

By Senator Brandes

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1 A bill to be entitled
2 An act relating to renewable energy; amending s.
3 366.91, F.S.; defining the term "renewable energy
4 source device"; authorizing owners of commercial or
5 industrial businesses, or third parties contracted by
6 such owners, to install, maintain, and operate a
7 renewable energy source device on or about the
8 structure in which the business operates or on a
9 property the business owns or leases; authorizing
10 owners or contracted third parties to sell electricity
11 generated from the device to certain businesses
12 regardless of whether the device is located in a
13 utility's service territory; providing applicability;
14 authorizing utilities to recover the full cost of
15 providing services to an energy-producing business or
16 its customers, under certain circumstances;
17 authorizing utilities to install, maintain, and
18 operate certain renewable energy source devices;
19 exempting from regulation the sale of electricity
20 produced by such devices; authorizing utilities to
21 recover certain costs under certain circumstances;
22 authorizing customers to challenge such cost recovery
23 and receive refunds following a successful challenge;
24 clarifying applicability and the eligibility
25 requirements of certain energy rebate or incentive
26 programs established by law; authorizing the Florida
27 Public Service Commission to adopt rules; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Paragraph (e) is added to subsection (2) of
33 section 366.91, Florida Statutes, and subsection (9) is added to
34 that section, to read:

35 366.91 Renewable energy.—

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

37 (e) "Renewable energy source device" has the same meaning
38 as in s. 193.624(1).

39 (9) (a) An owner of a commercial or industrial business or a
40 contracted third party may install, maintain, and operate a
41 renewable energy source device on or about the structure in
42 which the business operates or on any property the business owns
43 or leases. The owner of the business or the contracted third
44 party may sell the electricity generated from the device,
45 regardless of whether the device is located in a utility's
46 service territory, to a commercial or industrial business that
47 is located immediately adjacent to the structure, within the
48 same parcel as the structure, or on an immediately adjacent
49 parcel. Such sales are not retail sales of electricity for
50 purposes of this chapter and do not subject the energy-producing
51 business to regulation under this chapter.

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

55 (c) If the energy-producing business or its customers
56 require additional related services from a utility, such as
57 backup generation capacity or transmission services, the utility
58 may recover the full cost of providing these services.

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59 (d) A utility may enter into a contract with a commercial
60 or industrial business to install, maintain, and operate any
61 type of renewable energy source device on or about the structure
62 in which the business operates and to sell the electricity
63 generated from the device to that business or to a commercial or
64 industrial business located immediately adjacent to the
65 structure, within the same parcel as the structure, or on an
66 immediately adjacent parcel. Such sales are not retail sales for
67 purposes of this chapter and are not subject to regulation under
68 this chapter.

69 (e) If the commission determines that the level of
70 reduction in electricity purchases by customers using renewable
71 energy source devices under this section is significant enough
72 to adversely impact the rates other customers pay in the rate
73 territory, the commission may approve a utility's request to
74 recover its costs of providing capacity, generation, and
75 distribution of the electricity needed by all customers,
76 including customers using a renewable energy source device. The
77 cost recovered must be an appropriate amount of fixed costs to
78 avoid the adverse impact and may be assessed only to customers
79 engaged in activity under this section. The cost-recovery
80 elements that are intended for recovery of the fixed costs of
81 capacity, generation, and distribution of electricity must be
82 based on actual costs or on projected costs, must be approved by
83 the commission by a super majority of the voting members of the
84 commission, and are subject to adjustment. A customer may
85 challenge the cost recovery established pursuant to this
86 paragraph by filing with the commission a petition for a
87 determination of whether the costs recovered are excessive. Upon

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88 a determination by the commission of any excessive cost
89 recovery, the customer must be refunded any excess funds
90 collected by the utility.

91 (f) For the purpose of any renewable energy rebate or
92 incentive program established by law, and for application
93 exclusively in this section, the rebate or incentive is the sole
94 property of the owner of the renewable energy source device, and
95 the customer of any electricity sale pursuant to this section is
96 not eligible to receive the rebate or incentive unless the
97 customer owns the renewable energy source device.

98 (g) The commission may adopt rules to provide guidance,
99 requirements, and procedures to ensure that each utility
100 continues to recover costs, including the costs of providing
101 redundant capacity.

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