By the Committees on Community Affairs; and Regulated Industries; and Senator Bradley

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

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

Section 1. Subsection (2) of section 163.04, Florida
Statutes, is amended to read:
163.04 Energy devices based on renewable resources.—
(2) A deed restriction, covenant, declaration, or similar
binding agreement may not prohibit or have the effect of
prohibiting solar collectors, clotheslines, or other energy
devices based on renewable resources from being installed on
buildings erected on the lots or parcels covered by the deed
restriction, covenant, declaration, or binding agreement. A
property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction, covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit. Such entity may:

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

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

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

366.91 Renewable energy.—

(1) The Legislature finds that:

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

CODING: Words stricken are deletions; words underlined are additions.
innovative technologies. The development and maturation of the solar energy industry, the substantial decline in the cost of solar panels, and the increase in customer-owned and -leased renewable generation support the redesign of net metering by the commission.

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

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

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

2. The net metering must ensure that all energy delivered by the public utility is purchased at the public utility’s applicable retail rate and that all energy delivered by the customer-owned or -leased renewable generation to the public utility is credited to the customer as follows:
a. During calendar years 2024 and 2025, the credit is 75 percent of the public utility’s retail rate.
   b. During calendar years 2026 and 2027, the credit is 50 percent of the public utility’s retail rate.
   c. During calendar year 2028, the credit is the public utility’s full avoided costs.

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

(b) Any public utility customer who owns or leases renewable generation that is in service before January 1, 2023, pursuant to a standard interconnection agreement offered by a public utility shall be granted 20 years to continue to use the net metering rate design and rates that applied before the revised net metering rule was adopted under paragraph (a). This paragraph applies to customers who purchase or lease real property upon which customer-owned or -leased renewable generation is installed for all or part of that 20-year period.

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

(8) Under the provisions of subsections (5) and (7), when a utility purchases power generated from biogas produced by the anaerobic digestion of agricultural waste, including food waste or other agricultural byproducts, net metering shall be
available at a single metering point or as a part of conjunctive billing of multiple points for a customer at a single location, so long as the provision of such service and its associated charges, terms, and other conditions are not reasonably projected to result in higher cost electric service to the utility’s general body of ratepayers or adversely affect the adequacy or reliability of electric service to all customers, as determined by the commission for public utilities, or as determined by the governing authority of the municipal electric utility or rural electric cooperative that serves at retail.

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