utilities. Provided that a municipality may not require annexation as a condition of providing utility service to a property. Revised provisions relating to rural electric cooperatives' notice requirements, quorum, and electronic voting. 			
Commerce Committee	17 Y, 6 N, As CS	2/24/2026	Hamon	Rubottom
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Clarified that a municipality may not deny connection with or use of utility services on the sole basis that the property owner refuses to consent to the property being annexed by the municipality, subject to certain exceptions. Required a municipality that provides water or wastewater utility services to an economic development zone located outside its municipal boundaries to enter into an interlocal agreement with a county in which it provides such service under certain circumstances. Prohibited a municipality from applying certain regulations to a wastewater utility upgrade project under certain circumstances. Provided that 10 percent of the members of a rural electric cooperative constitutes a quorum for a meeting at which a trustee election is to be held. 			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
