

By the Committee on Regulated Industries; and Senator Brodeur

580-02948-21

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1 A bill to be entitled  
2 An act relating to renewable natural gas; amending s.  
3 366.91, F.S.; defining and redefining terms;  
4 authorizing the Florida Public Service Commission to  
5 approve cost recovery by a gas public utility for  
6 certain contracts for the purchase of renewable  
7 natural gas; amending ss. 366.92, 373.236, and  
8 403.973, F.S.; conforming cross-references; reenacting  
9 s. 288.9606(7), F.S., relating to the issuance of  
10 revenue bonds, to incorporate the amendment made to s.  
11 366.91, F.S., in a reference thereto; providing an  
12 effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Present paragraphs (a) through (d) of subsection  
17 (2) of section 366.91, Florida Statutes, are redesignated as  
18 paragraphs (b) through (e), respectively, a new paragraph (a)  
19 and paragraph (f) are added to that subsection, present  
20 paragraph (d) of that subsection is amended, and subsection (9)  
21 is added to that section, to read:

22 366.91 Renewable energy.—

23 (2) As used in this section, the term:

24 (a) "Biogas" means a mixture of gases produced by the  
25 biological decomposition of organic materials which is largely  
26 comprised of carbon dioxide, hydrocarbons, and methane gas.

27 (e)~~(d)~~ "Renewable energy" means electrical energy produced  
28 from a method that uses one or more of the following fuels or  
29 energy sources: hydrogen produced or resulting from sources

580-02948-21

2021896c1

30 other than fossil fuels, biomass, solar energy, geothermal  
31 energy, wind energy, ocean energy, and hydroelectric power. The  
32 term includes the alternative energy resource, waste heat, from  
33 sulfuric acid manufacturing operations and electrical energy  
34 produced using pipeline-quality synthetic gas produced from  
35 waste petroleum coke with carbon capture and sequestration.

36 (f) "Renewable natural gas" means anaerobically generated  
37 biogas, landfill gas, or wastewater treatment gas refined to a  
38 methane content of 90 percent or greater which may be used as a  
39 transportation fuel or for electric generation or is of a  
40 quality capable of being injected into a natural gas pipeline.

41 (9) The commission may approve cost recovery by a gas  
42 public utility for contracts for the purchase of renewable  
43 natural gas in which the pricing provisions exceed the current  
44 market price of natural gas, but which are otherwise deemed  
45 reasonable and prudent by the commission.

46 Section 2. Paragraph (b) of subsection (2) of section  
47 366.92, Florida Statutes, is amended to read:

48 366.92 Florida renewable energy policy.—

49 (2) As used in this section, the term:

50 (b) "Renewable energy" includes ~~means~~ renewable energy and  
51 renewable natural gas as those terms are defined in s. 366.91(2)  
52 ~~s. 366.91(2)(d).~~

53 Section 3. Subsection (7) of section 373.236, Florida  
54 Statutes, is amended to read:

55 373.236 Duration of permits; compliance reports.—

56 (7) A permit approved for a renewable energy generating  
57 facility or the cultivation of agricultural products on lands  
58 consisting of 1,000 acres or more for use in the production of

580-02948-21

2021896c1

59 renewable energy, as defined in s. 366.91(2)(e) ~~s. 366.91(2)(d)~~,  
60 shall be granted for a term of at least 25 years at the  
61 applicant's request based on the anticipated life of the  
62 facility if there is sufficient data to provide reasonable  
63 assurance that the conditions for permit issuance will be met  
64 for the duration of the permit; otherwise, a permit may be  
65 issued for a shorter duration that reflects the longest period  
66 for which such reasonable assurances are provided. Such a permit  
67 is subject to compliance reports under subsection (4).

68 Section 4. Paragraph (f) of subsection (3) and paragraph  
69 (b) of subsection (19) of section 403.973, Florida Statutes, are  
70 amended to read:

71 403.973 Expedited permitting; amendments to comprehensive  
72 plans.—

73 (3)

74 (f) Projects resulting in the production of biofuels  
75 cultivated on lands that are 1,000 acres or more or in the  
76 construction of a biofuel or biodiesel processing facility or a  
77 facility generating renewable energy, as defined in s.  
78 366.91(2)(e) ~~s. 366.91(2)(d)~~, are eligible for the expedited  
79 permitting process.

80 (19) The following projects are ineligible for review under  
81 this part:

82 (b) A project, the primary purpose of which is to:

83 1. Effect the final disposal of solid waste, biomedical  
84 waste, or hazardous waste in this state.

85 2. Produce electrical power, unless the production of  
86 electricity is incidental and not the primary function of the  
87 project or the electrical power is derived from a fuel source

580-02948-21

2021896c1

88 for renewable energy as defined in s. 366.91(2)(e) ~~s.~~  
89 ~~366.91(2)(d)~~.

90 3. Extract natural resources.

91 4. Produce oil.

92 5. Construct, maintain, or operate an oil, petroleum, or  
93 sewage pipeline.

94 Section 5. For the purpose of incorporating the amendment  
95 made by this act to section 366.91, Florida Statutes, in a  
96 reference thereto, subsection (7) of section 288.9606, Florida  
97 Statutes, is reenacted to read:

98 288.9606 Issue of revenue bonds.—

99 (7) Notwithstanding any provision of this section, the  
100 corporation in its corporate capacity may, without authorization  
101 from a public agency under s. 163.01(7), issue revenue bonds or  
102 other evidence of indebtedness under this section to:

103 (a) Finance the undertaking of any project within the state  
104 that promotes renewable energy as defined in s. 366.91 or s.  
105 377.803;

106 (b) Finance the undertaking of any project within the state  
107 that is a project contemplated or allowed under s. 406 of the  
108 American Recovery and Reinvestment Act of 2009; or

109 (c) If permitted by federal law, finance qualifying  
110 improvement projects within the state under s. 163.08.

111 Section 6. This act shall take effect July 1, 2021.