

Fla. Stat. § 366.91

Current through all 2020 general legislation.

***LexisNexis® Florida Annotated Statutes > Title XXVII. Railroads and Other Regulated Utilities.
(Chs. 350 — 368) > Chapter 366. Public Utilities. (§§ 366.01 — 366.96)***

§ 366.91. Renewable energy.

- (1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. 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 innovative technologies.
- (2) As used in this section, the term:
- (a) "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.
 - (b) "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.
 - (c) "Net metering" means a metering and billing methodology whereby customer-owned renewable generation is allowed to offset the customer's electricity consumption on site.
 - (d) "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.
- (3) On or before January 1, 2006, each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in [s. 366.051](#); however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renewable energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.
- (4) On or before January 1, 2006, each municipal electric utility and rural electric cooperative whose annual sales, as of July 1, 1993, to retail customers were greater than 2,000 gigawatt hours must

continuously offer a purchase contract to producers of renewable energy containing payment provisions for energy and capacity which are based upon the utility's or cooperative's full avoided costs, as determined by the governing body of the municipal utility or cooperative; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years.

(5) On or before January 1, 2009, each public utility shall develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. The commission shall establish requirements relating to the expedited interconnection and net metering of customer-owned renewable generation by public utilities and may adopt rules to administer this section.

(6) On or before July 1, 2009, each municipal electric utility and each rural electric cooperative that sells electricity at retail shall develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. Each governing authority shall establish requirements relating to the expedited interconnection and net metering of customer-owned generation. By April 1 of each year, each municipal electric utility and rural electric cooperative utility serving retail customers shall file a report with the commission detailing customer participation in the interconnection and net metering program, including, but not limited to, the number and total capacity of interconnected generating systems and the total energy net metered in the previous year.

(7) Under the provisions of subsections (5) and (6), 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.

(8) A contracting producer of renewable energy must pay the actual costs of its interconnection with the transmission grid or distribution system.

History

S. 1, [ch. 2005-259](#); s. 41, [ch. 2008-227](#), eff. July 1, 2008; s. 16, [ch. 2010-139](#), eff. May 27, 2010.

Annotations

Notes

Amendments.

The 2008 amendment by s. 41, ch. 2008-227, effective July 1, 2008, in (2)(a), inserted "waste, byproducts, or products from," substituted "waste or co-products from livestock and poultry operations, waste or by products from food processing"" for "waste products from livestock and poultry operations and food processing"; added (2)(b) and (2)(c), and redesignated former (2)(b) as present (2)(d); redesignated former (5) as present (8); and added present (5) through (7).

The 2010 amendment added "and electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration" in (2)(d).

Research References & Practice Aids

RESEARCH REFERENCES & PRACTICE AIDS

Florida Statutes references.

Chapter 288. Commercial Development and Capital Improvements, F.S. § [288.9606](#). Issue of revenue bonds.

Chapter 366. Public Utilities, F.S. § [366.92](#). Florida renewable energy policy.

Chapter 373. Water Resources, F.S. § [373.236](#). Duration of permits; compliance reports.

Chapter 377. Energy Resources, F.S. § [377.803](#). Definitions.

Chapter 403. Environmental Control, F.S. § [403.973](#). Expedited permitting; amendments to comprehensive plans.

Florida Administrative Code references.

Chapter 27N-1 Renewable Energy Technologies and Energy Efficiency, [F.A.C. 27N-1.200](#) Definitions.

Chapter 40B-2 Permitting of Water Use, [F.A.C. 40B-2.321](#) Duration of Permits.

Chapter 40B-2 Permitting of Water Use, [F.A.C. 40B-2.341](#) Revocation of Permits.

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Fla. Stat. § 366.92

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§ 366.92. Florida renewable energy policy.

(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.

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

(a) "Provider" means a "utility" as defined in [s. 366.8255\(1\)\(a\)](#).

(b) "Renewable energy" means renewable energy as defined in [s. 366.91\(2\)\(d\)](#).

(3) Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, annually, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

(4) Nothing in this section shall be construed to impede or impair terms and conditions of existing contracts.

(5) The commission may adopt rules to administer and implement the provisions of this section.

History

S. 18, [ch. 2006-230](#), eff. June 19, 2006; s. 42, [ch. 2008-227](#), eff. July 1, 2008; s. 504, [ch. 2011-142](#), eff. July 1, 2011; s. 10, [ch. 2012-117](#), eff. July 1, 2012; s. 36, [ch. 2018-110](#), eff. May 10, 2018.

Annotations

Notes**Amendments.**

The 2008 amendment by s. 42, ch. 2008-227, effective July 1, 2008, rewrote the introductory language in (2), which formerly read: "For the purposes of this section, "Florida renewable energy resources" shall mean renewable energy, as defined in s. 377.803, that is produced in Florida"; added the (2)(a) designation, (2)(b) through (2)(e), and (3) through (6); deleted former (3), which pertained to the commission's authority to appropriate goals, and to review and reestablish goals at least once every 5 years; and redesignated former (4) as present (7).

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The 2011 amendment substituted "Department of Agriculture and Consumer Services" for "Florida Energy and Climate Commission" in the second sentence of the first paragraph of (3).

The 2012 amendment deleted former (2)(a), which read: "Florida renewable energy resources' means renewable energy, as defined in s. 377.803, that is produced in Florida"; redesignated former (2)(b) and (2)(c) as (2)(a) and (2)(b); deleted former (2)(d), (2)(e), (3), and (4); and redesignated former (5) through (7) as (3) through (5).

The 2018 amendment by s. 36, ch. 2018-110 substituted "April 1, annually" for "April 1, 2009, and annually thereafter" in the second sentence of (3).

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Fla. Stat. § 768.1382

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LexisNexis® Florida Annotated Statutes > Title XLV. Torts. (Chs. 766 — 774) > Chapter 768. Negligence. (Pts. I — II) > Part I. General Provisions. (§§ 768.041 — 768.37)

§ 768.1382. Streetlights, security lights, and other similar illumination; limitation on liability.

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

(a) “Actual notice” means notification to the streetlight provider that is acknowledged by the streetlight provider in accordance with its designated procedures by any person of an inoperative or malfunctioning streetlight using the designated procedures specified by the streetlight provider and containing at least the following information:

1. Identification of the streetlight location with such specificity that the location of the streetlight can be identified by the streetlight provider.
2. A description of the nature of the malfunction or failure of illumination of the streetlight.
3. Appropriate contact information, as available, sufficient for the streetlight provider to contact the person making the notification, such as the name and address, electronic mail address, or phone number of the person making the notification.

(b) “Designated procedures” means the procedures designated by a streetlight provider to provide actual notice as defined in paragraph (a).

(c) “Person” means any legal or natural person as defined in [s. 1.01\(3\)](#).

(d) “Streetlight” means any streetlight, any outdoor security light, or any outdoor area light that is owned or maintained by or for a streetlight provider. The term “streetlight” does not include any customer-owned or customer-maintained streetlights, outdoor security lights, or outdoor area lights of any type, regardless of their location.

(e) “Streetlight provider” means the state or any of the state’s officers, agencies, or instrumentalities, any political subdivision as defined in [s. 1.01](#), any public utility as defined in [s. 366.02\(1\)](#), or any electric utility as defined in [s. 366.02\(2\)](#).

(2) A streetlight provider is not liable and may not be held liable for any civil damages for personal injury, wrongful death, or property damage affected or caused by the malfunction or failure of illumination of such streetlight, regardless of whether the malfunction or failure of illumination is alleged or demonstrated to have contributed in any manner to the personal injury, wrongful death, or property damage, unless the provider failed to comply with the provisions of subsection (3).

(3) In order for any streetlight provider to have the benefit of the limitation on liability as set forth in subsection (2), the streetlight provider must have complied with the following:

(a) The streetlight provider must disclose its designated procedures for providing actual notice of an inoperative or malfunctioning streetlight to its customers through annual inserts in its customers’ bills. The streetlight provider must disclose its designated procedures for providing actual notice of an inoperative or malfunctioning streetlight to the general public, and to its customers if bill inserts are not

used, in an annual notice paid for by the streetlight provider and published in the relevant newspapers of general circulation.

(b) A streetlight provider must repair any inoperative or malfunctioning streetlight within 60 days after receiving actual notice that the streetlight is inoperative or malfunctioning.

(c) If a streetlight provider repairs the inoperative or malfunctioning streetlight and the streetlight subsequently again becomes inoperative or malfunctioning, the streetlight provider shall repair such inoperative or malfunctioning streetlight within 60 days after receiving actual notice that the streetlight is again inoperative or malfunctioning subsequent to the prior repair.

(d) After a streetlight provider receives actual notice, investigates the report, and determines that the streetlight is functioning properly, such information shall be noted in the streetlight provider's business records. Upon receipt of any subsequent actual notice that the streetlight is again inoperative or malfunctioning, the streetlight provider shall repair the streetlight within 60 days after receiving such subsequent actual notice.

(e) If, upon investigation by the streetlight provider after receiving actual notice of any event described in paragraph (b), paragraph (c), or paragraph (d), the streetlight provider determines that the nature of the repair or replacement cannot be achieved within the 60-day period, the streetlight provider shall make a determination as to the time in which it can complete the corrective action and denote such time in its business records. Except as provided in paragraph (f), a streetlight provider under this paragraph may not take more than 180 days to complete the corrective action after receiving actual notice unless such longer delay is related to actions or decisions made or required by the customer with the responsibility for paying the utility bill for such streetlight or related to a tornado, a severe weather event, or other unforeseen event resulting in severe damage that does not give rise to a declared state of emergency, in which case the streetlight provider shall be subject to the time periods set forth in paragraph (f).

(f) For a streetlight provider operating in a county affected by a state of emergency declared by federal, state, or local authorities, the time periods in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) shall be extended to 365 days after the cessation of the emergency or such longer period of time that may be dictated by the circumstances or 60 days after receiving actual notice that the streetlight is inoperative or malfunctioning, whichever is later.

(4) Where the streetlight provider is a public utility or an electric utility, the streetlight provider is not liable for any civil damages for personal injury, wrongful death, or property damage affected or caused by the failure of illumination of such streetlights, regardless of whether the failure of illumination is alleged or demonstrated to have contributed in any manner to the personal injury, wrongful death, or property damage, if the streetlight provider disconnected electric or gas service to the streetlight upon the streetlight customer's request or as a result of the streetlight customer's failure to pay electric or gas bills when due or other breach of the applicable streetlight agreement or upon termination of the applicable streetlight agreement. In no event shall a public utility or electric utility be liable or held liable for civil damages for personal injury, wrongful death, or property damage under any circumstance affected or caused by the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights.

(5) In any civil action for damages arising out of personal injury, wrongful death, or property damage when a streetlight provider's fault regarding the provision or maintenance of streetlights is at issue, if the streetlight provider responsible for providing or maintaining the streetlights is immune from liability pursuant to this section or is not a party to the litigation, such streetlight provider may not be named on the jury verdict form or be deemed or found in such action to be in any way at fault or responsible for the injury or death or damage that gave rise to the damages.

(6) In no event shall a streetlight provider's noncompliance with the provisions of subsection (3) create a presumption of negligence on the part of the streetlight provider in any civil action for damages arising out of personal injury, wrongful death, or property damage.

(7) In the event that there is any conflict between this section and [s. 768.81](#), or any other section of the Florida Statutes, this section shall control. Further, nothing in this section shall impact or waive any provision of [s. 768.28](#).

History

S. 1, [ch. 2005-272](#).

Annotations

Notes

Applicability.

Section 2, [ch. 2005-272](#), provides: “This act shall take effect [June 20, 2005] and shall apply to causes of action that accrue on or after the effective date.”

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Fla. Stat. § 252.355

Current through all 2020 general legislation.

LexisNexis® Florida Annotated Statutes > Title XVII. Military Affairs and Related Matters. (Chs. 250 — 252) > Chapter 252. Emergency Management. (Pts. I — IV) > Part I. General Provisions. (§§ 252.31 — 252.63)

§ 252.355. Registry of persons with special needs; notice; registration program.

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, or sensory disabilities, the division, in coordination with each local emergency management agency in the state, shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs.

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. The registration program must be developed by January 1, 2015, and fully implemented by March 1, 2015.

(a) The registration program shall include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms that may be accessed by the appropriate local emergency management agency. The link to the registration form shall be easily accessible on each local emergency management agency's website. Upon receipt of a paper registration form, the local emergency management agency shall enter the person's registration information into the database.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(c) The division shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

(d) On or before May 31 of each year, each electric utility in the state shall annually notify residential customers in its service area of the availability of the registration program available through their local emergency management agency by:

1. An initial notification upon the activation of new residential service with the electric utility, followed by one annual notification between January 1 and May 31; or
2. Two separate annual notifications between January 1 and May 31.

The notification may be made by any available means, including, but not limited to, written, electronic, or verbal notification, and may be made concurrently with any other notification to residential customers required by law or rule.

(3) A person with special needs must be allowed to bring his or her service animal into a special needs shelter in accordance with [s. 413.08](#).

(4) All records, data, information, correspondence, and communications relating to the registration of persons with special needs as provided in subsection (1) are confidential and exempt from [s. 119.07\(1\)](#), except that such information shall be available to other emergency response agencies, as determined by the local emergency management director. Local law enforcement agencies shall be given complete shelter roster information upon request.

History

SS. 1, 2, 3, 4, ch. 80-191; s. 18, ch. 83-334; s. 1, [ch. 89-184](#); s. 85, [ch. 90-360](#); s. 15, [ch. 93-211](#); s. 107, [ch. 96-406](#); s. 46, [ch. 99-8](#); s. 10, [ch. 2000-140](#); s. 16, [ch. 2006-71](#), eff. July 1, 2006; s. 100, [ch. 2011-142](#), eff. July 1, 2011; s. 48, [ch. 2014-19](#), eff. July 1, 2014; s. 1, [ch. 2014-163](#), eff. July 1, 2014.

Annotations

Notes

Amendments.

The 2006 amendment by s. 16, ch. 2006-71, effective July 1, 2006, in (1), inserted “cognitive impairment” in the first sentence, and in the third sentence inserted “home health agencies, hospices, nurse registries, home medical equipment providers” and substituted “Department of Education, Agency for Persons with Disabilities” for “Department of Labor and Employment Security” and “persons with special needs to receive services” for “incoming clients as a part of the intake process”; added (2) and (3), and redesignated the remaining subsections accordingly; in (4)(a), substituted “May 31” for “May 1” and added 1. and 2. and made a related change; added (4)(b); added the last sentence in (5); and in (6), inserted “hospices, nurse registries, and home medical equipment providers” in the first sentence and “cognitive impairment” in the second sentence.

The 2011 amendment substituted “division” for “Department of Community Affairs” in (2).

The 2014 amendment by s. 48, ch. 2014–19, effective July 1, 2014, substituted “Department of Children and Families” for “Department of Children and Family Services” in the third sentence of (1).

The 2014 amendment by s. 1, ch. 2014–163, effective July 1, 2014, added “registration program” in the section heading; added “the division, in coordination with” in the first sentence of (1); rewrote (2); redesignated former (5)

as (4); deleted “the provisions of” following “exempt from” in the first sentence of (4); deleted former (6), which read: “All appropriate agencies and community-based service providers, including home health care providers, hospices, nurse registries, and home medical equipment providers, shall assist emergency management agencies by collecting registration information for persons with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters. Clients of state or federally funded service programs with physical, mental, cognitive impairment, or sensory disabilities who need assistance in evacuating, or when in shelters, must register as persons with special needs”; and made a related change.

Research References & Practice Aids

RESEARCH REFERENCES & PRACTICE AIDS

Florida Statutes references.

Chapter 252. Emergency Management, F.S. § [252.356](#). Emergency and disaster planning provisions to assist persons with disabilities or limitations.

Chapter 400. Nursing Homes and Related Health Care Facilities, F.S. § [400.492](#). Provision of services during an emergency.

Chapter 400. Nursing Homes and Related Health Care Facilities, F.S. § [400.506](#). Licensure of nurse registries; requirements; penalties.

Florida Administrative Code references.

Chapter 58A-2 Hospice, [F.A.C. 58A-2.026](#) Comprehensive Emergency Management Plan.

Chapter 59A-8 Minimum Standards for Home Health Agencies, [F.A.C. 59A-8.002](#) Definitions.

Chapter 59A-8 Minimum Standards for Home Health Agencies, [F.A.C. 59A-8.027](#) Emergency Management Plans.

Chapter 59A-18 Nurse Registries Standards and Licensing, [F.A.C. 59A-18.018](#) Emergency Management Plans.

Chapter 59A-25 Minimum Standards for Home Medical Equipment Providers, [F.A.C. 59A-25.006](#) Emergency Management Planning.

Chapter 64-3 Special Needs Shelter (R. 12/08), [F.A.C. 64-3.050](#) Special Needs Shelter Registration.

Law Reviews & Journals

Local Government Law Symposium: “When The Wind Blows”: The Role of the Local Government Attorney Before, During, and in the Aftermath of a Disaster, Joseph G. Jarret and Michele L. Lieberman, Winter 2007, [36 Stetson L. Rev. 293](#).