

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 an electric utility's service  
12          territory; providing applicability; authorizing  
13          utilities to recover the full actual cost of providing  
14          services to an energy-producing business or its  
15          customers under certain circumstances; authorizing a  
16          utility to install, maintain, and operate certain  
17          renewable energy source devices; exempting from  
18          regulation the sales of electricity produced by the  
19          devices authorizing customers to challenge such cost  
20          recovery and receive refunds following a successful  
21          challenge; clarifying the eligibility requirements of  
22          certain energy rebate or incentive programs  
23          established by law; authorizing the Florida Public  
24          Service Commission to adopt rules; providing an  
25          effective date.  
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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (9) is added to section 366.91,  
 30 Florida Statutes, to read:

31 366.91 Renewable energy.—

32 (9) (a) An owner of a business or a contracted third party  
 33 may install, maintain, and operate any type of renewable energy  
 34 source device on or about the structure within which the  
 35 business operates or on any property owned or leased by the  
 36 business. The business owner or the contracted third party may  
 37 sell the electricity generated from the device to a business  
 38 that is on the same parcel as the structure or on a parcel  
 39 contiguous to the parcel on which the structure is located. Such  
 40 sale is not a retail sale of electricity and does not subject  
 41 the energy-producing business to regulation under this chapter.

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

45 (c) If the energy-producing business or its customers  
 46 require additional related services from a electric utility,  
 47 such as backup generation capacity or transmission services, the  
 48 electric utility may recover the actual cost of providing these  
 49 services.

50 (d) An electric utility may enter into a contract with a  
 51 business to install, maintain, and operate any type of renewable  
 52 energy source device on or about the structure within which the

53 business operates and to sell the electricity generated from the  
54 device to that business if is on the same parcel as the  
55 structure or on a parcel contiguous to the parcel on which the  
56 structure is located. Such sale is a not retail sale and is not  
57 subject to regulation under this chapter.

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

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79 recovery, the customer must be refunded any excess funds  
80 collected by the electric utility.

81 (f) For purposes of this section, any renewable energy  
82 rebate or incentive program established in law is the sole  
83 property of the owner of the renewable energy source device, and  
84 the customer of any electricity sale pursuant to this section  
85 may not receive the rebate or incentive unless the customer has  
86 ownership of the renewable energy source device.

87 (g) The commission may adopt rules to provide guidance,  
88 requirements, and procedures to ensure that each electric  
89 utility continues to recover costs, including the costs of  
90 providing reliable and adequate electricity for operational and  
91 emergency purposes.

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