

1                   A bill to be entitled  
2       An act relating to municipal utility connections;  
3       amending s. 180.19, F.S.; requiring municipalities  
4       that operate utility services to allow other  
5       municipalities and property owners outside its  
6       municipal boundaries to connect with and use its  
7       utility services under specified conditions; requiring  
8       municipalities to make certain determinations within a  
9       specified timeframe; providing for appeal of such  
10      determinations; providing for the award of attorney  
11      fees and court costs; providing that municipalities  
12      are not liable for such fees and costs under certain  
13      conditions; providing construction; providing an  
14      effective date.

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

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18       **Section 1.   Section 180.19, Florida Statutes, is amended to**  
19   **read:**

20       180.19   Use by other municipalities and by individuals  
21      outside corporate limits.—

22       (1) (a)   A municipality that operates utility services ~~which~~  
23      ~~constructs any works as are~~ authorized under ~~by~~ this chapter  
24      shall allow a, ~~may permit any other~~ municipality or property  
25      owner ~~and the owners or association of owners of lots or lands~~

26 outside of its municipal boundaries ~~corporate limits or within~~  
27 ~~the limits of any other municipality,~~ to connect with or use the  
28 utility services if:

29 1. The utility system has sufficient treatment,  
30 transmission, and distribution capacity to serve the requested  
31 connection without materially impairing service to existing  
32 utility customers; and

33 2. The requesting municipality or property owner agrees to  
34 pay all applicable rates, fees, and charges authorized under s.  
35 180.191.

36 (b) If the conditions in paragraph (a) are not met,  
37 connection with or use of the utility services are ~~utilities~~  
38 ~~mentioned in this chapter~~ upon such terms and conditions as may  
39 be agreed between the ~~such~~ municipalities or the municipality  
40 and the property owner, ~~and the owners or association of owners~~  
41 ~~of such outside lots or lands.~~

42 (2)(a) A municipality that operates utility services must  
43 make a written capacity determination within 30 days after  
44 receipt of a completed application for connection from a  
45 municipality or property owner under subsection (1). The  
46 determination must be based on generally accepted engineering  
47 standards and current system data. A denial of connection with  
48 or use of utility services due to a lack of capacity must  
49 include specific engineering findings identifying the deficient  
50 components of the system.

51        (b) A requesting municipality or property owner denied  
52 connection with or use of utility services may appeal the  
53 capacity determination to the circuit court in the county in  
54 which the municipality or property is located. The court must  
55 review the determination de novo.

56        (c) If the court finds that the municipality refused to  
57 allow the connection in violation of this subsection, the court  
58 must order the connection and award the prevailing party  
59 reasonable attorney fees and court costs to be paid by the  
60 municipality operating the utility services.

61        (d) The municipality operating the utility services is not  
62 liable for attorney fees or court costs under paragraph (c) if  
63 the municipality demonstrates by clear and convincing evidence  
64 that the denial was based on a good faith, reasonable  
65 engineering determination of insufficient capacity.

66        (3)-(2) Any private company or corporation organized to  
67 accomplish the purposes of set forth in this chapter that, which  
68 has been granted a privilege or franchise by a municipality to  
69 operate utility services, may allow a municipality or property  
70 owner ~~permit the owners or association of owners of lots or~~  
71 ~~lands~~ outside of the boundaries of the granting said  
72 ~~municipality granting said privilege or franchise, or other~~  
73 ~~municipality,~~ to connect with and use the utility services  
74 ~~operated by the said private company or corporation~~ upon such  
75 terms as may be agreed between the ~~said~~ private company or

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76 corporation and the ~~owners or association of owners of said lots~~  
77 ~~or lands or the said municipality~~ or property owner.

78 (4) This section does not prohibit a municipality from  
79 imposing reasonable impact fees, connection fees, or  
80 infrastructure contributions necessary to fund system expansion  
81 required for a new connection.

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