



492856

LEGISLATIVE ACTION

Senate	.	House
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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 251 and 252  
insert:

Section 2. Subsection (4) of section 366.92, Florida  
Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(4) The commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider for the production or purchase of renewable energy up to a total of 150 megawatts statewide. The total shall be divided evenly between solar and nonsolar forms of renewable energy. Costs may not be recovered



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14 for any solar project that does not have a firm commitment for  
15 the production or purchase of an equal amount of nonsolar  
16 renewable energy. A utility must also seek competitive bids for  
17 any solar project under this subsection. Such costs shall be  
18 deemed reasonable and prudent for purposes of cost recovery so  
19 long as the provider has used reasonable and customary industry  
20 practices in the design, procurement, and construction of the  
21 project in a cost-effective manner appropriate to the location  
22 of the facility. To obtain cost recovery pursuant to this  
23 section, a provider must file for cost recovery no later than  
24 July 1, 2011. In order to demonstrate the feasibility and  
25 ~~viability of clean energy systems, the commission shall provide~~  
26 ~~for full cost recovery under the environmental cost recovery~~  
27 ~~clause of all reasonable and prudent costs incurred by a~~  
28 ~~provider for renewable energy projects that are zero greenhouse~~  
29 ~~gas emitting at the point of generation, up to a total of 110~~  
30 ~~megawatts statewide, and for which the provider has secured~~  
31 ~~necessary land, zoning permits, and transmission rights within~~  
32 ~~the state. Such costs shall be deemed reasonable and prudent for~~  
33 ~~purposes of cost recovery so long as the provider has used~~  
34 ~~reasonable and customary industry practices in the design,~~  
35 ~~procurement, and construction of the project in a cost-effective~~  
36 ~~manner appropriate to the location of the facility. The provider~~  
37 ~~shall report to the commission as part of the cost-recovery~~  
38 ~~proceedings the construction costs, in-service costs, operating~~  
39 ~~and maintenance costs, hourly energy production of the renewable~~  
40 ~~energy project, and any other information deemed relevant by the~~  
41 ~~commission. Any provider constructing a clean energy facility~~  
42 ~~pursuant to this section shall file for cost recovery no later~~



43 ~~than July 1, 2009.~~

44

45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47 Delete lines 2 - 36

48 and insert:

49 An act relating to energy; creating s. 163.08, F.S.;

50 providing legislative purposes and findings and

51 intent; providing definitions; authorizing a local

52 government to levy non-ad valorem assessments to fund

53 certain improvements; authorizing a property owner to

54 apply for funding and enter into a financing agreement

55 with a local government to finance certain

56 improvements; authorizing a local government to

57 collect moneys for such purposes through non-ad

58 valorem assessments; providing collection

59 requirements; authorizing local governments to partner

60 with other local governments to provide and finance

61 certain improvements; authorizing a qualifying

62 improvement program to be administered by a for-profit

63 entity or not-for-profit organization under certain

64 circumstances; authorizing a local government to incur

65 debt payable from revenues received from the improved

66 property; providing a financing restriction for local

67 governments; requiring a financial agreement to be

68 recorded in a county's public records within 5 days

69 after execution of the agreement; specifying

70 responsibilities for local governments before entering

71 into financing agreements; requiring qualifying



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72 improvements to be affixed to a building or facility  
73 on the property and be performed by a properly  
74 certified or registered contractor; excluding certain  
75 projects from financing agreement coverage; limiting  
76 the amount of the non-ad valorem assessment to a  
77 percentage of the just value of the property;  
78 providing exceptions; specifying information provision  
79 requirements for property owners before entering into  
80 financing agreements; prohibiting acceleration of a  
81 mortgage under certain circumstances; providing  
82 assessment disclosure requirements; specifying  
83 unenforceability of certain agreement provisions;  
84 providing construction preserving a local government's  
85 home rule authority; amending s. 366.92, F.S.;

86 providing for cost recovery for renewable energy under  
87 certain circumstances; providing an effective date.