

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Murzin offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 20 and 21, insert:

5 Section 1. Subsection (7) of section 366.82, Florida
6 Statutes, is amended to read:

7 366.82 Definition; goals; plans; programs; annual reports;
8 energy audits.--

9 (7) Following adoption of goals pursuant to subsections
10 (2) and (3), the commission shall require each utility to
11 develop plans and programs to meet the overall goals within its
12 service area. The commission may require modifications or
13 additions to a utility's plans and programs at any time it is in
14 the public interest consistent with this act. In approving plans
15 and programs for cost recovery, the commission shall have the
16 flexibility to modify or deny plans or programs that would have

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17 an undue impact on the costs passed on to customers. If any plan
18 or program includes loans, collection of loans, or similar
19 banking functions by a utility and the plan is approved by the
20 commission, the utility shall perform such functions,
21 notwithstanding any other provision of the law. However, no
22 utility shall be required to loan its funds for the purpose of
23 purchasing or otherwise acquiring conservation measures or
24 devices, but nothing herein shall prohibit or impair the
25 administration or implementation of a utility plan as submitted
26 by a utility and approved by the commission under this
27 subsection. If the commission disapproves a plan, it shall
28 specify the reasons for disapproval, and the utility whose plan
29 is disapproved shall resubmit its modified plan within 30 days.
30 Prior approval by the commission shall be required to modify or
31 discontinue a plan, or part thereof, which has been approved. If
32 any utility has not implemented its programs and is not
33 substantially in compliance with the provisions of its approved
34 plan at any time, the commission shall adopt programs required
35 for that utility to achieve the overall goals. Utility programs
36 may include variations in rate design, load control,
37 cogeneration, residential energy conservation subsidy, or any
38 other measure within the jurisdiction of the commission which
39 the commission finds likely to be effective, including measures
40 that provide demand-side reductions, measurable in real time,
41 achieved through the use of systems and software that provide
42 real-time control of a voluntarily participating customer's
43 electricity consumption by both the electric utility and the

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44 customer; this provision shall not be construed to preclude
45 these measures in any plan or program.

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

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Remove line 2 and insert:

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An act relating to energy; amending s. 366.82, F.S.;

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specifying certain measures that the Public Service

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Commission may require in programs for a utility that does

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not substantially comply with its approved utility plan;

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amending s. 377.705, F.S.;