

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 determination or until the request is dismissed;
13 requiring that pending hearings regarding recovery for
14 remediation of such environmental damage be stayed
15 until after the commission makes such determination or
16 until the request is dismissed; requiring the public
17 utility to submit a cost estimate for certain
18 remediation expenses; requiring the commission to make
19 a determination as to the prudence of a utility's
20 actions leading up to and in response to the
21 environmental damage; prohibiting the utility from
22 recovering expenditures to remedy the damage upon a
23 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:

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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 the section, the term "county" has the
36 same meaning as in s. 125.011(1).

37 (2) A municipality or county that finds that a public
38 utility caused environmental damage may file a request for a
39 hearing with the commission for a determination of prudence on
40 the environmental damage a public utility caused within the
41 boundaries of the municipality or county or adjacent bodies of
42 water. Such request must be submitted by the municipality or
43 county as prescribed by the commission. Upon the filing of this
44 request:

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

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

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

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

57 (a) If the public utility acted prudently in the events
58 leading up to or causing the environmental damage.

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

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

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

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

76 Section 2. This act shall take effect July 1, 2017.