

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to renewable energy; amending s.  
3       366.92, F.S.; defining the terms "renewable energy  
4       credit" and "renewable portfolio standard"; requiring  
5       the Public Service Commission to adopt rules for a  
6       renewable portfolio standard; requiring the commission  
7       to present a draft rule to the Legislature for  
8       consideration by a specified date; providing  
9       requirements for the rule; requiring providers to  
10      submit annual progress reports to the commission after  
11      such rule has been adopted; providing requirements for  
12      the reports; creating s. 377.821, F.S.; providing  
13      legislative findings; directing the Office of Energy  
14      within the Department of Agriculture and Consumer  
15      Services, in consultation with other state agencies,  
16      state colleges and universities, public utilities, and  
17      other private and public entities, to develop a  
18      unified statewide plan to generate the state's energy  
19      from renewable sources by specified dates; requiring  
20      state and public entities to cooperate as requested;  
21      providing plan requirements; requiring the office to  
22      submit the plan and updates to the Governor and the  
23      Legislature by a specified date; providing an  
24      effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28       Section 1. Present subsections (3), (4), and (5) of section  
29       366.92, Florida Statutes, are redesignated as subsections (4),

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30 (5), and (6), respectively, paragraphs (c) and (d) are added to  
31 subsection (2) of that section, and a new subsection (3) is  
32 added to that section, to read:

33 366.92 Florida renewable energy policy.—

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

35 (c) "Renewable energy credit" means a value that represents  
36 the unbundled, separable, renewable attribute of renewable  
37 energy produced in this state and is equivalent to 1 megawatt-  
38 hour of electricity generated by a source of renewable energy  
39 located in this state.

40 (d) "Renewable portfolio standard" or "RPS" means the  
41 minimum percentage of total annual retail electricity sales by a  
42 provider to consumers in this state which must be supplied by  
43 renewable energy produced in this state.

44 (3) To ensure that 100 percent of the electric supply comes  
45 from renewable energy by 2050 as required by s. 377.821, the  
46 commission shall adopt rules for a renewable portfolio standard  
47 requiring each provider to supply renewable energy to its  
48 customers directly by procurement or through the purchase of  
49 renewable energy credits. In developing the RPS rule, the  
50 commission shall consult the Department of Environmental  
51 Protection and the Department of Agriculture and Consumer  
52 Services. The rule may not be implemented until adopted by the  
53 Legislature. The commission shall present a draft rule for  
54 consideration by the Legislature by February 1, 2021.

55 (a) In developing the rule, the commission shall evaluate  
56 the current and forecasted levelized cost in cents per kilowatt-  
57 hour through 2032 and the current and forecasted installed  
58 capacity in kilowatts for each renewable energy generation

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59 method through 2032.

60 (b) The commission's rule:

61 1. Must include methods of managing the cost of compliance  
62 with the renewable portfolio standard, whether through direct  
63 supply or procurement of renewable power or through the purchase  
64 of renewable energy credits. The commission may include  
65 provision in the rule for annual cost recovery and incentive-  
66 based adjustments to authorized rates of return on common equity  
67 to providers to incentivize renewable energy. Notwithstanding s.  
68 366.91(3) and (4), and upon the ratification of the rules  
69 developed pursuant to this subsection, the commission may  
70 approve projects and power sales agreements with renewable power  
71 producers and the sale of renewable energy credits needed to  
72 comply with the renewable portfolio standard. In the event of  
73 any conflict, this subparagraph supersedes s. 366.91(3) and (4).  
74 However, this section does not alter the obligation of each  
75 public utility to continuously offer a purchase contract to  
76 producers of renewable energy.

77 2. Must provide for appropriate compliance measures and the  
78 conditions under which noncompliance is excused due to a  
79 determination by the commission that the supply of renewable  
80 energy or renewable energy credits was not adequate to satisfy  
81 the demand for such energy or that the cost of securing  
82 renewable energy or renewable energy credits was cost  
83 prohibitive.

84 3. May provide added weight to energy provided by wind and  
85 solar photovoltaic over other forms of renewable energy, whether  
86 directly supplied or procured or indirectly obtained through the  
87 purchase of renewable energy credits.

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88 4. Must determine an appropriate period of time during  
89 which renewable energy credits may be used for purposes of  
90 compliance with the renewable portfolio standard.

91 5. Must provide for monitoring of compliance with and  
92 enforcement of this section.

93 6. Must ensure that energy credited toward compliance with  
94 this section is not credited toward any other purpose.

95 7. Must include procedures to track and account for  
96 renewable energy credits, including ownership of renewable  
97 energy credits that are derived from a customer-owned renewable  
98 energy facility as a result of any action by a customer of an  
99 electric power supplier that is independent of a program  
100 sponsored by the electric power supplier.

101 8. Must provide for the conditions and options for the  
102 repeal or alteration of the rule in the event that new  
103 provisions of federal law supplant or conflict with the rule.

104 (c) Beginning on April 1 of the year following final  
105 adoption of the commission's renewable portfolio standard rule,  
106 each provider shall submit an annual report to the commission  
107 describing the steps that have been taken during the previous  
108 year and the steps that will be taken in the future to add  
109 renewable energy to the provider's energy supply portfolio. The  
110 report must state whether the provider was in compliance with  
111 the renewable portfolio standard during the previous year and  
112 how it intends to comply with the renewable portfolio standard  
113 in the upcoming year.

114 Section 2. Section 377.821, Florida Statutes, is created to  
115 read:

116 377.821 State entity renewable energy goals.—

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117       (1) The Legislature finds that achieving 100 percent  
118 renewable energy generation in this state by 2050 will provide  
119 unique benefits to the state, including all of the following:

120       (a) Displacing fossil fuel consumption.

121       (b) Adding new electrical generating facilities in the  
122 transmission network.

123       (c) Reducing air pollution, particularly criteria pollutant  
124 emissions and toxic air contaminants.

125       (d) Contributing to the safe and reliable operation of the  
126 electrical grid, including providing predictable electrical  
127 supply, voltage support, lower line losses, and congestion  
128 relief.

129       (e) Enhancing economic development and job creation in the  
130 clean energy industry.

131       (2) The Office of Energy within the Department of  
132 Agriculture and Consumer Services, in consultation with other  
133 state agencies, state colleges and universities, public  
134 utilities, and other private and public entities, is directed to  
135 develop a unified statewide plan to generate 100 percent of the  
136 state's energy from renewable sources by 2050. All public  
137 agencies, state colleges and universities, and public utilities  
138 must cooperate with the office as requested. The plan must  
139 include interim goals to generate at least 40 percent of the  
140 state's energy from renewable sources by 2030.

141       (3) The plan must consider the potential impact of existing  
142 and additional renewable energy incentives and programs with an  
143 emphasis on solar and distributed resources, including energy  
144 storage. The plan must also consider the impact of power  
145 purchase agreements on attaining 100 percent renewable energy

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146 generation. The office must submit a statewide plan outlining  
147 potential strategies to reach the goals of this section to the  
148 Governor, the President of the Senate, and the Speaker of the  
149 House of Representatives by January 1, 2022, and must provide  
150 updates on the progress of achieving the state's renewable  
151 energy goals each January 1 thereafter.

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