

By Senator Martin

33-01359-23

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

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

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

366.02 Definitions.—As used in this chapter:

(8) "Public utility" means every person, corporation,  
partnership, association, or other legal entity and their  
lessees, trustees, or receivers supplying electricity or gas  
(natural, manufactured, or similar gaseous substance) to or for  
the public within this state; but the term "public utility" does  
not include either a cooperative now or hereafter organized and  
existing under the Rural Electric Cooperative Law of the state;  
a municipality or any agency thereof, except for a municipality  
or any agency thereof supplying electricity to any electric  
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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and 366.91, to utilities owned and operated by municipalities,  
except those defined as public utilities in s. 366.02 ~~whether~~  
~~within or without any municipality,~~ or by cooperatives organized  
and existing under the Rural Electric Cooperative Law of the  
state, or to the sale of electricity, manufactured gas, or  
natural gas at wholesale by any public utility to, and the  
purchase by, any municipality or cooperative under and pursuant  
to any contracts now in effect or which may be entered into in  
the future, when such municipality or cooperative is engaged in  
the sale and distribution of electricity or manufactured or  
natural gas, or to the rates provided for in such contracts.

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