

By Senator Mayfield

19-01658-26

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

33 2. "Facility" means: "Main Line" means a pipe or conduit which
collects wastewater from or transports drinking water to
various lateral lines that serve multiple properties.

34 a. A water treatment facility, a wastewater treatment
35 facility, an intake station, a pumping station, a well, and
36 other physical components of a water or wastewater system;
37 b. Pipes, tanks, pumps, or other facilities that transport
38 water from a water source or treatment facility to the consumer;
39 and

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

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

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

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

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

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

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59 that the owner refuses to assent or otherwise consent to such
60 property being annexed by that municipal utility's controlling
61 municipality, unless the owner is unable to obtain both water and
wastewater service from the municipality, the property is not within
an enclave as defined in section 171.031(5), or the property is not
subject to an annexation agreement, a development agreement which
requires annexation, or an interlocal agreement that requires the
property to be annexed.

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

66 1. The property is not within the service territory of
67 another water or wastewater utility, as applicable;
68 2. The municipal utility has sufficient capacity to serve
69 the property's anticipated water or wastewater load, as
70 applicable and it is financial feasible for the utility to provide
the service; or

71 3. The property is within 2,000 500 meters of a main water or
wastewater line of the municipal
72 utility's facility, measured by the closest property boundary
73 line from such facility.

74 4. The property is not subject to an annexation agreement or other
contractual arrangement requiring annexation.

75 5. The property is not located within an enclave as defined in s.
171.031(5).

76 6. The property would not be able to obtain both water and
wastewater service from the municipal utility.

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

79 1. Within 90 days after receiving the application,
80 determine whether it has sufficient capacity to provide service

81 to the given property and that is financially feasible to provide
82 the service. Such determination may account for any
83 anticipated development on such property. The municipal utility
84 must provide, in writing, the owner with its determination and
the reasons for such determination.

85 2. If the municipal utility has sufficient capacity to
86 serve the property and it is financially feasible to provide the
service, it must provide the owner with the
87 anticipated fees, charges, contributions, and any other
88 requirements to connect the property to the municipal utility
89 under its existing fee, charge, and contribution structure.

90 3. Upon satisfaction of the requirements set forth by the

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91 municipal utility pursuant to subparagraph 2., the municipal
92 utility shall connect the property to its system in a timely
93 manner.

94 (e) A municipal utility may establish reasonable minimum
95 filing requirements for an application submitted pursuant to
96 paragraph (c), including:

97 1. A reasonable estimate of the anticipated water and
98 wastewater load for the property, including accounting for any
99 anticipated development on such property;

100 2. The nature of any anticipated development on such
101 property; and

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

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

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

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

115 (g) This subsection may not be construed to prevent a
116 municipal utility from collecting any rate, fee, charge, or
117 contribution that is authorized under law on the effective date of
118 this Act, including those authorized
pursuant to s. 180.191.

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

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