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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/28/2009 04:13 PM

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Senator King moved the following:

Senate Amendment (with title amendment)

Between lines 46 and 47

insert:

Section 1. Subsection (1) of section 366.8255, Florida Statutes, is amended to read:

366.8255 Environmental cost recovery.-

(1) As used in this section, the term:

(a) "Electric utility" or "utility" means any investor-owned electric utility that owns, maintains, or operates an electric generation, transmission, or distribution system within the State of Florida and that is regulated under this chapter.



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13 (b) "Commission" means the Florida Public Service
14 Commission.

15 (c) "Environmental laws or regulations" includes all
16 federal, state, or local statutes, administrative regulations,
17 orders, ordinances, resolutions, or other requirements that
18 apply to electric utilities and are designed to protect the
19 environment, including any federal or Florida law that requires
20 an electric utility to provide electricity from renewable
21 energy.

22 (d) "Environmental compliance costs" includes all costs or
23 expenses incurred by an electric utility in complying with
24 environmental laws or regulations, including, but not limited
25 to:

- 26 1. Inservice capital investments, including the electric
27 utility's last authorized rate of return on equity thereon.
- 28 2. Operation and maintenance expenses.
- 29 3. Fuel procurement costs.
- 30 4. Purchased power costs.
- 31 5. Emission allowance costs.
- 32 6. Direct taxes on environmental equipment.
- 33 7. Costs or expenses prudently incurred by an electric
34 utility pursuant to an agreement entered into on or after the
35 effective date of this act and prior to October 1, 2002, between
36 the electric utility and the Florida Department of Environmental
37 Protection or the United States Environmental Protection Agency
38 for the exclusive purpose of ensuring compliance with ozone
39 ambient air quality standards by an electrical generating
40 facility owned by the electric utility.
- 41 8. Costs or expenses prudently incurred for the



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42 quantification, reporting, and third-party verification as
43 required for participation in greenhouse gas emission registries
44 for greenhouse gases as defined in s. 403.44.

45 9. Costs or expenses prudently incurred for scientific
46 research and geological assessments of carbon capture and
47 storage conducted in this state for the purpose of reducing an
48 electric utility's greenhouse gas emissions when such costs or
49 expenses are incurred in joint research projects with Florida
50 state government agencies and Florida state universities.

51 10. Costs or expenses prudently incurred to comply with any
52 environmental laws or regulations requiring that any portion of
53 the electric utility's energy sales, demand or other measures of
54 the provision of electricity to its customers, be derived from
55 renewable energy, however defined, either produced by the
56 electric utility itself or purchased from another source, or
57 through credits purchased to comply in whole or in part with
58 such provisions, including costs or expenses associated with
59 setting up and participating in a market or other mechanisms for
60 trading such renewable energy credits.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 2

65 and insert:

66 An act relating to energy; amending s. 366.8255, F.S.;

67 revising definitions relating to environmental cost

68 recovery; amending s. 366.92, F.S.;