

By Senator Berman

31-00419-21

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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)~~(c)~~ "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) ~~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) ~~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. 366.91(2)  
142 ~~s. 366.91(2)(d)~~, are eligible for the expedited permitting  
143 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) ~~s. 366.91(2)(d)~~.
- 153 3. Extract natural resources.
- 154 4. Produce oil.
- 155 5. Construct, maintain, or operate an oil, petroleum, or
- 156 sewage pipeline.
- 157 Section 6. This act shall take effect July 1, 2021.