

1                                   A bill to be entitled  
 2       An act relating to the sale of electricity; amending s.  
 3       366.02, F.S.; revising the definition of the term "public  
 4       utility" to include specified separate legal entities  
 5       created pursuant to the Florida Interlocal Cooperation Act  
 6       of 1969; amending s. 366.11, F.S.; providing that  
 7       provisions regulating public utilities apply to the sale  
 8       of electricity by such separate legal entities; providing  
 9       an effective date.

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

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13           Section 1. Subsection (1) of section 366.02, Florida  
 14 Statutes, is amended to read:

15           366.02 Definitions.—As used in this chapter:

16           (1) "Public utility" means every person, corporation,  
 17 partnership, association, separate legal entity created pursuant  
 18 to s. 163.01(15), or other legal entity and their lessees,  
 19 trustees, or receivers supplying electricity or gas (natural,  
 20 manufactured, or similar gaseous substance) to or for the public  
 21 within this state; but the term "public utility" does not  
 22 include either a cooperative now or hereafter organized and  
 23 existing under the Rural Electric Cooperative Law of the state;  
 24 a municipality or any agency thereof; any dependent or  
 25 independent special natural gas district; any natural gas  
 26 transmission pipeline company making only sales or  
 27 transportation delivery of natural gas at wholesale and to  
 28 direct industrial consumers; any entity selling or arranging for

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29 sales of natural gas which neither owns nor operates natural gas  
30 transmission or distribution facilities within the state; or a  
31 person supplying liquefied petroleum gas, in either liquid or  
32 gaseous form, irrespective of the method of distribution or  
33 delivery, or owning or operating facilities beyond the outlet of  
34 a meter through which natural gas is supplied for compression  
35 and delivery into motor vehicle fuel tanks or other  
36 transportation containers, unless such person also supplies  
37 electricity or manufactured or natural gas.

38 Section 2. Subsection (1) of section 366.11, Florida  
39 Statutes, is amended to read:

40 366.11 Certain exemptions.—

41 (1) No provision of this chapter shall apply in any  
42 manner, other than as specified in ss. 366.04, 366.05(7) and  
43 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.85,  
44 and 366.91, to utilities owned and operated by municipalities,  
45 whether within or without any municipality, or by cooperatives  
46 organized and existing under the Rural Electric Cooperative Law  
47 of the state, or to the sale of electricity, manufactured gas,  
48 or natural gas at wholesale by any public utility to, and the  
49 purchase by, any municipality or cooperative under and pursuant  
50 to any contracts now in effect or which may be entered into in  
51 the future, when such municipality or cooperative is engaged in  
52 the sale and distribution of electricity or manufactured or  
53 natural gas, or to the rates provided for in such contracts;  
54 however, this chapter applies to the sale of electricity by any  
55 separate legal entity created pursuant to s. 163.01(15).

56 Section 3. This act shall take effect July 1, 2010.