

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to public utility environmental
3 remediation costs; creating s. 366.8256, F.S.;
4 defining the term "county"; authorizing a municipality
5 or a county operating under a home rule charter to
6 file a request with the Public Service Commission for
7 a hearing for a determination of prudence on
8 environmental damage caused by a public utility;
9 prohibiting the commission from conducting any hearing
10 regarding recovery for remediation of such
11 environmental damage until after the commission makes
12 such a determination or until the request is
13 dismissed; requiring that pending hearings regarding
14 recovery for remediation of such environmental damage
15 be stayed until after the commission makes its
16 determination or until the request is dismissed;
17 requiring the public utility to submit a cost estimate
18 for certain remediation expenses; requiring the
19 commission to make a determination as to the prudence
20 of a utility's actions leading up to and in response
21 to the environmental damage; prohibiting the utility
22 from recovering expenditures to remedy the damage upon
23 a finding that the utility did not act prudently;
24 requiring the utility to develop a plan to remedy
25 damages under certain circumstances; requiring the
26 utility to specify how certain expenditures will be
27 internalized; providing an effective date.

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

37-00060A-18

2018656__

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31 Section 1. Section 366.8256, Florida Statutes, is created
32 to read:

33 366.8256 Remediation costs of environmental damage;
34 determination of prudence; recovery.-

35 (1) For purposes of this section, the term "county" has the
36 same meaning as in s. 125.011(1).

37 (2) If the Department of Environmental Protection makes a
38 determination that a public utility has caused environmental
39 damage within the state, a municipality or county in which such
40 damage occurred may file a request for a hearing with the
41 commission for a determination of prudence on the environmental
42 damage the public utility caused within the boundaries of the
43 municipality or county or adjacent bodies of water. Such request
44 must be submitted by the municipality or county as prescribed by
45 the commission. Upon the filing of this request:

46 (a) The commission may not conduct any hearing regarding
47 recovery for remediation of such environmental damage until
48 after the commission makes its determination pursuant to
49 subsection (4) or the request is dismissed; and

50 (b) Any pending hearing regarding recovery for remediation
51 of such environmental damage must be stayed until after the
52 commission makes its determination pursuant to subsection (4) or
53 the request is dismissed.

54 (3) At the hearing requested by the municipality or county
55 under subsection (2), the public utility shall disclose an
56 estimate of the full cost to remedy the environmental damage.

57 (4) After the hearing, the commission shall determine:

58 (a) If the public utility acted prudently in the events

37-00060A-18

2018656__

59 leading up to or causing the environmental damage.

60 (b) If the public utility, upon becoming aware of the
61 environmental damage or at such time as the utility should have
62 been aware of such damage, acted prudently to remedy the damage.

63 (5) Notwithstanding s. 366.8255, if the commission
64 determines that the public utility failed to act prudently, the
65 public utility may not recover any expenditures to remedy the
66 environmental damage from ratepayers. If so determined, the
67 public utility must:

68 (a) Timely develop a plan, acting in good faith and in
69 conjunction with the local municipality or county, to remedy any
70 remaining environmental damage. The plan must be approved by the
71 commission. The commission may specify reasonable deadlines for
72 the submission of the plan to the commission for approval.

73 (b) Specify to the commission how any costs incurred for
74 environmental remediation, including costs incurred in
75 implementing the plan, will be internalized by the public
76 utility.

77 Section 2. This act shall take effect July 1, 2018.