

By Senator Berman

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1 A bill to be entitled
2 An act relating to solar schools; amending s. 366.91,
3 F.S.; defining terms; authorizing a public educational
4 customer to enter into a contract for the
5 installation, maintenance, or operation of a renewable
6 energy source device on property owned or controlled
7 by the public educational customer; providing that
8 financing arrangements for such contracts are not
9 considered retail sales of electricity; limiting the
10 capacity of the renewable energy source device;
11 requiring electric utilities to provide meter
12 aggregation to public educational customers under
13 certain circumstances; providing that shared solar
14 facilities may participate in an electric utility's
15 net metering program; limiting a public educational
16 customer's annual allocated credits; requiring
17 electric utilities to adopt a tariff, subject to
18 Public Service Commission review, by a specified date;
19 amending s. 1013.44, F.S.; prohibiting costs
20 associated with certain solar energy systems from
21 being included in certain cost per student station
22 limitations; amending ss. 366.92, 373.236, and
23 403.973, F.S.; conforming cross-references; providing
24 an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsection (2) of section 366.91, Florida
29 Statutes, is amended, and subsections (9) and (10) are added to

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30 that section, to read:

31 366.91 Renewable energy.—

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

33 (a) "Aggregated solar school facility" means a single solar
34 facility that is less than 5 megawatts-AC and serves a public
35 educational customer.

36 (b)~~(a)~~ "Biomass" means a power source that is comprised of,
37 but not limited to, combustible residues or gases from forest
38 products manufacturing, waste, byproducts, or products from
39 agricultural and orchard crops, waste or coproducts from
40 livestock and poultry operations, waste or byproducts from food
41 processing, urban wood waste, municipal solid waste, municipal
42 liquid waste treatment operations, and landfill gas.

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

47 (d)~~(e)~~ "Net metering" means a metering and billing
48 methodology whereby customer-owned renewable generation is
49 allowed to offset the customer's electricity consumption on
50 site.

51 (e) "Public educational customer" means a publicly funded
52 K-12 educational institution.

53 (f)~~(d)~~ "Renewable energy" means electrical energy produced
54 from a method that uses one or more of the following fuels or
55 energy sources: hydrogen produced from sources other than fossil
56 fuels, biomass, solar energy, geothermal energy, wind energy,
57 ocean energy, and hydroelectric power. The term includes the
58 alternative energy resource, waste heat, from sulfuric acid

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59 manufacturing operations and electrical energy produced using
60 pipeline-quality synthetic gas produced from waste petroleum
61 coke with carbon capture and sequestration.

62 (g) "Renewable energy source device" has the same meaning
63 as in s. 193.624(1).

64 (9) (a) A public educational customer may enter into a
65 contract with a third party for the installation, maintenance,
66 or operation of a renewable energy source device located on
67 property owned or controlled by the public educational customer.
68 The contracted third party may sell the electricity generated
69 from the renewable energy source device to the public
70 educational customer through a power purchase agreement or
71 similar financing arrangement. For purposes of this chapter,
72 such financing arrangements are not retail sales of electricity
73 and do not subject the contracted third party to regulation
74 under this chapter.

75 (b) The capacity of the renewable energy source device may
76 not exceed 125 percent of the prior 3-year annual average usage
77 of the public educational customer.

78 (10) (a) To facilitate the adoption of solar energy by
79 public educational customers, each electric utility shall
80 provide meter aggregation for purposes of net metering to all
81 public educational customers that seek to allocate bill credits
82 within a single school district from an aggregated solar school
83 facility.

84 (b) If the facility and accounts are within the same county
85 and served by the same electric utility, a public educational
86 customer may elect to have net metering bill credits from a
87 single aggregated solar school facility allocated to at least 2

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88 and not more than 20 public educational customer accounts within
89 a single school district without regard to physical location.

90 (c) Shared solar school facilities are eligible to fully
91 participate in each electric utility's net metering program.
92 Electric utilities shall allocate the net electricity generated
93 in each billing period from the aggregated solar school facility
94 to each qualifying account per the instructions of the public
95 educational customer.

96 (d) The annual allocated credits in kilowatt hours may not
97 exceed 115 percent of the prior 3-year annual average usage of
98 the public educational customer's aggregated qualifying accounts
99 to which the bill credits are transferred.

100 (e) Subject to review by the commission, each electric
101 utility shall adopt a tariff providing for meter aggregation
102 which complies with this subsection by January 1, 2021.

103 Section 2. Subsection (4) is added to section 1013.44,
104 Florida Statutes, to read:

105 1013.44 Low-energy use design; solar energy systems;
106 swimming pool heaters.—

107 (4) Any costs associated with a solar energy system that is
108 located on the property of an educational facility may not be
109 included in the total cost per student station limitations on
110 new construction established in s. 1013.64(6)(b).

111 Section 3. Paragraph (b) of subsection (2) of section
112 366.92, Florida Statutes, is amended to read:

113 366.92 Florida renewable energy policy.—

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

115 (b) "Renewable energy" means renewable energy as defined in
116 s. 366.91(2)(f) ~~s. 366.91(2)(d)~~.

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117 Section 4. Subsection (7) of section 373.236, Florida
118 Statutes, is amended to read:

119 373.236 Duration of permits; compliance reports.—

120 (7) A permit approved for a renewable energy generating
121 facility or the cultivation of agricultural products on lands
122 consisting of 1,000 acres or more for use in the production of
123 renewable energy, as defined in s. 366.91(2)(f) ~~s. 366.91(2)(d)~~,
124 shall be granted for a term of at least 25 years at the
125 applicant's request based on the anticipated life of the
126 facility if there is sufficient data to provide reasonable
127 assurance that the conditions for permit issuance will be met
128 for the duration of the permit; otherwise, a permit may be
129 issued for a shorter duration that reflects the longest period
130 for which such reasonable assurances are provided. Such a permit
131 is subject to compliance reports under subsection (4).

132 Section 5. Paragraph (f) of subsection (3) and paragraph
133 (b) of subsection (19) of section 403.973, Florida Statutes, are
134 amended to read:

135 403.973 Expedited permitting; amendments to comprehensive
136 plans.—

137 (3)

138 (f) Projects resulting in the production of biofuels
139 cultivated on lands that are 1,000 acres or more or in the
140 construction of a biofuel or biodiesel processing facility or a
141 facility generating renewable energy, as defined in s.
142 366.91(2)(f) ~~s. 366.91(2)(d)~~, are eligible for the expedited
143 permitting process.

144 (19) The following projects are ineligible for review under
145 this part:

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- 146 (b) A project, the primary purpose of which is to:
- 147 1. Effect the final disposal of solid waste, biomedical
- 148 waste, or hazardous waste in this state.
- 149 2. Produce electrical power, unless the production of
- 150 electricity is incidental and not the primary function of the
- 151 project or the electrical power is derived from a fuel source
- 152 for renewable energy as defined in s. 366.91(2)(f) ~~s.~~
- 153 ~~366.91(2)(d)~~.
- 154 3. Extract natural resources.
- 155 4. Produce oil.
- 156 5. Construct, maintain, or operate an oil, petroleum, or
- 157 sewage pipeline.
- 158 Section 6. This act shall take effect July 1, 2020.