

1                                   A bill to be entitled  
 2           An act relating to broadband Internet service  
 3           providers; amending s. 425.04, F.S.; authorizing rural  
 4           electric cooperatives to provide communications  
 5           services under certain circumstances for the purpose  
 6           of expanding broadband Internet service to unserved  
 7           areas of this state; providing an effective date.

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

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11           Section 1. Section 425.04, Florida Statutes, is amended,  
 12   to read:

13           425.04 Powers.—A cooperative shall have all of the  
 14   following powers ~~power~~:

15           (1) To sue and be sued, in its corporate name .~~†~~

16           (2) To have perpetual existence .~~†~~

17           (3) To adopt a corporate seal and alter the same at  
 18   pleasure .~~†~~

19           (4) To generate, manufacture, purchase, acquire,  
 20   accumulate and transmit electric energy, and to distribute,  
 21   sell, supply, and dispose of electric energy in rural areas to  
 22   its members, to governmental agencies and political  
 23   subdivisions, and to other persons not in excess of 10 percent  
 24   of the number of its members; to process, treat, sell, and  
 25   dispose of water and water rights; to purchase, construct, own

26 | and operate water systems; to own and operate sanitary sewer  
 27 | systems; and to supply water and sanitary sewer services.  
 28 | However, a ~~ne~~ cooperative may not ~~shall~~ distribute or sell any  
 29 | electricity, or electric energy to any person residing within  
 30 | any town, city or area in which the person is receiving adequate  
 31 | central station service or who at the time of commencing such  
 32 | service, or offer to serve, by a cooperative, is receiving  
 33 | adequate central station service from any utility agency,  
 34 | privately or municipally owned individual partnership or  
 35 | corporation.‡

36 |         (5) To make loans to persons to whom electric energy is or  
 37 | will be supplied by the cooperative for the purpose of, and  
 38 | otherwise to assist such person in, wiring their premises and  
 39 | installing therein electric and plumbing fixtures, appliances,  
 40 | apparatus and equipment of any and all kinds and character, and  
 41 | in connection therewith, to purchase, acquire, lease, sell,  
 42 | distribute, install and repair such electric and plumbing  
 43 | fixtures, appliances, apparatus and equipment, and to accept or  
 44 | otherwise acquire, and to sell, assign, transfer, endorse,  
 45 | pledge, hypothecate and otherwise dispose of notes, bonds and  
 46 | other evidences of indebtedness and any and all types of  
 47 | security therefor.‡

48 |         (6) To make loans to persons to whom electric energy is or  
 49 | will be supplied by the cooperative for the purpose of, and  
 50 | otherwise to assist such persons in, constructing, maintaining

51 and operating electric refrigeration plants.†

52 (7) To become a member in one or more other cooperatives  
53 or corporations or to own stock therein.†

54 (8) To construct, purchase, take, receive, lease as  
55 lessee, or otherwise acquire, and to own, hold, use, equip,  
56 maintain, and operate, and to sell, assign, transfer, convey,  
57 exchange, lease as lessor, mortgage, pledge, or otherwise  
58 dispose of or encumber, electric transmission and distribution  
59 lines or systems, electric generating plants, electric  
60 refrigeration plants, lands, buildings, structures, dams, plants  
61 and equipment, and any and all kinds and classes of real or  
62 personal property whatsoever, which shall be deemed necessary,  
63 convenient or appropriate to accomplish the purpose for which  
64 the cooperative is organized.†

65 (9) To purchase or otherwise acquire; to own, hold, use  
66 and exercise; and to sell, assign, transfer, convey, mortgage,  
67 pledge, hypothecate, or otherwise dispose of or encumber,  
68 franchises, rights, privileges, licenses, rights-of-way and  
69 easement.†

70 (10) To borrow money and otherwise contract indebtedness;  
71 to issue notes, bonds, and other evidences of indebtedness  
72 therefor; and to secure the payment thereof by mortgage, pledge,  
73 deed of trust, or any other encumbrance upon any or all of its  
74 then owned or after-acquired real or personal property, assets,  
75 franchises, revenues or income.†

76 (11) To construct, maintain, and operate electric  
 77 transmission and distribution lines along, upon, under and  
 78 across all public thoroughfares, including without limitation,  
 79 all roads, highways, streets, alleys, bridges and causeways, and  
 80 upon, under and across all publicly owned lands, subject,  
 81 however, to the requirements in respect of the use of such  
 82 thoroughfares and lands that are imposed by the respective  
 83 authorities having jurisdiction thereof upon corporations  
 84 constructing or operating electric transmission and distribution  
 85 lines or systems.~~‡~~

86 (12) To exercise the power of eminent domain in the manner  
 87 provided by the laws of this state for the exercise of that  
 88 power by corporations constructing or operating electric  
 89 transmission and distribution lines or systems.~~‡~~

90 (13) To provide communications services, as defined in s.  
 91 350.81(1), notwithstanding any other provision of law, if the  
 92 cooperative provides broadband service directly or in  
 93 partnership with a third party or receives broadband grant  
 94 funding pursuant to s. 288.9962 or from any other federal or  
 95 state program offering grants to expand broadband Internet  
 96 service to unserved areas of this state; however, all poles  
 97 owned by the cooperative are subject to regulation under s.  
 98 366.04(8) on the same basis as if such cooperative were a public  
 99 utility.

100 (14) To conduct its business and exercise any or all of

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101 its powers within or without this state.‡  
102 ~~(15)~~~~(14)~~ To adopt, amend, and repeal bylaws.~~‡~~ and  
103 ~~(16)~~~~(15)~~ To do and perform any and all other acts and  
104 things, and to have and exercise any and all other powers which  
105 may be necessary, convenient or appropriate to accomplish the  
106 purpose for which the cooperative is organized.  
107 (17) To promote economic development by providing, an  
108 ~~electric cooperative may provide~~ any energy or nonenergy  
109 services to its membership.  
110 Section 2. This act shall take effect July 1, 2023.