

By Senator Bennett

21-464-05

1 A bill to be entitled

2 An act relating to renewable energy; creating

3 s. 366.91, F.S.; providing legislative

4 findings; providing definitions; requiring

5 public utilities, municipal utilities, and

6 rural electric cooperatives to offer a purchase

7 contract to producers of renewable energy;

8 providing requirements for such contracts;

9 requiring that a producer pay the costs for

10 interconnection; amending s. 366.11, F.S.;

11 specifying that requirements for the purchase

12 of renewable energy apply to municipal

13 utilities; amending s. 403.7061, F.S.; revising

14 a permit requirement for a waste-to-energy

15 facility; encouraging specified applicants for

16 a landfill permit to consider construction of a

17 waste-to-energy facility; providing an

18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 366.91, Florida Statutes, is

23 created to read:

24 366.91 Renewable energy.--

25 (1) The Legislature finds that it is in the public

26 interest to promote the development of renewable energy

27 resources in this state. Renewable energy resources have the

28 potential to help diversify fuel types to meet Florida's

29 growing dependency on natural gas for electric production,

30 minimize the volatility of fuel costs, encourage investment

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 within the state, improve environmental conditions, and make
2 Florida a leader in new and innovative technologies.

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

4 (a) "Biomass" means a power source composed of
5 combustible residues or gases that are derived from organic
6 matter drawn from sources other than fossil fuels, which
7 sources are available on a renewable basis. The term
8 includes, but is not limited to, a power source from
9 forest-products manufacturing; agricultural and orchard crops;
10 waste products from livestock operations, poultry operations,
11 or food processing; urban wood waste; municipal solid waste;
12 municipal liquid waste treatment operations; or landfill gas.

13 (b) "Renewable energy" means electrical energy
14 produced from a method that uses one or more of the following
15 fuels or energy sources: hydrogen produced from sources other
16 than fossil fuels, biomass, solar energy, geothermal energy,
17 wind energy, ocean energy, hydroelectric power, municipal
18 solid waste, material from municipal liquid waste treatment
19 operations, or landfill gas.

20 (3) On or before January 1, 2006, each public utility
21 must continuously offer a purchase contract to producers of
22 renewable energy containing payment provisions for energy and
23 capacity, if capacity payments are appropriate, which are
24 based upon the utility's full avoided costs, as defined in s.
25 366.051. Each contract must provide a contract term of at
26 least 10 years. Prudent and reasonable costs associated with a
27 renewable energy contract shall be recovered from the
28 ratepayers of the contracting utility, without differentiation
29 among customer classes, through the appropriate cost-recovery
30 clause mechanism administered by the commission.

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1 (4) On or before January 1, 2006, each municipal
2 electric utility and rural electric cooperative whose annual
3 sales, as of July 1, 1993, to retail customers were greater
4 than 2,000 gigawatt hours must continuously offer a purchase
5 contract to producers of renewable energy containing payment
6 provisions for energy and capacity, if capacity payments are
7 appropriate, which are based upon the utility's or
8 cooperative's full avoided costs, as determined by the
9 governing body of the municipal utility or cooperative. Each
10 contract must provide a contract term of at least 10 years.

11 (5) A contracting producer of renewable energy must
12 pay the actual costs of its interconnection with the
13 transmission grid or distribution system.

14 Section 2. Subsection (1) of section 366.11, Florida
15 Statutes, is amended to read:

16 366.11 Certain exemptions.--

17 (1) No provision of this chapter shall apply in any
18 manner, other than as specified in ss. 366.04, 366.05(7) and
19 (8), 366.051, 366.055, 366.093, 366.095, 366.14, ~~and~~
20 366.80-366.85, and 366.91, to utilities owned and operated by
21 municipalities, whether within or without any municipality, or
22 by cooperatives organized and existing under the Rural
23 Electric Cooperative Law of the state, or to the sale of
24 electricity, manufactured gas, or natural gas at wholesale by
25 any public utility to, and the purchase by, any municipality
26 or cooperative under and pursuant to any contracts now in
27 effect or which may be entered into in the future, when such
28 municipality or cooperative is engaged in the sale and
29 distribution of electricity or manufactured or natural gas, or
30 to the rates provided for in such contracts.

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1 Section 3. Subsection (3) of section 403.7061, Florida
2 Statutes, is amended to read:

3 403.7061 Requirements for review of new
4 waste-to-energy facility capacity by the Department of
5 Environmental Protection.--

6 (3) An applicant must provide reasonable assurance
7 that the construction of a new waste-to-energy facility or the
8 expansion of an existing waste-to-energy facility will comply
9 with the following ~~subsections~~:

10 (a) The facility is a necessary part of the local
11 government's integrated solid waste management program in the
12 jurisdiction where the facility is located and cannot be
13 avoided through feasible and practical efforts to use
14 recycling or waste reduction.

15 (b) The use of capacity at existing waste-to-energy
16 facilities within reasonable transportation distance of the
17 proposed facility must have been evaluated and found not to be
18 economically feasible when compared to the use of the proposed
19 facility for the expected life of the proposed facility. This
20 paragraph does not apply to:

21 1. Applications to build or expand waste-to-energy
22 facilities received by the department before March 1, 1993, or
23 amendments to such applications that do not increase
24 combustion capacity beyond that requested as of March 1, 1993;
25 or

26 2. Any modification to waste-to-energy facility
27 construction or operating permits or certifications or
28 conditions thereto, including certifications under ss.
29 403.501-403.518, that do not increase combustion capacity
30 above that amount applied for before March 1, 1993.
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1 (c) The county in which the facility is located has
2 implemented a solid waste management and recycling program
3 that is designed to achieve the waste-reduction goals
4 established pursuant to forth in s. 403.706(4). ~~The county in~~
5 ~~which the facility is located will achieve the 30 percent~~
6 ~~waste reduction goal set forth in s. 403.706(4) by the time~~
7 ~~the facility begins operation. For the purposes of this~~
8 ~~section, the provisions of s. 403.706(4)(c) for counties with~~
9 ~~populations of 75,000 or less do not apply.~~

10 (d) The local government in which the facility is
11 located has implemented a mulching, composting, or other waste
12 reduction program for yard trash.

13 (e) The local governments served by the facility will
14 have implemented or participated in a separation program
15 designed to remove small-quantity generator and household
16 hazardous waste, mercury containing devices, and
17 mercuric-oxide batteries from the waste stream prior to
18 incineration, by the time the facility begins operation.

19 (f) The local government in which the facility is
20 located has implemented a program to procure products or
21 materials with recycled content, pursuant to s. 403.7065.

22 (g) A program will exist in the local government in
23 which the facility is located for collecting and recycling
24 recovered material from the institutional, commercial, and
25 industrial sectors by the time the facility begins operation.

26 (h) The facility will be in compliance with applicable
27 local ordinances and with the approved state and local
28 comprehensive plans required by chapter 163.

29 (i) The facility is in substantial compliance with its
30 permit, conditions of certification, and any agreements or
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1 orders resulting from environmental enforcement actions by
2 state agencies.

3 (4) For the purposes of this section, the term
4 "waste-to-energy facility" means a facility that uses an
5 enclosed device using controlled combustion to thermally break
6 down solid, liquid, or gaseous combustible solid waste to an
7 ash residue that contains little or no combustible material
8 and that produces electricity, steam, or other energy as a
9 result. The term does not include facilities that primarily
10 burn fuels other than solid waste even if such facilities also
11 burn some solid waste as a fuel supplement. The term also does
12 not include facilities that burn vegetative, agricultural, or
13 silvicultural wastes, bagasse, clean dry wood, methane or
14 other landfill gas, wood fuel derived from construction or
15 demolition debris, or waste tires, alone or in combination
16 with fossil fuels.

17 Section 4. Requirements relating to solid waste
18 disposal facility permitting.--Local government applicants for
19 a permit to construct or expand a Class I landfill are
20 encouraged to consider construction of a waste-to-energy
21 facility as an alternative to additional landfill space.

22 Section 5. This act shall take effect October 1, 2005.

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25 SENATE SUMMARY

26 Requires public utilities, municipal utilities, and rural
27 electric cooperatives to offer a purchase contract to
28 producers of renewable energy. Defines the terms
29 "biomass" and "renewable energy." Requires such contracts
30 to be for at least 10 years and to include payment
31 provisions. Provides for cost recovery. Revises a permit
requirement for a waste-to-energy facility. Encourages
consideration of waste-to-energy as an alternative to
landfilling.