

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to public K-12 educational institution
3 resiliency; providing a short title; creating s.
4 1013.235, F.S.; providing legislative findings;
5 authorizing the Department of Education to provide
6 certain technical assistance to school districts;
7 authorizing the Public Service Commission to approve
8 specified pilot utility programs; prohibiting the
9 commission from approving certain pilot programs;
10 authorizing schools or other local governmental
11 authorities acting on behalf of a school to contract
12 with third parties for renewable energy source devices
13 located on property owned or controlled by a school;
14 authorizing third parties to sell energy generated
15 from such devices; providing construction; providing a
16 limitation; establishing the Resilient Schools Pilot
17 Program within the department beginning with a
18 specified school year; providing the purpose of the
19 pilot program; providing that up to a specified number
20 of school districts may be accepted into the pilot
21 program; requiring the pilot program to collaborate
22 with specified agencies; specifying the purposes of
23 such collaboration; authorizing certain public K-12
24 educational institutions to directly solicit bids from
25 and contract directly with electric utilities, solar
26 contractors, and other third parties for the
27 procurement of devices and services for specified
28 purposes; requiring the department to provide a
29 certain report by a specified date to the Governor and

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30 the Legislature; requiring the State Board of
31 Education to adopt rules; providing for expiration of
32 the pilot program; providing an effective date.

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

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36 Section 1. This act may be cited as the "Resilient Schools
37 Act."

38 Section 2. Section 1013.235, Florida Statutes, is created
39 to read:

40 1013.235 Resilient schools.-

41 (1) LEGISLATIVE FINDINGS.-The Legislature finds that:

42 (a) School facilities and properties frequently are used as
43 emergency evacuation shelters during hurricanes and other
44 natural disasters, and ensuring that these facilities and
45 properties have access to power is essential.

46 (b) Building or contracting for and using onsite renewable
47 energy source devices to lower electric bills is a critical
48 component in ensuring greater energy security.

49 (c) It is in the public interest to afford public K-12
50 educational institutions broad latitude to contract with
51 electric utilities and independent energy companies to adopt
52 technologies and programs that use onsite renewable energy and
53 energy storage devices to lower electric bills and enhance their
54 resiliency and energy security.

55 (2) AVAILABILITY OF ENERGY AND TECHNOLOGY PRODUCTS TO
56 IMPROVE SCHOOL RESILIENCY.-Notwithstanding any other law:

57 (a) The Department of Education may provide technical
58 assistance to school districts in identifying available

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59 technologies, devices, services, and procurement methods for
60 improving the resiliency and energy security of public K-12
61 educational institutions, lowering energy costs, and providing
62 other benefits to the community.

63 (b) To ensure the availability of adequate market options
64 relating to resiliency technologies and services, the Public
65 Service Commission may approve pilot programs proposed by
66 electric utilities throughout this state to offer any public K-
67 12 educational institution any of the following devices and
68 services:

69 1. Renewable energy source devices located on or adjacent
70 to school premises;

71 2. Energy storage devices located on or adjacent to school
72 premises;

73 3. Energy efficiency devices, building upgrades, and
74 services;

75 4. Microgrids and distribution system upgrades;

76 5. Demand response benefits from customer load curtailments
77 and output from renewable energy source devices or battery
78 storage devices for demand response programs to generate both
79 customer and system savings;

80 6. Financing options and flexible models of ownership and
81 maintenance, including leases, performance guarantees, and power
82 purchase agreements; and

83 7. Net metering, including aggregation of net metering
84 credits by a school district for renewable energy source devices
85 to offset energy charges for school facilities not colocated
86 with such source devices, provided that the cumulative statewide
87 capacity of renewable source devices credited using aggregate

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88 net metering does not exceed 400 megawatts.

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90 The Public Service Commission may not approve any pilot program
91 proposed by an electric utility pursuant to this paragraph if
92 the program does not allow for independent, nonutility providers
93 to compete to provide devices and services to schools.

94 (3) POWER CONTRACTS.—For purposes of this section, a public
95 K-12 educational institution, or another local governmental
96 authority acting on behalf of a public K-12 educational
97 institution, may enter into a contract with a third party for
98 the installation, maintenance, or operation of a renewable
99 energy source device located on property owned or controlled by
100 the school. The contracted third party may sell the electricity
101 generated from the renewable energy source device to the school
102 or other governmental authority, as applicable, through a power
103 purchase agreement or other similar financing arrangement. Such
104 financing arrangements do not constitute the retail sale of
105 electricity and do not subject the contracted third party to
106 regulation under chapter 366. The amount of power purchased
107 through such arrangements and other financing agreements for
108 renewable energy source devices on or adjacent to school
109 premises may not exceed an aggregate statewide capacity of 500
110 megawatts, provided that no more than 50 percent of such
111 agreements include utilities and their affiliates as direct
112 parties.

113 (4) RESILIENT SCHOOLS PILOT PROGRAM.—

114 (a) The Resilient Schools Pilot Program is established
115 within the department beginning with the 2021-2022 school year.

116 (b) The purpose of the pilot program is to assist public K-

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117 12 educational institutions with local assessments, procurement,
118 and individual program design for investments in technologies
119 that enhance resiliency from storms and natural disasters,
120 improve energy security and continuity of physical operations
121 during grid outages, provide benefits to the community through
122 the use of school facilities during emergencies, and reduce
123 energy costs.

124 (c) Up to five school districts may be accepted into the
125 pilot program, based on criteria and procedures adopted by the
126 department. The department's criteria and procedures must
127 consider the size of the school district, the school district's
128 energy needs and costs, and any previous experience the school
129 district has had with natural disasters.

130 (d) The pilot program shall collaborate with the Office of
131 Energy within the Department of Agriculture and Consumer
132 Services, the Department of Environmental Protection, and the
133 Division of Emergency Management to assist participating school
134 districts with all of the following:

135 1. Reviewing each district's existing revenues and local
136 assessments to determine opportunities for investing in
137 technologies, devices, and services that will improve the
138 school's resiliency and energy security, thus ensuring the
139 continuity of physical operations during a grid outage.

140 2. Identifying individual school programs and design
141 upgrades to ensure that the schools can provide continuity of
142 physical operations during grid outages and provide assistance
143 to the community through the use of school facilities during an
144 emergency.

145 3. Providing technical assistance to identify available

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146 technologies, devices, services, and procurement methods for
147 improving resiliency and energy security, lowering energy costs,
148 and providing other benefits to the community.

149 4. Making procurement decisions that reduce school energy
150 costs.

151 (e) Public K-12 educational institutions located within
152 participating school districts may solicit bids directly from
153 and contract directly with electric utilities, solar
154 contractors, and other third parties for the procurement of
155 devices and services to improve resiliency or energy security,
156 lower energy costs, or provide other resiliency benefits.

157 (f) By each July 1, the department shall provide a report
158 summarizing the activities and accomplishments of the pilot
159 program and any recommendations for statutory revisions to the
160 Governor, the President of the Senate, and the Speaker of the
161 House of Representatives.

162 (g) The State Board of Education shall adopt rules to
163 implement this subsection.

164 (h) This subsection expires June 30, 2024.

165 Section 3. This act shall take effect July 1, 2021.