

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

12  
 13   Be It Enacted by the Legislature of the State of Florida:

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

17           366.02 Definitions.—As used in this chapter:

18           (1) "Public utility" means every person, corporation,  
 19           partnership, association, or other legal entity and their  
 20           lessees, trustees, or receivers supplying electricity or gas  
 21           (natural, manufactured, or similar gaseous substance) to or for  
 22           the public within this state; but the term "public utility" does  
 23           not include either a cooperative now or hereafter organized and  
 24           existing under the Rural Electric Cooperative Law of the state;  
 25           a municipality or any agency thereof, except for a municipality  
 26           or agency thereof that is supplying electricity to or for the  
 27           public and has less than 45 percent of its total retail electric  
 28           customers receiving service at physical addresses located within

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

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

47 366.11 Certain exemptions.—

48 (1) No provision of this chapter shall apply in any  
 49 manner, other than as specified in ss. 366.04, 366.05(7) and  
 50 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.85,  
 51 and 366.91, to utilities owned and operated by municipalities,  
 52 except those defined as public utilities pursuant to s.  
 53 366.02(1), whether within or without any municipality, or by  
 54 cooperatives organized and existing under the Rural Electric  
 55 Cooperative Law of the state, or to the sale of electricity,  
 56 manufactured gas, or natural gas at wholesale by any public

HB 725

2010

57 utility to, and the purchase by, any municipality or cooperative  
58 under and pursuant to any contracts now in effect or which may  
59 be entered into in the future, when such municipality or  
60 cooperative is engaged in the sale and distribution of  
61 electricity or manufactured or natural gas, or to the rates  
62 provided for in such contracts.

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

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