

By Senator Mayfield

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A bill to be entitled
An act relating to the provision of municipal utility service to owners outside the municipal limits; amending s. 180.19, F.S.; defining terms; prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; providing minimum application filing requirements; authorizing owners to bring a civil action to enforce the act; authorizing a prevailing owner to collect certain fees and costs; requiring the court to order the utility to connect a prevailing owner's property; providing construction; providing an effective date.

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

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) As used in this subsection, the term:

1. "Controlling municipality" means a municipality

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operating a utility pursuant to subsection (1) or a municipality that has granted a utility a privilege or franchise pursuant to subsection (2).

2. "Facility" means:

a. A water treatment facility, a wastewater treatment facility, an intake station, a pumping station, a well, and other physical components of a water or wastewater system;

b. Pipes, tanks, pumps, or other facilities that transport water from a water source or treatment facility to the consumer; and

c. Pipes, conduits, and associated appurtenances that transport wastewater from the point of entry to a wastewater treatment facility.

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

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

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

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis

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that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality.

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

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

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

3. The property is within 2,000 meters of the municipal utility's facility, measured by the closest property boundary line from such facility.

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

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

2. If the municipal utility has sufficient capacity to serve the property, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

3. Upon satisfaction of the requirements set forth by the

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88 municipal utility pursuant to subparagraph 2., the municipal
89 utility shall connect the property to its system in a timely
90 manner.

91 (e) A municipal utility may establish reasonable minimum
92 filing requirements for an application submitted pursuant to
93 paragraph (c), including:

94 1. A reasonable estimate of the anticipated water and
95 wastewater load for the property, including accounting for any
96 anticipated development on such property;

97 2. The nature of any anticipated development on such
98 property; and

99 3. An application fee to cover the reasonable costs
100 associated with conducting the capacity determination and
101 assessing anticipated fees, charges, contributions, and other
102 requirements, pursuant to subparagraphs (d)1. and 2.

103 (f) If a municipal utility does not allow an owner to
104 connect with such utility in violation of this subsection, the
105 owner may bring a civil action to enforce this subsection in any
106 court of competent jurisdiction. If the owner prevails in such
107 enforcement action:

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

110 2. The court shall order the municipal utility to connect
111 to the owner's property in question.

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

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