

A bill to be entitled

An act relating to the repeal of advanced nuclear cost recovery; repealing s. 366.93, F.S., relating to cost recovery mechanisms for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants, including mechanisms that promote utility investment in, and allow for recovery in electric utility rates of certain costs of, such plants; amending s. 403.519, F.S.; deleting provisions limiting challenges to a utility's right to recover costs incurred prior to commercial operation of certain plants; prohibiting utilities from continuing to collect advanced costs for certain plants after a specified date; providing effective dates.

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

Section 1. Section 366.93, Florida Statutes, is repealed.

Section 2. Paragraph (e) of subsection (4) of section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.—

(4) In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing

27 of the petition to determine need and shall issue an order
28 granting or denying the petition within 135 days after the date
29 of the filing of the petition. The commission shall be the sole
30 forum for the determination of this matter and the issues
31 addressed in the petition, which accordingly shall not be
32 reviewed in any other forum, or in the review of proceedings in
33 such other forum. In making its determination to either grant or
34 deny the petition, the commission shall consider the need for
35 electric system reliability and integrity, including fuel
36 diversity, the need for base-load generating capacity, the need
37 for adequate electricity at a reasonable cost, and whether
38 renewable energy sources and technologies, as well as
39 conservation measures, are utilized to the extent reasonably
40 available.

41 ~~(c) After a petition for determination of need for a~~
42 ~~nuclear or integrated gasification combined cycle power plant~~
43 ~~has been granted, the right of a utility to recover any costs~~
44 ~~incurred prior to commercial operation, including, but not~~
45 ~~limited to, costs associated with the siting, design, licensing,~~
46 ~~or construction of the plant and new, expanded, or relocated~~
47 ~~electrical transmission lines or facilities of any size that are~~
48 ~~necessary to serve the nuclear power plant, shall not be subject~~
49 ~~to challenge unless and only to the extent the commission finds,~~
50 ~~based on a preponderance of the evidence adduced at a hearing~~
51 ~~before the commission under s. 120.57, that certain costs were~~
52 ~~imprudently incurred. Proceeding with the construction of the~~

53 ~~nuclear or integrated gasification combined cycle power plant~~
54 ~~following an order by the commission approving the need for the~~
55 ~~nuclear or integrated gasification combined cycle power plant~~
56 ~~under this act shall not constitute or be evidence of~~
57 ~~imprudence. Imprudence shall not include any cost increases due~~
58 ~~to events beyond the utility's control. Further, a utility's~~
59 ~~right to recover costs associated with a nuclear or integrated~~
60 ~~gasification combined cycle power plant may not be raised in any~~
61 ~~other forum or in the review of proceedings in such other forum.~~
62 ~~Costs incurred prior to commercial operation shall be recovered~~
63 ~~pursuant to chapter 366.~~

64 Section 3. Effective upon this act becoming a law, a
65 utility may not continue to collect costs that the utility was
66 previously authorized to collect under s. 366.93, Florida
67 Statutes 2014.

68 Section 4. Except as otherwise expressly provided in this
69 act and except for this section, which shall take effect upon
70 this act becoming a law, this act shall take effect September 1,
71 2015.