

By Senator Rodriguez

37-00059A-18

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1 A bill to be entitled
2 An act relating to private property rights; amending
3 s. 366.02, F.S.; exempting from the definition of
4 "public utility" property owners who own and operate a
5 renewable energy source device and who produce
6 renewable energy from that device and provide and sell
7 such renewable energy to users on that property, under
8 certain circumstances; providing an effective date.
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10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Subsection (1) of section 366.02, Florida
13 Statutes, is amended to read:

14 366.02 Definitions.—As used in this chapter:

15 (1) "Public utility" means every person, corporation,
16 partnership, association, or other legal entity and their
17 lessees, trustees, or receivers supplying electricity or gas
18 (natural, manufactured, or similar gaseous substance) to or for
19 the public within this state; ~~but~~ The term "public utility"
20 does not include either a cooperative now or hereafter organized
21 and existing under the Rural Electric Cooperative Law of the
22 state; a municipality or any agency thereof; a property owner
23 who owns and operates on that property a renewable energy source
24 device as defined in s. 193.624 with a capacity of up to 2.5
25 megawatts and who produces and provides or sells renewable
26 energy from that device to users located on the property; any
27 dependent or independent special natural gas district; any
28 natural gas transmission pipeline company making only sales or
29 transportation delivery of natural gas at wholesale and to

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

40 Section 2. This act shall take effect July 1, 2018.