

By Senator Brandes

22-00351D-15

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

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (9) is added to section 366.91,
31 Florida Statutes, to read:

32 366.91 Renewable energy.—

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

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

49 (c) If the energy-producing business or its customers
50 require additional related services from a utility, such as
51 backup generation capacity or transmission services, the utility
52 may recover the full actual cost of providing these services.

53 (d) A utility may enter into a contract with a commercial
54 or industrial business to install, maintain, and operate any
55 type of renewable energy source device on or about the structure
56 within which the business operates and to sell the electricity
57 generated from the device to that business or to a commercial or
58 industrial business that is located immediately adjacent to the

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59 structure, within the same parcel of the structure, or on an
60 immediately adjacent parcel. Such sales are not retail sales for
61 purposes of this chapter and are not subject to regulation under
62 this chapter.

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

84 (f) For the purpose of any renewable energy rebate or
85 incentive program established in law, and for application
86 exclusively in this section, the rebate or incentive is the sole
87 property of the owner of the renewable energy source device, and

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88 the customer of any electricity sale pursuant to this section is
89 not eligible to receive the rebate or incentive unless the
90 customer has ownership of the renewable energy source device.

91 (g) The commission may adopt rules to provide guidance,
92 requirements, and procedures to ensure that each utility
93 continues to recover costs, including the costs of providing
94 redundant capacity.

95 Section 2. This act shall take effect July 1, 2015.