

1 A bill to be entitled
2 An act relating to renewable energy; amending s.
3 366.91, F.S.; defining the terms "biogas" and
4 "renewable natural gas"; revising the definition of
5 the term "renewable energy"; authorizing the Public
6 Service Commission to approve cost recovery by gas
7 public utilities for contracts for the purchase of
8 renewable natural gas if specified conditions are met;
9 amending s. 366.92, F.S.; revising the definition of
10 the term "renewable energy" to include renewable
11 natural gas; amending ss. 373.236, and 403.973, F.S.;
12 conforming cross-references; reenacting s.
13 288.9606(7), F.S., relating to the issuance of revenue
14 bonds, to incorporate the amendments made by the act;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

25 366.91 Renewable energy.—

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

27 (a) "Biogas" means a mixture of carbon dioxide and
28 hydrocarbons, primarily methane gas, which is released from the
29 biological decomposition of organic materials.

30 (e)~~(d)~~ "Renewable energy" means electrical energy produced
31 from a method that uses one or more of the following fuels or
32 energy sources: hydrogen produced or resulting from sources
33 other than fossil fuels, biomass, solar energy, geothermal
34 energy, wind energy, ocean energy, and hydroelectric power. The
35 term includes the alternative energy resource, waste heat, from
36 sulfuric acid manufacturing operations and electrical energy
37 produced using pipeline-quality synthetic gas produced from
38 waste petroleum coke with carbon capture and sequestration.

39 (f) "Renewable natural gas" means anaerobically-generated
40 biogas, landfill gas, or waste-water treatment gas refined to a
41 methane content of 90 percent or greater which is capable of
42 being used as transportation fuel, for electric power
43 generation, or is of a quality capable of being injected into a
44 natural gas pipeline.

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

50 Section 2. Paragraph (b) of subsection (2) of section

51 366.92, Florida Statutes, is amended to read:

52 366.92 Florida renewable energy policy.—

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

54 (b) "Renewable energy" means renewable energy and
55 renewable natural gas as those terms are ~~as~~ defined in s.
56 366.91(2) ~~s. 366.91(2)(d)~~.

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

59 373.236 Duration of permits; compliance reports.—

60 (7) A permit approved for a renewable energy generating
61 facility or the cultivation of agricultural products on lands
62 consisting of 1,000 acres or more for use in the production of
63 renewable energy, as defined in s. 366.91(2) ~~s. 366.91(2)(d)~~,
64 shall be granted for a term of at least 25 years at the
65 applicant's request based on the anticipated life of the
66 facility if there is sufficient data to provide reasonable
67 assurance that the conditions for permit issuance will be met
68 for the duration of the permit; otherwise, a permit may be
69 issued for a shorter duration that reflects the longest period
70 for which such reasonable assurances are provided. Such a permit
71 is subject to compliance reports under subsection (4).

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

75 403.973 Expedited permitting; amendments to comprehensive

76 plans.—

77 (3)

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

84 (19) The following projects are ineligible for review
 85 under this part:

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

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

89 2. Produce electrical power, unless the production of
 90 electricity is incidental and not the primary function of the
 91 project or the electrical power is derived from a fuel source
 92 for renewable energy as defined in s. 366.91(2) ~~s. 366.91(2)(d)~~.

93 3. Extract natural resources.

94 4. Produce oil.

95 5. Construct, maintain, or operate an oil, petroleum, or
 96 sewage pipeline.

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

101 288.9606 Issue of revenue bonds.—

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

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

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

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

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