

26 **redesignated as subsections (8), (9), and (10) and (12) through**
27 **(15), respectively, and new subsections (7) and (11) are added**
28 **to that section, to read:**

29 367.021 Definitions.—As used in this chapter, the
30 following words or terms shall have the meanings indicated:

31 (7) "Governing board" means a board of directors,
32 nonprofit board, board of trustees, or similar body overseeing
33 the operations of an organization.

34 (11) "Qualifying nonprofit organization" means an
35 organization that meets all of the following criteria:

36 (a) The organization is a nonprofit corporation,
37 association, or cooperative providing service solely to members
38 who own and control such nonprofit corporation, association, or
39 cooperative.

40 (b) The organization conducts open and fair elections to
41 its governing board at an annual meeting of its members. The
42 term of any one governing board member may not exceed 36 months;
43 however, a candidate may run for reelection without any limit on
44 the number of terms they may serve.

45 (c) At least 75 percent of the governing board of the
46 organization is made up of the organization's members.

47 (d) The organization provides a mechanism for members of
48 the organization to directly nominate candidates directly for
49 the governing board. At a minimum, any member or candidate who
50 obtains the signatures of at least 1 percent of members of the

51 organization on a petition for nomination for a particular board
52 position or election must, as established by that organization's
53 bylaws, be allowed to stand for election in the same manner as
54 if that member had been nominated by the existing governing
55 board, a committee on nominations established by the board, or
56 other nomination mechanism or procedure as established by the
57 organization's governing documents. Such candidate must meet all
58 other requirements established by law or by the organization's
59 governing documents to serve on the board.

60 (e) The organization is not subject to disqualification
61 pursuant to s. 367.24.

62 **Section 2. Subsection (7) of section 367.022, Florida**
63 **Statutes, is amended to read:**

64 367.022 Exemptions.—The following are not subject to
65 regulation by the commission as a utility nor are they subject
66 to the provisions of this chapter, except as expressly provided:

67 (7) Qualifying nonprofit organizations ~~Nonprofit~~
68 ~~corporations, associations, or cooperatives providing service~~
69 ~~solely to members who own and control such nonprofit~~
70 ~~corporations, associations, or cooperatives.~~

71 **Section 3. Section 367.24, Florida Statutes, is created to**
72 **read:**

73 367.24 Disqualification from exempt status.—

74 (1) The commission may, upon its own motion or petition by
75 any person, initiate a proceeding to determine whether an

76 organization meets the definition of a qualifying nonprofit
77 organization under s. 367.021.

78 (2) In making its determination as to whether an
79 organization meets the definition of a qualifying organization
80 pursuant to a petition filed under subsection (1), the
81 commission shall consider:

82 (a) The governing documents of the organization;

83 (b) The conduct of the organization; and

84 (c) The conduct of the governing board of the
85 organization.

86 (3) If the commission determines that an organization does
87 not meet the definition of a qualifying nonprofit organization,
88 the commission must provide the organization reasoning for its
89 determination and allow the organization 90 days to address the
90 commission's determination.

91 (4) If, after the expiration of the 90-day period
92 specified in subsection (3), the commission maintains its
93 determination that the organization does not meet the definition
94 of a qualifying nonprofit organization, the commission must
95 issue an order stating that the organization is not exempt from
96 the jurisdiction of the commission pursuant to s. 367.022 and
97 must be regulated as a utility under this chapter.

98 (5) The commission shall follow the procedures established
99 in s. 367.171(2) for an organization determined to be not exempt
100 from the jurisdiction of the commission under subsection (4).

101 The commission shall follow such procedures as if the
102 organization were an established utility in a county newly
103 entering into the commission's jurisdiction.

104 (6) After a period of 24 months, an organization that is
105 determined to be not exempt from the jurisdiction of the
106 commission under subsection (4) may petition the commission to
107 regain qualifying nonprofit organization status. In reviewing
108 this petition, the commission shall use the procedure
109 established in subsections (2), (3), and (4) of this section. If
110 the commission does not approve the petition, the organization
111 must wait an additional 24 months before petitioning the
112 commission again for qualifying nonprofit organization status.

113 (7) Consistent with the commission's jurisdiction over
114 utility rates and service, issues relating to whether an
115 organization is exempt from its jurisdiction pursuant to this
116 section, and the manner in which a utility is brought under its
117 jurisdiction pursuant to this section, must be resolved by the
118 commission.

119 (8) The commission shall adopt rules to implement and
120 administer this section and shall propose a rule for adoption as
121 soon as practicable after July 1, 2026.

122 **Section 4. Paragraph (b) of subsection (2) of section**
123 **288.0655, Florida Statutes, is amended to read:**

124 288.0655 Rural Infrastructure Fund.—

125 (2)

126 (b) To facilitate access of rural communities and rural
127 areas of opportunity as defined by the Rural Economic
128 Development Initiative to infrastructure funding programs of the
129 Federal Government, such as those offered by the United States
130 Department of Agriculture and the United States Department of
131 Commerce, and state programs, including those offered by Rural
132 Economic Development Initiative agencies, and to facilitate
133 local government or private infrastructure funding efforts, the
134 department may award grants for up to 75 percent of the total
135 infrastructure project cost, or up to 100 percent of the total
136 infrastructure project cost for a project located in a rural
137 community as defined in s. 288.0656(2) which is also located in
138 a fiscally constrained county as defined in s. 218.67(1) or a
139 rural area of opportunity as defined in s. 288.0656(2). Eligible
140 uses of funds may include improving any inadequate
141 infrastructure that has resulted in regulatory action that
142 prohibits economic or community growth and reducing the costs to
143 community users of proposed infrastructure improvements that
144 exceed such costs in comparable communities. Eligible uses of
145 funds include improvements to public infrastructure for
146 industrial or commercial sites and upgrades to or development of
147 public tourism infrastructure. Authorized infrastructure may
148 include the following public or public-private partnership
149 facilities: storm water systems; telecommunications facilities;
150 roads or other remedies to transportation impediments; nature-

151 based tourism facilities; or other physical requirements
152 necessary to facilitate tourism, trade, and economic development
153 activities in the community. Authorized infrastructure may also
154 include publicly or privately owned self-powered nature-based
155 tourism facilities, publicly owned telecommunications
156 facilities, and additions to the distribution facilities of the
157 existing natural gas utility as defined in s. 366.04(3)(c), the
158 existing electric utility as defined in s. 366.02, or the
159 existing water or wastewater utility as defined in s.

160 367.021(14) ~~s. 367.021(12)~~, or any other existing water or
161 wastewater facility, which owns a gas or electric distribution
162 system or a water or wastewater system in this state when:

163 1. A contribution-in-aid of construction is required to
164 serve public or public-private partnership facilities under the
165 tariffs of any natural gas, electric, water, or wastewater
166 utility as defined herein; and

167 2. Such utilities as defined herein are willing and able
168 to provide such service.

169 **Section 5. Section 624.105, Florida Statutes, is amended**
170 **to read:**

171 624.105 Waiver of customer liability.—Any regulated
172 company as defined in s. 350.111, any electric utility as
173 defined in s. 366.02(4), any utility as defined in s.
174 367.021(14) ~~s. 367.021(12)~~ or s. 367.022(2) and (7), and any
175 provider of communications services as defined in s. 202.11(1)

176 | may charge for and include an optional waiver of liability
177 | provision in their customer contracts under which the entity
178 | agrees to waive all or a portion of the customer's liability for
179 | service from the entity for a defined period in the event of the
180 | customer's call to active military service, death, disability,
181 | involuntary unemployment, qualification for family leave, or
182 | similar qualifying event or condition. Such provisions may not
183 | be effective in the customer's contract with the entity unless
184 | affirmatively elected by the customer. No such provision shall
185 | constitute insurance so long as the provision is a contract
186 | between the entity and its customer.

187 | **Section 6.** This act shall take effect July 1, 2026.