

HB 733

2013

1 A bill to be entitled
2 An act relating to government-owned utilities;
3 amending s. 153.03, F.S.; revising conditions for a
4 county to furnish certain utility facilities to
5 property being furnished like facilities by a
6 municipality; amending s. 180.02, F.S.; providing that
7 certain corporate powers of a municipality relating to
8 utility facilities do not extend or apply within the
9 unincorporated areas of any county without the consent
10 of the board of county commissioners of such county;
11 amending s. 366.02, F.S., relating to jurisdiction of
12 the Public Service Commission over public utilities
13 providing electricity or gas; revising the definition
14 of the term "public utility" to include any
15 municipality that supplies electricity or gas outside
16 of its incorporated limits; amending s. 367.022, F.S.,
17 relating to regulation by the commission of water and
18 wastewater utilities; requiring that any municipal
19 utility that sells water or wastewater utility service
20 outside of its incorporated limits be regulated;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (1) of section 153.03, Florida
26 Statutes, is amended to read:

27 153.03 General grant of power.—Any of the several counties
28 of the state which may hereafter come under the provisions of

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29 | this chapter as hereinafter provided is hereby authorized and
30 | empowered:

31 | (1) To purchase or ~~and/or~~ construct and to improve,
32 | extend, enlarge, and reconstruct a water supply system or
33 | systems or sewage disposal system or systems, or both, within
34 | such county and any adjoining county or counties and to purchase
35 | or ~~and/or~~ construct or reconstruct water system improvements or
36 | sewer improvements, or both, within such county and any
37 | adjoining county or counties and to operate, manage, and control
38 | all such systems so purchased or ~~and/or~~ constructed and all
39 | properties pertaining thereto and to furnish and supply water
40 | and sewage collection and disposal services to any of such
41 | counties and to any municipalities and any persons, firms, or
42 | corporations, public or private, in any of such counties. ~~+~~
43 | ~~provided,~~ However, ~~that~~ none of the facilities provided for
44 | under ~~by~~ this chapter may be constructed, owned, operated, or
45 | maintained by the county on property located within the
46 | corporate limits of any municipality without the consent of the
47 | council, commission, or body having general legislative
48 | authority in the government of such municipality unless such
49 | facilities were owned by the county on such property prior to
50 | the time such property was included within the corporate limits
51 | of the ~~such~~ municipality. A No county may not shall furnish any
52 | of the facilities provided for under ~~by~~ this chapter to any
53 | property already being furnished like facilities by any
54 | municipality:

55 | (a) Without the express consent of the council,
56 | commission, or body having general legislative authority in the

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57 government of such municipality; however, such consent is not
58 required if the municipality furnished such services in an
59 unincorporated area of the county pursuant to a franchise
60 agreement, resolution, or ordinance which has expired; and

61 (b) Without first holding a referendum of qualified voters
62 residing in the area proposed to be served by the county, or a
63 mail survey of owners of property located in the area proposed
64 to be served by the county, which referendum or survey indicates
65 that a majority of those voting or responding to the survey
66 prefer to be served by the county.

67 Section 2. Subsection (2) of section 180.02, Florida
68 Statutes, is amended to read:

69 180.02 Powers of municipalities.—

70 (2) Any municipality may extend and execute all of its
71 corporate powers applicable for the accomplishment of the
72 purposes of this chapter outside of its corporate limits, as
73 hereinafter provided and as may be desirable or necessary for
74 the promotion of the public health, safety, and welfare or for
75 the accomplishment of the purposes of this chapter. ~~provided,~~
76 However, such ~~that said~~ corporate powers do ~~shall~~ not extend or
77 apply within the corporate limits of another municipality or
78 extend or apply within the unincorporated areas of any county
79 without the consent of the board of county commissioners of such
80 county.

81 Section 3. Section 366.02, Florida Statutes, is amended to
82 read:

83 366.02 Definitions.—As used in this chapter, the term:

84 (1) "Public utility" means every person, corporation,

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85 partnership, association, or other legal entity and their
86 lessees, trustees, or receivers supplying electricity or gas
87 (natural, manufactured, or similar gaseous substance) to or for
88 the public within this state. The term includes any municipality
89 that supplies electricity or gas outside of its incorporated
90 limits, including selling electricity or gas to other
91 municipalities or providing electricity or gas directly to
92 customers in unincorporated areas. ~~but~~ The term "~~public~~
93 ~~utility~~" does not include either a cooperative now or hereafter
94 organized and existing under the Rural Electric Cooperative Law
95 of the state; a municipality supplying electricity or gas solely
96 within its corporate boundaries or any agency thereof; any
97 dependent or independent special natural gas district; any
98 natural gas transmission pipeline company making only sales or
99 transportation delivery of natural gas at wholesale and to
100 direct industrial consumers; any entity selling or arranging for
101 sales of natural gas which neither owns nor operates natural gas
102 transmission or distribution facilities within the state; or a
103 person supplying liquefied petroleum gas, in either liquid or
104 gaseous form, irrespective of the method of distribution or
105 delivery, or owning or operating facilities beyond the outlet of
106 a meter through which natural gas is supplied for compression
107 and delivery into motor vehicle fuel tanks or other
108 transportation containers, unless such person also supplies
109 electricity or manufactured or natural gas.

110 (2) "Electric utility" means any municipal electric
111 utility, investor-owned electric utility, or rural electric
112 cooperative which owns, maintains, or operates an electric

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113 generation, transmission, or distribution system within the
114 state.

115 (3) "Commission" means the Florida Public Service
116 Commission.

117 Section 4. Subsection (2) of section 367.022, Florida
118 Statutes, is amended to read:

119 367.022 Exemptions.—The following are not subject to
120 regulation by the commission as a utility nor are they subject
121 to the provisions of this chapter, except as expressly provided:

122 (2) Systems owned, operated, managed, or controlled by
123 governmental authorities, including water or wastewater
124 facilities operated by private firms under water or wastewater
125 facility privatization contracts as defined in s. 153.91, and
126 nonprofit corporations formed for the purpose of acting on
127 behalf of a political subdivision with respect to a water or
128 wastewater facility; however, any municipality that sells water
129 or wastewater utility service, directly or indirectly, outside
130 of its incorporated limits, including selling utility services
131 to other municipalities or providing utility services directly
132 to customers in unincorporated areas of a county, is subject to
133 regulation by the commission.

134 Section 5. This act shall take effect July 1, 2013.