

1                   A bill to be entitled  
2           An act relating to clean energy; creating s. 366.9151,  
3           F.S.; providing definitions; authorizing public  
4           customers to use specified mechanisms to generate  
5           electricity using renewable energy generating systems  
6           on eligible properties; authorizing a public customer  
7           with multiple meters on multiple properties to  
8           aggregate its electricity consumption for net metering  
9           purposes; requiring third party installers to comply  
10          with certain safety and disclosure requirements;  
11          requiring electric utilities to offer public customers  
12          a method to aggregate meters after a certain date;  
13          authorizing the commission to adopt specified rules;  
14          creating s. 366.9153, F.S.; requiring electric  
15          utilities to adopt programs offering renewable energy  
16          tariffs for nonresidential customers after specified  
17          dates; requiring electric utilities to supply all or  
18          part of certain nonresidential customers' electricity  
19          requirements with renewable energy after a specified  
20          date; authorizing nonresidential customers to  
21          aggregate its electricity requirements; providing  
22          procedures to be used if an electric utility has  
23          insufficient renewable capacity within a specified  
24          period; specifying that the sales of certain  
25          electricity are not retail sales of electricity;

26 requiring third party sellers to comply with certain  
 27 safety and disclosure requirements; authorizing the  
 28 commission to adopt specified rules; providing an  
 29 effective date.

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

32

33 Section 1. Section 366.9151, Florida Statutes, is created  
 34 to read:

35 366.9151 Renewable energy for local governments, colleges,  
 36 and universities.-

37 (1) Definitions.-As used in this section and s. 366.9153,  
 38 the term:

39 (a) "College" means a Florida College System institution  
 40 as described in s. 1000.21(3).

41 (b) "Customer-owned renewable energy generation" means a  
 42 renewable energy generating system located on a customer's  
 43 premises that is primarily intended to offset part or all of the  
 44 customer's electricity requirements with renewable energy.

45 (c) "Eligible property" means any property owned, leased,  
 46 or rented by a public customer that is located:

47 1. Within the same county as the customer's renewable  
 48 energy generation system; and

49 2. Within the same electric utility service territory as  
 50 the customer's renewable energy generating system.

51           (d) "Local government" means:  
 52           1. A county, municipality, school district, or other  
 53 political subdivision; and  
 54           2. Any department, agency, board, bureau, district,  
 55 commission, authority, or similar body of a county,  
 56 municipality, school district, or other political subdivision.  
 57           (e) "Public customer" means a local government, college,  
 58 or university.  
 59           (f) "Renewable energy generating system" is a system that  
 60 generates electricity from renewable energy. The term "renewable  
 61 energy" means renewable energy as defined in s. 366.91(2).  
 62           (g) "University" means a state university as described in  
 63 s. 1000.21(6).  
 64           (2) Financing and leasing of customer-owned renewable  
 65 energy generating systems.—  
 66           (a) A public customer may install, maintain, and operate  
 67 or may contract with a third party to install, maintain, and  
 68 operate, one or more renewable energy generating systems on any  
 69 eligible property to offset the public customer's electricity  
 70 requirements. For purposes of this section, electricity produced  
 71 by the renewable energy generating system is deemed to be  
 72 customer-owned generation, without regard to the ownership of  
 73 the renewable energy source device by a contracted third party.  
 74           (b) A contracted third party may sell the electricity  
 75 generated by a renewable energy generating system to a public

76 customer or may guarantee the quantity of electricity to be  
77 produced by such device under a lease or financing agreement.  
78 Such sales or guarantees are not considered retail sales of  
79 electricity and do not subject the public customer or contracted  
80 third party to regulation under this chapter, unless the third  
81 party is otherwise subject to regulation.

82 (c) Each third party who installs a renewable energy  
83 generating system under this section must comply with the safety  
84 and disclosure requirements of ss. 520.20-520.26.

85 (3) Meter aggregation.—

86 (a) In order to offset part or all of a public customer's  
87 electricity requirements with renewable energy across multiple  
88 facilities or properties, a public customer with multiple meters  
89 may aggregate its electricity consumption by totaling the  
90 consumption on any or all of the meters located on the  
91 customer's eligible properties and offset such aggregated  
92 consumption requirements with customer-owned renewable energy  
93 generation under the electric utility's net metering program.

94 (b) On or before January 1, 2021, each electric utility  
95 shall offer to all public customers a method to aggregate meters  
96 consistent with its net metering program and its standardized  
97 interconnection agreement for customer-owned renewable energy  
98 generation.

99 (4) Rules.—The commission may adopt rules to administer  
100 this section.

101 Section 2. Section 366.9153, Florida Statutes, is created  
102 to read:

103 366.9153 Renewable energy tariffs.-

104 (1) No later than January 1, 2023, each public utility  
105 that supplies electricity shall file with the commission a  
106 program that offers a renewable energy tariff for all  
107 nonresidential customers to purchase renewable energy from the  
108 utility to meet up to 100 percent of the customer's electricity  
109 requirements. If a public utility has an existing program in  
110 place that it believes meet this goal, the public utility may  
111 petition the commission to issue an order finding the utility in  
112 compliance with this section. The commission shall approve or  
113 reject such proposed programs within 90 days of filing.

114 (2) No later than July 1, 2023, each municipal electric  
115 utility and rural electric cooperative shall adopt a program  
116 offering a renewable energy tariff for all nonresidential  
117 customers to purchase renewable energy from the utility to meet  
118 up to 100 percent of the customer's electricity requirements.

119 (3) Beginning July 1, 2023, any nonresidential customer  
120 may request the electric utility that serves its properties to  
121 meet up to 100 percent of the customer's electricity  
122 requirements with renewable energy. Within 30 days of receiving  
123 such request, the electric utility must provide the customer in  
124 writing with terms and conditions for meeting all or part of the  
125 customer's requirements with renewable energy.

126        (4) (a) If the utility does not have sufficient renewable  
127 capacity available to meet the customer's requirements and  
128 cannot offer sufficient new capacity within 1 year at just and  
129 reasonable rates, the customer may contract with a third party  
130 to purchase renewable energy from one or more renewable energy  
131 source generating systems interconnected to the electric  
132 utility's distribution grid or transmission lines. For purposes  
133 of this chapter, such renewable energy generating systems are  
134 deemed to be customer-owned generation.

135        (b) For purposes of this chapter, the sale of electricity  
136 generated by a renewable energy generating system is not  
137 considered a retail sale of electricity and does not subject the  
138 customer or contracted third party to regulation under this  
139 chapter, unless the third party is otherwise subject to  
140 regulation.

141        (c) Each third party who installs a renewable energy  
142 generating system under this section must comply with the safety  
143 and disclosure requirements of ss. 520.20-520.26.

144        (5) The commission may adopt rules to administer this  
145 section.

146        Section 3. This act shall take effect July 1, 2020.