

By Senator Negrón

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1 A bill to be entitled
2 An act relating to municipal electric utilities;
3 amending s. 366.02, F.S.; revising the definition of
4 the term "public utility" to include certain municipal
5 electric utilities for a specified minimum period;
6 amending s. 366.11, F.S.; providing that such
7 municipal electric utilities are not exempt from
8 specified provisions regulating public utilities;
9 providing that the Florida Public Service Commission
10 has the authority to enforce the provisions of the
11 act; providing rulemaking authority; providing an
12 effective date.

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

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

18 366.02 Definitions.—As used in this chapter:

19 (1) "Public utility" means every person, corporation,
20 partnership, association, or other legal entity and their
21 lessees, trustees, or receivers supplying electricity or gas
22 (natural, manufactured, or similar gaseous substance) to or for
23 the public within this state; but the term "public utility" does
24 not include ~~either~~ a cooperative now or hereafter organized and
25 existing under the Rural Electric Cooperative Law of the state;
26 a municipality or any agency thereof, except for a municipality
27 or agency thereof that is supplying electricity to or for the
28 public and serves more than 56 percent of its total retail
29 electric customers at physical addresses located outside its

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30 municipal boundaries, with less than 50 percent of the customers
 31 outside its municipal boundaries receiving service at physical
 32 addresses within the boundaries of another municipality pursuant
 33 to contract or agreement between the municipalities; any
 34 dependent or independent special natural gas district; any
 35 natural gas transmission pipeline company making only sales or
 36 transportation delivery of natural gas at wholesale and to
 37 direct industrial consumers; any entity selling or arranging for
 38 sales of natural gas which neither owns nor operates natural gas
 39 transmission or distribution facilities within the state; or a
 40 person supplying liquefied petroleum gas, in either liquid or
 41 gaseous form, irrespective of the method of distribution or
 42 delivery, or owning or operating facilities beyond the outlet of
 43 a meter through which natural gas is supplied for compression
 44 and delivery into motor vehicle fuel tanks or other
 45 transportation containers, unless such person also supplies
 46 electricity or manufactured or natural gas. A municipality or
 47 agency thereof that qualifies as a public utility under this
 48 subsection shall be treated as a public utility for a minimum of
 49 5 years.

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

52 366.11 Certain exemptions.—

53 (1) No provision of this chapter shall apply in any manner,
 54 other than as specified in ss. 366.04, 366.05(7) and (8),
 55 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.85, and
 56 366.91, to utilities owned and operated by municipalities,
 57 except those defined as public utilities pursuant to s.
 58 366.02(1), whether within or without any municipality, or by

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59 cooperatives organized and existing under the Rural Electric
60 Cooperative Law of the state, or to the sale of electricity,
61 manufactured gas, or natural gas at wholesale by any public
62 utility to, and the purchase by, any municipality or cooperative
63 under and pursuant to any contracts now in effect or which may
64 be entered into in the future, when such municipality or
65 cooperative is engaged in the sale and distribution of
66 electricity or manufactured or natural gas, or to the rates
67 provided for in such contracts.

68 Section 3. The Florida Public Service Commission shall have
69 jurisdiction to enforce the provisions of this act and is
70 authorized to adopt rules to implement this act.

71 Section 4. This act shall take effect upon becoming a law.