

1                   A bill to be entitled  
2           An act relating to school resiliency pilot programs;  
3           providing legislative findings and intent;  
4           establishing the Resilient Schools Pilot Program  
5           within the Department of Education; providing purpose  
6           of the pilot program; providing a directive to the  
7           department for approving school districts for  
8           participation; requiring the department, in  
9           collaboration with specified entities, to assist  
10          participating school districts and certain schools  
11          regarding the feasibility of installing renewable  
12          energy source devices, energy storage devices, and  
13          energy efficiency devices; authorizing certain schools  
14          and government authorities to solicit bids from and  
15          contract directly with specified entities to acquire  
16          renewable energy source devices and services for  
17          certain purposes; authorizing certain schools and  
18          local government authorities to enter into contracts  
19          with third parties relating to renewable energy source  
20          devices; specifying that certain financing  
21          arrangements are not subject to regulation by the  
22          commission; requiring the department to provide a  
23          specified report to the Legislature; authorizing the  
24          Public Service Commission to approve pilot programs  
25          proposed by electric utilities for specified energy

26 source devices and services; prohibiting the  
27 commission from approving certain pilot programs;  
28 providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 1003.65, Florida Statutes, is created  
33 to read:

34 1003.65 Resilient Schools Pilot Program; utility pilot  
35 programs.—

36 (1) (a) The Legislature finds that school facilities and  
37 properties are frequently used as emergency evacuation shelters  
38 during hurricanes and other natural disasters, and ensuring that  
39 these facilities and properties have access to power is  
40 essential to providing utility services to people in need.

41 (b) The Legislature also finds that many school districts  
42 and public schools have fiscal constraints and installing,  
43 contracting for the installation of, and using onsite renewable  
44 energy source devices as defined in s. 193.624, energy storage  
45 devices, and energy efficiency devices to lower a school's  
46 energy costs is a critical component to ensuring greater energy  
47 security for such school.

48 (c) Therefore, it is intent of the Legislature to afford  
49 those school districts that are selected to participate in the  
50 Resilient School Pilot Program, and the public schools within

51 such districts, broad latitude to contract with electric  
52 utilities as defined in s. 366.02(2) and independent energy  
53 companies to adopt technologies and programs using renewable  
54 energy source devices, energy storage devices, and energy  
55 efficiency devices to lower a school's energy costs and enhance  
56 its resilience and energy security.

57 (2)(a) Beginning in the 2021-2022 school year, the  
58 Resilient Schools Pilot Program is established within the  
59 Department of Education. The department shall select up to five  
60 school districts to participate in the pilot program for the  
61 2021-2022 school year. By August 1, 2021, the department shall  
62 post on its website an application form, the date by which a  
63 school district must apply to participate in the pilot program,  
64 and the qualifications for participation.

65 (b) The purpose of the pilot program is to assist  
66 participating school districts and public schools within such  
67 districts in becoming more resilient to hurricanes and other  
68 natural disasters, improving their energy security and ensuring  
69 continuity of physical operations during grid outages, providing  
70 community benefits using school facilities and properties during  
71 emergencies, and lowering energy costs for such schools.

72 (c) The department must consider selecting two large  
73 school districts, one medium-sized school district, and two  
74 small school districts to participate in the pilot program.

75 (3) To accomplish the purposes set forth in paragraph

76 (2) (b), the department, in collaboration with the Office of  
77 Energy, the Department of Environmental Protection, and the  
78 Division of Emergency Management within the Executive Office of  
79 the Governor, must assist the school districts that were  
80 selected to participate in the pilot program and the public  
81 schools within those districts in:

82 (a) Reviewing their existing revenues and local  
83 assessments to determine opportunities for investing in  
84 renewable energy technologies, source devices, and services to  
85 improve the school's resilience and energy security, thus  
86 ensuring the continuity of physical operations during grid  
87 outages.

88 (b) Identifying individual school programs and design  
89 upgrades to ensure that the schools can provide continuity of  
90 physical operations during grid outages and community assistance  
91 using school facilities and properties during emergencies.

92 (c) Providing technical assistance to identify available  
93 renewable energy technologies, source devices, services, and  
94 procurement methods for improving the school's resilience and  
95 energy security, lowering energy costs, and providing other  
96 community benefits.

97 (d) Making procurement decisions to ensure a reduction in  
98 energy costs for schools.

99 (4) A public school within a participating school district  
100 or a local government authority acting on behalf of such a

101 school may directly solicit bids from and contract directly with  
102 an electric utility, a solar contractor, or other third party to  
103 acquire renewable energy source devices and services to improve  
104 resilience and energy security, reduce energy costs, and provide  
105 other resiliency benefits for the school.

106 (5) (a) For purposes of subsection (4), a public school  
107 within a participating school district or a local government  
108 authority acting on behalf of such a school may enter into a  
109 contract with an electric utility, a solar contractor, or other  
110 third party for the installation, maintenance, or operation of a  
111 renewable energy source device located on property owned or  
112 controlled by the school. The contracted third party may sell  
113 the electricity generated from the renewable energy source  
114 device to the school or other authority through a power purchase  
115 agreement or other similar financing arrangement.

116 (b) The aggregate amount of power purchase agreements and  
117 other financing agreements for renewable energy source devices  
118 on or adjacent to school premises may not exceed an aggregate  
119 statewide capacity of 500 megawatts, provided that no more than  
120 50 percent of such agreements include utilities and their  
121 affiliates as direct parties.

122 (c) For purposes of this section and chapter 366, such  
123 financing agreements are not retail sales of electricity and do  
124 not subject the contracted third party, unless otherwise  
125 regulated by the commission, to regulation under chapter 366.

126        (6) The department shall, by July 1, 2022, provide a  
127 report to the Governor, the President of the Senate, and the  
128 Speaker of the House of Representatives summarizing the  
129 activities and accomplishments of the pilot program and make  
130 recommendations for statutory revisions to convert the pilot  
131 program a statewide program.

132        (7) (a) In addition to the pilot program in this section,  
133 to ensure availability of adequate market options, the Public  
134 Service Commission may approve pilot programs proposed by  
135 electric utilities throughout the state to offer any publicly  
136 funded K-12 school the following devices and services:

137            1. Renewable energy source devices located on or adjacent  
138 to school premises.

139            2. Renewable energy storage devices located on or adjacent  
140 to school premises.

141            3. Energy efficiency devices, building upgrades, and  
142 services.

143            4. Microgrids and distribution system upgrades.

144            5. Demand response benefits from customer load  
145 curtailments, output from renewable energy source devices or  
146 energy storage devices, and demand response programs to generate  
147 customer and system savings.

148            6. Financing options and flexible models of ownership and  
149 maintenance, including leases, performance guarantees, and power  
150 purchase agreements.

151        7. Net metering, including aggregation of net metering  
152 credits by a participating school district for renewable energy  
153 source devices to offset energy costs for school facilities that  
154 are not colocated with such energy source devices, provided that  
155 the cumulative statewide capacity of the energy source devices  
156 credited using aggregate net metering does not exceed 400  
157 megawatts.

158        (b) The Public Service Commission may not approve any  
159 pilot program proposed by an electric utility if the program  
160 does not allow for independent, nonutility providers to compete  
161 to provide the devices or services to schools under the pilot  
162 program.

163        Section 2. This act shall take effect July 1, 2021.