

By Senator Rodriguez

37-00317-19

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1 A bill to be entitled
2 An act relating to private property rights; amending
3 s. 366.02, F.S.; exempting from the definition of
4 "public utility" property owners who own and operate a
5 renewable energy source device, produce renewable
6 energy from that device, and provide or sell the
7 renewable energy to users on that property, under
8 certain circumstances; reenacting ss. 290.007(8),
9 350.111, 377.602(3), 440.02(24)(d), 538.18(12),
10 768.1382(1)(e), 812.145(1)(e), 815.061(1)(a),
11 893.13(10), and 934.03(2)(g), F.S., relating to state
12 incentives available in enterprise zones, definitions,
13 streetlights, security lights, and other similar
14 illumination, theft of copper or other nonferrous
15 metals, offenses against public utilities, drug abuse
16 prevention and control, and interception and
17 disclosure of wire, oral, or electronic
18 communications, respectively, to incorporate the
19 amendment made to s. 366.02, F.S., in references
20 thereto; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (1) of section 366.02, Florida
25 Statutes, is amended to read:

26 366.02 Definitions.—As used in this chapter:

27 (1) "Public utility" means every person, corporation,
28 partnership, association, or other legal entity and their
29 lessees, trustees, or receivers supplying electricity or gas

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30 (natural, manufactured, or similar gaseous substance) to or for
31 the public within this state.~~;~~ ~~but~~ The term ~~"public utility"~~
32 does not include either a cooperative now or hereafter organized
33 and existing under the Rural Electric Cooperative Law of the
34 state; a municipality or any agency thereof; a property owner
35 who owns and operates a renewable energy source device as
36 defined in s. 193.624 with a capacity of up to 2.5 megawatts on
37 his or her property and who produces and provides or sells
38 renewable energy from that device to users located on the
39 property; any dependent or independent special natural gas
40 district; any natural gas transmission pipeline company making
41 only sales or transportation delivery of natural gas at
42 wholesale and to direct industrial consumers; any entity selling
43 or arranging for sales of natural gas which neither owns nor
44 operates natural gas transmission or distribution facilities
45 within the state; or a person supplying liquefied petroleum gas,
46 in either liquid or gaseous form, irrespective of the method of
47 distribution or delivery, or owning or operating facilities
48 beyond the outlet of a meter through which natural gas is
49 supplied for compression and delivery into motor vehicle fuel
50 tanks or other transportation containers, unless such person
51 also supplies electricity or manufactured or natural gas.

52 Section 2. For the purpose of incorporating the amendment
53 made by this act to section 366.02, Florida Statutes, in a
54 reference thereto, subsection (8) of section 290.007, Florida
55 Statutes, is reenacted to read:

56 290.007 State incentives available in enterprise zones.—The
57 following incentives are provided by the state to encourage the
58 revitalization of enterprise zones:

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59 (8) Notwithstanding any law to the contrary, the Public
60 Service Commission may allow public utilities and
61 telecommunications companies to grant discounts of up to 50
62 percent on tariffed rates for services to small businesses
63 located in an enterprise zone designated pursuant to s.
64 290.0065. Such discounts may be granted for a period not to
65 exceed 5 years. For purposes of this subsection, the term
66 "public utility" has the same meaning as in s. 366.02(1) and the
67 term "telecommunications company" has the same meaning as in s.
68 364.02(13).

69 Section 3. For the purpose of incorporating the amendment
70 made by this act to section 366.02, Florida Statutes, in a
71 reference thereto, section 350.111, Florida Statutes, is
72 reenacted to read:

73 350.111 "Regulated company" defined.—As used in ss.
74 350.111-350.117 and ss. 350.121-350.128, "regulated company"
75 means any public utility as defined in s. 366.02 or any person
76 holding a valid and current certificate from the commission
77 under chapter 351, chapter 364, chapter 365, or chapter 367.

78 Section 4. For the purpose of incorporating the amendment
79 made by this act to section 366.02, Florida Statutes, in a
80 reference thereto, subsection (3) of section 377.602, Florida
81 Statutes, is reenacted to read:

82 377.602 Definitions.—As used in ss. 377.601-377.608:

83 (3) "Person" means producer, refiner, wholesaler, marketer,
84 consignee, jobber, distributor, storage operator, importer,
85 exporter, firm, corporation, broker, cooperative, public utility
86 as defined in s. 366.02, rural electrification cooperative,
87 municipality engaged in the business of providing electricity or

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88 other energy resources to the public, pipeline company, person
89 transporting any energy resources as defined in subsection (2),
90 and person holding energy reserves for further production;
91 however, "person" does not include persons exclusively engaged
92 in the retail sale of petroleum products.

93 Section 5. For the purpose of incorporating the amendment
94 made by this act to section 366.02, Florida Statutes, in a
95 reference thereto, paragraph (d) of subsection (24) of section
96 440.02, Florida Statutes, is reenacted to read:

97 440.02 Definitions.—When used in this chapter, unless the
98 context clearly requires otherwise, the following terms shall
99 have the following meanings:

100 (24) "Self-insurer" means:

101 (d) A public utility as defined in s. 364.02 or s. 366.02
102 that has assumed by contract the liabilities of contractors or
103 subcontractors pursuant to s. 624.46225; or

104 Section 6. For the purpose of incorporating the amendment
105 made by this act to section 366.02, Florida Statutes, in a
106 reference thereto, subsection (12) of section 538.18, Florida
107 Statutes, is reenacted to read:

108 538.18 Definitions.—As used in this part, the term:

109 (12) "Utility" means a public utility or electric utility
110 as defined in s. 366.02 or a person, firm, corporation,
111 association, or political subdivision, whether private,
112 municipal, county, or cooperative, that is engaged in the sale,
113 generation, provision, or delivery of gas, electricity, heat,
114 water, oil, sewer service, or telephone, telegraph, radio,
115 telecommunications, or communications service.

116 Section 7. For the purpose of incorporating the amendment

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117 made by this act to section 366.02, Florida Statutes, in a
118 reference thereto, paragraph (e) of subsection (1) of section
119 768.1382, Florida Statutes, is reenacted to read:

120 768.1382 Streetlights, security lights, and other similar
121 illumination; limitation on liability.—

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

123 (e) "Streetlight provider" means the state or any of the
124 state's officers, agencies, or instrumentalities, any political
125 subdivision as defined in s. 1.01, any public utility as defined
126 in s. 366.02(1), or any electric utility as defined in s.
127 366.02(2).

128 Section 8. For the purpose of incorporating the amendment
129 made by this act to section 366.02, Florida Statutes, in a
130 reference thereto, paragraph (e) of subsection (1) of section
131 812.145, Florida Statutes, is reenacted to read:

132 812.145 Theft of copper or other nonferrous metals.—

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

134 (e) "Utility" means a public utility or electric utility as
135 defined in s. 366.02, or a person, firm, corporation,
136 association, or political subdivision, whether private,
137 municipal, county, or cooperative, which is engaged in the sale,
138 generation, provision, or delivery of gas, electricity, heat,
139 water, oil, sewer service, or telephone, telegraph, radio,
140 telecommunications, or communications service. The term includes
141 any person, firm, corporation, association, or political
142 subdivision, whether private, municipal, county, or cooperative,
143 which is engaged in the sale, generation, provision, or delivery
144 of gas or electricity services.

145 Section 9. For the purpose of incorporating the amendment

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146 made by this act to section 366.02, Florida Statutes, in a
147 reference thereto, paragraph (a) of subsection (1) of section
148 815.061, Florida Statutes, is reenacted to read:

149 815.061 Offenses against public utilities.—

150 (1) As used in this section, the term “public utility”
151 includes:

152 (a) A public utility or electric utility as defined in s.
153 366.02.

154 Section 10. For the purpose of incorporating the amendment
155 made by this act to section 366.02, Florida Statutes, in a
156 reference thereto, subsection (10) of section 893.13, Florida
157 Statutes, is reenacted to read:

158 893.13 Prohibited acts; penalties.—

159 (10) If a person violates any provision of this chapter and
160 the violation results in a serious injury to a state or local
161 law enforcement officer as defined in s. 943.10, firefighter as
162 defined in s. 633.102, emergency medical technician as defined
163 in s. 401.23, paramedic as defined in s. 401.23, employee of a
164 public utility or an electric utility as defined in s. 366.02,
165 animal control officer as defined in s. 828.27, volunteer
166 firefighter engaged by state or local government, law
167 enforcement officer employed by the Federal Government, or any
168 other local, state, or Federal Government employee injured
169 during the course and scope of his or her employment, the person
170 commits a felony of the third degree, punishable as provided in
171 s. 775.082, s. 775.083, or s. 775.084. If the injury sustained
172 results in death or great bodily harm, the person commits a
173 felony of the second degree, punishable as provided in s.
174 775.082, s. 775.083, or s. 775.084.

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175 Section 11. For the purpose of incorporating the amendment
176 made by this act to section 366.02, Florida Statutes, in a
177 reference thereto, paragraph (g) of subsection (2) of section
178 934.03, Florida Statutes, is reenacted to read:

179 934.03 Interception and disclosure of wire, oral, or
180 electronic communications prohibited.—

181 (2)

182 (g) It is lawful under this section and ss. 934.04-934.09
183 for an employee of:

184 1. An ambulance service licensed pursuant to s. 401.25, a
185 fire station employing firefighters as defined by s. 633.102, a
186 public utility, a law enforcement agency as defined by s.
187 934.02(10), or any other entity with published emergency
188 telephone numbers;

189 2. An agency operating an emergency telephone number "911"
190 system established pursuant to s. 365.171; or

191 3. The central abuse hotline operated pursuant to s. 39.201

192
193 to intercept and record incoming wire communications; however,
194 such employee may intercept and record incoming wire
195 communications on designated "911" telephone numbers and
196 published nonemergency telephone numbers staffed by trained
197 dispatchers at public safety answering points only. It is also
198 lawful for such employee to intercept and record outgoing wire
199 communications to the numbers from which such incoming wire
200 communications were placed when necessary to obtain information
201 required to provide the emergency services being requested. For
202 the purpose of this paragraph, the term "public utility" has the
203 same meaning as provided in s. 366.02 and includes a person,

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204 partnership, association, or corporation now or hereafter owning
205 or operating equipment or facilities in the state for conveying
206 or transmitting messages or communications by telephone or
207 telegraph to the public for compensation.

208 Section 12. This act shall take effect July 1, 2019.