



26 subsidiary or any other entity under common control with the  
 27 cooperative.

28 (b) "Cooperative" means a rural electric cooperative  
 29 established pursuant to chapter 425.

30 (c) "Engages in the provision of broadband" means an  
 31 entity that:

32 1. Provides broadband service directly, through an  
 33 affiliate, or pursuant to an agreement with a third party; or

34 2. Accepts broadband grant funding pursuant to s. 288.9962  
 35 or from any other federal or state program offering grants to  
 36 expand broadband Internet service to unserved areas of this  
 37 state.

38 (2) If a cooperative engages in the provision of  
 39 broadband:

40 (a) All poles owned by the cooperative are subject to  
 41 regulation under s. 366.04(8) on the same basis as if such  
 42 cooperative were a public utility under that subsection; and

43 (b) The commission may access the books and records of  
 44 such cooperative to the limited extent necessary to perform its  
 45 functions and to exercise its authority under ss. 366.04(8) and  
 46 366.97(4). Upon request of the cooperative, any records the  
 47 commission receives under this paragraph which are proprietary  
 48 confidential business information under s. 364.183 or s. 366.093  
 49 shall retain their status as confidential or exempt from  
 50 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State

51 Constitution.

52 (3) This section may not be construed to impair the  
 53 contract rights of a party to a valid pole attachment agreement  
 54 in existence before July 1, 2023.

55 Section 2. Section 425.04, Florida Statutes, is amended to  
 56 read:

57 425.04 Powers.—A cooperative shall have all of the  
 58 following powers ~~power~~:

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

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

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

63 (4) To generate, manufacture, purchase, acquire,  
 64 accumulate and transmit electric energy, and to distribute,  
 65 sell, supply, and dispose of electric energy in rural areas to  
 66 its members, to governmental agencies and political  
 67 subdivisions, and to other persons not in excess of 10 percent  
 68 of the number of its members; to process, treat, sell, and  
 69 dispose of water and water rights; to purchase, construct, own  
 70 and operate water systems; to own and operate sanitary sewer  
 71 systems; and to supply water and sanitary sewer services.

72 However, a ~~ne~~ cooperative may not ~~shall~~ distribute or sell any  
 73 electricity~~†~~ or electric energy to any person residing within  
 74 any town, city, or area in which the person is receiving  
 75 adequate central station service or who at the time of

76 | commencing such service, or offer to serve, by a cooperative, is  
 77 | receiving adequate central station service from any utility  
 78 | agency, privately or municipally owned individual partnership or  
 79 | corporation.†

80 |         (5) To make loans to persons to whom electric energy is or  
 81 | will be supplied by the cooperative for the purpose of, and  
 82 | otherwise to assist such person in, wiring their premises and  
 83 | installing therein electric and plumbing fixtures, appliances,  
 84 | apparatus and equipment of any and all kinds and character, and  
 85 | in connection therewith, to purchase, acquire, lease, sell,  
 86 | distribute, install and repair such electric and plumbing  
 87 | fixtures, appliances, apparatus and equipment, and to accept or  
 88 | otherwise acquire, and to sell, assign, transfer, endorse,  
 89 | pledge, hypothecate and otherwise dispose of notes, bonds and  
 90 | other evidences of indebtedness and any and all types of  
 91 | security therefor.†

92 |         (6) To make loans to persons to whom electric energy is or  
 93 | will be supplied by the cooperative for the purpose of, and  
 94 | otherwise to assist such persons in, constructing, maintaining  
 95 | and operating electric refrigeration plants.†

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

98 |         (8) To construct, purchase, take, receive, lease as  
 99 | lessee, or otherwise acquire, and to own, hold, use, equip,  
 100 | maintain, and operate, and to sell, assign, transfer, convey,

101 exchange, lease as lessor, mortgage, pledge, or otherwise  
 102 dispose of or encumber, electric transmission and distribution  
 103 lines or systems, electric generating plants, electric  
 104 refrigeration plants, lands, buildings, structures, dams, plants  
 105 and equipment, and any and all kinds and classes of real or  
 106 personal property whatsoever, which shall be deemed necessary,  
 107 convenient or appropriate to accomplish the purpose for which  
 108 the cooperative is organized.†

109 (9) To purchase or otherwise acquire; to own, hold, use  
 110 and exercise; and to sell, assign, transfer, convey, mortgage,  
 111 pledge, hypothecate, or otherwise dispose of or encumber,  
 112 franchises, rights, privileges, licenses, rights-of-way and  
 113 easement.†

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

120 (11) To construct, maintain, and operate electric  
 121 transmission and distribution lines along, upon, under and  
 122 across all public thoroughfares, including without limitation,  
 123 all roads, highways, streets, alleys, bridges and causeways, and  
 124 upon, under and across all publicly owned lands, subject,  
 125 however, to the requirements in respect of the use of such

126 | thoroughfares and lands that are imposed by the respective  
 127 | authorities having jurisdiction thereof upon corporations  
 128 | constructing or operating electric transmission and distribution  
 129 | lines or systems.~~†~~

130 |       (12) To exercise the power of eminent domain in the manner  
 131 | provided by the laws of this state for the exercise of that  
 132 | power by corporations constructing or operating electric  
 133 | transmission and distribution lines or systems.~~†~~

134 |       (13) To engage in the provision of broadband pursuant to  
 135 | s. 364.391.

136 |       (14) To conduct its business and exercise any or all of  
 137 | its powers within or without this state.~~†~~

138 |       ~~(15)-(14)~~ To adopt, amend, and repeal bylaws.~~†~~~~and~~

139 |       ~~(16)-(15)~~ To do and perform any and all other acts and  
 140 | things, and to have and exercise any and all other powers which  
 141 | may be necessary, convenient or appropriate to accomplish the  
 142 | purpose for which the cooperative is organized.

143 |       (17) To promote economic development by providing,~~an~~  
 144 | ~~electric cooperative may provide~~ any energy or nonenergy  
 145 | services to its membership.

146 |       Section 3. This act shall take effect July 1, 2023.