

By Senator Brandes

24-00067-22

2022182__

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 that 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 the sale of electricity produced by such
20 devices from regulation; 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.
29

24-00067-22

2022182__

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

31
32 Section 1. Present paragraph (f) of subsection (2) of
33 section 366.91, Florida Statutes, is redesignated as paragraph
34 (g), a new paragraph (f) is added to that subsection, and
35 subsection (10) is added to that section, to read:

36 366.91 Renewable energy.—

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

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

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

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

56 (c) If the energy-producing business or its customers
57 require additional related services from a utility, such as
58 backup generation capacity or transmission services, the utility

24-00067-22

2022182__

59 may recover the full cost of providing these services.

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

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

24-00067-22

2022182__

88 determination as to whether the costs recovered are excessive.
89 Upon a determination by the commission of any excessive cost
90 recovery, the customer must be refunded any excess funds
91 collected by the utility.

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

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

103 Section 2. This act shall take effect July 1, 2022.