

By the Committee on Regulated Industries; and Senator Bradley

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1 A bill to be entitled
2 An act relating to renewable energy generation;
3 amending s. 163.04, F.S.; authorizing certain entities
4 to prohibit the installation of solar collectors under
5 certain circumstances; amending s. 366.91, F.S.;
6 revising and providing legislative findings relating
7 to the redesign of net metering to avoid cross-
8 subsidization of electric service costs between
9 classes of ratepayers; requiring the Public Service
10 Commission to propose new net metering rules that
11 comply with specified criteria by a certain date;
12 authorizing certain customers who own or lease
13 renewable generation before a specified date to remain
14 under the existing net metering rules for a specified
15 time; providing applicability; requiring certain
16 public utilities to provide a specified report to the
17 commission; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (2) of section 163.04, Florida
22 Statutes, is amended to read:

23 163.04 Energy devices based on renewable resources.—

24 (2) A deed restriction, covenant, declaration, or similar
25 binding agreement may not prohibit or have the effect of
26 prohibiting solar collectors, clotheslines, or other energy
27 devices based on renewable resources from being installed on
28 buildings erected on the lots or parcels covered by the deed
29 restriction, covenant, declaration, or binding agreement. A

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30 property owner may not be denied permission to install solar
31 collectors or other energy devices by any entity granted the
32 power or right in any deed restriction, covenant, declaration,
33 or similar binding agreement to approve, forbid, control, or
34 direct alteration of property with respect to residential
35 dwellings and within the boundaries of a condominium unit. Such
36 entity may:

37 (a) Determine the specific location where solar collectors
38 may be installed on the roof within an orientation to the south
39 or within 45 degrees ~~45°~~ east or west of due south if such
40 determination does not impair the effective operation of the
41 solar collectors; and

42 (b) Prohibit the installation of solar collectors in
43 locations beyond the parameters specified in paragraph (a).

44 Section 2. Present subsections (6) through (9) of section
45 366.91, Florida Statutes, are redesignated as subsections (7)
46 through (10), respectively, a new subsection (6) is added to
47 that section, and subsection (1) and present subsection (7) of
48 that section are amended, to read:

49 366.91 Renewable energy.—

50 (1) The Legislature finds that:

51 (a) It is in the public interest to continue ~~promote~~ the
52 development of renewable energy resources in this state in a
53 manner that is fair and equitable to all public utility
54 customers. Renewable energy resources have the potential to help
55 diversify fuel types to meet Florida's growing dependency on
56 natural gas for electric production, minimize the volatility of
57 fuel costs, encourage investment within the state, improve
58 environmental conditions, and make Florida a leader in new and

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59 innovative technologies. The development and maturation of the
60 solar energy industry, the substantial decline in the cost of
61 solar panels, and the increase in customer-owned and -leased
62 renewable generation support the redesign of net metering by the
63 commission.

64 (b) Customer-owned and -leased renewable generation are not
65 available to many public utility customers who lack the
66 financial resources to purchase or lease rooftop solar panels or
67 who reside in multitenant buildings. The substantial growth of
68 customer-owned and -leased renewable generation has resulted in
69 increased cross-subsidization of the full cost of electric
70 service onto the public utility's general body of ratepayers.
71 Therefore, the redesigned net metering rate structures required
72 in paragraph (6) (a) must ensure that public utility customers
73 who own or lease renewable generation pay the full cost of
74 electric service and are not cross-subsidized by the public
75 utility's general body of ratepayers.

76 (6) (a) On or before January 1, 2023, the commission shall
77 propose a revised net metering rule that complies with the
78 following criteria:

79 1. The net metering rate structures and billing must ensure
80 that public utility customers owning or leasing renewable
81 generation pay the full cost of electric service and are not
82 subsidized by the public utility's general body of ratepayers.

83 2. The net metering must ensure that all energy delivered
84 by the public utility is purchased at the public utility's
85 applicable retail rate and that all energy delivered by the
86 customer-owned or -leased renewable generation to the public
87 utility is credited to the customer at the public utility's full

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88 avoided costs.

89 3. The net metering may include fixed charges, including
90 base facilities charges, electric grid access fees, or monthly
91 minimum bills, to help ensure that the public utility recovers
92 the fixed costs of serving customers who engage in net metering
93 and that the general body of public utility ratepayers does not
94 subsidize customer-owned or -leased renewable generation.

95 (b) Any public utility customer who owns or leases
96 renewable generation that is in service before January 1, 2023,
97 pursuant to a standard interconnection agreement offered by a
98 public utility, shall be granted 10 years to continue to use the
99 net metering rate design and rates that applied before the
100 revised net metering rule was adopted under paragraph (a). This
101 paragraph applies to customers who purchase or lease real
102 property upon which customer-owned or -leased renewable
103 generation is installed for all or part of that 10-year period.

104 (c) The commission shall require a public utility
105 requesting a change in base rates under s. 366.06 to report to
106 the commission the impact of net metering on the public
107 utility's revenues and cost of service.

108 (8) ~~(7)~~ Under the provisions of subsections (5) and (7) ~~(6)~~,
109 when a utility purchases power generated from biogas produced by
110 the anaerobic digestion of agricultural waste, including food
111 waste or other agricultural byproducts, net metering shall be
112 available at a single metering point or as a part of conjunctive
113 billing of multiple points for a customer at a single location,
114 so long as the provision of such service and its associated
115 charges, terms, and other conditions are not reasonably
116 projected to result in higher cost electric service to the

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117 utility's general body of ratepayers or adversely affect the
118 adequacy or reliability of electric service to all customers, as
119 determined by the commission for public utilities, or as
120 determined by the governing authority of the municipal electric
121 utility or rural electric cooperative that serves at retail.

122 Section 3. This act shall take effect July 1, 2022.