

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to rural electric cooperatives;
3 amending s. 425.04, F.S.; authorizing rural electric
4 cooperatives to provide communications services under
5 certain circumstances for the purpose of expanding
6 broadband Internet service to unserved areas of this
7 state; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 425.04, Florida Statutes, is amended, to
12 read:

13 425.04 Powers.—A cooperative shall have all of the
14 following powers ~~power~~:

15 (1) To sue and be sued, in its corporate name. ~~†~~

16 (2) To have perpetual existence. ~~†~~

17 (3) To adopt a corporate seal and alter the same at
18 pleasure. ~~†~~

19 (4) To generate, manufacture, purchase, acquire, accumulate
20 and transmit electric energy, and to distribute, sell, supply,
21 and dispose of electric energy in rural areas to its members, to
22 governmental agencies and political subdivisions, and to other
23 persons not in excess of 10 percent of the number of its
24 members; to process, treat, sell, and dispose of water and water
25 rights; to purchase, construct, own and operate water systems;
26 to own and operate sanitary sewer systems; and to supply water
27 and sanitary sewer services. However, a ~~no~~ cooperative may not
28 ~~shall~~ distribute or sell any electricity, or electric energy to
29 any person residing within any town, city or area in which the

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30 person is receiving adequate central station service or who at
31 the time of commencing such service, or offer to serve, by a
32 cooperative, is receiving adequate central station service from
33 any utility agency, privately or municipally owned individual
34 partnership or corporation.†

35 (5) To make loans to persons to whom electric energy is or
36 will be supplied by the cooperative for the purpose of, and
37 otherwise to assist such person in, wiring their premises and
38 installing therein electric and plumbing fixtures, appliances,
39 apparatus and equipment of any and all kinds and character, and
40 in connection therewith, to purchase, acquire, lease, sell,
41 distribute, install and repair such electric and plumbing
42 fixtures, appliances, apparatus and equipment, and to accept or
43 otherwise acquire, and to sell, assign, transfer, endorse,
44 pledge, hypothecate and otherwise dispose of notes, bonds and
45 other evidences of indebtedness and any and all types of
46 security therefor.†

47 (6) To make loans to persons to whom electric energy is or
48 will be supplied by the cooperative for the purpose of, and
49 otherwise to assist such persons in, constructing, maintaining
50 and operating electric refrigeration plants.†

51 (7) To become a member in one or more other cooperatives or
52 corporations or to own stock therein.†

53 (8) To construct, purchase, take, receive, lease as lessee,
54 or otherwise acquire, and to own, hold, use, equip, maintain,
55 and operate, and to sell, assign, transfer, convey, exchange,
56 lease as lessor, mortgage, pledge, or otherwise dispose of or
57 encumber, electric transmission and distribution lines or
58 systems, electric generating plants, electric refrigeration

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59 plants, lands, buildings, structures, dams, plants and
60 equipment, and any and all kinds and classes of real or personal
61 property whatsoever, which shall be deemed necessary, convenient
62 or appropriate to accomplish the purpose for which the
63 cooperative is organized.†

64 (9) To purchase or otherwise acquire; to own, hold, use and
65 exercise; and to sell, assign, transfer, convey, mortgage,
66 pledge, hypothecate, or otherwise dispose of or encumber,
67 franchises, rights, privileges, licenses, rights-of-way and
68 easement.†

69 (10) To borrow money and otherwise contract indebtedness;
70 to issue notes, bonds, and other evidences of indebtedness
71 therefor; and to secure the payment thereof by mortgage, pledge,
72 deed of trust, or any other encumbrance upon any or all of its
73 then owned or after-acquired real or personal property, assets,
74 franchises, revenues or income.†

75 (11) To construct, maintain, and operate electric
76 transmission and distribution lines along, upon, under and
77 across all public thoroughfares, including without limitation,
78 all roads, highways, streets, alleys, bridges and causeways, and
79 upon, under and across all publicly owned lands, subject,
80 however, to the requirements in respect of the use of such
81 thoroughfares and lands that are imposed by the respective
82 authorities having jurisdiction thereof upon corporations
83 constructing or operating electric transmission and distribution
84 lines or systems.†

85 (12) To exercise the power of eminent domain in the manner
86 provided by the laws of this state for the exercise of that
87 power by corporations constructing or operating electric

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88 transmission and distribution lines or systems.~~†~~

89 (13) To provide communications services, as defined in s.
90 350.81(1), notwithstanding any other provision of law, if the
91 cooperative provides broadband service directly or in
92 partnership with a third party or receives broadband grant
93 funding pursuant to s. 288.9962 or from any other federal or
94 state program offering grants to expand broadband Internet
95 service to unserved areas of this state; however, all poles
96 owned by the cooperative are subject to regulation under s.
97 366.04(8) on the same basis as if such cooperative were a public
98 utility.

99 (14) To conduct its business and exercise any or all of its
100 powers within or without this state.~~†~~

101 ~~(15)~~~~(14)~~ To adopt, amend, and repeal bylaws.~~†~~ and

102 ~~(16)~~~~(15)~~ To do and perform any and all other acts and
103 things, and to have and exercise any and all other powers which
104 may be necessary, convenient or appropriate to accomplish the
105 purpose for which the cooperative is organized.

106 (17) To promote economic development by providing,~~an~~
107 ~~electric cooperative may provide~~ any energy or nonenergy
108 services to its membership.

109 Section 2. This act shall take effect July 1, 2023.