



629190

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 125 megawatts statewide. Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used



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14 reasonable and customary industry practices in the design,  
15 procurement, and construction of the project in a cost-effective  
16 manner appropriate to the location of the facility. To obtain  
17 cost recovery pursuant to this section, a provider must file for  
18 cost recovery no later than July 1, 2011. In order to  
19 ~~demonstrate the feasibility and viability of clean energy~~  
20 ~~systems, the commission shall provide for full cost recovery~~  
21 ~~under the environmental cost-recovery clause of all reasonable~~  
22 ~~and prudent costs incurred by a provider for renewable energy~~  
23 ~~projects that are zero greenhouse gas emitting at the point of~~  
24 ~~generation, up to a total of 110 megawatts statewide, and for~~  
25 ~~which the provider has secured necessary land, zoning permits,~~  
26 ~~and transmission rights within the state. Such costs shall be~~  
27 ~~deemed reasonable and prudent for purposes of cost recovery so~~  
28 ~~long as the provider has used reasonable and customary industry~~  
29 ~~practices in the design, procurement, and construction of the~~  
30 ~~project in a cost-effective manner appropriate to the location~~  
31 ~~of the facility. The provider shall report to the commission as~~  
32 ~~part of the cost-recovery proceedings the construction costs,~~  
33 ~~in-service costs, operating and maintenance costs, hourly energy~~  
34 ~~production of the renewable energy project, and any other~~  
35 ~~information deemed relevant by the commission. Any provider~~  
36 ~~constructing a clean energy facility pursuant to this section~~  
37 ~~shall file for cost recovery no later than July 1, 2009.~~

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39  
40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42 Delete lines 2 - 36



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43 and insert:

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

45 providing legislative purposes and findings and

46 intent; providing definitions; authorizing a local

47 government to levy non-ad valorem assessments to fund

48 certain improvements; authorizing a property owner to

49 apply for funding and enter into a financing agreement

50 with a local government to finance certain

51 improvements; authorizing a local government to

52 collect moneys for such purposes through non-ad

53 valorem assessments; providing collection

54 requirements; authorizing local governments to partner

55 with other local governments to provide and finance

56 certain improvements; authorizing a qualifying

57 improvement program to be administered by a for-profit

58 entity or not-for-profit organization under certain

59 circumstances; authorizing a local government to incur

60 debt payable from revenues received from the improved

61 property; providing a financing restriction for local

62 governments; requiring a financial agreement to be

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

64 after execution of the agreement; specifying

65 responsibilities for local governments before entering

66 into financing agreements; requiring qualifying

67 improvements to be affixed to a building or facility

68 on the property and be performed by a properly

69 certified or registered contractor; excluding certain

70 projects from financing agreement coverage; limiting

71 the amount of the non-ad valorem assessment to a



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72 percentage of the just value of the property;  
73 providing exceptions; specifying information provision  
74 requirements for property owners before entering into  
75 financing agreements; prohibiting acceleration of a  
76 mortgage under certain circumstances; providing  
77 assessment disclosure requirements; specifying  
78 unenforceability of certain agreement provisions;  
79 providing construction preserving a local government's  
80 home rule authority; amending s. 366.92, F.S.;  
81 providing for cost recovery for renewable energy;  
82 providing an effective date.