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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Communications, Energy, and Public Utilities
(Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Between lines 45 and 46
insert:

Section 1. Section 366.051, Florida Statutes, is amended to
read:

366.051 Cogeneration; small power production; commission
jurisdiction.—Electricity produced by cogeneration and small
power production, including that produced by individual property
owners using rooftop solar equipment, is of benefit to the
public when included as part of the total energy supply of the
entire electric grid of the state or consumed by a cogenerator



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13 or small power producer. To empower individual property owners
14 to invest in renewable energy alternatives on their own property
15 so that they may reduce their individual energy cost and
16 consumption of fossil fuels, utilities are required to purchase
17 the excess electrical output generated by any property owner
18 within its service area who has installed rooftop solar
19 equipment. The electric utility in whose service area a
20 cogenerator or small power producer is located shall purchase,
21 in accordance with applicable law, all electricity offered for
22 sale by such cogenerator or small power producer; or the
23 cogenerator or small power producer may sell such electricity to
24 any other electric utility in the state. The commission shall
25 establish guidelines relating to the purchase of power or energy
26 by public utilities from cogenerators or small power producers
27 and may set rates at which a public utility must purchase power
28 or energy from a cogenerator or small power producer. In fixing
29 rates for power purchased by public utilities from cogenerators
30 or small power producers, the commission shall authorize a rate
31 equal to the purchasing utility's full avoided costs. A
32 utility's "full avoided costs" are the incremental costs to the
33 utility of the electric energy or capacity, or both, which, but
34 for the purchase from cogenerators or small power producers,
35 such utility would generate itself or purchase from another
36 source. The commission may use a statewide avoided unit when
37 setting full avoided capacity costs. If the cogenerator or small
38 power producer provides adequate security, based on its
39 financial stability, and no costs in excess of full avoided
40 costs are likely to be incurred by the electric utility over the
41 term during which electricity is to be provided, the commission



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42 shall authorize the levelization of payments and the elimination
43 of discounts due to risk factors in determining the rates.
44 Public utilities shall provide transmission or distribution
45 service to enable a retail customer to transmit electrical power
46 generated by the customer at one location to the customer's
47 facilities at another location, if the commission finds that the
48 provision of this service, and the charges, terms, and other
49 conditions associated with the provision of this service, are
50 not likely to result in higher cost electric service to the
51 utility's general body of retail and wholesale customers or
52 adversely affect the adequacy or reliability of electric service
53 to all customers. Notwithstanding any other provision of law,
54 power generated by the customer and provided by the utility to
55 the customers' facility at another location is subject to the
56 gross receipts tax imposed under s. 203.01 and the use tax
57 imposed under s. 212.06. Such taxes shall apply at the time the
58 power is provided at such other location and shall be based upon
59 the cost price of such power as provided in s. 212.06(1)(b).

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete line 2

64 and insert:

65 An act relating to energy; amending s. 366.051, F.S.;

66 requiring a utility to purchase excess electrical

67 output generated by any property owner's rooftop solar

68 equipment within its service area; amending s. 366.82,

69 F.S.;