

By Senator Thompson

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1 A bill to be entitled
2 An act relating to renewable energy producers;
3 amending s. 366.02, F.S.; revising the definition of
4 the term "public utility" to exclude certain producers
5 of renewable energy; amending s. 366.91, F.S.;
6 requiring public utilities to purchase electricity
7 from renewable energy producers at a certain rate;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 366.02, Florida
13 Statutes, is amended to read:

14 366.02 Definitions.—As used in this chapter:

15 (1) "Public utility" means every person, corporation,
16 partnership, association, or other legal entity and their
17 lessees, trustees, or receivers supplying electricity or gas
18 (natural, manufactured, or similar gaseous substance) to or for
19 the public within this state; but the term "public utility" does
20 not include either a cooperative now or hereafter organized and
21 existing under the Rural Electric Cooperative Law of the state;
22 a municipality or any agency thereof; an entity that produces
23 and sells no more than 5 megawatt hours per hour of renewable
24 energy, as defined in s. 366.91(2), to users of that renewable
25 energy located on property that is adjacent to, contiguous with,
26 or located within 1/2 mile of where the renewable energy is
27 produced; any dependent or independent special natural gas
28 district; any natural gas transmission pipeline company making
29 only sales or transportation delivery of natural gas at

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30 wholesale and to direct industrial consumers; any entity selling
31 or arranging for sales of natural gas which neither owns nor
32 operates natural gas transmission or distribution facilities
33 within the state; or a person supplying liquefied petroleum gas,
34 in either liquid or gaseous form, irrespective of the method of
35 distribution or delivery, or owning or operating facilities
36 beyond the outlet of a meter through which natural gas is
37 supplied for compression and delivery into motor vehicle fuel
38 tanks or other transportation containers, unless such person
39 also supplies electricity or manufactured or natural gas.

40 Section 2. Subsection (3) of section 366.91, Florida
41 Statutes, is amended to read:

42 366.91 Renewable energy.—

43 (3) ~~On or before January 1, 2006,~~ Each public utility must
44 continuously offer a purchase contract to producers of renewable
45 energy. The commission shall establish requirements relating to
46 the purchase of capacity and energy by public utilities from
47 renewable energy producers and may adopt rules to administer
48 this section. The contract shall contain payment provisions for
49 energy at the same rate that the public utility sells energy to
50 ratepayers ~~and capacity which are based upon the utility's full~~
51 ~~avoided costs, as defined in s. 366.051; however, capacity~~
52 ~~payments are not required if, due to the operational~~
53 ~~characteristics of the renewable energy generator or the~~
54 ~~anticipated peak and off-peak availability and capacity factor~~
55 ~~of the utility's avoided unit, the producer is unlikely to~~
56 ~~provide any capacity value to the utility or the electric grid~~
57 ~~during the contract term.~~ Each contract must provide a contract
58 term of at least 10 years. Prudent and reasonable costs

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59 associated with a renewable energy contract shall be recovered
60 from the ratepayers of the contracting utility, without
61 differentiation among customer classes, through the appropriate
62 cost-recovery clause mechanism administered by the commission.

63 Section 3. This act shall take effect July 1, 2013.