

**Committee on Communications, Energy,  
And Public Utilities**

**SB 338 — Theft of Utility Services**

by Senator Simpson

The bill amends s. 812.14, F.S., to provide that the theft of utility services is punishable as theft under s. 812.014, F.S., the general theft statute. As a result of this change, a person who commits theft of utility services will not necessarily commit a first degree misdemeanor, the current degree of offenses under s. 812.14, F.S. Instead, the offense degree and penalties relevant to a theft depend upon the value of the property stolen, which includes services, and other factors.

The bill also increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or \$1,000, whichever is greater, to three times the amount stolen or \$3,000, whichever is greater.

If approved by the Governor, these provisions take effect October 1, 2013.

*Vote: Senate 39-0; House 90-25*

**Committee on Communications, Energy,  
And Public Utilities**

**CS/HB 649 — Public Records/Proprietary Confidential Business  
Information**

by Rep. Cummings (CS/SB 714 by Communications, Energy, and Public Utilities Committee and Senator Simmons)

The bill creates a public records exemption for proprietary confidential business information held by an electric utility in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. With the exemption, more private or out-of-state entities may be encouraged to participate in such projects and share information with electric utilities. The bill requires that the proprietary confidential business information be held by the electric utility for one year following the due diligence review.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 37-0; House 109-8*

## Committee on Communications, Energy, And Public Utilities

### **CS/CS/SB 1472 — Nuclear and Integrated Gasification Combined Cycle Power Plants**

by Community Affairs Committee; Communications, Energy, and Public Utilities Committee; Senators Legg, Latvala, Simpson, and Brandes

The bill provides that the applicable rate for allowance for funds used during construction of a nuclear or integrated gasification combined cycle power plant is the rate in effect at the time the increment of cost is incurred and recovery is sought, which will, under current conditions, reduce costs to ratepayers.

The bill also establishes a process for review and approval by the Public Service Commission before a utility can continue with:

- post-license or post-certificate preconstruction work,
- purchases of preconstruction materials or equipment that exceed 1 percent of the total projected cost for the project, or
- the construction phase for a power plant

for which it is obtaining early cost recovery. The bill provides that in order for the commission to grant such approval and allow a utility to continue obtaining early cost recovery for the next phase of development, it must determine that the plant remains feasible and that the projected costs for the plant are reasonable.

The bill provides that within 10 years after obtaining the appropriate license or certificate, the utility must either begin construction on the plant or petition the commission to preserve the opportunity for future cost recovery, and the commission must determine if the utility remains intent on building the plant.

Finally, the bill provides that if a utility has not begun construction of a plant within 20 years of receiving the license or certificate, it may not use the early cost recovery statute to recover future costs relating to the plant.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 40-0; House 104-12*

**Committee on Communications, Energy,  
And Public Utilities**

**CS/CS/CS/SB 1594 — Guaranteed Energy, Water, and Wastewater  
Performance Savings Contracting Act**

by Community Affairs Committee; Environmental Preservation and Conservation Committee;  
Communications, Energy, and Public Utilities Committee; and Senator Bradley

The bill authorizes a county school district, or an institution of higher education, including all state universities, colleges, and technical colleges, to enter into guaranteed energy, water, and wastewater performance savings contracts. It includes a building retrofit or renovation in the definition of the term “energy, water, and wastewater efficiency and conservation measure” and authorizes inclusion of a variety of new savings measures in a performance savings contract.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 38-0; House 117-0*

**Committee on Communications, Energy,  
And Public Utilities**

**HB 4001 — Florida Renewable Fuel Standard Act**

by Reps. Gaetz, Perry, and others (CS/SB 320 by Environmental Preservation and Conservation and Senator Evers)

The bill repeals the statutes comprising the Florida Renewable Fuel Standard Act, allowing a terminal supplier, importer, blender, or wholesaler to sell unblended gasoline for any use or purpose, not just those currently listed as exemptions to the act. The repeal of the Florida requirements on sellers of gasoline will leave the federal blending requirements on producers untouched and in effect.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 33-1; House 77-39*