

By Senator Torres

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1 A bill to be entitled
2 An act relating to utility construction contracting
3 services; creating s. 366.971, F.S.; defining terms;
4 prohibiting public utilities or electric utilities
5 from engaging in construction contracting services,
6 from providing affiliates or utility contractors with
7 certain products or services related to construction
8 contracting, and from using or allowing affiliates or
9 utility contractors to use certain identifying
10 information related to the utility to engage in
11 construction contracting services; prohibiting
12 affiliates and utility contractors from using certain
13 assets of public utilities or electric utilities to
14 engage in construction contracting services except
15 under certain circumstances; requiring affiliates and
16 utility contractors to maintain certain business
17 records separate and distinct from those of the public
18 utility or electric utility; providing construction;
19 providing an effective date.

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

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23 Section 1. Section 366.971, Florida Statutes, is created to
24 read:

25 366.971 Public utility or electric utility construction
26 contracting services prohibited; exception; penalty.-

27 (1) As used in this section, the term:

28 (a) "Affiliate or utility contractor" includes an
29 individual who provides construction contracting services and

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30 whose business is owned or controlled by, or under common
31 control with, a public utility or an electric utility that
32 provides regulated utility services in this state or any other
33 state.

34 (b) "Electric utility" has the same meaning as in s.
35 366.02(2).

36 (c) "Public utility" has the same meaning as in s.
37 366.02(1).

38 (2) A public utility or an electric utility may not do any
39 of the following:

40 (a) Engage in construction contracting services under
41 chapter 489.

42 (b) Provide an affiliate or a utility contractor with
43 bookkeeping, billing, mailing, financing, legal, or insurance
44 products or services that are related to construction
45 contracting, including service warranty or home warranty
46 products or services under chapter 634 or construction liens
47 under part I of chapter 713.

48 (c) Use, or allow an affiliate or a utility contractor to
49 use, the name, trade name, service mark, logo, or slogan of the
50 public utility or electric utility to engage in construction
51 contracting services.

52 (d) Engage in, or assist an affiliate or a utility
53 contractor in engaging in, construction contracting services in
54 a manner that subsidizes the activities of the public utility,
55 electric utility, affiliate, or utility contractor to the extent
56 of changing the rates or charges for the public utility's or
57 electric utility's regulated services above or below the rates
58 or charges that would be in effect if the public utility or

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59 electric utility were not engaged in or assisting any affiliate
60 or utility contractor in engaging in such activities.

61 (3) An affiliate or a utility contractor may not do any of
62 the following:

63 (a) Use a facility, an electronic processing or
64 communication mechanism, a public relations or marketing product
65 or service, a vehicle, a service tool, an instrument, an
66 employee, or any other public utility or electric utility asset,
67 the cost of which is recoverable in the regulated rate for
68 utility service, to engage in construction contracting services,
69 unless the public utility or electric utility is compensated for
70 the use of the asset at the utility's cost.

71 (b) Use or combine bookkeeping, billing, mailing,
72 financing, legal, or insurance products or services that are
73 procured or owned by a public utility or an electric utility for
74 any activity related to construction contracting.

75 (4) An affiliate or a utility contractor shall maintain its
76 accounts, bookkeeping, and records separate and distinct from
77 those of the public utility or electric utility.

78 (5) This section may not be construed to prohibit a public
79 utility or an electric utility from providing emergency
80 services, providing a service that is required by law, providing
81 a service that is exempt from construction contracting licensure
82 under s. 489.103(5), or providing a program pursuant to an
83 existing tariff, rule, or order of the commission.

84 Section 2. This act shall take effect July 1, 2020.