A bill to be entitled
An act relating to renewable energy; amending s.
366.92, F.S.; defining the terms “renewable energy
credit” and “renewable portfolio standard”; requiring
the Public Service Commission to adopt rules for a
renewable portfolio standard; requiring the commission
to present a draft rule to the Legislature for
consideration by a specified date; providing
requirements for the rule; requiring providers to
submit annual progress reports to the commission after
such rule has been adopted; providing requirements for
the reports; creating s. 377.821, F.S.; providing
legislative findings; directing the Office of Energy
within the Department of Agriculture and Consumer
Services, in consultation with other state agencies,
state colleges and universities, public utilities, and
other private and public entities, to develop a
unified statewide plan to generate the state’s energy
from renewable sources by specified dates; requiring
state and public entities to cooperate as requested;
providing plan requirements; requiring the office to
submit the plan and updates to the Governor and the
Legislature by a specified date; providing an
effective date.

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

Section 1. Present subsections (3), (4), and (5) of section
366.92, Florida Statutes, are redesignated as subsections (4),
(5), and (6), respectively, paragraphs (c) and (d) are added to subsection (2) of that section, and a new subsection (3) is added to that section, to read:

366.92 Florida renewable energy policy.—

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

(c) “Renewable energy credit” means a value that represents the unbundled, separable, renewable attribute of renewable energy produced in this state and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in this state.

(d) “Renewable portfolio standard” or “RPS” means the minimum percentage of total annual retail electricity sales by a provider to consumers in this state which must be supplied by renewable energy produced in this state.

(3) To ensure that 100 percent of the electric supply comes from renewable energy by 2050 as required by s. 377.821, the commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly by procurement or through the purchase of renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Department of Agriculture and Consumer Services. The rule may not be implemented until adopted by the Legislature. The commission shall present a draft rule for consideration by the Legislature by February 1, 2021.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt-hour through 2032 and the current and forecasted installed capacity in kilowatts for each renewable energy generation
method through 2032.

(b) The commission’s rule:

1. Must include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission may include provision in the rule for annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), and upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph supersedes s. 366.91(3) and (4). However, this section does not alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Must provide for appropriate compliance measures and the conditions under which noncompliance is excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.
4. Must determine an appropriate period of time during which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Must provide for monitoring of compliance with and enforcement of this section.

6. Must ensure that energy credited toward compliance with this section is not credited toward any other purpose.

7. Must include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Must provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission’s renewable portfolio standard rule, each provider shall submit an annual report to the commission describing the steps that have been taken during the previous year and the steps that will be taken in the future to add renewable energy to the provider’s energy supply portfolio. The report must state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it intends to comply with the renewable portfolio standard in the upcoming year.

Section 2. Section 377.821, Florida Statutes, is created to read:

377.821 State entity renewable energy goals.—
(1) The Legislature finds that achieving 100 percent renewable energy generation in this state by 2050 will provide unique benefits to the state, including all of the following:

(a) Displacing fossil fuel consumption.
(b) Adding new electrical generating facilities in the transmission network.
(c) Reducing air pollution, particularly criteria pollutant emissions and toxic air contaminants.
(d) Contributing to the safe and reliable operation of the electrical grid, including providing predictable electrical supply, voltage support, lower line losses, and congestion relief.
(e) Enhancing economic development and job creation in the clean energy industry.

(2) The Office of Energy within the Department of Agriculture and Consumer Services, in consultation with other state agencies, state colleges and universities, public utilities, and other private and public entities, is directed to develop a unified statewide plan to generate 100 percent of the state’s energy from renewable sources by 2050. All public agencies, state colleges and universities, and public utilities must cooperate with the office as requested. The plan must include interim goals to generate at least 40 percent of the state’s energy from renewable sources by 2030.

(3) The plan must consider the potential impact of existing and additional renewable energy incentives and programs with an emphasis on solar and distributed resources, including energy storage. The plan must also consider the impact of power purchase agreements on attaining 100 percent renewable energy.
generation. The office must submit a statewide plan outlining potential strategies to reach the goals of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022, and must provide updates on the progress of achieving the state’s renewable energy goals each January 1 thereafter.

Section 3. This act shall take effect July 1, 2020.