

By Senator Gutman

314-1007-99

1                                   A bill to be entitled  
2           An act relating to state taxation; providing  
3           for a credit against residential electric  
4           utility bills; providing conditions with  
5           respect to the credit; providing legislative  
6           intent; providing an appropriation; providing  
7           an effective date.

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

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11           Section 1. (1) Each residential electric utility  
12 customer account of an "electric utility" as defined in  
13 section 366.02, Florida Statutes, receiving active,  
14 residential electric utility service on August 1, 1999, shall  
15 be provided a credit in the amount of \$50, payable from the  
16 General Revenue Fund, on the bill for the electric utility  
17 service account in August 1999. The method for awarding this  
18 credit shall be as follows:

19           (a) The Florida Public Service Commission shall direct  
20 each electric utility to provide the credit on the electric  
21 utility service accounts of all residential electric service  
22 customers eligible under this section, without exception. The  
23 commission shall develop appropriate language that describes  
24 the credit on the bill and notifies customers of the credit  
25 application procedure, making every effort to minimize, as  
26 much as possible, costs to the utilities. Credits must be  
27 reflected on the bills rendered by the utility starting on  
28 August 1, 1999, for the applicable customer accounts as they  
29 are subsequently billed according to the utility's standard  
30 billing cycles, and the credits must be applied to the bills  
31 up to the total amount owed each month for electric service.

1 If the amount of the bill for electric service is less than  
2 \$50, the remaining amount of the credit must be carried on the  
3 account and applied to that account in one or more subsequent  
4 months until the total credit has been depleted or until  
5 October 31, 1999. All credits that remain undistributed after  
6 that date, for any reason, must be accounted for by the  
7 utility and returned to the Comptroller no later than November  
8 15, 1999.

9       (b) Each electric utility in this state shall, by  
10 August 16, 1999, certify to the Florida Public Service  
11 Commission the total number of residential electric utility  
12 accounts active on August 1, 1999.

13       (c) Upon receiving the certification of the total  
14 number of active residential electric utility accounts from  
15 the utilities, the commission shall calculate the amount of  
16 funds necessary for each electric utility to carry out the  
17 requirements of this section by multiplying the number of  
18 residential accounts active on August 1, 1999, by \$50. The  
19 commission shall also calculate the amount of funds allowed  
20 for utility computer reprogramming costs to administer the  
21 credit by multiplying the number of residential accounts  
22 active on August 1, 1999, by 3 cents.

23       (d) The commission shall produce a list of the  
24 utilities which details the calculated amounts of funds  
25 necessary to provide the \$50 credits and reprogramming costs.  
26 The commission shall certify this list to the Comptroller, the  
27 President of the Senate, the Speaker of the House of  
28 Representatives, and the Governor by September 1, 1999. Upon  
29 any specific request of the Comptroller, the President of the  
30 Senate, the Speaker of the House of Representatives, or the  
31 Governor, the Public Service Commission shall audit the total

1 number of residential electric utility accounts as filed under  
2 paragraph (b).

3 (e) The Comptroller shall distribute funds to each  
4 individual electric utility, based on the list submitted by  
5 the commission, on or before September 20, 1999. The  
6 Comptroller shall make appropriate adjustments as funds are  
7 available to ensure that an equal amount is credited to each  
8 electric utility customer that is qualified to receive credit  
9 under this section.

10 (2) It is the intent of the Legislature that this  
11 one-time credit not require any increase or decrease in  
12 current utility rates as established at the effective date of  
13 this act. Before this credit is applied, amounts owed by each  
14 customer and gross receipts of electric utilities shall be  
15 calculated without regard to the existence of the credit, to  
16 ensure that the amounts due from each customer, including, but  
17 not limited to, rates, state and local taxes, franchise fees,  
18 and any other applicable charges, are not affected by the  
19 existence of this credit. Furthermore, gross receipts, for  
20 purposes of the gross receipts tax levied under section  
21 203.01, Florida Statutes, must not be affected by the  
22 existence of this credit.

23 Section 2. The sum of \$376 million is appropriated  
24 from the General Revenue Fund for fiscal year 1999-2000, to be  
25 used in carrying out the purposes of this act. If these funds  
26 are insufficient to carry out the provisions of this act, the  
27 Administration Commission may transfer sufficient additional  
28 funds from the Working Capital Fund.

29 Section 3. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Provides a one-time credit in the amount of \$50 against each residential electric utility account. Provides conditions to receiving the credit. Provides legislative intent. Provides an appropriation.