

1 A bill to be entitled
2 An act relating to utilities; amending s. 180.19,
3 F.S.; requiring municipalities that operate utility
4 services to allow other municipalities and property
5 owners outside its municipal boundaries to connect
6 with and use the utility services under specified
7 conditions; prohibiting municipalities that operate
8 utility services from denying requests by property
9 owners outside its municipal boundaries to connect
10 with or use the utility services based on specified
11 criteria; providing an exception; requiring
12 municipalities to make certain determinations within a
13 specified timeframe; providing for appeal of such
14 determinations; providing for the award of attorney
15 fees and court costs; providing that municipalities
16 are not liable for such fees and costs under certain
17 conditions; requiring municipalities that operate
18 water and wastewater utility services to negotiate
19 interlocal agreements with counties under specified
20 conditions; providing minimum requirements for such
21 agreements; establishing a deadline for executing such
22 agreements; providing construction; creating s.
23 166.0487, F.S.; defining the terms "wastewater utility
24 infrastructure" and "wastewater utility upgrade
25 project"; prohibiting municipalities from applying

26 | certain comprehensive plan amendments or land use
27 | regulations to wastewater utility upgrade projects
28 | under specified conditions; providing applicability;
29 | amending s. 425.09, F.S.; authorizing notices for
30 | rural electrical cooperative board of trustees
31 | meetings to be delivered by e-mail; revising notice
32 | requirements for meetings during which elections will
33 | occur; requiring the board of trustees, beginning on a
34 | specified date, to annually prepare a list of
35 | cooperative members and to make the list available for
36 | certain inspection; revising quorum requirements;
37 | authorizing electronic voting; amending s. 425.10,
38 | F.S.; requiring the bylaws of rural electrical
39 | cooperatives to include specified provisions relating
40 | to the nomination of members for election to the board
41 | of trustees; requiring the appointment of election
42 | inspectors; providing duties of election inspectors;
43 | creating s. 425.30, F.S.; authorizing rural electric
44 | cooperatives to conduct elections and membership votes
45 | through electronic voting under certain conditions;
46 | requiring members voting electronically to be counted
47 | for quorum purposes; prohibiting substantive votes
48 | when a quorum is based on the number of members voting
49 | electronically; requiring electronic voting to be
50 | authorized by a resolution of the board of trustees;

51 providing requirements for such resolutions; providing
 52 for members to consent to and opt out of electronic
 53 voting; providing applicability; providing for
 54 cooperative members to petition the board of trustees
 55 to adopt electronic voting; providing an effective
 56 date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

59
 60 **Section 1. Section 180.19, Florida Statutes, is amended to**
 61 **read:**

62 180.19 Use by other municipalities and by individuals
 63 outside corporate limits.—

64 (1) (a) A municipality that operates utility services ~~which~~
 65 ~~constructs any works as are~~ authorized under ~~by~~ this chapter
 66 shall allow a, ~~may permit any other~~ municipality or property
 67 owner ~~and the owners or association of owners of lots or lands~~
 68 outside of its municipal boundaries ~~corporate limits or within~~
 69 ~~the limits of any other municipality,~~ to connect with or use the
 70 utility services if:

71 1. The utility system has sufficient treatment,
 72 transmission, and distribution capacity to serve the requested
 73 connection without materially impairing service to existing
 74 utility customers;

75 2. The property is not within the service area of another

76 | water or wastewater utility, as applicable;

77 | 3. The property is within 1 mile of a main line of the
 78 | utility system, measured by the closest property boundary line
 79 | from the main line; and

80 | 4. The requesting municipality or property owner agrees to
 81 | pay all applicable rates, fees, and charges authorized under s.
 82 | 180.191.

83 | (b) If the conditions in paragraph (a) are not met,
 84 | connection with or use of the utility services are utilities
 85 | ~~mentioned in this chapter~~ upon such terms and conditions as may
 86 | be agreed between the such municipalities or the municipality
 87 | and the property owner, ~~and the owners or association of owners~~
 88 | ~~of such outside lots or lands.~~

89 | (c) A municipality that operates utility services may not
 90 | deny a request for connection with or use of utility services by
 91 | a property owner outside of its municipal boundaries on the sole
 92 | basis that the property owner refuses to assent or otherwise
 93 | consent to the property being annexed by the municipality,
 94 | unless, as of July 1, 2026, the property is subject to an
 95 | annexation agreement or developer agreement or is located in an
 96 | area subject to a joint planning agreement between the
 97 | municipality and the applicable county under s. 163.3171.

98 | (2) (a) A municipality that operates utility services must
 99 | make a written capacity determination within 30 days after
 100 | receipt of a completed application for connection from a

101 municipality or property owner under subsection (1). The
 102 determination must be based on generally accepted engineering
 103 standards and current system data. A denial of connection with
 104 or use of utility services due to a lack of capacity must
 105 include specific engineering findings identifying the deficient
 106 components of the system.

107 (b) A requesting municipality or property owner denied
 108 connection with or use of utility services may appeal the
 109 capacity determination to the circuit court in the county in
 110 which the municipality or property is located. The court must
 111 review the determination de novo.

112 (c) If the court finds that the municipality refused to
 113 allow the connection in violation of this subsection, the court
 114 must order the connection and award the prevailing party
 115 reasonable attorney fees and court costs to be paid by the
 116 municipality operating the utility services.

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

122 (3)-(2) Any private company or corporation organized to
 123 accomplish the purposes of ~~set forth in~~ this chapter ~~that,~~ which
 124 has been granted a privilege or franchise by a municipality to
 125 operate utility services, may allow a municipality or property

126 ~~owner permit the owners or association of owners of lots or~~
127 ~~lands~~ outside of the boundaries of the granting said
128 ~~municipality granting said privilege or franchise, or other~~
129 ~~municipality,~~ to connect with and use the utility services
130 ~~operated by the said private company or corporation~~ upon such
131 terms as may be agreed between the ~~said~~ private company or
132 corporation and the ~~owners or association of owners of said lots~~
133 ~~or lands or the said municipality or property owner.~~

134 (4) (a) A municipality that operates water or wastewater
135 utility services outside of its municipal boundaries must enter
136 into an interlocal agreement under s. 163.01 with the county in
137 which the municipality provides such services if all of the
138 following conditions are met:

139 1. The county has designated an area located outside such
140 municipal boundaries but within the county as an economic
141 development zone.

142 2. The economic development zone is located entirely or
143 partially within the municipal utility's service area.

144 3. The economic development zone is geographically
145 surrounded by unincorporated area of the county, except that a
146 portion of the boundary of such zone may abut the municipal
147 boundary of the municipality.

148 (b) The interlocal agreement must address the provision of
149 water and wastewater services to the entire economic development
150 zone to ensure, to the maximum extent practicable, the provision

151 of safe, efficient, and sufficient services to meet current and
152 forecasted needs of the economic development zone. The agreement
153 must, at a minimum:

154 1. Define service and maintenance responsibilities for
155 facilities and infrastructure required to provide such services,
156 including all necessary supporting infrastructure.

157 2. Establish and define responsibilities for capacity
158 planning, infrastructure expansion, and cost allocation for the
159 investments needed to provide such services.

160 3. Provide timelines and permitting procedures to ensure
161 the timely and reliable delivery of such services.

162 4. Include procedures for amending the agreement and for
163 dispute resolution to prevent unreasonable delay in the
164 provision of such services.

165 (c) The interlocal agreement must be executed by July 1,
166 2027, or within 12 months after the designation of the economic
167 development zone, whichever occurs later.

168 (d) An extension of utility services made pursuant to an
169 interlocal agreement under this subsection is not subject to any
170 other provision of this section related to the establishment of
171 a new agreement for the extension of services.

172 (5) This section does not prohibit a municipality from
173 imposing reasonable impact fees, connection fees, or
174 infrastructure contributions necessary to fund system expansion
175 required for a new connection.

176 **Section 2. Section 166.0487, Florida Statutes, is created**
177 **to read:**

178 166.0487 Limitation on municipal regulation of wastewater
179 utility infrastructure on property owned by another political
180 subdivision.-

181 (1) As used in this section:

182 (a) "Wastewater utility infrastructure" includes
183 wastewater treatment plants, lift stations, vacuum stations,
184 pump stations, and appurtenances.

185 (b) "Wastewater utility upgrade project" means a project
186 to improve the operation or efficiency or expand the capacity of
187 existing wastewater utility infrastructure in a manner intended,
188 in whole or in part, to prevent or reduce pollution.

189 (2) A municipality may not apply a comprehensive plan
190 amendment or a land use regulation, including, but not limited
191 to, a land development regulation, setback requirement, lot size
192 requirement, or use restriction, to a wastewater utility upgrade
193 project proposed by another political subdivision that owns the
194 property on which the infrastructure is located if all of the
195 following conditions are met:

196 (a) The existing wastewater utility infrastructure is
197 located within the municipal boundaries of the municipality
198 applying the land use regulation.

199 (b) The land use regulation is more burdensome or
200 restrictive than the regulations that applied at the time the

201 infrastructure was originally installed and would prevent,
202 hinder, obstruct, or increase the cost of the proposed
203 wastewater utility upgrade project.

204 (c) The wastewater utility infrastructure is owned or
205 operated by:

206 1. The political subdivision that owns the property;

207 2. A private firm operating under a wastewater facility
208 privatization contract as provided in part III of chapter 153;

209 or

210 3. A private company operating under a franchise granted
211 by a municipality as provided in chapter 180.

212 (3) The prohibition under subsection (2) does not apply to
213 any property that:

214 (a) Does not have any wastewater utility infrastructure
215 installed at the time the land use regulation is adopted by the
216 municipality.

217 (b) Would be acquired or developed for wastewater utility
218 purposes by another political subdivision as part of the
219 proposed wastewater utility upgrade project.

220 **Section 3. Subsections (6), (7), and (8) of section**
221 **425.09, Florida Statutes, are renumbered as subsections (7),**
222 **(8), and (9), respectively, subsection (5) and present**
223 **subsection (6) are amended, and a new subsection (6) is added to**
224 **that section, to read:**

225 425.09 Members.—

226 (5) Except as hereinafter otherwise provided, written or
227 printed notice stating the time and place of each meeting of
228 members, and in the case of a special meeting the purpose or
229 purposes for which the meeting is called, must ~~shall~~ be given to
230 each member, ~~either~~ personally, ~~or~~ by mail, or by e-mail, not
231 less than 10 days or ~~not~~ more than 45 days before the date of
232 the meeting. For any meeting at which an election of trustees or
233 successors to trustees will be held, the notice must be provided
234 not less than 30 days or more than 45 days before the date of
235 the meeting and must state the name or names of those nominated
236 and certified for the election as provided in this chapter.

237 (6) By January 1, 2027, and annually thereafter, the board
238 of trustees shall prepare an updated, alphabetical list of the
239 names of all members and, if applicable, the voting district
240 established under s. 425.11 in which each member receives
241 service. The board of trustees shall make the list available
242 upon request of any member of the cooperative. At each meeting
243 of members, any member or the member's proxy is entitled to
244 inspect the list at any time during the meeting or any
245 adjournment.

246 (7) ~~(6)~~ Effective January 1, 2027, 5 ~~One~~ percent of all
247 members, present in person, constitutes ~~shall constitute~~ a
248 quorum for the transaction of business at all meetings of the
249 members, except that a quorum shall be 10 percent of all members
250 present in person at any meeting at which an election of

251 trustees or successors to trustees will be held. ~~unless~~ The
252 bylaws may prescribe the presence of a greater percentage of the
253 members for a quorum. Notwithstanding the requirement that
254 members be present in person in order to be counted in
255 determining a quorum, the bylaws may permit voting by limited
256 proxy, ~~or~~ by mail, or electronically through an Internet-based
257 online voting system and members so voting shall be counted as
258 present in person for determination of a quorum. A majority of a
259 quorum is required to approve any motion or matter before a
260 meeting of the members. Members voting by mail, ~~or~~ limited
261 proxy, or electronically through an Internet-based online voting
262 system may ~~shall~~ not be counted on any matter raised at a
263 meeting that ~~which~~ was not specifically listed and identified on
264 the mail ballot, ~~or~~ proxy, or Internet-based online voting
265 system. If less than a quorum is present at any meeting, a
266 majority of those present in person may adjourn the meeting from
267 time to time without further notice.

268 **Section 4. Subsections (4), (5), and (6) of subsection (1)**
269 **of section 425.10, Florida Statutes, are renumbered as**
270 **subsections (5), (6), and (7), respectively, subsection (1) is**
271 **amended, and a new subsection (4) is added to that section, to**
272 **read:**

273 425.10 Board of trustees.—

274 (1) The business and affairs of a cooperative shall be
275 managed by a board of not less than five trustees, each of whom

276 shall be a member of the cooperative or of another cooperative
277 which shall be a member thereof. The bylaws shall prescribe the
278 number of trustees, their qualifications, other than those
279 provided for in this chapter, the manner of holding meetings of
280 the board of trustees and of the election of successors to
281 trustees who shall resign, die, or otherwise be incapable of
282 acting. The bylaws must prescribe a process by which members may
283 nominate one or more individuals for election as a trustee or a
284 successor to a trustee, a process by which the board of trustees
285 may certify that a nominee meets the qualifications for a
286 trustee or a successor to a trustee as set forth in the bylaws
287 and this chapter, and a process by which a nominee who is not
288 certified by the board of trustees may challenge the
289 noncertification decision. The bylaws may also provide for the
290 removal of trustees from office and for the election of their
291 successors. Without approval of the members, trustees shall not
292 receive any salaries for their services as trustees and, except
293 in emergencies, shall not be employed by the cooperative in any
294 capacity involving compensation. The bylaws may, however,
295 provide that a fixed fee and expenses of attendance, if any, may
296 be allowed to each trustee for attendance at each meeting of the
297 board of trustees and that such may be allowed for the
298 performance of other cooperative business, provided it has prior
299 approval of the board of trustees.

300 (4) (a) For each meeting of members at which an
 301 election for trustees or successors to trustees is to be
 302 conducted, a cooperative must appoint one or more
 303 inspectors to carry out the duties under paragraph (b).
 304 Each inspector must faithfully execute the duties under
 305 paragraph (b) with strict impartiality and according to the
 306 best of his or her ability. An inspector may be an officer
 307 or employee of the cooperative.

308 (b) An inspector must:

309 1. Determine the number of votes represented at the
 310 meeting, whether in person, electronically, or by proxy.

311 2. Determine the validity of mail-in ballots and
 312 proxy appointments and ballots.

313 3. Count the votes.

314 4. Make a written report of the results.

315 **Section 5. Section 425.31, Florida Statutes, is created to**
 316 **read:**

317 425.31 Electronic voting.—

318 (1) A cooperative may conduct elections and other
 319 membership votes through an Internet-based online voting system
 320 if a member consents, electronically or in writing, to online
 321 voting and if all of the following requirements are met:

322 (a) The cooperative provides each member with:

323 1. A method to authenticate the member's identity to the
 324 online voting system.

325 2. A method to confirm, at least 14 days before the voting
326 deadline, that the member's electronic device can successfully
327 communicate with the online voting system.

328 3. A method that is consistent with the election and
329 voting procedures provided in the cooperative's bylaws.

330 (b) The cooperative uses an online voting system that is:

331 1. Able to authenticate the member's identity.

332 2. Able to authenticate the validity of each electronic
333 vote to ensure that the vote is not altered in transit.

334 3. Able to transmit a receipt from the online voting
335 system to each member who casts an electronic vote.

336 4. Able to permanently separate any authentication or
337 identifying information from the electronic election ballot,
338 rendering it impossible to tie an election ballot to a specific
339 member. This subparagraph only applies if the cooperative's
340 bylaws provide for secret ballots for the election of trustees.

341 5. Able to store and keep electronic ballots accessible
342 for recount, inspection, and review purposes.

343 (2) A member voting electronically pursuant to this
344 section must be counted as being in attendance at the meeting
345 for purposes of determining a quorum. A substantive vote of the
346 members may not be taken on any issue other than the issues
347 specifically identified in the electronic vote when a quorum is
348 established based on members voting electronically pursuant to
349 this section.

350 (3) This section applies to a cooperative that provides
351 for and authorizes an online voting system pursuant to this
352 section by a resolution of the board of trustees. The resolution
353 must provide that members receive notice of the opportunity to
354 vote through an online voting system; establish reasonable
355 procedures and deadlines for members to consent, electronically
356 or in writing to online voting; and establish reasonable
357 procedures and deadlines for members to opt out of online voting
358 after giving consent. Written notice of a meeting at which the
359 resolution regarding online voting will be considered must be
360 given to each member in accordance with the notice requirements
361 for member meetings under s. 425.09.

362 (4) A member's consent to online voting is valid until the
363 member opts out of online voting pursuant to the procedures
364 established by the board of trustees under subsection (3).

365 (5) This section may apply to any matter that requires a
366 vote of the members.

367 (6) If at least 25 percent of the members of a cooperative
368 petition the board of trustees to adopt a resolution for
369 electronic voting for the next scheduled election, the board of
370 trustees must hold a meeting within 21 days after receipt of the
371 petition to adopt such resolution. The board of trustees must
372 receive the petition within 180 days after the date of the last
373 scheduled annual meeting.

374 **Section 6.** This act shall take effect July 1, 2026.