

By Senator Bennett

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 288.9602, F.S.; revising legislative findings and
4 declarations of necessity to emphasize the importance
5 of the economic activities in counties and
6 municipalities; providing that the purposes of the
7 Florida Development Finance Corporation Act may be
8 accomplished by legislation implementing
9 constitutional provisions allowing local governments
10 to issue revenue bonds to finance or refinance the
11 cost of certain capital projects and authorizing new
12 and innovative means for the investment of public
13 trust funds; creating s. 366.94, F.S.; authorizing a
14 producer of renewable energy to sell electricity to
15 electricity customers at retail; requiring the Public
16 Service Commission to adopt rules and submit reports
17 to the Legislature; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 288.9602, Florida Statutes, is amended
22 to read:

23 288.9602 Findings and declarations of necessity.—The
24 Legislature finds and declares that:

25 (1) There is a need to enhance economic activity in the
26 counties and municipalities of the state by attracting
27 manufacturing, development, redevelopment of brownfield areas,
28 business enterprise management, and other activities conducive
29 to economic promotion in order to provide a stronger, more

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30 balanced, and stable economy in the state.

31 (2) A significant portion of businesses located in the
32 counties and municipalities of the state or desiring to locate
33 in the state encounter difficulty in obtaining financing on
34 terms competitive with those available to businesses located in
35 other states and nations or are unable to obtain such financing
36 at all.

37 (3) The difficulty in obtaining such financing impairs the
38 expansion of economic activity and the creation of jobs and
39 income in communities throughout the state.

40 (4) The businesses most often affected by these financing
41 difficulties are small businesses critical to the economic
42 development of the counties and municipalities of the state.

43 (5) The economic well-being of the people in, and the
44 commercial and industrial resources of, the counties and
45 municipalities of the state would be enhanced by the provision
46 of financing to businesses on terms competitive with those
47 available in the most developed financial markets worldwide.

48 (6) In order to improve the prosperity and welfare of the
49 counties and municipalities of the ~~this~~ state and its
50 inhabitants, to improve and promote the financing of projects
51 related to the economic development of the counties and
52 municipalities of the ~~this~~ state, including redevelopment of
53 brownfield areas, and to increase the purchasing power and
54 opportunities for gainful employment of citizens of the counties
55 and municipalities of the ~~this~~ state, it is necessary and in the
56 public interest to facilitate the financing of such projects as
57 provided for in this act and to do so without regard to the
58 boundaries between counties, municipalities, special districts,

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59 and other local governmental bodies or agencies in order to more
60 effectively and efficiently serve the interests of the greatest
61 number of people in the widest area practicable.

62 (7) In order to promote and stimulate development and
63 advance the business prosperity and economic welfare of the
64 counties and municipalities of the ~~this~~ state and its
65 inhabitants; to encourage and assist new business and industry
66 in the ~~this~~ state through loans, investments, or other business
67 transactions; to rehabilitate and assist existing businesses; to
68 stimulate and assist in the expansion of all kinds of for-profit
69 and not-for-profit business activity; and to create maximum
70 opportunities for employment, encouragement of thrift, and
71 improvement of the standard of living of the citizens of
72 Florida, it is necessary and in the public interest to
73 facilitate the cooperation and action between organizations,
74 public and private, in the promotion, development, and conduct
75 of all kinds of for-profit and not-for-profit business activity
76 in the state.

77 (8) In order to efficiently and effectively achieve the
78 purposes of this act, it is necessary and in the public interest
79 to create a special development finance authority to cooperate
80 and act in conjunction with public agencies of the ~~this~~ state
81 and local governments of the ~~this~~ state, through interlocal
82 agreements pursuant to the Florida Interlocal Cooperation Act of
83 1969, in the promotion and advancement of projects related to
84 economic development, including redevelopment of brownfield
85 areas, throughout the state.

86 (9) The purposes to be achieved by the special development
87 finance authority through such projects and such financings of

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88 business and industry in compliance with the criteria and the
89 requirements of this act are predominantly the public purposes
90 stated in this section, and such purposes implement the
91 governmental purposes under the State Constitution of providing
92 for the health, safety, and welfare of the people of the state.
93 These purposes may be facilitated through legislation fully
94 implementing s. 10(c), Art. VII of the State Constitution to
95 authorize local governments to issue revenue bonds for the
96 financing or refinancing of capital projects, and through
97 legislation authorizing new and innovative means for the
98 investment of public trust funds pursuant to s. 10(a), Art. VII
99 of the State Constitution.

100 Section 2. Section 366.94, Florida Statutes, is created to
101 read:

102 366.94 Retail sales of renewable energy.-

103 (1) As used in this section, the term "renewable energy"
104 has the same meaning as provided in s. 366.91.

105 (2) Notwithstanding any other provision in this chapter, a
106 producer of renewable energy may sell electricity directly to
107 one or more retail consumers.

108 (3) The commission shall adopt rules to administer this
109 section. In adopting such rules, the commission shall establish,
110 at a minimum:

111 (a) Requirements related to interconnection and metering.

112 (b) A mechanism for setting rates for any service provided
113 to the consumer by the utility if such service is required by
114 the consumer. These rates shall ensure that the utility's
115 general body of ratepayers does not subsidize the consumer in
116 any way, including any redundant utility generating capacity

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117 necessary to serve the consumer.

118 (c) Requirements for notice to the commission of the size
119 and location of each renewable energy generation facility
120 planned under this section, the identity and historical and
121 projected load characteristics of each host consumer, and any
122 other information deemed necessary by the commission to satisfy
123 its obligations under s. 366.04(5).

124 (4) Beginning January 1, 2012, and at least once every 6
125 months thereafter, the commission shall submit a report to the
126 Legislature of activity under this section which addresses the
127 impacts of such activity on the electric power grid of the
128 state, individual utility systems, and each utility's general
129 body of ratepayers, and includes recommendations concerning
130 implementation of this program.

131 Section 3. This act shall take effect upon becoming a law.