

ENROLLED

CS/HB 1051

2021 Legislature

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 2 An act relating to environmental compliance costs;
 3 amending s. 366.8255, F.S.; redefining the term
 4 "environmental compliance costs" to include costs or
 5 expenses prudently incurred by an electric utility in
 6 complying with specified reclaimed water reuse
 7 requirements; providing an effective date.
 8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (d) of subsection (1) of section
 12 366.8255, Florida Statutes, is amended to read:

13 366.8255 Environmental cost recovery.—

14 (1) As used in this section, the term:

15 (d) "Environmental compliance costs" includes all costs or
 16 expenses incurred by an electric utility in complying with
 17 environmental laws or regulations, including, but not limited
 18 to:

- 19 1. Inservice capital investments, including the electric
 20 utility's last authorized rate of return on equity thereon.
- 21 2. Operation and maintenance expenses.
- 22 3. Fuel procurement costs.
- 23 4. Purchased power costs.
- 24 5. Emission allowance costs.
- 25 6. Direct taxes on environmental equipment.

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26 | 7. Costs or expenses prudently incurred by an electric
27 | utility pursuant to an agreement entered into on or after the
28 | effective date of this act and prior to October 1, 2002, between
29 | the electric utility and the Florida Department of Environmental
30 | Protection or the United States Environmental Protection Agency
31 | for the exclusive purpose of ensuring compliance with ozone
32 | ambient air quality standards by an electrical generating
33 | facility owned by the electric utility.

34 | 8. Costs or expenses prudently incurred for scientific
35 | research and geological assessments of carbon capture and
36 | storage conducted in this state for the purpose of reducing an
37 | electric utility's greenhouse gas emissions when such costs or
38 | expenses are incurred in joint research projects with Florida
39 | state government agencies and Florida state universities.

40 | 9. Costs or expenses prudently incurred by an electric
41 | utility after July 1, 2021, pursuant to an agreement between the
42 | electric utility and a governmental wastewater utility for the
43 | exclusive purpose of the electric utility constructing and
44 | operating a wastewater reuse system where operation of the
45 | system will serve to further compliance with environmental laws
46 | or regulations that apply to the electric utility and where the
47 | system fully or partially satisfies a local government's
48 | reclaimed water reuse requirements under s. 403.064 or s.
49 | 403.086. At least 50 percent of the reclaimed water the system
50 | produces must be used in conjunction with the water requirements

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51 | of an electrical generating facility or facilities owned by the
52 | electric utility to offset all or part of the electric utility's
53 | water use authorized by permit.

54 | Section 2. This act shall take effect July 1, 2021.