

By Senator Martin

33-01359-23

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1 A bill to be entitled
2 An act relating to municipal electric utilities;
3 amending s. 366.02, F.S.; revising the definition of
4 the term "public utility" to include a municipality
5 supplying electricity to any electric retail customer
6 receiving service at a physical address located
7 outside its corporate boundaries; amending s. 366.04,
8 F.S.; requiring certain municipalities to be treated
9 as public utilities for a specified timeframe;
10 requiring the Florida Public Service Commission to
11 adopt rules; amending s. 366.11, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

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

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17 Section 1. Subsection (8) of section 366.02, Florida
18 Statutes, is amended to read:

19 366.02 Definitions.—As used in this chapter:

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

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

44 Section 2. Subsection (10) is added to section 366.04,
45 Florida Statutes, to read:

46 366.04 Jurisdiction of commission.—

47 (10) A municipality or any agency thereof supplying
48 electricity to any electric retail customer receiving service at
49 a physical address located outside its corporate boundaries
50 qualifies as a public utility and shall be regulated under this
51 chapter for a minimum of 5 years. The commission shall adopt
52 rules to implement this subsection.

53 Section 3. Subsection (1) of section 366.11, Florida
54 Statutes, is amended to read:

55 366.11 Certain exemptions.—

56 (1) ~~No provision of~~ This chapter does not shall apply in
57 any manner, other than as specified in ss. 366.04, 366.05(7) and
58 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.83,

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59 and 366.91, to utilities owned and operated by municipalities,
60 except those defined as public utilities in s. 366.02 ~~whether~~
61 ~~within or without any municipality,~~ or by cooperatives organized
62 and existing under the Rural Electric Cooperative Law of the
63 state, or to the sale of electricity, manufactured gas, or
64 natural gas at wholesale by any public utility to, and the
65 purchase by, any municipality or cooperative under and pursuant
66 to any contracts now in effect or which may be entered into in
67 the future, when such municipality or cooperative is engaged in
68 the sale and distribution of electricity or manufactured or
69 natural gas, or to the rates provided for in such contracts.

70 Section 4. This act shall take effect July 1, 2023.