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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/02/2022	.	
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The Committee on Rules (Bradley) recommended the following:

1   **Senate Amendment (with title amendment)**
2
3   Delete lines 44 - 126
4   and insert:
5   Section 2. Subsections (1) and (5) of section 366.91,
6   Florida Statutes, are amended to read:
7   366.91 Renewable energy.—
8   (1) The Legislature finds that:
9   (a) It is in the public interest to continue ~~promote~~ the
10   development of renewable energy resources in this state in a
11   manner that is fair and equitable to all public utility

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12 customers. Renewable energy resources have the potential to help
13 diversify fuel types to meet Florida's growing dependency on
14 natural gas for electric production, minimize the volatility of
15 fuel costs, encourage investment within the state, improve
16 environmental conditions, and make Florida a leader in new and
17 innovative technologies. The development and maturation of the
18 solar energy industry, the substantial decline in the cost of
19 solar panels, and the increase in customer-owned or leased
20 renewable generation support the redesign of net metering by the
21 commission.
22   (b) Customer-owned or leased renewable generation is not
23 available to many public utility customers who lack the
24 financial resources to purchase or lease rooftop solar panels or
25 who reside in multitenant buildings. The substantial growth of
26 customer-owned or leased renewable generation has resulted in
27 increased cross-subsidization of the full cost of electric
28 service onto the public utility's general body of ratepayers.
29 Therefore, the redesigned net metering rate structures required
30 in subsection (5)(d) must ensure that public utility customers
31 who own or lease renewable generation pay the full cost of
32 electric service and are not cross-subsidized by the public
33 utility's general body of ratepayers.
34   (5)(a) ~~On or before January 1, 2009,~~ Each public utility
35 shall develop a standardized interconnection agreement and net
36 metering program for customer-owned or leased renewable
37 generation. The commission shall establish requirements relating
38 to the expedited interconnection and net metering of customer-
39 owned or leased renewable generation by public utilities and
40 shall ~~may~~ adopt new rules to administer this section.

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41   (b) Effective January 1, 2024, public utility net metering
42   programs for customer-owned or leased renewable generation must
43   provide that:
44   1. Electricity used by the customer in excess of the
45   generation supplied by customer-owned or leased renewable
46   generation is billed by the public utility in accordance with
47   normal billing practices; and
48   2. Excess customer-owned or leased renewable generation
49   delivered to the public utility's electric grid during the
50   customer's regular billing cycle is credited to the customer's
51   energy consumption for the next month's billing cycle as
52   follows:
53   a. For energy credits produced from customer-owned or
54   leased renewable generation for which a net metering application
55   is approved during calendar years 2024 and 2025, an amount equal
56   to 75 percent of the public utility's retail rate.
57   b. For energy credits produced from customer-owned or
58   leased renewable generation for which a net metering application
59   is approved during calendar years 2026 and 2027, an amount equal
60   to 50 percent of the public utility's retail rate.
61   (c) A public utility customer who owns or leases renewable
62   generation for which a net metering application is approved
63   before December 31, 2023, pursuant to a standard interconnection
64   agreement offered by a public utility, is granted 20 years to
65   continue to use the net metering rate design and rates that
66   applied at the time the net metering application was approved.
67   This paragraph applies to customers who purchase or lease real
68   property upon which customer-owned or leased renewable
69   generation is installed for all or part of that 20-year period.

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70   (d) The commission shall adopt subsequent rules to become
71   effective January 1, 2028, which establish a new program design
72   for customer-owned or leased renewable generation for which a
73   net metering application is approved on or after January 1,
74   2028. The new program design must comply with the following
75   criteria:
76   1. Each public utility customer who owns or leases
77   renewable generation must pay the full cost of electric service
78   and may not be subsidized by the public utility's general body
79   of ratepayers after December 31, 2027.
80   2. All energy delivered by the public utility must be
81   purchased at the public utility's applicable retail rate, and
82   all energy delivered by the customer-owned or leased renewable
83   generation to the public utility must be credited to the
84   customer at the public utility's full avoided costs.
85   3. The commission shall establish revised guidelines for
86   net metering credits, netting intervals, fees, and charges as
87   described herein, so as to ensure that the renewable generation
88   subsidy is zero by January 1, 2028.
89   4. The net metering guidelines may include fixed charges,
90   including base facilities charges, electric grid access fees, or
91   monthly minimum bills, to help ensure that the public utility
92   recovers the fixed costs of serving customers who engage in net
93   metering and that the general body of public utility ratepayers
94   does not subsidize customer-owned or leased renewable
95   generation.
96   (e)1. If at any time the statewide penetration rate of
97   customer-owned or leased renewable generation exceeds 6.5
98   percent, the commission, upon petition or on its own motion,

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 99 must initiate rulemaking to adopt a new program design that
100 complies with subparagraphs (d)1. and 2. A new program design
101 adopted pursuant to this subparagraph becomes effective 60 days
102 after rule adoption or 60 days after the date the commission
103 determines that the actual penetration rate has reached 6.5
104 percent, whichever is later, and shall apply to customer-owned
105 or leased renewable generation for which a net metering
106 application is approved after that effective date.
107   2. For purposes of this paragraph, the penetration rate
108 must be calculated by dividing the aggregate total summer peak
109 demand of the public utility by the gross power rating
110 (alternating current) of all in-service customer-owned or leased
111 renewable generation in the public utility's service territory.
112   (f) This subsection establishes the minimum requirements
113 for each public utility net metering program. A public utility
114 may petition the commission at any time for approval to offer a
115 net metering program on terms that are more favorable to
116 customers who own or lease renewable generation than the terms
117 specified in this subsection or in commission rules adopted
118 pursuant to this subsection.
119
120 ================ T I T L E   A M E N D M E N T ================
121 And the title is amended as follows:
122   Delete lines 9 - 17
123 and insert:
124   classes of ratepayers; providing the terms for public
125   utility net metering programs after a specified date;
126   authorizing certain customers who own or lease
127   renewable generation to remain under the net metering

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128   rules that initially applied to those customers for a
129   specified time; requiring the Public Service
130   Commission to adopt rules that meet certain
131   requirements by a specified date; providing conditions
132   under which rulemaking must be initiated if the
133   penetration rate of customer-owned or leased renewable
134   generation meets a specified threshold; authorizing
135   public utilities to petition the commission to offer
136   certain alternative net metering programs; providing
137   an effective date.