

By the Committees on Finance and Tax; and Community Affairs; and  
Senator Bennett

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1                                   A bill to be entitled  
2           energy; creating s. 163.08, F.S.; providing for  
3           supplemental authority to local governments regarding  
4           improvements to real property; providing legislative  
5           findings and intent; defining "local government,"  
6           "qualifying improvement," "energy conservation and  
7           efficiency improvement," "renewable-energy  
8           improvement," and "wind-resistance improvement";  
9           authorizing a local government to levy a non-ad  
10          valorem assessment to fund a qualifying improvement;  
11          authorizing a property owner to enter into a financing  
12          agreement with a local government to finance a  
13          qualifying improvement; authorizing a local government  
14          to collect for such purpose through a non-ad valorem  
15          assessment; providing exceptions; providing for  
16          discontinuance of utility service under certain  
17          circumstances if the financing agreement provides for  
18          repayment through a utility bill; authorizing a local  
19          government to enter into a partnership with one or  
20          more local governments for the purpose of providing  
21          and financing qualifying improvements; authorizing a  
22          for-profit entity or a not-for-profit organization to  
23          administer a qualifying improvement program on behalf  
24          of and at the discretion of the local government;  
25          authorizing a local government to incur debt payable  
26          from revenues received from the improved property;  
27          requiring that a local government verify past payment  
28          delinquencies and involuntary liens on the property;  
29          requiring that a qualifying improvement be affixed to

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30 a building or facility on the property and be  
31 performed by a properly certified or registered  
32 contractor; limiting the total amount of a non-ad  
33 valorem assessment or a municipal or county lien;  
34 providing exceptions; requiring that a property owner  
35 provide certain parties with notice of intent to enter  
36 into a financing agreement, the maximum principal  
37 amount to be financed, and the maximum annual  
38 assessment needed to repay that amount; prohibiting  
39 acceleration of a mortgage under certain  
40 circumstances; providing that certain provisions of  
41 state law do not limit or prohibit any local  
42 government from exercising certain authority;  
43 providing for statutory construction regarding a local  
44 government's home-rule authority; amending s. 366.92,  
45 F.S.; revising legislative intent regarding the  
46 state's renewable energy policy; deleting provisions  
47 requiring that the Public Service Commission adopt  
48 rules for a renewable portfolio standard; requiring  
49 that the commission provide for full cost recovery,  
50 including a return on equity, for certain renewable  
51 energy projects; requiring excess customer-owned  
52 renewable generation delivered to the provider's  
53 electric grid to be credited to the customer's energy  
54 consumption; requiring such energy credits produced to  
55 accumulate and be used to offset the customer's energy  
56 usage; requiring the provider to pay the customer for  
57 any unused energy credits at an average annual rate;  
58 requiring the commission to approve certain renewable

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59 energy projects; creating s. 366.921, F.S.; providing  
60 legislative findings; requiring that a petition filed  
61 by a provider for approval of a facility producing a  
62 Florida renewable energy resource comply with certain  
63 criteria; specifying the criteria to be considered by  
64 the commission in approving a petition for such  
65 facility; requiring that the commission's final order  
66 approving a facility include authorization for annual  
67 cost recovery; requiring providers to file a report  
68 with commission; providing report requirements;  
69 providing penalties for failure to file the report;  
70 providing exemptions from determination-of-need  
71 requirements; providing that certain legislative  
72 determinations constitute a public need and necessity  
73 and fulfill certain determination-of-need  
74 requirements; providing for applicants meeting certain  
75 criteria to obtain a final order of certification;  
76 amending s. 403.503, F.S.; redefining the term  
77 "electrical power plant" for purposes of the Florida  
78 Electrical Power Plant Siting Act to exclude solar  
79 electrical generating facilities; providing an  
80 effective date.

81  
82 Be It Enacted by the Legislature of the State of Florida:

83  
84 Section 1. Section 163.08, Florida Statutes, is created to  
85 read:

86 163.08 Supplemental authority regarding improvements to  
87 real property.-

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88       (1) (a) The Legislature affirms its previous amendments to  
89 the energy goal of the state comprehensive plan, which provided,  
90 in part, that Florida shall reduce its energy requirements  
91 through enhanced conservation and efficiency measures in all  
92 end-use sectors and shall reduce atmospheric carbon dioxide by  
93 promoting an increased use of renewable-energy resources. The  
94 Legislature also affirms its previous declaration that it is the  
95 public policy of this state to play a leading role in developing  
96 and instituting energy management programs aimed at promoting  
97 energy conservation, energy security, and reduction of  
98 greenhouse gases. In addition to establishing policies to  
99 promote the use of renewable energy, the Legislature finds that  
100 it must continue to provide for a schedule of increases in  
101 energy performance of buildings subject to the Florida Energy  
102 Efficiency Code for Building Construction. The Legislature  
103 further finds that it must continue to adopt new energy  
104 conservation and greenhouse gas reduction comprehensive planning  
105 requirements for local governments. The Legislature acknowledges  
106 that in the General Election of 2008, the voters of this state  
107 approved a constitutional amendment authorizing the Legislature,  
108 by general law, to prohibit consideration of any change or  
109 improvement made for the purpose of improving the property's  
110 resistance to wind damage or the installation of a renewable-  
111 energy-source device in the determination of the assessed value  
112 of real property used for residential purposes.

113       (b) All energy-consuming improved properties not using  
114 energy-conservation strategies contribute to the burden  
115 affecting all improved property resulting from fossil fuel  
116 energy production. Improved property that has been retrofitted

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117 with energy-related qualifying improvements receives the special  
118 benefit of alleviating the property's burden from energy  
119 consumption. All improved properties not protected from wind  
120 damage by wind-resistance improvements contribute to the burden  
121 affecting all improved property resulting from potential wind  
122 damage. Improved property that has been retrofitted with wind-  
123 resistance qualifying improvements receives the special benefit  
124 of reducing the property's burden from potential wind damage.  
125 Further, the installation and operation of qualifying  
126 improvements not only benefit the affected properties for which  
127 the improvements are made, but also assist in fulfilling the  
128 goals of the state's energy and hurricane mitigation policies.  
129 To make qualifying improvements more affordable and assist  
130 property owners who wish to undertake them, there is a  
131 compelling state interest in enabling property owners, on a  
132 voluntary basis, to finance such improvements with local  
133 government assistance.

134 (c) The Legislature finds that the actions authorized under  
135 this section, including the financing therein of qualifying  
136 improvements through the execution of financing agreements and  
137 the related imposition of voluntary assessments or charges, are  
138 reasonable and necessary to serve and achieve a compelling state  
139 interest and for the prosperity and welfare of the state and its  
140 property owners and inhabitants.

141 (2) For purposes of this section, the term:

142 (a) "Local government" means a county, a municipality, or a  
143 special district.

144 (b) "Qualifying improvement" includes any of the following:

145 1. "Energy conservation and efficiency improvement," which

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146 means a measure to reduce consumption, through conservation or  
147 more efficient use, of electricity, natural gas, propane, or  
148 other forms of energy on the property, including, but not  
149 limited to, air sealing, installation of insulation,  
150 installation of energy-efficient heating, cooling, or  
151 ventilation systems, building modifications to increase the use  
152 of daylighting, replacement of windows, installation of energy  
153 controls or energy-recovery systems, and installation of  
154 efficient lighting equipment, provided that, to be covered by an  
155 agreement with a property owner and financed under this section,  
156 such improvement must be affixed to a building or facility that  
157 is part of the property.

158 2. "Renewable-energy improvement," which means the  
159 installation of any system whereby electrical, mechanical, or  
160 thermal energy is produced from a method that uses one or more  
161 of the following fuels or energy sources: hydrogen, solar  
162 energy, geothermal energy, bioenergy, or wind energy.

163 3. "Wind-resistance improvement," which includes, but is  
164 not limited to:

165 a. Improving the strength of the roof deck attachment;  
166 b. Creating a secondary water barrier to prevent water  
167 intrusion;

168 c. Installing wind-resistant shingles;  
169 d. Installing gable-end bracing;  
170 e. Reinforcing roof-to-wall connections;  
171 f. Installing storm shutters; and  
172 g. Installing opening protections.

173 (3) A local government may levy a non-ad valorem assessment  
174 to fund a qualifying improvement.

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175       (4) Subject to local government ordinance or resolution, a  
176 property owner may apply to the local government for funding to  
177 finance a qualifying improvement and enter into a financing  
178 agreement with the local government. Costs incurred by the local  
179 government for such purpose may be collected as a non-ad valorem  
180 assessment or a municipal or county lien, or may be collected  
181 pursuant to any other lawful method.

182       (a) A non-ad valorem assessment shall be collected pursuant  
183 s. 197.3632. However, the notice and adoption requirements of s.  
184 197.3632(4) do not apply if the provisions of this section are  
185 used and complied with, and the initial resolution, publication  
186 of notice, and mailed notices to the property appraiser, tax  
187 collector, and Department of Revenue required by s.  
188 197.3632(3) (a) are provided on or before August 15 in  
189 conjunction with any non-ad valorem assessment authorized by  
190 this section if the property appraiser, tax collector, and local  
191 government agree.

192       (b) If the financing agreement provides for repayment  
193 through a surcharge on a utility or other municipal service bill  
194 in the form of a municipal lien, the utility provider may  
195 discontinue the delivery of all utility service if the surcharge  
196 is not paid. However, the financing agreement must set forth the  
197 terms and costs of such discontinuance, including the period  
198 after which discontinuance will be imposed.

199       (5) Pursuant to this section, other applicable law, or its  
200 home rule power, a local government may enter into a partnership  
201 with one or more local governments for the purpose of providing  
202 and financing qualifying improvements.

203       (6) A qualifying improvement program may be administered by

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204 a for-profit entity or a not-for-profit organization on behalf  
205 of and at the discretion of the local government.

206 (7) A local government may incur debt for the purpose of  
207 providing such improvements, payable from revenues received from  
208 the improved property or any other available revenue source as  
209 authorized by law.

210 (8) A local government may enter into a financing agreement  
211 only with the owner of record of the affected property.

212 (9) Before entering into a financing agreement, the local  
213 government shall reasonably verify that all property taxes and  
214 any other assessments levied on the same bill as property taxes  
215 have been paid and have not been delinquent for the past 3 years  
216 or the property owner's period of ownership, whichever is less;  
217 that there are no involuntary liens such as construction liens  
218 on the property; that no notices of default or other evidence of  
219 property-based debt delinquency have been recorded during the  
220 past 3 years or the property owner's period of ownership,  
221 whichever is less; and that the property owner is current on all  
222 mortgage debt on the property.

223 (10) A qualifying improvement shall be affixed to a  
224 building or facility that is part of the property and shall  
225 constitute an improvement to the building or facility or a  
226 fixture thereto. An agreement between a local government and a  
227 qualifying property owner may not cover wind-resistance  
228 improvements in buildings or facilities under new construction  
229 or construction for which a certificate of occupancy or similar  
230 evidence of substantial completion of new construction or  
231 improvement has not been issued.

232 (11) Any work requiring a license under any applicable law

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233 to make a qualifying improvement shall be performed by a  
234 contractor properly certified or registered pursuant to part I  
235 or part II of chapter 489.

236 (12) Without the consent of the holders or loan servicers  
237 of any mortgage encumbering or otherwise secured by the  
238 property, the total amount of any non-ad valorem assessment or  
239 municipal or county lien for a property under this section may  
240 not exceed 20 percent of the just value of the property as  
241 determined by the county property appraiser.

242 (a) Notwithstanding any other provision of law, a non-ad  
243 valorem assessment or municipal or county lien for a qualifying  
244 improvement defined in subparagraph (2)(b)1. or 2. which is  
245 supported by an energy audit is not subject to the limits in  
246 this subsection if the audit demonstrates that the annual energy  
247 savings from the qualified improvement equals or exceeds the  
248 annual repayment amount of the non-ad valorem assessment or  
249 municipal or county lien.

250 (b) A local government may adopt alternate parameters to  
251 those specified in this subsection to conform to local needs and  
252 conditions after conducting a public hearing resulting in a  
253 finding of the need for such changes due to local needs and  
254 conditions.

255 (13) At least 30 days before entering into a financing  
256 agreement, the property owner shall provide to the holders or  
257 loan servicers of any existing mortgages encumbering or  
258 otherwise secured by the property notice of intent to enter into  
259 a financing agreement, together with the maximum principal  
260 amount to be financed and the maximum annual assessment  
261 necessary to repay such amount. A provision of any agreement

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262 between a mortgagee or other lienholder and a property owner or  
263 otherwise now or hereafter binding upon a property owner  
264 allowing for acceleration of payment of the mortgage, note, or  
265 lien or other unilateral modification solely as a result of  
266 entering into a financing agreement, as provided for in this  
267 section, is not enforceable. This subsection does not limit the  
268 authority of the holder or loan servicer to increase the  
269 required monthly escrow by an amount necessary to annually pay  
270 the qualifying improvement assessment.

271 (14) A provision of any agreement between a local  
272 government and a public or private power or energy provider, or  
273 other utility provider, may not limit or prohibit any local  
274 government from exercising its authority under this section.

275 (15) This section shall be construed to be additional and  
276 supplemental to county and municipal home-rule authority and not  
277 in derogation thereof or a limitation thereon.

278 Section 2. Section 366.92, Florida Statutes, is amended to  
279 read:

280 366.92 Florida renewable energy policy.—

281 (1) In order to stimulate the state's economy, encourage  
282 businesses to invest in clean technologies, and foster research,  
283 development, manufacturing, construction, and jobs in new and  
284 renewable energy, it is the intent of the Legislature to promote  
285 the development of renewable energy; protect the economic  
286 viability of Florida's existing renewable energy facilities;  
287 diversify the types of fuel used to generate electricity in  
288 Florida; lessen Florida's dependence on natural gas and fuel oil  
289 for the production of electricity; minimize the volatility of  
290 fuel costs; encourage investment within the state; improve

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291 environmental conditions by minimizing water consumption and  
292 reducing carbon and other greenhouse gas emissions emitted in  
293 this state; and, at the same time, minimize the costs of power  
294 supply to electric utilities and their customers.

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

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

298 (b) "Provider" means a "utility" as defined in s.  
299 366.8255(1)(a).

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

302 ~~(d) "Renewable energy credit" or "REC" means a product that~~  
303 ~~represents the unbundled, separable, renewable attribute of~~  
304 ~~renewable energy produced in Florida and is equivalent to 1~~  
305 ~~megawatt-hour of electricity generated by a source of renewable~~  
306 ~~energy located in Florida.~~

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

311 ~~(3) The commission shall adopt rules for a renewable~~  
312 ~~portfolio standard requiring each provider to supply renewable~~  
313 ~~energy to its customers directly, by procuring, or through~~  
314 ~~renewable energy credits. In developing the RPS rule, the~~  
315 ~~commission shall consult the Department of Environmental~~  
316 ~~Protection and the Florida Energy and Climate Commission. The~~  
317 ~~rule shall not be implemented until ratified by the Legislature.~~  
318 ~~The commission shall present a draft rule for legislative~~  
319 ~~consideration by February 1, 2009.~~

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320 ~~(a) In developing the rule, the commission shall evaluate~~  
321 ~~the current and forecasted levelized cost in cents per kilowatt~~  
322 ~~hour through 2020 and current and forecasted installed capacity~~  
323 ~~in kilowatts for each renewable energy generation method through~~  
324 ~~2020.~~

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

326 ~~1. Shall include methods of managing the cost of compliance~~  
327 ~~with the renewable portfolio standard, whether through direct~~  
328 ~~supply or procurement of renewable power or through the purchase~~  
329 ~~of renewable energy credits. The commission shall have~~  
330 ~~rulemaking authority for providing annual cost recovery and~~  
331 ~~incentive-based adjustments to authorized rates of return on~~  
332 ~~common equity to providers to incentivize renewable energy.~~  
333 ~~Notwithstanding s. 366.91(3) and (4), upon the ratification of~~  
334 ~~the rules developed pursuant to this subsection, the commission~~  
335 ~~may approve projects and power sales agreements with renewable~~  
336 ~~power producers and the sale of renewable energy credits needed~~  
337 ~~to comply with the renewable portfolio standard. In the event of~~  
338 ~~any conflict, this subparagraph shall supersede s. 366.91(3) and~~  
339 ~~(4). However, nothing in this section shall alter the obligation~~  
340 ~~of each public utility to continuously offer a purchase contract~~  
341 ~~to producers of renewable energy.~~

342 ~~2. Shall provide for appropriate compliance measures and~~  
343 ~~the conditions under which noncompliance shall be excused due to~~  
344 ~~a determination by the commission that the supply of renewable~~  
345 ~~energy or renewable energy credits was not adequate to satisfy~~  
346 ~~the demand for such energy or that the cost of securing~~  
347 ~~renewable energy or renewable energy credits was cost~~  
348 ~~prohibitive.~~

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

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

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

358 ~~6. Shall ensure that energy credited toward compliance with~~  
359 ~~the requirements of this section is not credited toward any~~  
360 ~~other purpose.~~

361 ~~7. Shall include procedures to track and account for~~  
362 ~~renewable energy credits, including ownership of renewable~~  
363 ~~energy credits that are derived from a customer-owned renewable~~  
364 ~~energy facility as a result of any action by a customer of an~~  
365 ~~electric power supplier that is independent of a program~~  
366 ~~sponsored by the electric power supplier.~~

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

370 ~~(c) Beginning on April 1 of the year following final~~  
371 ~~adoption of the commission's renewable portfolio standard rule,~~  
372 ~~each provider shall submit a report to the commission describing~~  
373 ~~the steps that have been taken in the previous year and the~~  
374 ~~steps that will be taken in the future to add renewable energy~~  
375 ~~to the provider's energy supply portfolio. The report shall~~  
376 ~~state whether the provider was in compliance with the renewable~~  
377 ~~portfolio standard during the previous year and how it will~~

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378 ~~comply with the renewable portfolio standard in the upcoming~~  
379 ~~year.~~

380 (3) (a) (4) In order to promote and facilitate the  
381 development of clean energy industry in this state ~~demonstrate~~  
382 ~~the feasibility and viability of clean energy systems,~~ the  
383 commission shall provide for full cost recovery under the  
384 environmental cost-recovery clause of all reasonable and prudent  
385 costs incurred by a provider for renewable energy projects that  
386 result in a net decrease of ~~are zero~~ greenhouse gas emitted in  
387 this state emitting at the point of generation, up to a total of  
388 ~~110 megawatts statewide,~~ and for which the provider has secured  
389 necessary land, zoning permits, and transmission rights within  
390 the state.

391 (b) In addition to the full cost recovery for such  
392 renewable energy projects, a return on equity of not less than  
393 50 basis points above the top of the range of the provider's  
394 last authorized rate of return on equity approved by the  
395 commission for energy projects shall be approved and provided  
396 for such renewable energy projects if a majority value of the  
397 energy-producing components incorporated into such projects are  
398 manufactured or assembled within this state.

399 (c) Such costs shall be deemed reasonable and prudent for  
400 purposes of cost recovery so long as the provider has  
401 demonstrated that the renewable energy project meets the  
402 criteria in s. 366.921(4) (a) and used reasonable and customary  
403 industry practices in the design, procurement, and construction  
404 of the project in a cost-effective manner appropriate to the  
405 location of the facility. The provider shall report to the  
406 commission as part of the cost-recovery proceedings the

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407 construction costs, in-service costs, operating and maintenance  
408 costs, hourly energy production of the renewable energy project,  
409 environmental benefits, and estimated fuel savings attributable  
410 to the facility and any other information deemed relevant by the  
411 commission. Any provider constructing a clean energy facility  
412 pursuant to this section shall file for cost recovery no later  
413 than July 1, 2009.

414 (d) During any billing cycle, excess customer-owned  
415 renewable generation delivered to the provider's electric grid  
416 shall be credited to the customer's energy consumption for the  
417 next month's billing cycle. Such energy credits produced must  
418 accumulate and be used to offset the customer's energy usage in  
419 subsequent months for a period of not more than 12 months. At  
420 the end of each calendar year, the provider shall pay the  
421 customer for any unused energy credits at an average annual rate  
422 based on the provider's COG-3 energy tariff.

423 (4) Pursuant to the approval process under s. 366.921, the  
424 commission shall approve a total of 700 megawatts of renewable  
425 energy projects for the years 2010, 2011, and 2012, with up to a  
426 total of 300 megawatts approved in 2010 and up to an additional  
427 200 megawatts approved annually in 2011 and 2012, as part of new  
428 renewable energy projects and an additional 35 megawatts, with  
429 up to 15 megawatts annually for 2010 and up to 10 megawatts  
430 annually for 2011 and 2012, which must be rooftop or pole-  
431 mounted solar energy applications in addition to megawatts  
432 attributable to renewable energy projects approved by the  
433 commission for cost recovery before January 1, 2010. Any  
434 megawatts for renewable energy projects designated for approval  
435 for a specific year which remain available at the end of the

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436 calendar year shall be carried forward to the succeeding year.

437 (5) Each municipal electric utility and rural electric  
438 cooperative shall develop standards for the promotion,  
439 encouragement, and expansion of the use of renewable energy  
440 resources and energy conservation and efficiency measures. On or  
441 before April 1, 2009, and annually thereafter, each municipal  
442 electric utility and electric cooperative shall submit to the  
443 commission a report that identifies such standards.

444 (6) ~~Nothing in This section does not shall be construed to~~  
445 ~~impede or impair terms and conditions of existing contracts.~~

446 (7) The commission may adopt rules to administer ~~and~~  
447 ~~implement the provisions of this section.~~

448 Section 3. Section 366.921, Florida Statutes, is created to  
449 read:

450 366.921 Renewable energy; approval process.-

451 (1) The Legislature finds that the goals stated in s.  
452 366.92(1) shall be accomplished by fostering the expansion and  
453 development of Florida renewable energy resources. Providers of  
454 Florida renewable energy resources must acquire commission  
455 approval before the construction, licensing, and operation of a  
456 facility producing such resources or the purchase of capacity or  
457 energy from a facility producing such resources. This  
458 requirement does not apply to purchases of capacity or energy  
459 under commission-approved standard-offer contracts or tariffs.  
460 Any petition filed by a provider for approval of a facility  
461 producing a Florida renewable energy resource must meet the  
462 criteria specified in this section.

463 (2) Notwithstanding s. 403.519, the Legislature finds that  
464 there is a need for new Florida renewable energy resources

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465 consistent with the goals stated in s. 366.92(1). This  
466 legislative finding shall serve as the need determination  
467 required under s. 403.519 and as the commission's agency report  
468 under s. 403.507(4) (a).

469 (3) Upon the filing by a provider of a petition for  
470 approval of a facility producing a Florida renewable energy  
471 resource, the commission shall schedule a formal administrative  
472 hearing within 10 days after the filing of the petition and vote  
473 on the petition within 90 days after such filing.

474 (4) Before approving the petition, the commission shall  
475 consider whether the:

476 (a) Proposal for the facility requires the use of  
477 reasonable and customary industry practices in the design,  
478 engineering, and proposed construction of the facility which are  
479 appropriate to the proposed technology and location of the  
480 facility.

481 (b) Entity, including a provider, which would engineer,  
482 design, and construct the proposed facility has the requisite  
483 technical and financial qualifications, expertise, and  
484 capability.

485 (c) Entity, including a provider, which would operate the  
486 proposed facility has the requisite technical qualifications,  
487 expertise, and capability.

488 (d) Proposed production of the Florida renewable energy  
489 resource will have a positive impact on the environment,  
490 including the reduction of greenhouse gas emissions in the  
491 state, measured at the point of generation.

492 (e) Proposed production of the Florida renewable energy  
493 resource will result in local economic benefits, including job

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494 creation, for the state's economy.

495 (f) Proposed Florida renewable energy resource will enhance  
496 the fuel diversity of the provider.

497 (g) Proposed facility producing the Florida renewable  
498 energy resource will minimize or avoid the incremental use of  
499 water resources at the project site in the production of  
500 renewable power.

501 (5) The commission's final order approving a facility  
502 producing a Florida renewable energy resource shall include  
503 express authorization for annual cost recovery pursuant to ss.  
504 366.8255 and 366.92.

505 (6) A provider that receives approval from the commission  
506 for a specific renewable energy project pursuant to this section  
507 shall file a report with the commission within 1 year after the  
508 date of the order reflecting such approval. Prior to the  
509 expiration of the time for filing the report, a provider may  
510 request an extension of time up to 6 months to file such report  
511 and the commission shall grant such request if the provider  
512 demonstrates good cause for the extension. The report shall  
513 summarize the status of the project, including confirmation that  
514 construction of the project has commenced, and provide all  
515 relevant supporting documentation. If a provider fails to timely  
516 file such report, the approval of the project granted by the  
517 commission shall be vacated by operation of law and the  
518 megawatts attributable to such project shall be restored as part  
519 of the total megawatts available for renewable energy projects  
520 under s. 366.92(4).

521 (7) The Legislature finds that there is a need for all  
522 proposed Florida renewable energy resources for which an

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523 application for certification has been filed by a provider and  
524 is pending under part II of chapter 403, as of the effective  
525 date of this act, and that such proposed Florida renewable  
526 energy resources are exempt from the requirement to obtain a  
527 determination of need pursuant to this section and s. 403.519.  
528 Florida renewable energy resources for which an application for  
529 certification has been filed by a provider and is pending under  
530 part II of chapter 403, as of the effective date of this act,  
531 are determined by the Legislature to meet the electrical needs  
532 of the state in an orderly, reliable, and timely fashion, to  
533 fulfill the provisions of s. 403.519(3), and to otherwise be in  
534 the public interest. The Legislature's determination of need  
535 reflected in this subsection creates a presumption of public  
536 need and necessity which shall not be raised in any other forum  
537 or in the review of proceedings in such other forum and shall  
538 substitute for the commission's report required by s.  
539 403.507(4). Notwithstanding any amendment to s. 403.503, all  
540 proposed Florida renewable energy resources for which an  
541 application for certification has been filed by a provider and  
542 is pending under part II of chapter 403, as of the effective  
543 date of this act, may, at the applicant's option, proceed to  
544 obtain a final order of certification under part II of chapter  
545 403.

546 Section 4. Subsection (14) of section 403.503, Florida  
547 Statutes, is amended to read:

548 403.503 Definitions relating to Florida Electrical Power  
549 Plant Siting Act.—As used in this act:

550 (14) "Electrical power plant" means, for the purpose of  
551 certification, any steam ~~or solar~~ electrical generating facility

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552 using any process or fuel, including nuclear materials, except  
553 that this term does not include any steam ~~or solar~~ electrical  
554 generating facility of less than 75 megawatts in capacity or any  
555 solar electrical generating facility of any sized capacity  
556 unless the applicant for such a facility elects to apply for  
557 certification under this act. This term also includes the site;  
558 all associated facilities that will be owned by the applicant  
559 that are physically connected to the site; all associated  
560 facilities that are indirectly connected to the site by other  
561 proposed associated facilities that will be owned by the  
562 applicant; and associated transmission lines that will be owned  
563 by the applicant which connect the electrical power plant to an  
564 existing transmission network or rights-of-way to which the  
565 applicant intends to connect. At the applicant's option, this  
566 term may include any offsite associated facilities that will not  
567 be owned by the applicant; offsite associated facilities that  
568 are owned by the applicant but that are not directly connected  
569 to the site; any proposed terminal or intermediate substations  
570 or substation expansions connected to the associated  
571 transmission line; or new transmission lines, upgrades, or  
572 improvements of an existing transmission line on any portion of  
573 the applicant's electrical transmission system necessary to  
574 support the generation injected into the system from the  
575 proposed electrical power plant.

576 Section 5. This act shall take effect upon becoming a law.