

1                                   A bill to be entitled  
 2           An act relating to the repeal of nuclear cost  
 3           recovery; repealing s. 366.93, F.S., relating to cost  
 4           recovery mechanisms for the siting, design, licensing,  
 5           and construction of nuclear and integrated  
 6           gasification combined cycle power plants, including  
 7           mechanisms that promote utility investment in, and  
 8           allow for recovery in electric utility rates of  
 9           certain costs of, such plants; repealing s. 366.95,  
 10          F.S., relating to financing for certain nuclear  
 11          generating asset retirement or abandonment costs;  
 12          amending s. 403.519, F.S.; deleting provisions  
 13          limiting challenges to a utility's right to recover  
 14          costs incurred before commercial operation of certain  
 15          plants; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Sections 366.93 and 366.95, Florida Statutes,  
 20 are repealed.

21           Section 2. Paragraph (e) of subsection (4) of section  
 22 403.519, Florida Statutes, is amended to read:

23           403.519 Exclusive forum for determination of need.—

24           (4) In making its determination on a proposed electrical  
 25 power plant using nuclear materials or synthesis gas produced by

26 | integrated gasification combined cycle power plant as fuel, the  
27 | commission shall hold a hearing within 90 days after the filing  
28 | of the petition to determine need and shall issue an order  
29 | granting or denying the petition within 135 days after the date  
30 | of the filing of the petition. The commission shall be the sole  
31 | forum for the determination of this matter and the issues  
32 | addressed in the petition, which accordingly shall not be  
33 | reviewed in any other forum, or in the review of proceedings in  
34 | such other forum. In making its determination to either grant or  
35 | deny the petition, the commission shall consider the need for  
36 | electric system reliability and integrity, including fuel  
37 | diversity, the need for base-load generating capacity, the need  
38 | for adequate electricity at a reasonable cost, and whether  
39 | renewable energy sources and technologies, as well as  
40 | conservation measures, are utilized to the extent reasonably  
41 | available.

42 | ~~(c) After a petition for determination of need for a~~  
43 | ~~nuclear or integrated gasification combined cycle power plant~~  
44 | ~~has been granted, the right of a utility to recover any costs~~  
45 | ~~incurred prior to commercial operation, including, but not~~  
46 | ~~limited to, costs associated with the siting, design, licensing,~~  
47 | ~~or construction of the plant and new, expanded, or relocated~~  
48 | ~~electrical transmission lines or facilities of any size that are~~  
49 | ~~necessary to serve the nuclear power plant, shall not be subject~~  
50 | ~~to challenge unless and only to the extent the commission finds,~~

51 ~~based on a preponderance of the evidence adduced at a hearing~~  
52 ~~before the commission under s. 120.57, that certain costs were~~  
53 ~~imprudently incurred. Proceeding with the construction of the~~  
54 ~~nuclear or integrated gasification combined cycle power plant~~  
55 ~~following an order by the commission approving the need for the~~  
56 ~~nuclear or integrated gasification combined cycle power plant~~  
57 ~~under this act shall not constitute or be evidence of~~  
58 ~~imprudence. Imprudence shall not include any cost increases due~~  
59 ~~to events beyond the utility's control. Further, a utility's~~  
60 ~~right to recover costs associated with a nuclear or integrated~~  
61 ~~gasification combined cycle power plant may not be raised in any~~  
62 ~~other forum or in the review of proceedings in such other forum.~~  
63 ~~Costs incurred prior to commercial operation shall be recovered~~  
64 ~~pursuant to chapter 366.~~

65 Section 3. This act shall take effect July 1, 2017.