

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Busatta offered the following:

**Amendment to Amendment (253600) (with title amendment)**

Remove lines 5-153 of the amendment and insert:

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

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

(3) (a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, water, natural gas, or sewer utility service by a municipality to any other municipality or the owners or association of owners of lots or lands outside of its corporate

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14 limits or within the limits of any other municipality at retail  
15 must be in writing. Such agreement may not become effective  
16 before an appointed representative of the municipality that  
17 provides the service or intends to provide the service, in  
18 conjunction with the governing body of each municipality and  
19 unincorporated area served or to be served, has participated in  
20 a public meeting. Such meeting is not required to be a separate  
21 public meeting, but it must be held within each municipality and  
22 unincorporated area served or to be served for purposes of  
23 providing information and soliciting public input on:

24 1. The nature of the services to be provided or changes to  
25 the services being provided;

26 2. The rates, fees, and charges to be imposed for the  
27 services provided or intended to be provided, including any  
28 differential with the rates, fees, and charges imposed for the  
29 same services on customers located within the boundaries of the  
30 serving municipality, the basis for the differential, and the  
31 length of time that the differential is expected to exist;

32 3. The extent to which revenues generated from the  
33 provision of the services will be used to fund or finance  
34 nonutility government functions or services; and

35 4. Any other matter deemed relevant by the parties to the  
36 agreement.

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37 (b) Rates, fees, and charges imposed for water or sewer  
38 utility services provided pursuant to subsection (1) must comply  
39 with s. 180.191.

40 (c) A representative of each municipality that provides  
41 electric, water, natural gas, or sewer utility services pursuant  
42 to subsection (1), in conjunction with the governing body of  
43 each municipality and unincorporated area in which it provides  
44 services, shall annually conduct a public customer meeting. Such  
45 meeting is not required to be a separate public meeting, but  
46 must be held within each municipality and unincorporated area  
47 for purposes of soliciting public input on utility-related  
48 matters, including fees, rates, charges, and services.

49 (d) As used in this subsection, the term:

50 1. "Appointed representative" means an executive-level  
51 leadership employee of a municipality, or of such municipality's  
52 related and separate utility authority, board, or commission,  
53 specifically appointed by the governing body to serve as its  
54 representative for the purposes of this subsection.

55 2. "Governing body" means:

56 a. A governing body of a municipality in which services  
57 are provided or proposed to be extended; or

58 b. A board of county commissioners of a county in which  
59 services are provided or proposed to be extended, if services  
60 are provided or proposed to be extended in an unincorporated  
61 area within the county.

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62           **Section 2. Subsection (1) of section 180.191, Florida**  
63 **Statutes, is amended to read:**

64           180.191 Limitation on rates charged consumer outside city  
65 limits.—

66           (1) Any municipality within this ~~the~~ state operating a  
67 water or sewer utility outside of the boundaries of such  
68 municipality shall charge consumers outside the boundaries  
69 rates, fees, and charges determined in one of the following  
70 manners:

71           (a) It may charge the same rates, fees, and charges as  
72 consumers inside the municipal boundaries. ~~However, in addition~~  
73 ~~thereto, the municipality may add a surcharge of not more than~~  
74 ~~25 percent of such rates, fees, and charges to consumers outside~~  
75 ~~the boundaries.~~ Fixing of such rates, fees, and charges in this  
76 manner may ~~shall~~ not require a public hearing except as may be  
77 provided for service to consumers inside the municipality.

78           (b) It may charge rates, fees, and charges that are just  
79 and equitable and which are based on the same factors used in  
80 fixing the rates, fees, and charges for consumers inside the  
81 municipal boundaries. ~~In addition thereto, the municipality may~~  
82 ~~add a surcharge not to exceed 25 percent of such rates, fees,~~  
83 ~~and charges for said services to consumers outside the~~  
84 ~~boundaries. However, the total of all~~ Such rates, fees, and  
85 charges for the services to consumers outside the boundaries may  
86 ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates,

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87 fees, and charges ~~total amount~~ the municipality charges  
88 consumers served within the municipality for corresponding  
89 service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed  
90 until after a public hearing at which all of the users of the  
91 water or sewer systems; owners, tenants, or occupants of  
92 property served or to be served thereby; and all others  
93 interested shall have an opportunity to be heard concerning the  
94 proposed rates, fees, and charges. Any change or revision of  
95 such rates, fees, or charges may be made in the same manner as  
96 such rates, fees, or charges were originally established, but if  
97 such change or revision is to be made substantially pro rata as  
98 to all classes of service, both inside and outside the  
99 municipality, a ~~no~~ hearing or notice is not ~~shall~~ be required.

100 (c) In addition to the rates, fees, and charges authorized  
101 under this section, a municipality may continue to impose a  
102 surcharge on consumers outside the municipal boundaries if the  
103 surcharge was in effect before March 1, 2026, but only to the  
104 extent necessary to comply with the terms of bond covenants in  
105 effect as of July 1, 2024. Such surcharges must be phased out by  
106 July 1, 2029, or upon the retirement, expiration, or refinancing  
107 of the applicable debt obligation, whichever occurs earlier.

108 **Section 3. Effective July 1, 2026, section 180.192,**  
109 **Florida Statutes, is created to read:**

110 180.192 Reporting requirements related to municipal  
111 utility service.-

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112 (1) By January 1, 2027, and annually thereafter, each  
113 municipality that provides electric, water, natural gas, or  
114 sewer utility services outside of its municipal boundaries shall  
115 provide a report to the Florida Public Service Commission which  
116 identifies, for each type of utility service provided by the  
117 municipality:

118 (a) The number and percentage of customers that receive  
119 utility services provided by the municipality at a location  
120 outside the boundaries of the municipality;

121 (b) The volume and percentage of sales made to such  
122 customers, and the gross revenues generated from such sales;

123 (c) Whether the rates, fees, and charges imposed on  
124 customers that receive services at a location outside the  
125 municipality's boundaries are different than the rates, fees,  
126 and charges imposed on customers within the boundaries of the  
127 municipality, and, if so, the amount and percentage of the  
128 differential; and

129 (d) The percentage of revenues generated from the  
130 provision of utility services that were used to fund or finance  
131 nonutility government functions or services of the municipality,  
132 and the percentage of the municipality's nonutility budget that  
133 was funded by such revenues.  
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135 A municipality that fails to file the report required by this  
136 subsection is subject to the penalties provided in ss. 366.095  
137 and 367.161.

138 (2) By March 31, 2027, and annually thereafter, the  
139 commission shall compile the information provided pursuant to  
140 subsection (1) and submit a report containing that information  
141 to the Governor, the President of the Senate, and the Speaker of  
142 the House of Representatives.

143 (3) Notwithstanding s. 367.171, the commission shall have  
144 jurisdiction over all utilities identified in subsection (1) for  
145 the limited purpose of enforcing the requirements of this  
146 section. This section does not otherwise modify or extend the  
147 authority of the commission provided by law with respect to any  
148 municipal utility that is required to comply with subsection  
149 (1).

150 **Section 4.** (1) The subject of a regional utilities  
151 authority created by the Legislature through charter amendment  
152 after January 1, 2023, is expressly preempted to the state.

153 (2) This section shall take effect upon this act becoming  
154 a law.

155 **Section 5.** The Legislature finds and declares that this  
156 act fulfills an important state interest.

157 **Section 6.** Except as otherwise expressly provided in this  
158 act and except for this section, which shall take effect upon  
159 becoming a law, this act shall take effect July 1, 2027.

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**T I T L E   A M E N D M E N T**

Remove lines 159-198 of the amendment and insert:

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring that a new agreement, or an extension, renewal, or material amendment of an existing agreement, made by a municipal utility to certain entities to provide certain utility services at retail be in writing; requiring that certain public meetings be held as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; specifying requirements for such public meetings; requiring that rates, fees, and charges imposed for water or sewer utility services comply with specified provisions; requiring a representative from certain municipalities to annually conduct public customer meetings; providing requirements for such meetings; defining the terms "appointed representative" and "governing body"; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by

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185 municipal water and sewer utilities on consumers  
186 located outside the municipal boundaries; authorizing  
187 a municipality to continue to impose a surcharge on  
188 certain consumers for a specified purpose; requiring  
189 the phase-out of such surcharges by the earlier of a  
190 specified date or the retirement, expiration, or  
191 refinancing of the applicable debt obligation;  
192 creating s. 180.192, F.S.; requiring municipalities  
193 that provide specified utility services to report  
194 certain information by a specified date, and annually  
195 thereafter, to the Florida Public Service Commission;  
196 providing requirements for such information; providing  
197 penalties; requiring the commission to compile such  
198 information and submit a report by a specified date,  
199 and annually thereafter, to the Governor and the  
200 Legislature; authorizing commission jurisdiction over  
201 specified utilities; providing construction;  
202 preempting to the state the subject of a regional  
203 utilities authority; providing a declaration of an  
204 important state interest; providing effective dates.

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