

By Senator Berman

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1 A bill to be entitled
2 An act relating to renewable energy sources; amending
3 s. 366.91, F.S.; defining terms; authorizing a public
4 educational customer to enter into a contract for the
5 installation, maintenance, or operation of a renewable
6 energy source device located on property owned or
7 controlled by the public educational customer;
8 providing that financing arrangements for such
9 contracts are not considered retail sales of
10 electricity; limiting the capacity of the renewable
11 energy source device; requiring electric utilities to
12 provide meter aggregation to public educational
13 customers under certain circumstances; providing that
14 shared solar facilities may participate in an electric
15 utility's net metering program; limiting the annual
16 allocated credits for a public educational customer;
17 requiring electric utilities to adopt a tariff,
18 subject to Public Service Commission review, by a
19 specified date; authorizing business entities or third
20 parties contracted by such owners to install,
21 maintain, and operate a renewable energy source device
22 on or about the structure in which the business entity
23 operates or on a property the business entity owns or
24 leases; authorizing business entities or contracted
25 third parties to sell electricity generated from the
26 device to certain businesses regardless of whether the
27 device is located in a utility's service territory;
28 exempting from regulation the sale of electricity
29 produced by such devices; limiting the annual

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30 allocated credits for business entities; limiting the
31 capacity of the renewable energy source device;
32 creating s. 366.9151, F.S.; defining terms;
33 authorizing public customers to use specified
34 mechanisms to generate electricity using renewable
35 energy generating systems on eligible properties;
36 limiting the capacity of the renewable energy
37 generating system; requiring third-party installers to
38 comply with certain safety and disclosure
39 requirements; authorizing a public customer with
40 multiple meters on multiple properties to aggregate
41 its electricity consumption for net metering purposes;
42 requiring electric utilities to offer public customers
43 a method to aggregate meters after a certain date;
44 limiting the annual allocated credits for public
45 customers; authorizing the commission to adopt
46 specified rules; amending s. 1013.44, F.S.;

47 prohibiting costs associated with such systems from
48 being included in the calculation of total cost per
49 student station for the purpose of a limit imposed on
50 such costs for certain new construction; amending ss.
51 366.92, 373.236, and 403.973, F.S.; conforming cross-
52 references; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Subsection (2) of section 366.91, Florida
57 Statutes, is amended, and subsections (9), (10), and (11) are
58 added to that section, to read:

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59 366.91 Renewable energy.—

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

61 (a) "Aggregated solar school facility" means a single solar
62 facility that is less than 5 megawatts and serves a public
63 educational customer.

64 (b)~~(a)~~ "Biomass" means a power source that is comprised of,
65 but not limited to, combustible residues or gases from forest
66 products manufacturing, waste, byproducts, or products from
67 agricultural and orchard crops, waste or coproducts from
68 livestock and poultry operations, waste or byproducts from food
69 processing, urban wood waste, municipal solid waste, municipal
70 liquid waste treatment operations, and landfill gas.

71 (c) "Business entity" means a nonprofit corporation, an
72 owner of a commercial or industrial business, or an owner of
73 residential multifamily housing units.

74 (d)~~(b)~~ "Customer-owned renewable generation" means an
75 electric generating system located on a customer's premises that
76 is primarily intended to offset part or all of the customer's
77 electricity requirements with renewable energy.

78 (e)~~(e)~~ "Net metering" means a metering and billing
79 methodology whereby customer-owned renewable generation is
80 allowed to offset the customer's electricity consumption on
81 site.

82 (f) "Public educational customer" means a publicly funded
83 K-12 educational institution.

84 (g)~~(d)~~ "Renewable energy" means electrical energy produced
85 from a method that uses one or more of the following fuels or
86 energy sources: hydrogen produced from sources other than fossil
87 fuels, biomass, solar energy, geothermal energy, wind energy,

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88 ocean energy, and hydroelectric power. The term includes the
89 alternative energy resource, waste heat, from sulfuric acid
90 manufacturing operations and electrical energy produced using
91 pipeline-quality synthetic gas produced from waste petroleum
92 coke with carbon capture and sequestration.

93 (h) "Renewable energy source device" has the same meaning
94 as in s. 193.624(1).

95 (9) (a) A public educational customer may enter into a
96 contract with a third party to install, maintain, or operate a
97 renewable energy source device located on property owned or
98 controlled by the public educational customer. The contracted
99 third party may sell the electricity generated from the
100 renewable energy source device to the public educational
101 customer through a power purchase agreement or similar financing
102 arrangement. For purposes of this chapter, such financing
103 arrangements are not retail sales of electricity and do not
104 subject the contracted third party, unless otherwise regulated
105 by the commission, to regulation under this chapter.

106 (b) The capacity of the renewable energy source device may
107 not exceed 150 percent of the public educational customer's
108 usage in the prior calendar year.

109 (10) (a) To facilitate the adoption of solar energy by
110 public educational customers, each electric utility shall
111 provide meter aggregation for purposes of net metering to all
112 public educational customers that seek to allocate bill credits
113 within a single school district from an aggregated solar school
114 facility.

115 (b) If the aggregated solar school facility and accounts
116 are within the same county and served by the same electric

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117 utility, a public educational customer may elect to have net
118 metering bill credits from a single aggregated solar school
119 facility allocated to at least 2 but not more than 20 public
120 educational customer accounts within a single school district
121 without regard to physical location.

122 (c) Shared solar school facilities may fully participate in
123 each electric utility's net metering program. Electric utilities
124 shall allocate the net electricity generated in each billing
125 period from the aggregated solar school facility to each
126 qualifying account per the instructions of the public
127 educational customer.

128 (d) The annual allocated credits in kilowatt hours may not
129 exceed 150 percent of the usage in the prior calendar year of
130 the public educational customer's aggregated qualifying accounts
131 to which the bill credits are transferred.

132 (e) Subject to review by the commission, each electric
133 utility shall adopt a tariff providing for meter aggregation
134 which complies with this subsection by January 1, 2022.

135 (11) (a) A business entity or a contracted third party may
136 install, maintain, and operate a renewable energy source device
137 on or about the structure in which the business operates or on
138 any property the business owns or leases. The business entity or
139 the contracted third party may sell the electricity generated
140 from the device, regardless of whether the device is located in
141 a utility's service territory, to another business entity that
142 is located immediately adjacent to the structure, within the
143 same parcel as the structure, or on an immediately adjacent
144 parcel. Such sales are not retail sales of electricity for
145 purposes of this chapter and do not subject the energy-producing

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146 business, unless otherwise subject to regulation by the
147 commission, to regulation under this chapter.

148 (b) A business entity is not required to purchase directly
149 or indirectly, by lease or other contractual arrangement, the
150 electricity produced pursuant to paragraph (a).

151 (c) The annual allocated credits in kilowatt hours may not
152 exceed 150 percent of usage in the prior calendar year of the
153 business entity's accounts to which the bill credits are
154 transferred. If a business entity is an owner of residential
155 multifamily housing units, the usage calculation must include
156 all the meters on the property, even if those meters are not in
157 the name of the owner of the housing units.

158 (d) The capacity of the renewable energy source device may
159 not exceed 150 percent of the business entity's usage in the
160 prior calendar year. If a business entity is an owner of
161 residential multifamily housing units, the usage calculation
162 must include all the meters on the property, even if those
163 meters are not in the name of the owner of the housing units.

164 Section 2. Section 366.9151, Florida Statutes, is created
165 to read:

166 366.9151 Renewable energy for local governments, colleges,
167 and universities.-

168 (1) DEFINITIONS.-As used in this section and s. 366.9153,
169 the term:

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

172 (b) "Customer-owned renewable energy generation" means a
173 renewable energy generating system located on a customer's
174 premises that is primarily intended to offset part or all of the

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175 customer's electricity requirements with renewable energy.

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

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

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

182 (d) "Local government" means:

183 1. A county, municipality, school district, or other
184 political subdivision; and

185 2. Any department, agency, board, bureau, district,
186 commission, authority, or similar body of a county,
187 municipality, school district, or other political subdivision.

188 (e) "Public customer" means a local government, college, or
189 university.

190 (f) "Renewable energy generating system" is a system that
191 generates electricity from renewable energy. The term "renewable
192 energy" means renewable energy as defined in s. 366.91(2).

193 (g) "University" means a state university as described in
194 s. 1000.21(6).

195 (2) FINANCING AND LEASING OF CUSTOMER-OWNED RENEWABLE
196 ENERGY GENERATING SYSTEMS.—

197 (a) A public customer may install, maintain, and operate or
198 may contract with a third party to install, maintain, and
199 operate, one or more renewable energy generating systems on any
200 eligible property to offset the public customer's electricity
201 requirements. For purposes of this section, electricity produced
202 by the renewable energy generating system is deemed to be
203 customer-owned generation, without regard to the ownership of

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204 the renewable energy source device by a contracted third party.

205 (b) A contracted third party may sell the electricity
206 generated by a renewable energy generating system to a public
207 customer or may guarantee the quantity of electricity to be
208 produced by such device under a lease or financing agreement.
209 Such sales or guarantees are not considered retail sales of
210 electricity and do not subject the public customer or contracted
211 third party to regulation under this chapter, unless the third
212 party is otherwise subject to regulation.

213 (c) The capacity of the renewable energy generating system
214 may not exceed 150 percent of the public customer's usage in the
215 prior calendar year.

216 (d) Each third party who installs a renewable energy
217 generating system under this section must comply with the safety
218 and disclosure requirements of ss. 520.20-520.26.

219 (3) METER AGGREGATION.—

220 (a) In order to offset part or all of a public customer's
221 electricity requirements with renewable energy across multiple
222 facilities or properties, a public customer with multiple meters
223 may aggregate its electricity consumption by totaling the
224 consumption on any or all of the meters located on the
225 customer's eligible properties and offset such aggregated
226 consumption requirements with customer-owned renewable energy
227 generation under the electric utility's net metering program.

228 (b) On or before January 1, 2022, each electric utility
229 shall offer to all public customers a method to aggregate meters
230 consistent with its net metering program and its standardized
231 interconnection agreement for customer-owned renewable energy
232 generation.

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233 (c) The annual allocated credits in kilowatt hours may not
234 exceed 150 percent of usage in the prior calendar year of the
235 public customer's aggregated qualifying accounts to which the
236 bill credits are transferred.

237 (4) RULES.—The commission may adopt rules to administer
238 this section.

239 Section 3. Subsection (4) is added to section 1013.44,
240 Florida Statutes, to read:

241 1013.44 Low-energy use design; solar energy systems;
242 swimming pool heaters.—

243 (4) Any cost associated with a solar energy system that is
244 located on the property of an educational facility may not be
245 included in calculating the total cost per student station for
246 purposes of the limitation imposed on cost per student station
247 for new construction under s. 1013.64(6)(b).

248 Section 4. Paragraph (b) of subsection (2) of section
249 366.92, Florida Statutes, is amended to read:

250 366.92 Florida renewable energy policy.—

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

252 (b) "Renewable energy" means renewable energy as defined in
253 s. 366.91(2) ~~s. 366.91(2)(d)~~.

254 Section 5. Subsection (7) of section 373.236, Florida
255 Statutes, is amended to read:

256 373.236 Duration of permits; compliance reports.—

257 (7) A permit approved for a renewable energy generating
258 facility or the cultivation of agricultural products on lands
259 consisting of 1,000 acres or more for use in the production of
260 renewable energy, as defined in s. 366.91(2) ~~s. 366.91(2)(d)~~,
261 shall be granted for a term of at least 25 years at the

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262 applicant's request based on the anticipated life of the
263 facility if there is sufficient data to provide reasonable
264 assurance that the conditions for permit issuance will be met
265 for the duration of the permit; otherwise, a permit may be
266 issued for a shorter duration that reflects the longest period
267 for which such reasonable assurances are provided. Such a permit
268 is subject to compliance reports under subsection (4).

269 Section 6. Paragraph (f) of subsection (3) and paragraph
270 (b) of subsection (19) of section 403.973, Florida Statutes, are
271 amended to read:

272 403.973 Expedited permitting; amendments to comprehensive
273 plans.—

274 (3)

275 (f) Projects resulting in the production of biofuels
276 cultivated on lands that are 1,000 acres or more or in the
277 construction of a biofuel or biodiesel processing facility or a
278 facility generating renewable energy, as defined in s. 366.91(2)
279 ~~s. 366.91(2)(d)~~, are eligible for the expedited permitting
280 process.

281 (19) The following projects are ineligible for review under
282 this part:

283 (b) A project, the primary purpose of which is to:

284 1. Effect the final disposal of solid waste, biomedical
285 waste, or hazardous waste in this state.

286 2. Produce electrical power, unless the production of
287 electricity is incidental and not the primary function of the
288 project or the electrical power is derived from a fuel source
289 for renewable energy as defined in s. 366.91(2) ~~s. 366.91(2)(d)~~.

290 3. Extract natural resources.

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291 4. Produce oil.

292 5. Construct, maintain, or operate an oil, petroleum, or
293 sewage pipeline.

294 Section 7. This act shall take effect July 1, 2021.