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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. Section 366.92, Florida Statutes, is amended to
read:

366.92 Florida renewable energy policy.—

(1) In order to stimulate the state's economy, encourage
businesses to invest in clean technologies, and foster research,
development, manufacturing, construction, and jobs in new and
renewable energy, it is the intent of the Legislature to promote
the development of renewable energy; protect the economic
viability of Florida's existing renewable energy facilities;



926992

14 diversify the types of fuel used to generate electricity in
15 Florida; lessen Florida's dependence on natural gas and fuel oil
16 for the production of electricity; minimize the volatility of
17 fuel costs; encourage investment within the state; improve
18 environmental conditions; and, at the same time, minimize the
19 costs of renewable power supply to electric utilities and their
20 customers. It is the further intent of the Legislature that all
21 prudently incurred costs of renewable energy shall be
22 recoverable from electric utility customers through the
23 environmental cost recovery clause.

24 (2) As used in this section, the term:

25 (a) "Florida renewable energy resources" means renewable
26 energy, as defined in s. 377.803, that is produced in Florida.

27 (b) "Provider" means a "utility" as defined in s.
28 366.8255(1) (a).

29 (c) "Renewable energy" means renewable energy as defined in
30 s. 366.91(2) (d).

31 ~~(d) "Renewable energy credit" or "REC" means a product that~~
32 ~~represents the unbundled, separable, renewable attribute of~~
33 ~~renewable energy produced in Florida and is equivalent to 1~~
34 ~~megawatt-hour of electricity generated by a source of renewable~~
35 ~~energy located in Florida.~~

36 ~~(e) "Renewable portfolio standard" or "RPS" means the~~
37 ~~minimum percentage of total annual retail electricity sales by a~~
38 ~~provider to consumers in Florida that shall be supplied by~~
39 ~~renewable energy produced in Florida.~~

40 ~~(3) The commission shall adopt rules for a renewable~~
41 ~~portfolio standard requiring each provider to supply renewable~~
42 ~~energy to its customers directly, by procuring, or through~~



926992

43 ~~renewable energy credits. In developing the RPS rule, the~~
44 ~~commission shall consult the Department of Environmental~~
45 ~~Protection and the Florida Energy and Climate Commission. The~~
46 ~~rule shall not be implemented until ratified by the Legislature.~~
47 ~~The commission shall present a draft rule for legislative~~
48 ~~consideration by February 1, 2009.~~

49 ~~(a) In developing the rule, the commission shall evaluate~~
50 ~~the current and forecasted levelized cost in cents per kilowatt~~
51 ~~hour through 2020 and current and forecasted installed capacity~~
52 ~~in kilowatts for each renewable energy generation method through~~
53 ~~2020.~~

54 ~~(b) The commission's rule:~~

55 ~~1. Shall include methods of managing the cost of compliance~~
56 ~~with the renewable portfolio standard, whether through direct~~
57 ~~supply or procurement of renewable power or through the purchase~~
58 ~~of renewable energy credits. The commission shall have~~
59 ~~rulemaking authority for providing annual cost recovery and~~
60 ~~incentive-based adjustments to authorized rates of return on~~
61 ~~common equity to providers to incentivize renewable energy.~~

62 ~~Notwithstanding s. 366.91(3) and (4), upon the ratification of~~
63 ~~the rules developed pursuant to this subsection, the commission~~
64 ~~may approve projects and power sales agreements with renewable~~
65 ~~power producers and the sale of renewable energy credits needed~~
66 ~~to comply with the renewable portfolio standard. In the event of~~
67 ~~any conflict, this subparagraph shall supersede s. 366.91(3) and~~
68 ~~(4). However, nothing in this section shall alter the obligation~~
69 ~~of each public utility to continuously offer a purchase contract~~
70 ~~to producers of renewable energy.~~

71 ~~2. Shall provide for appropriate compliance measures and~~



926992

72 ~~the conditions under which noncompliance shall be excused due to~~
73 ~~a determination by the commission that the supply of renewable~~
74 ~~energy or renewable energy credits was not adequate to satisfy~~
75 ~~the demand for such energy or that the cost of securing~~
76 ~~renewable energy or renewable energy credits was cost~~
77 ~~prohibitive.~~

78 ~~3. May provide added weight to energy provided by wind and~~
79 ~~solar photovoltaic over other forms of renewable energy, whether~~
80 ~~directly supplied or procured or indirectly obtained through the~~
81 ~~purchase of renewable energy credits.~~

82 ~~4. Shall determine an appropriate period of time for which~~
83 ~~renewable energy credits may be used for purposes of compliance~~
84 ~~with the renewable portfolio standard.~~

85 ~~5. Shall provide for monitoring of compliance with and~~
86 ~~enforcement of the requirements of this section.~~

87 ~~6. Shall ensure that energy credited toward compliance with~~
88 ~~the requirements of this section is not credited toward any~~
89 ~~other purpose.~~

90 ~~7. Shall include procedures to track and account for~~
91 ~~renewable energy credits, including ownership of renewable~~
92 ~~energy credits that are derived from a customer-owned renewable~~
93 ~~energy facility as a result of any action by a customer of an~~
94 ~~electric power supplier that is independent of a program~~
95 ~~sponsored by the electric power supplier.~~

96 ~~8. Shall provide for the conditions and options for the~~
97 ~~repeal or alteration of the rule in the event that new~~
98 ~~provisions of federal law supplant or conflict with the rule.~~

99 ~~(c) Beginning on April 1 of the year following final~~
100 ~~adoption of the commission's renewable portfolio standard rule,~~



926992

101 ~~each provider shall submit a report to the commission describing~~
102 ~~the steps that have been taken in the previous year and the~~
103 ~~steps that will be taken in the future to add renewable energy~~
104 ~~to the provider's energy supply portfolio. The report shall~~
105 ~~state whether the provider was in compliance with the renewable~~
106 ~~portfolio standard during the previous year and how it will~~
107 ~~comply with the renewable portfolio standard in the upcoming~~
108 ~~year.~~

109 ~~(3)(4) In order to demonstrate the feasibility and~~
110 ~~viability of clean energy systems,~~ The commission shall provide
111 for full cost recovery under the environmental cost-recovery
112 clause of all reasonable and prudent costs incurred by a
113 provider of Florida renewable energy resources ~~for renewable~~
114 ~~energy projects that are zero greenhouse gas emitting at the~~
115 ~~point of generation, up to a total of 110 megawatts statewide,~~
116 ~~and for which the provider has secured necessary land, zoning~~
117 ~~permits, and transmission rights within the state. A provider~~
118 may build Florida renewable energy resources, convert existing
119 fossil fuel generation plants to a Florida renewable energy
120 resource, or purchase renewable energy. A provider may recover
121 all reasonable and prudent costs, as provided herein, associated
122 with building Florida renewable energy resources, converting
123 existing fossil fuel generation plants to a Florida renewable
124 energy resource, or purchasing renewable energy under the
125 environmental cost-recovery clause. Each provider has the sole
126 discretion to determine the type and technology of the Florida
127 renewable energy resources that it elects to build and determine
128 whether to self-build or contract for purchase power with a
129 third party.



926992

130 (a) Notwithstanding s. 403.519, the Legislature finds that
131 there is a need for new Florida renewable energy resources
132 consistent with the goals stated in subsection (1). This finding
133 shall serve as the need determination required under s. 403.519
134 and as the commission's agency report under s. 403.507(4) (a).

135 (b) A provider may file a petition for approval of a
136 facility producing a Florida renewable energy resource through
137 July 1, 2015. Upon the filing by a provider of a petition for
138 approval of a facility producing a Florida renewable energy
139 resource, the commission shall schedule a formal administrative
140 hearing within 10 days after the filing of the petition and vote
141 on the petition within 90 days after such filing. ~~Such costs~~
142 ~~shall be deemed reasonable and prudent for purposes of cost~~
143 ~~recovery so long as the provider has used reasonable and~~
144 ~~customary industry practices in the design, procurement, and~~
145 ~~construction of the project in a cost-effective manner~~
146 ~~appropriate to the location of the facility. The provider shall~~
147 ~~report to the commission as part of the cost-recovery~~
148 ~~proceedings the construction costs, in-service costs, operating~~
149 ~~and maintenance costs, hourly energy production of the renewable~~
150 ~~energy project, and any other information deemed relevant by the~~
151 ~~commission. Any provider constructing a clean energy facility~~
152 ~~pursuant to this section shall file for cost recovery no later~~
153 ~~than July 1, 2009.~~

154 (4) Each provider may purchase or produce Florida renewable
155 energy having capacity or energy costs in excess of the fully
156 avoided cost limitations in s. 366.051, subject to the following
157 limitations and conditions:

158 (a) The cost of producing or purchasing Florida renewable



926992

159 energy in any calendar year in excess of the fully avoided cost
160 limitations in s. 366.051 shall not exceed, as a percentage of
161 the investor-owned utility's total revenue from retail sales of
162 electricity for the 2009 calendar year, one percent for 2011 and
163 two percent thereafter. Five percent of the amount of this cap
164 must be made available for purchases of the renewable attribute
165 of the renewable energy produced by customer-owned renewable
166 energy generation, as defined in s. 366.91, from facilities that
167 do not exceed 2 megawatts in capacity. Costs shall be computed
168 using a methodology that averages the revenue requirements of
169 the renewable energy resource or the purchases over their
170 economic lives. Costs incurred by a provider in 2010 for Florida
171 renewable energy resources for which construction is commenced
172 or for renewable energy purchased on or after the effective date
173 of this act shall be counted toward and included in the
174 calculation of the cost cap. Costs for renewable energy
175 resources approved by the commission for cost recovery through
176 the environmental cost-recovery clause before the effective date
177 of this act shall not be subject to or included in the
178 calculation of the cost cap. Any unused portion of the available
179 cost cap funds in a specific year shall be carried forward and
180 added to the cost cap for the following year. In addition, a
181 utility may elect to carry forward costs incurred for Florida
182 renewable energy resources which exceed the cost cap in a
183 specific year and apply such costs to the cost cap in the
184 following year.

185 (b) If a provider pays costs for purchased power above the
186 limitations set out in s. 366.051, the seller shall surrender to
187 the provider all renewable attributes of the energy being



926992

188 purchased by the provider.

189 (c) Revenues derived from any renewable energy credit,
190 carbon credit, or other mechanism that attributes value to the
191 production of renewable energy or reduction of carbon emissions,
192 either existing or hereafter devised, received by a provider by
193 virtue of the production or purchase of renewable energy or
194 other production of energy for which cost recovery is approved
195 shall be shared with the provider's ratepayers such that the
196 ratepayers are credited no less than 90 percent of such
197 revenues. However, through July 1, 2015, ten percent of revenues
198 derived from renewable energy credits related to non-solar
199 renewable energy purchases is to be credited to ratepayers.

200 (5) Each municipal electric utility and rural electric
201 cooperative shall develop standards for the promotion,
202 encouragement, and expansion of the use of renewable energy
203 resources and energy conservation and efficiency measures. On or
204 before April 1, 2009, and annually thereafter, each municipal
205 electric utility and electric cooperative shall submit to the
206 commission a report that identifies such standards.

207 (6) All prudently incurred costs of renewable energy shall
208 be recoverable under s. 366.8255.

209 (7) A provider must acquire commission approval before the
210 construction, licensing, and operation of a facility producing
211 such resources or the purchase of capacity or energy from a
212 facility producing such resources.

213 (a) In determining whether to approve the petition, the
214 commission shall consider whether the:

215 1. Proposal for the facility requires the use of reasonable
216 and customary industry practices in the design, engineering,



926992

217 procurement, and construction of the project in a cost-effective
218 manner appropriate to the proposed technology and location of
219 the facility.

220 2. Entity, including a provider, which would engineer,
221 design, and construct the proposed facility has the requisite
222 technical and financial qualifications, expertise, and
223 capability.

224 3. Entity, including a provider, which would operate the
225 proposed facility has the requisite technical qualifications,
226 expertise, and capability.

227 4. Projected costs for the project are less than or equal
228 to the levelized cost of electricity of comparable solar energy
229 facilities previously approved by the commission.

230 (b) For purchase of renewable energy from third-party
231 generating facilities in the state, any petition for approval of
232 a purchased power agreement that is filed with the commission
233 before April 2, 2010, and remains pending on the effective date
234 of this act shall be considered to have been filed in accordance
235 with and subject to this section.

236 (c) The commission's final order approving a facility shall
237 include express authorization for annual cost recovery pursuant
238 to ss. 366.8255 and 366.92 of the costs determined under this
239 section.

240 (8) The provider shall report to the commission as part of
241 the cost-recovery proceedings the construction costs, in-service
242 costs, operating and maintenance costs, hourly energy production
243 of the renewable energy project, and any other information
244 deemed relevant by the commission.

245 (9) The commission shall allow full cost recovery over the



926992

246 entire useful life of the Florida renewable energy resource of
247 the revenue requirements using traditional declining balance
248 amortization through the environmental cost-recovery clause of
249 all reasonable and prudent costs incurred by the provider
250 related to or resulting from activities under this section,
251 including, but not limited to, the following:

252 (a) The siting, licensing, engineering, design, permitting,
253 construction, operation, and maintenance of Florida renewable
254 energy resources and associated transmission facilities by the
255 provider. Cost includes, but is not limited to, all capital
256 investments, including rate of return and any applicable taxes
257 and all expenses, including operation and maintenance expenses,
258 for the purposes stated in this subsection;

259 (b) The reasonable and prudent costs associated with the
260 purchase of capacity and energy from new renewable energy
261 resources; or

262 (c) The reasonable and prudent costs for conversion of
263 existing fossil fuel generating plants to a Florida renewable
264 energy resource, including the costs of retirement of the fossil
265 fuel generation plant.

266 (10) In order to further promote renewable energy, any
267 expansion of an existing renewable energy electric generating
268 facility, subject to a total of up to 200 net megawatts
269 statewide, for which a site certification application has been
270 filed before January 1, 2011, and which is owned by a local
271 government entity does not require a determination of need
272 pursuant to s. 403.519.

273 (11)~~(6)~~ Nothing in this section or actions taken pursuant
274 to this section shall be construed to impede or impair terms and



926992

275 conditions of existing contracts or be a basis for renegotiating
276 or repricing existing contracts.

277 (12) Nothing in this section impedes or impairs a
278 provider's full cost recovery of all reasonable and prudent
279 costs incurred for renewable energy projects approved by the
280 commission as eligible for cost recovery through the
281 environmental cost-recovery clause before the effective date of
282 this act. Nothing in this section requires a provider to build
283 Florida renewable energy resources, convert existing fossil fuel
284 generation plants to a Florida renewable resource, or purchase
285 renewable energy. Furthermore a provider is not required to
286 contract for generation at a price above its avoided cost if
287 doing so would be inconsistent with or violate the Public
288 Utility Regulatory Policies Act of 1978, as amended.

289 (13)~~(7)~~ The commission may adopt rules to administer and
290 implement the provisions of this section.

291 Section 3. On or before January 1, 2011, the Public Service
292 Commission must file with the Governor, the President of the
293 Senate, and the Speaker of the House of Representatives a report
294 containing an evaluation of full avoided costs, including the
295 premises underlying the avoided cost standard, the purpose of
296 purchases from and payment to non-utility electricity producers,
297 the effect on the purchasing utility's ratepayers, and the
298 effect on those receiving the payments. At a minimum, the report
299 must address in detail:

300 (1) Each of the categories or types of costs incurred by
301 public utilities in their operations, including, as a separate
302 item, the cost to ratepayers of the utility's rate of return;

303 (2) Which of these costs are related to capacity and which



926992

304 are related to energy;
305 (3) The amount of each type of costs that was included in a
306 residential customer's per kilowatt hour charge;
307 (4) Which costs could potentially be avoided by a purchase
308 of renewable energy and which typically were actually avoided;
309 (5) The effect of the ten-year site plant and the reserve
310 margin on costs actually avoided;
311 (6) How the amount of these avoided costs was calculated,
312 including the determination of which utility costs were avoided
313 and how these costs were quantified; and
314 (7) How the details of purchases, including the exact time
315 of purchase, was determined and recorded;
316 (8) Whether any costs were incurred in the process of
317 determining the amount of avoided costs to be paid for each
318 purchase, and, if so, the total amount of these costs; and
319 (9) The impact to ratepayers and those receiving avoided cost
320 payments.
321 Section 4. The Legislature finds that there is a need for a
322 funding mechanism to support and finance a comprehensive energy
323 policy, especially as it relates to sustainable and renewable
324 energy, energy conservation, and energy efficiencies. With such
325 a stable funding mechanism, this state will realize important
326 long-term goals, including:
327 (1) Increased independence from foreign oil.
328 (2) Ensuring an adequate and reliable energy supply.
329 (3) The promotion of economic growth and new investment in
330 the creation of high-paying jobs.
331 (4) The mitigation of adverse environmental impacts and the
332 promotion of stewardship of the environment.



926992

333 (5) Leading the nation in energy conservation and energy
334 efficiencies through needed support for implementing and
335 marketing the products of renewable energy research and
336 innovation.

337 (6) Contributing to a sustainable and renewable energy
338 policy for the state.

339 Section 5. Subsections (1) and (2) of section 377.806,
340 Florida Statutes, are amended to read:

341 377.806 Solar Energy System Incentives Program.—

342 (1) PURPOSE.—The Solar Energy System Incentives Program is
343 established within the commission to provide financial
344 incentives for the purchase and installation of solar energy
345 systems. Any resident of the state who purchases and installs a
346 new solar energy system of 2 kilowatts or larger for a solar
347 photovoltaic system, a solar energy system that provides at
348 least 50 percent of a building's hot water consumption for a
349 solar thermal system, or a solar thermal pool heater, from July
350 1, 2006, through June 30, 2016 ~~2010~~, is eligible for a rebate on
351 a portion of the purchase price of that solar energy system.

352 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

353 (a) *Eligibility requirements.*—A solar photovoltaic system
354 qualifies for a rebate if:

355 1. The system is installed by a state-licensed master
356 electrician, electrical contractor, or solar contractor.

357 2. The system complies with state interconnection standards
358 as provided by the Florida Public Service Commission.

359 3. The system complies with all applicable building codes
360 as defined by the Florida Building Code.

361 (b) *Rebate amounts.*—The rebate amount shall be set at \$2 ~~\$4~~



926992

362 per watt based on the total wattage rating of the system. The
363 maximum allowable rebate per solar photovoltaic system
364 installation shall be as follows:

- 365 1. Ten ~~Twenty~~ thousand dollars for a residence.
366 2. Fifty ~~One hundred~~ thousand dollars for a place of
367 business, a publicly owned or operated facility, or a facility
368 owned or operated by a private, not-for-profit organization,
369 including condominiums or apartment buildings.

370 (c) All publicly accessible and disseminated information
371 about the Solar Energy System Incentives Program shall include
372 prominently displayed information regarding:

- 373 1. The amount of funds that remain to provide rebates for
374 the approved applications, updated, at a minimum, on a monthly
375 basis.
376 2. Information about the total number and dollar amount of
377 approved and funded solar rebate applications, updated, at a
378 minimum, on a monthly basis.
379 3. A statement that no more applications for solar rebates
380 are accepted once funds are depleted.

381 (d) Beginning January 1, 2011, each electric utility that
382 owns, maintains, or operates an electric generation,
383 transmission, or distribution system in the state shall include
384 the following on each residential, commercial, and industrial
385 electric utility customer's monthly electric bill to provide the
386 revenues for the Solar Energy System Incentives Program:

- 387 1. The following option boxes:
388 a. A check box for a voluntary contribution of \$1.
389 b. A check box for a voluntary contribution of \$5.
390 c. A check box for a voluntary contribution of \$10.



926992

391 2. The following statement: "Your voluntary contribution
392 supports Florida's Solar Energy System Incentives Program to
393 help offset the cost of solar panel installation for you, your
394 neighbors, and other Florida residents and business owners.
395 Thank you for helping Florida truly become the 'Sunshine
396 State.'"

397 (e) Voluntary contributions shall be added by the electric
398 utility customer to the amount of his or her monthly utility
399 charges and the total shall be remitted to the electric utility.

400 (f) The electric utility shall collect and transmit the
401 voluntary contributions into the Solar Energy System Incentives
402 Program quarterly.

403 (g) The Florida Energy and Climate Commission shall
404 establish a direct-support organization to provide assistance,
405 funding, and support for carrying out the Solar Energy System
406 Incentives Program. The Florida Energy and Climate Commission
407 shall establish administrative rules and reporting requirements
408 for the operation of the direct-support organization, including
409 oversight of and procedures for the electric utilities'
410 administration, collection, and transmission procedures of
411 customers' voluntary contributions.

412 Section 6. Section 377.601, Florida Statutes, is amended to
413 read:

414 377.601 Legislative intent.—

415 (1) The purpose of the state's energy policy is to ensure
416 an adequate and reliable supply of energy for the state in a
417 manner that promotes the health and welfare of the public,
418 promotes sustainable economic growth, and minimizes and
419 mitigates any adverse impacts. The Legislature intends that



926992

420 governance of the state's energy policy be efficiently directed
421 toward achieving this purpose. ~~The Legislature finds that the~~
422 ~~state's energy security can be increased by lessening dependence~~
423 ~~on foreign oil; that the impacts of global climate change can be~~
424 ~~reduced through the reduction of greenhouse gas emissions; and~~
425 ~~that the implementation of alternative energy technologies can~~
426 ~~be a source of new jobs and employment opportunities for many~~
427 ~~Floridians. The Legislature further finds that the state is~~
428 ~~positioned at the front line against potential impacts of global~~
429 ~~climate change. Human and economic costs of those impacts can be~~
430 ~~averted by global actions and, where necessary, adapted to by a~~
431 ~~concerted effort to make Florida's communities more resilient~~
432 ~~and less vulnerable to these impacts. In focusing the~~
433 ~~government's policy and efforts to benefit and protect our~~
434 ~~state, its citizens, and its resources, the Legislature believes~~
435 ~~that a single government entity with a specific focus on energy~~
436 ~~and climate change is both desirable and advantageous. Further,~~
437 ~~the Legislature finds that energy infrastructure provides the~~
438 ~~foundation for secure and reliable access to the energy supplies~~
439 ~~and services on which Florida depends. Therefore, there is~~
440 ~~significant value to Florida consumers that comes from~~
441 ~~investment in Florida's energy infrastructure that increases~~
442 ~~system reliability, enhances energy independence and~~
443 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
444 ~~gas emissions.~~

445 (2) In furtherance of this purpose, the state's energy
446 policy shall be implemented through effective, efficient, and
447 reliable governance and shall be guided by the following goals
448 in order of their priority:



926992

- 449 (a) Ensuring an affordable energy supply.
- 450 (b) Ensuring adequate supply and capacity.
- 451 (c) Ensuring a secure and reliable energy supply.
- 452 (d) Minimizing energy cost volatility.
- 453 (e) Minimizing the negative impacts of energy production on
454 the state's environment, social fabric, and the public health
455 and welfare.
- 456 (f) Maximizing economic synergies for the state associated
457 with its energy policy.
- 458 (g) Reducing the net export of energy expenditures.
- 459 (3) It is further the policy of the state of Florida to:
- 460 (a) Develop and promote the effective use of energy in the
461 state, discourage all forms of energy waste, and recognize and
462 address the potential of global climate change wherever
463 possible.
- 464 (b) Play a leading role in developing and instituting
465 energy management programs aimed at promoting energy
466 conservation, energy security, and the reduction of greenhouse
467 gas emissions.
- 468 (c) Include energy considerations in all state, regional,
469 and local planning.
- 470 (d) Utilize and manage effectively energy resources used
471 within state agencies.
- 472 (e) Encourage local governments to include energy
473 considerations in all planning and to support their work in
474 promoting energy management programs.
- 475 (f) Include the full participation of citizens in the
476 development and implementation of energy programs.
- 477 (g) Consider in its decisions the energy needs of each



926992

478 economic sector, including residential, industrial, commercial,
479 agricultural, and governmental uses, and reduce those needs
480 whenever possible.

481 (h) Promote energy education and the public dissemination
482 of information on energy and its environmental, economic, and
483 social impact.

484 (i) Encourage the research, development, demonstration, and
485 application of alternative energy resources, particularly
486 renewable energy resources.

487 (j) Consider, in its decisionmaking, the social, economic,
488 and environmental impacts of energy-related activities,
489 including the whole-life-cycle impacts of any potential energy
490 use choices, so that detrimental effects of these activities are
491 understood and minimized.

492 (k) Develop and maintain energy emergency preparedness
493 plans to minimize the effects of an energy shortage within
494 Florida.

495 Section 7. Subsection (14) of section 403.503, Florida
496 Statutes, is amended to read:

497 403.503 Definitions relating to Florida Electrical Power
498 Plant Siting Act.—As used in this act:

499 (14) "Electrical power plant" means, for the purpose of
500 certification, any steam ~~or solar~~ electrical generating facility
501 using any process or fuel, including nuclear materials, except
502 that this term does not include any steam ~~or solar~~ electrical
503 generating facility of less than 75 megawatts in capacity or any
504 solar electrical generating facility of any sized capacity
505 unless the applicant for such a facility elects to apply for
506 certification under this act. This term also includes the site;



926992

507 all associated facilities that will be owned by the applicant
508 that are physically connected to the site; all associated
509 facilities that are indirectly connected to the site by other
510 proposed associated facilities that will be owned by the
511 applicant; and associated transmission lines that will be owned
512 by the applicant which connect the electrical power plant to an
513 existing transmission network or rights-of-way to which the
514 applicant intends to connect. At the applicant's option, this
515 term may include any offsite associated facilities that will not
516 be owned by the applicant; offsite associated facilities that
517 are owned by the applicant but that are not directly connected
518 to the site; any proposed terminal or intermediate substations
519 or substation expansions connected to the associated
520 transmission line; or new transmission lines, upgrades, or
521 improvements of an existing transmission line on any portion of
522 the applicant's electrical transmission system necessary to
523 support the generation injected into the system from the
524 proposed electrical power plant.

525
526

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

528 And the title is amended as follows:

529 Delete lines 2 - 36

530 and insert:

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

532 providing legislative findings and intent; providing

533 definitions; authorizing a local government to levy

534 non-ad valorem assessments to fund certain

535 improvements; authorizing a property owner to apply



926992

536 for funding and enter into a financing agreement with
537 a local government to finance certain improvements;
538 authorizing a local government to collect moneys for
539 such purposes through non-ad valorem assessments;
540 providing collection requirements; authorizing local
541 governments to partner with other local governments to
542 provide and finance certain improvements; authorizing
543 a qualifying improvement program to be administered by
544 a for-profit entity or not-for-profit organization
545 under certain circumstances; authorizing a local
546 government to incur debt payable from revenues
547 received from the improved property; providing a
548 financing restriction for local governments; requiring
549 a financial agreement to be recorded in a county's
550 public records within 5 days after execution of the
551 agreement; specifying responsibilities for local
552 governments before entering into financing agreements;
553 requiring qualifying improvements to be affixed to a
554 building or facility on the property and be performed
555 by a properly certified or registered contractor;
556 excluding certain projects from financing agreement
557 coverage; limiting the amount of the non-ad valorem
558 assessment to a percentage of the just value of the
559 property; providing exceptions; specifying information
560 to be provided to property owners before entering into
561 financing agreements; prohibiting acceleration of a
562 mortgage under certain circumstances; providing
563 assessment disclosure requirements; specifying
564 unenforceability of certain agreement provisions;



926992

565 providing for the act to be construed as preserving a
566 local government's home rule authority; amending s.
567 366.92, F.S.; revising legislative intent regarding
568 the state's renewable energy policy; deleting
569 provisions requiring that the Public Service
570 Commission adopt rules for a renewable portfolio
571 standard; requiring that the commission provide for
572 full cost recovery for renewable energy resources;
573 allowing providers of Florida renewable energy
574 resources build such resources, convert existing
575 fossil fuel generation plants to a renewable energy
576 resource, or purchase renewable energy; requiring that
577 the commission schedule a formal administrative
578 hearing after the filing of a petition for approval of
579 a facility producing a renewable energy resource and
580 vote on such petition within a specified number of
581 days after filing; providing that each provider may
582 purchase or produce renewable energy that has capacity
583 or energy costs in excess of the fully avoided cost
584 limitations; specifying such cost limitations;
585 providing for renewable attributes; providing
586 guidelines for cost recovery; providing legislative
587 findings; amending s. 377.806, F.S.; revising the
588 expiration date for the Solar Energy System Incentives
589 Program; extending the period of time for which
590 residents of the state are eligible to receive rebates
591 for specified solar energy systems; revising the
592 rebate amount for eligible solar energy systems;
593 providing for public dissemination of certain



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594 information about the program; requiring electric
595 utilities to include certain information in customers'
596 monthly electric bills, collect voluntary
597 contributions from customers for the program, and
598 remit the contributions to the program; requiring the
599 Florida Energy and Climate Commission to adopt rules
600 and to establish a direct-support organization for
601 administration of the program; amending s. 377.601,
602 F.S.; revising legislative intent relating to the
603 state's energy policy; amending s. 403.503, F.S.;
604 revising the definition of "electrical power plant"
605 for purposes of the Florida Electrical Power Plant
606 Siting Act; providing an effective date.