



658814

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2023	.	
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The Committee on Regulated Industries (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 364.391, Florida Statutes, is created to
read:

364.391 Rural electric cooperatives engaged in the
provision of broadband.—

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

(a) "Affiliate" means an entity related through a parent



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11 cooperative's controlling interest. The term includes a
12 subsidiary or any other entity under common control with the
13 cooperative.

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

16 (c) "Engages in the provision of broadband" means an entity
17 that:

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

20 2. Accepts broadband grant funding pursuant to s. 288.9962
21 or from any other federal or state program offering grants to
22 expand broadband Internet service to unserved areas of this
23 state.

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

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

28 (b) The commission may access the books and records of such
29 cooperative to the limited extent necessary to perform its
30 functions and to exercise its authority under ss. 366.04(8) and
31 366.97(4). Upon request of the cooperative, any records the
32 commission receives under this paragraph which are proprietary
33 confidential business information under s. 364.183 or s. 366.093
34 shall retain their status as confidential or exempt from
35 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State
36 Constitution.

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



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40 Section 2. Section 425.04, Florida Statutes, is amended to
41 read:

42 425.04 Powers.—A cooperative shall have all of the
43 following powers ~~power~~:

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

45 (2) To have perpetual existence.†

46 (3) To adopt a corporate seal and alter the same at
47 pleasure.†

48 (4) To generate, manufacture, purchase, acquire, accumulate
49 and transmit electric energy, and to distribute, sell, supply,
50 and dispose of electric energy in rural areas to its members, to
51 governmental agencies and political subdivisions, and to other
52 persons not in excess of 10 percent of the number of its
53 members; to process, treat, sell, and dispose of water and water
54 rights; to purchase, construct, own and operate water systems;
55 to own and operate sanitary sewer systems; and to supply water
56 and sanitary sewer services. However, a ~~no~~ cooperative may not
57 ~~shall~~ distribute or sell any electricity~~r~~ or electric energy to
58 any person residing within any town, city, or area in which the
59 person is receiving adequate central station service or who at
60 the time of commencing such service, or offer to serve, by a
61 cooperative, is receiving adequate central station service from
62 any utility agency, privately or municipally owned individual
63 partnership, or corporation.†

64 (5) To make loans to persons to whom electric energy is or
65 will be supplied by the cooperative for the purpose of, and
66 otherwise to assist such person in, wiring their premises and
67 installing therein electric and plumbing fixtures, appliances,
68 apparatus and equipment of any and all kinds and character, and



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69 in connection therewith, to purchase, acquire, lease, sell,
70 distribute, install and repair such electric and plumbing
71 fixtures, appliances, apparatus and equipment, and to accept or
72 otherwise acquire, and to sell, assign, transfer, endorse,
73 pledge, hypothecate and otherwise dispose of notes, bonds and
74 other evidences of indebtedness and any and all types of
75 security therefor.†

76 (6) To make loans to persons to whom electric energy is or
77 will be supplied by the cooperative for the purpose of, and
78 otherwise to assist such persons in, constructing, maintaining
79 and operating electric refrigeration plants.†

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

82 (8) To construct, purchase, take, receive, lease as lessee,
83 or otherwise acquire, and to own, hold, use, equip, maintain,
84 and operate, and to sell, assign, transfer, convey, exchange,
85 lease as lessor, mortgage, pledge, or otherwise dispose of or
86 encumber, electric transmission and distribution lines or
87 systems, electric generating plants, electric refrigeration
88 plants, lands, buildings, structures, dams, plants and
89 equipment, and any and all kinds and classes of real or personal
90 property whatsoever, which shall be deemed necessary, convenient
91 or appropriate to accomplish the purpose for which the
92 cooperative is organized.†

93 (9) To purchase or otherwise acquire; to own, hold, use and
94 exercise; and to sell, assign, transfer, convey, mortgage,
95 pledge, hypothecate, or otherwise dispose of or encumber,
96 franchises, rights, privileges, licenses, rights-of-way and
97 easement.†



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98 (10) To borrow money and otherwise contract indebtedness;
99 to issue notes, bonds, and other evidences of indebtedness
100 therefor; and to secure the payment thereof by mortgage, pledge,
101 deed of trust, or any other encumbrance upon any or all of its
102 then owned or after-acquired real or personal property, assets,
103 franchises, revenues or income.~~†~~

104 (11) To construct, maintain, and operate electric
105 transmission and distribution lines along, upon, under and
106 across all public thoroughfares, including without limitation,
107 all roads, highways, streets, alleys, bridges and causeways, and
108 upon, under and across all publicly owned lands, subject,
109 however, to the requirements in respect of the use of such
110 thoroughfares and lands that are imposed by the respective
111 authorities having jurisdiction thereof upon corporations
112 constructing or operating electric transmission and distribution
113 lines or systems.~~†~~

114 (12) To exercise the power of eminent domain in the manner
115 provided by the laws of this state for the exercise of that
116 power by corporations constructing or operating electric
117 transmission and distribution lines or systems.~~†~~

118 (13) To engage in the provision of broadband pursuant to s.
119 364.391.

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

122 (15)~~(14)~~ To adopt, amend, and repeal bylaws.~~†~~~~and~~

123 (16)~~(15)~~ To do and perform any and all other acts and
124 things, and to have and exercise any and all other powers which
125 may be necessary, convenient or appropriate to accomplish the
126 purpose for which the cooperative is organized.



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127 (17) To promote economic development by providing, ~~an~~
128 ~~electric cooperative may provide~~ any energy or nonenergy
129 services to its membership.

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

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132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause
135 and insert:

136 A bill to be entitled
137 An act relating to broadband Internet service
138 providers; creating s. 364.391, F.S.; defining terms;
139 specifying that the poles of rural electric
140 cooperatives that are engaged in the provision of
141 broadband are subject to regulation by the Public
142 Service Commission; authorizing the commission to
143 access the books and records of such cooperatives for
144 specified purposes; providing that such information
145 that contains proprietary confidential business
146 information retains its confidential or exempt status
147 when held by the commission; providing construction;
148 amending s. 425.04, F.S.; authorizing rural electric
149 cooperatives to engage in the provision of broadband;
150 providing an effective date.