

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Traviesa offered the following:

2
3 **Substitute Amendment for Amendment (670507) (with title**
4 **amendment)**

5 Remove lines 115-208 and insert:

6 Section 2. Subsection (4) is added to section 403.502,
7 Florida Statutes, to read:

8 403.502 Legislative intent.--The Legislature finds that
9 the present and predicted growth in electric power demands in
10 this state requires the development of a procedure for the
11 selection and utilization of sites for electrical generating
12 facilities and the identification of a state position with
13 respect to each proposed site. The Legislature recognizes that
14 the selection of sites and the routing of associated
15 transmission lines will have a significant impact upon the
16 welfare of the population, the location and growth of industry,
17 and the use of the natural resources of the state. The

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18 Legislature finds that the efficiency of the permit application
19 and review process at both the state and local level would be
20 improved with the implementation of a process whereby a permit
21 application would be centrally coordinated and all permit
22 decisions could be reviewed on the basis of standards and
23 recommendations of the deciding agencies. It is the policy of
24 this state that, while recognizing the pressing need for
25 increased power generation facilities, the state shall ensure
26 through available and reasonable methods that the location and
27 operation of electrical power plants will produce minimal
28 adverse effects on human health, the environment, the ecology of
29 the land and its wildlife, and the ecology of state waters and
30 their aquatic life and will not unduly conflict with the goals
31 established by the applicable local comprehensive plans. It is
32 the intent to seek courses of action that will fully balance the
33 increasing demands for electrical power plant location and
34 operation with the broad interests of the public. Such action
35 will be based on these premises:

36 (4) To assure the citizens of Florida that renewable
37 energy sources and technologies, as well as conservation
38 measures, are utilized to the extent practicable.

39 Section 3. Subsections (3) and (4) of section 403.519,
40 Florida Statutes, are amended to read:

41 403.519 Exclusive forum for determination of need.--

42 (3) The commission shall be the sole forum for the
43 determination of this matter, which accordingly shall not be
44 raised in any other forum or in the review of proceedings in
45 such other forum. In making its determination, the commission

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46 shall take into account the need for electric system reliability
47 and integrity, the need for adequate electricity at a reasonable
48 cost, the need for fuel diversity and supply reliability, ~~and~~
49 whether the proposed plant is the most cost-effective
50 alternative available, and whether renewable energy sources and
51 technologies, as well as conservation measures, are utilized to
52 the extent practicable. The commission shall also expressly
53 consider the conservation measures taken by or reasonably
54 available to the applicant or its members which might mitigate
55 the need for the proposed plant and other matters within its
56 jurisdiction which it deems relevant. The commission's
57 determination of need for an electrical power plant shall create
58 a presumption of public need and necessity and shall serve as
59 the commission's report required by s. 403.507(4). An order
60 entered pursuant to this section constitutes final agency
61 action.

62 (4) In making its determination on a proposed electrical
63 power plant using nuclear materials or synthesis gas produced by
64 integrated gasification combined cycle power plant as fuel, the
65 commission shall hold a hearing within 90 days after the filing
66 of the petition to determine need and shall issue an order
67 granting or denying the petition within 135 days after the date
68 of the filing of the petition. The commission shall be the sole
69 forum for the determination of this matter and the issues
70 addressed in the petition, which accordingly shall not be
71 reviewed in any other forum, or in the review of proceedings in
72 such other forum. In making its determination to either grant or
73 deny the petition, the commission shall consider the need for
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74 electric system reliability and integrity, including fuel
75 diversity, the need for base-load generating capacity, ~~and~~ the
76 need for adequate electricity at a reasonable cost, and whether
77 renewable energy sources and technologies, as well as
78 conservation measures, are utilized to the extent practicable.

79 (a) The applicant's petition shall include:

80 1. A description of the need for the generation capacity.

81 2. A description of how the proposed nuclear or integrated
82 gasification combined cycle power plant will enhance the
83 reliability of electric power production within the state by
84 improving the balance of power plant fuel diversity and reducing
85 Florida's dependence on fuel oil and natural gas.

86 3. A description of and a nonbinding estimate of the cost
87 of the nuclear or integrated gasification combined cycle power
88 plant.

89 4. The annualized base revenue requirement for the first
90 12 months of operation of the nuclear or integrated gasification
91 combined cycle power plant.

92 5. Information on whether there were any discussions with
93 any electric utilities regarding ownership of a portion of the
94 nuclear or integrated gasification combined cycle power plant by
95 such electric utilities.

96 (b) In making its determination, the commission shall take
97 into account matters within its jurisdiction, which it deems
98 relevant, including whether the nuclear or integrated
99 gasification combined cycle power plant will:

100 1. Provide needed base-load capacity.

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101 2. Enhance the reliability of electric power production
102 within the state by improving the balance of power plant fuel
103 diversity and reducing Florida's dependence on fuel oil and
104 natural gas.

105 3. Provide the most cost-effective source of power, taking
106 into account the need to improve the balance of fuel diversity,
107 reduce Florida's dependence on fuel oil and natural gas, reduce
108 air emission compliance costs, and contribute to the long-term
109 stability and reliability of the electric grid.

110 (c) No provision of rule 25-22.082, Florida Administrative
111 Code, shall be applicable to a nuclear or integrated
112 gasification combined cycle power plant sited under this act,
113 including provisions for cost recovery, and an applicant shall
114 not otherwise be required to secure competitive proposals for
115 power supply prior to making application under this act or
116 receiving a determination of need from the commission.

117 (d) The commission's determination of need for a nuclear
118 or integrated gasification combined cycle power plant shall
119 create a presumption of public need and necessity and shall
120 serve as the commission's report required by s. 403.507(4)(a).
121 An order entered pursuant to this section constitutes final
122 agency action. Any petition for reconsideration of a final order
123 on a petition for need determination shall be filed within 5
124 days after the date of such order. The commission's final order,
125 including any order on reconsideration, shall be reviewable on
126 appeal in the Florida Supreme Court. Inasmuch as delay in the
127 determination of need will delay siting of a nuclear or
128 integrated gasification combined cycle power plant or diminish

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129 the opportunity for savings to customers under the federal
130 Energy Policy Act of 2005, the Supreme Court shall proceed to
131 hear and determine the action as expeditiously as practicable
132 and give the action precedence over matters not accorded similar
133 precedence by law.

134 (e) After a petition for determination of need for a
135 nuclear or integrated gasification combined cycle power plant
136 has been granted, the right of a utility to recover any costs
137 incurred prior to commercial operation, including, but not
138 limited to, costs associated with the siting, design, licensing,
139 or construction of the plant, shall not be subject to challenge
140 unless and only to the extent the commission finds, based on a
141 preponderance of the evidence adduced at a hearing before the
142 commission under s. 120.57, that certain costs were imprudently
143 incurred. Proceeding with the construction of the nuclear or
144 integrated gasification combined cycle power plant following an
145 order by the commission approving the need for the nuclear or
146 integrated gasification combined cycle power plant under this
147 act shall not constitute or be evidence of imprudence.
148 Imprudence shall not include any cost increases due to events
149 beyond the utility's control. Further, a utility's right to
150 recover costs associated with a nuclear or integrated
151 gasification combined cycle power plant may not be raised in any
152 other forum or in the review of proceedings in such other forum.
153 Costs incurred prior to commercial operation shall be recovered
154 pursuant to chapter 366.

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157 | ===== T I T L E A M E N D M E N T =====

158 | Remove lines 8-12 and insert:

159 | report; amending s. 403.502, F.S.; providing legislative
160 | intent for the consideration of renewable energy sources
161 | and technologies and conservation measures in actions
162 | related to electrical power plant and transmission line
163 | siting; amending s. 403.519, F.S.; providing requirements
164 | and procedures for determination of need for integrated
165 | gasification combined cycle power plants; requiring
166 | consideration of renewable energy sources and technologies
167 | and conservation measures in power plant siting
168 | determinations; providing an exemption from purchased
169 | power supply bid rules under certain circumstances;
170 | providing an effective date.