A bill to be entitled
An act relating to solar schools; amending s. 366.91, F.S.; defining terms; authorizing a public educational customer to enter into a contract for the installation, maintenance, or operation of a renewable energy source device on property owned or controlled by the public educational customer; providing that financing arrangements for such contracts are not considered retail sales of electricity; limiting the capacity of the renewable energy source device; requiring electric utilities to provide meter aggregation to public educational customers under certain circumstances; providing that shared solar facilities may participate in an electric utility’s net metering program; limiting a public educational customer’s annual allocated credits; requiring electric utilities to adopt a tariff, subject to Public Service Commission review, by a specified date; amending s. 1013.44, F.S.; prohibiting costs associated with certain solar energy systems from being included in certain cost per student station limitations; amending ss. 366.92, 373.236, and 403.973, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (2) of section 366.91, Florida Statutes, is amended, and subsections (9) and (10) are added to
that section, to read:

366.91 Renewable energy.—

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

(a) “Aggregated solar school facility” means a single solar facility that is less than 5 megawatts-AC and serves a public educational customer.

(b) “Biomass” means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(c) “Customer-owned renewable generation” means an electric generating system located on a customer’s premises that is primarily intended to offset part or all of the customer’s electricity requirements with renewable energy.

(d) “Net metering” means a metering and billing methodology whereby customer-owned renewable generation is allowed to offset the customer’s electricity consumption on site.

(e) “Public educational customer” means a publicly funded K-12 educational institution.

(f) “Renewable energy” means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid
manufacturing operations and electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.

(g) “Renewable energy source device” has the same meaning as in s. 193.624(1).

(9)(a) A public educational customer may enter into a contract with a third party for the installation, maintenance, or operation of a renewable energy source device located on property owned or controlled by the public educational customer. The contracted third party may sell the electricity generated from the renewable energy source device to the public educational customer through a power purchase agreement or similar financing arrangement. For purposes of this chapter, such financing arrangements are not retail sales of electricity and do not subject the contracted third party to regulation under this chapter.

(b) The capacity of the renewable energy source device may not exceed 125 percent of the prior 3-year annual average usage of the public educational customer.

(10)(a) To facilitate the adoption of solar energy by public educational customers, each electric utility shall provide meter aggregation for purposes of net metering to all public educational customers that seek to allocate bill credits within a single school district from an aggregated solar school facility.

(b) If the facility and accounts are within the same county and served by the same electric utility, a public educational customer may elect to have net metering bill credits from a single aggregated solar school facility allocated to at least 2
and not more than 20 public educational customer accounts within a single school district without regard to physical location.

(c) Shared solar school facilities are eligible to fully participate in each electric utility’s net metering program. Electric utilities shall allocate the net electricity generated in each billing period from the aggregated solar school facility to each qualifying account per the instructions of the public educational customer.

(d) The annual allocated credits in kilowatt hours may not exceed 115 percent of the prior 3-year annual average usage of the public educational customer’s aggregated qualifying accounts to which the bill credits are transferred.

(e) Subject to review by the commission, each electric utility shall adopt a tariff providing for meter aggregation which complies with this subsection by January 1, 2021.

Section 2. Subsection (4) is added to section 1013.44, Florida Statutes, to read:

1013.44 Low-energy use design; solar energy systems; swimming pool heaters.—

(4) Any costs associated with a solar energy system that is located on the property of an educational facility may not be included in the total cost per student station limitations on new construction established in s. 1013.64(6)(b).

Section 3. Paragraph (b) of subsection (2) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

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

(b) “Renewable energy” means renewable energy as defined in s. 366.91(2) (d).
Section 4. Subsection (7) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—
(7) A permit approved for a renewable energy generating facility or the cultivation of agricultural products on lands consisting of 1,000 acres or more for use in the production of renewable energy, as defined in s. 366.91(2) or s. 366.91(2)(d), shall be granted for a term of at least 25 years at the applicant’s request based on the anticipated life of the facility if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; otherwise, a permit may be issued for a shorter duration that reflects the longest period for which such reasonable assurances are provided. Such a permit is subject to compliance reports under subsection (4).

Section 5. Paragraph (f) of subsection (3) and paragraph (b) of subsection (19) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—
(3)
(f) Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2) or s. 366.91(2)(d), are eligible for the expedited permitting process.
(19) The following projects are ineligible for review under this part:
(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project or the electrical power is derived from a fuel source for renewable energy as defined in s. 366.91(2)(d).

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, or sewage pipeline.

Section 6. This act shall take effect July 1, 2021.