

By Senator Altman

24-01807-10

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1 A bill to be entitled
2 An act relating to the sale of electricity; amending
3 s. 366.02, F.S.; revising the definition of the term
4 "public utility" to include specified separate legal
5 entities created pursuant to the Florida Interlocal
6 Cooperation Act of 1969; amending s. 366.11, F.S.;
7 providing that provisions regulating public utilities
8 apply to the sale of electricity by such separate
9 legal entities; providing an effective date.

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

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13 Section 1. Subsection (1) of section 366.02, Florida
14 Statutes, is amended to read:

15 366.02 Definitions.—As used in this chapter:

16 (1) "Public utility" means every person, corporation,
17 partnership, association, separate legal entity created pursuant
18 to s. 163.01(15), or other legal entity and their lessees,
19 trustees, or receivers supplying electricity or gas (natural,
20 manufactured, or similar gaseous substance) to or for the public
21 within this state; but the term "public utility" does not
22 include either a cooperative now or hereafter organized and
23 existing under the Rural Electric Cooperative Law of the state;
24 a municipality or any agency thereof; any dependent or
25 independent special natural gas district; any natural gas
26 transmission pipeline company making only sales or
27 transportation delivery of natural gas at wholesale and to
28 direct industrial consumers; any entity selling or arranging for
29 sales of natural gas which neither owns nor operates natural gas

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30 transmission or distribution facilities within the state; or a
31 person supplying liquefied petroleum gas, in either liquid or
32 gaseous form, irrespective of the method of distribution or
33 delivery, or owning or operating facilities beyond the outlet of
34 a meter through which natural gas is supplied for compression
35 and delivery into motor vehicle fuel tanks or other
36 transportation containers, unless such person also supplies
37 electricity or manufactured or natural gas.

38 Section 2. Subsection (1) of section 366.11, Florida
39 Statutes, is amended to read:

40 366.11 Certain exemptions.—

41 (1) No provision of this chapter shall apply in any manner,
42 other than as specified in ss. 366.04, 366.05(7) and (8),
43 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.85, and
44 366.91, to utilities owned and operated by municipalities,
45 whether within or without any municipality, or by cooperatives
46 organized and existing under the Rural Electric Cooperative Law
47 of the state, or to the sale of electricity, manufactured gas,
48 or natural gas at wholesale by any public utility to, and the
49 purchase by, any municipality or cooperative under and pursuant
50 to any contracts now in effect or which may be entered into in
51 the future, when such municipality or cooperative is engaged in
52 the sale and distribution of electricity or manufactured or
53 natural gas, or to the rates provided for in such contracts;
54 however, this chapter applies to the sale of electricity by any
55 separate legal entity created pursuant to s. 163.01(15).

56 Section 3. This act shall take effect July 1, 2010.