

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eskamani offered the following:

2  
3 **Amendment (with directory and title amendments)**

4 Remove lines 25-166 and insert:

5 366.91 Renewable energy.—

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

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

9 (5) (a) ~~On or before January 1, 2009,~~ Each public utility  
10 shall develop a standardized interconnection agreement and net  
11 metering program for customer-owned or leased renewable  
12 generation. The commission shall establish requirements relating  
13 to the expedited interconnection and net metering of customer-

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14 owned or leased renewable generation by public utilities and  
15 shall ~~may~~ adopt new rules to administer this section.

16 (b) Effective January 1, 2024, public utility net metering  
17 programs for customer-owned or leased renewable generation must  
18 provide that:

19 1. Electricity used by the customer in excess of the  
20 generation supplied by customer-owned or leased renewable  
21 generation is billed by the public utility in accordance with  
22 normal billing practices; and

23 2. Excess customer-owned or leased renewable generation  
24 delivered to the public utility's electric grid during the  
25 customer's regular billing cycle is credited to the customer's  
26 energy consumption for the next month's billing cycle as  
27 follows:

28 a. For energy credits produced from customer-owned or  
29 leased renewable generation for which a net metering application  
30 is approved between January 1, 2024, and December 31, 2025, the  
31 customer's energy usage is offset by 75 percent of the amount  
32 credited;

33 b. For energy credits produced from customer-owned or  
34 leased renewable generation for which a net metering application  
35 is approved between January 1, 2026, and December 31, 2026, the  
36 customer's energy usage is offset by 60 percent of the amount  
37 credited; and

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38 c. For energy credits produced from customer-owned or  
39 leased renewable generation for which a net metering application  
40 is approved between January 1, 2027, and December 31, 2028, the  
41 customer's energy usage is offset by 50 percent of the amount  
42 credited.

43 (c) A public utility customer who owns or leases renewable  
44 generation for which a net metering application is approved  
45 before January 1, 2029, pursuant to a standard interconnection  
46 agreement offered by a public utility, is granted 20 years to  
47 continue to use the net metering rate design and rates that  
48 applied at the time the net metering application was approved.  
49 This paragraph applies to customers who purchase or lease real  
50 property upon which customer-owned or leased renewable  
51 generation is installed for all or part of that 20-year period.

52 (d) On or after the effective date of the net metering  
53 programs described in paragraph (b), a public utility may  
54 petition the commission for approval to impose any combination  
55 of fixed charges, which may include base facilities charges,  
56 electric grid access fees, and monthly minimum bills, to ensure  
57 that the public utility recovers the fixed costs of serving  
58 customers that own or lease renewable generation and that the  
59 general body of public utility ratepayers do not subsidize  
60 customer-owned or leased generation. Within 180 days after a  
61 petition is filed by a public utility pursuant to this

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62 paragraph, the commission must issue a final order on the  
63 petition.

64 (e) The commission must adopt new rules to become  
65 effective January 1, 2029, that establish a new program design  
66 for customer-owned or leased renewable generation for which a  
67 net metering application is approved on or after January 1,  
68 2029. The new program design must comply with the following  
69 criteria:

70 1. Each public utility customer who owns or leases  
71 renewable generation must pay the full cost of electric service  
72 and may not be subsidized by the public utility's general body  
73 of ratepayers.

74 2. All energy delivered by the public utility must be  
75 purchased at the public utility's applicable retail rate and all  
76 energy delivered by the customer-owned or leased renewable  
77 generation to the public utility must be credited to the  
78 customer at the public utility's full avoided costs.

79 (f)1. If at any time the penetration rate of customer-  
80 owned or leased renewable generation in a public utility's  
81 service territory is reasonably expected to exceed 6.5 percent  
82 within the succeeding 12 months, the commission, upon petition  
83 or on its own motion, must initiate rulemaking to adopt a new  
84 program design that complies with subparagraphs (e)1. and 2. A  
85 new program design adopted pursuant to this subparagraph becomes  
86 effective 60 days after rule adoption or 60 days after the date

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87 the commission determines that the actual penetration rate has  
88 reached 6.5 percent, whichever is later, and shall apply to  
89 customer-owned or leased renewable generation for which a net  
90 metering application is approved after that effective date.

91 2. For purposes of this paragraph, the penetration rate  
92 shall be calculated by dividing the total summer peak demand of  
93 the public utility by the aggregate gross power rating  
94 (alternating current) of all in-service customer-owned or leased  
95 renewable generation in the public utility's service territory.

96 (g) This subsection establishes the minimum requirements  
97 for each public utility net metering program. A public utility  
98 may petition the commission at any time for approval to offer a  
99 net metering program on terms that are not less favorable to  
100 customers who own or lease renewable generation than the terms  
101 specified in this subsection or in commission rules adopted  
102 pursuant to this subsection.

103 (h)1. A public utility may recover, through its fuel and  
104 purchased power cost recovery charge, its lost revenues  
105 resulting from the incremental addition of residential customer-  
106 owned or leased solar photovoltaic generation within the public  
107 utility's service territory between July 1, 2022, and December  
108 31, 2023, above the level that such generation, for purposes of  
109 setting base rates in the public utility's most recent base rate  
110 proceeding, was estimated to be installed within the public  
111 utility's service territory during the same period.

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112 2. A public utility seeking recovery of lost revenues  
113 under this paragraph must file with the commission a petition  
114 that:

115 a. Identifies the total capacity of residential customer-  
116 owned or leased solar photovoltaic generation that, for purposes  
117 of setting base rates in the public utility's most recent base  
118 rate proceeding, was estimated to be installed in the public  
119 utility's service territory between July 1, 2022, and December  
120 31, 2023;

121 b. Identifies the total capacity of residential customer-  
122 owned or leased solar photovoltaic generation that was installed  
123 in the public utility's service territory between July 1, 2022,  
124 and December 31, 2023;

125 c. Demonstrates the difference in revenues collected by  
126 the public utility as a direct result of the incremental  
127 difference in the estimated and actual capacity additions  
128 identified in sub-subparagraphs a. and b. and identifies the  
129 specific amount that the utility seeks to recover;

130 d. Demonstrates that the relief requested does not cause  
131 the public utility to exceed the rate of return on equity  
132 authorized by the commission in the public utility's most recent  
133 base rate proceeding; and

134 e. Includes such other reasonably related information as  
135 the commission may require by rule.

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136 3. Upon receipt of a petition that meets the requirements  
137 of subparagraph 2., the commission must determine the amount, if  
138 any, that the utility is entitled to recover under this  
139 paragraph.

140 4. A petition filed under this subsection may not be filed  
141 before December 31, 2023, or after March 31, 2024.

142 5. The Legislature provides the limited, extraordinary  
143 relief set forth in this paragraph to address the potential  
144 impact on a public utility of a previously unanticipated surge,  
145 unaccounted for in the utility's last rate case, in the  
146 installation of customer-owned or leased renewable generation  
147 over the period specified in this subsection. The Legislature  
148 makes no findings as to whether the recovery of lost revenues by  
149 a public utility is appropriate for any other purpose.

150 (10) (a) An owner or operator of any educational facility,  
151 school district, college, university, religious organization,  
152 assisted living facility, not-for-profit charitable  
153 organization, group home, foster care facility, local  
154 government, woman-owned or minority-owned business, housing for  
155 very-low-income, low-income, or moderate-income persons as  
156 defined in s. 420.602, or housing for persons 60 years of age or  
157 older, or any contracted third party, may install, maintain, and  
158 operate a renewable energy source device on or about the  
159 structure in which the entity operates or on any property owned  
160 or leased by the entity. The owner of the entity or the

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161 contracted third party may sell the electricity generated from  
 162 the renewable energy source device, regardless of whether the  
 163 device is located in a public utility's service territory, to an  
 164 entity that is located immediately adjacent to the structure,  
 165 within the same parcel as the structure, or on an immediately  
 166 adjacent parcel. Such sales are not retail sales of electricity  
 167 for purposes of this chapter and do not subject the energy-  
 168 producing business to regulation under this chapter.

169 (b) An owner or operator of any educational facility,  
 170 school district, college, university, religious institution,  
 171 assisted living facility, not-for-profit charitable  
 172 organization, group home, foster care facility, local  
 173 government, woman-owned or minority-owned business, housing for  
 174 very-low-income, low-income, or moderate-income persons as  
 175 defined in s. 420.602, or housing for persons 60 years of age or  
 176 older is not required to purchase directly or indirectly, by  
 177 lease or other contractual arrangement, the electricity produced  
 178 pursuant to paragraph (a).

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181 **D I R E C T O R Y A M E N D M E N T**

182 Remove lines 23-24 and insert:

183 Section 1. Paragraph (f) of subsection (2) of section  
 184 366.91, Florida Statutes, is redesignated as paragraph (g),  
 185 subsection (5) is amended, a new paragraph (f) is added to

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186 subsection (2), and subsection (10) is added to that section, to  
187 read:

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**T I T L E A M E N D M E N T**

192

Remove lines 3-18 and insert:

193

F.S.; providing a definition; providing the terms for  
194 public utility net metering programs after a specified  
195 date; providing a schedule of reductions to net  
196 metering rate designs that apply to customers with net  
197 metering applications that are approved after  
198 specified dates; authorizing certain customers who own  
199 or lease renewable generation to remain under the net  
200 metering rules that initially applied to those  
201 customers for a specified time; authorizing public  
202 utilities to petition for approval of certain fixed  
203 charges designed to meet specified purposes; providing  
204 conditions under which rules must be initiated if the  
205 penetration rate of customer-owned or leased renewable  
206 generation meets a specified threshold; authorizing  
207 public utilities to recover specified lost revenues  
208 upon meeting certain requirements; providing  
209 applicability; authorizing specified entities to  
210 produce electricity from a renewable energy source

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211 | device located on or about certain structures and  
212 | property and to sell such electricity to specified  
213 | entities; specifying that specified entities from are  
214 | not required to purchase electricity produced by a  
215 | renewable energy source device; providing an

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