25-6.065, F.A.C.

This document reflects changes through December 29, 2021

FL - Florida Administrative Code Annotated > TITLE 25 PUBLIC SERVICE COMMISSION > DIVISION 25 DEPARTMENTAL > CHAPTER 25-6 ELECTRIC SERVICE BY ELECTRIC PUBLIC UTILITIES > PART IV GENERAL SERVICE PROVISIONS

25-6.065 Interconnection and Net Metering of Customer-Owned Renewable Generation.

(1) Application and Scope. The purpose of this rule is to promote the development of small customer-owned renewable generation, particularly solar and wind energy systems; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on fossil fuels for the production of electricity; minimize the volatility of fuel costs; encourage investment in the state; improve environmental conditions; and, at the same time, minimize costs of power supply to investor-owned utilities and their customers. This rule applies to all investor-owned utilities, except as otherwise stated in subsection (10).

(2) Definitions. As used in this rule, the term.

(a) "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. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for the purchase, lease, operation, or maintenance of an on-site renewable generation system with a third-party under terms and conditions that do not include the retail purchase of electricity from the third party.

(b) "Gross power rating" means the total manufacturer's AC nameplate generating capacity of an on-site customer-owned renewable generation system that will be interconnected to and operate in parallel with the investor-owned utility's distribution facilities. For inverter-based systems, the AC nameplate generating capacity shall be calculated by multiplying the total installed DC nameplate generating capacity by .85 in order to account for losses during the conversion from DC to AC.

(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," as defined in *Section 377.803, F.S.*, means electrical, mechanical, or thermal energy produced from a method that uses one of more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(3) Standard Interconnection Agreements. Each investor-owned utility shall, within 30 days of the effective date of this rule, file for Commission approval a Standard Interconnection Agreement for expedited interconnection of customer-owned renewable generation, up to 2 MW, that complies with the following standards:

(a) IEEE 1547 (2003) Standard for Interconnecting Distributed Resources with Electric Power Systems;

(b) IEEE 1547.1 (2005) Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems; and

(c) UL 1741 (2005) Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources.

(d) A copy of IEEE 1547 (2003), ISBN number 0-7381-3720-0, and IEEE 1547.1 (2005), ISBN number 0-7381-4737-0, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY, 10016-5997. A copy of UL 1741 (2005) may be obtained from COMM 2000, 1414 Brook Drive, Downers Grove, IL 60515.

(4) Customer Qualifications and Fees.

(a) To qualify for expedited interconnection under this rule, customer-owned renewable generation must have a gross power rating that:

1. Does not exceed 90% of the customer's utility distribution service rating; and

2. Falls within one of the following ranges:

Tier 1 - 10 kW or less;

Tier 2 - greater than 10 kW and less than or equal to 100 kW; or

Tier 3 - greater than 100 kW and less than or equal to 2 MW.

(b) Customer-owned renewable generation shall be considered certified for interconnected operation if it has been submitted by a manufacturer to a nationally recognized testing and certification laboratory, and has been tested and listed by the laboratory for continuous interactive operation with an electric distribution system in compliance with the applicable codes and standards listed in subsection (3).

(c) Customer-owned renewable generation shall include a utility-interactive inverter, or other device certified pursuant to paragraph (4)(b) that performs the function of automatically isolating the customer-owned generation equipment from the electric grid in the event the electric grid loses power.

(d) For Tiers 1 and 2, provided the customer-owned renewable generation equipment complies with paragraphs (4)(a) and (b), the investor-owned utility shall not require further design review, testing, or additional equipment other than that provided for in subsection (6). For Tier 3, if an interconnection study is necessary, further design review, testing and additional equipment as identified in the study may be required.

(e) Tier 1 customers who request interconnection of customer-owned renewable generation shall not be charged fees in addition to those charged to other retail customers without self-generation, including application fees.

(f) Along with the Standard Interconnection Agreement filed pursuant to subsection (3), each investor-owned utility may propose for Commission approval a standard application fee for Tiers 2 and 3, including itemized cost support for each cost contained within the fee.

(g) Each investor-owned utility may also propose for Commission approval an Interconnection Study Charge for Tier 3.

(h) Each investor-owned utility shall show that their fees and charges are cost-based and reasonable. No fees or charges shall be assessed for interconnecting customer-owned renewable generation without prior Commission approval.

(5) Contents of Standard Interconnection Agreement. Each investor-owned utility's customer-owned renewable generation Standard Interconnection Agreement shall, at a minimum, contain the following:

(a) A requirement that customer-owned renewable generation must be inspected and approved by local code officials prior to its operation in parallel with the investor-owned utility to ensure compliance with applicable local codes.

(b) Provisions that permit the investor-owned utility to inspect customer-owned renewable generation and its component equipment, and the documents necessary to ensure compliance with subsections (2) through (4). The customer shall notify the investor-owned utility at least 10 days prior to initially

placing customer equipment and protective apparatus in service, and the investor-owned utility shall have the right to have personnel present on the in-service date. If the customer-owned renewable generation system is subsequently modified in order to increase its gross power rating, the customer must notify the investor-owned utility by submitting a new application specifying the modifications at least 30 days prior to making the modifications.

(c) A provision that the customer is responsible for protecting the renewable generating equipment, inverters, protective devices, and other system components from damage from the normal and abnormal conditions and operations that occur on the investor-owned utility system in delivering and restoring power; and is responsible for ensuring that customer-owned renewable generation equipment is inspected, maintained, and tested in accordance with the manufacturer's instructions to ensure that it is operating correctly and safely.

(d) A provision that the customer shall hold harmless and indemnify the investor-owned utility for all loss to third parties resulting from the operation of the customer-owned renewable generation, except when the loss occurs due to the negligent actions of the investor-owned utility. A provision that the investor-owned utility shall hold harmless and indemnify the customer for all loss to third parties resulting from the operation of the investor-owned utility's system, except when the loss occurs due to the negligent actions of the customer.

(e) A requirement for general liability insurance for personal and property damage, or sufficient guarantee and proof of self-insurance, in the amount of no more than $ 1 million for Tier 2, and no more than $ 2 million for Tier 3. The investor-owned utility shall not require liability insurance for Tier 1. The investor-owned utility may include in the Interconnection Agreement a recommendation that Tier 1 customers carry an appropriate level of liability insurance.

(f) Identification of any fees or charges approved pursuant to subsection (4).

(6) Manual Disconnect Switch.

(a) Each investor-owned utility's customer-owned renewable generation Standard Interconnection Agreement may require customers to install, at the customer's expense, a manual disconnect switch of the visible load break type to provide a separation point between the AC power output of the customer-owned renewable generation and any customer wiring connected to the investor-owned utility's system. Inverter-based Tier 1 customer-owned renewable generation systems shall be exempt from this requirement, unless the manual disconnect switch is installed at the investor-owned utility's expense. The manual disconnect switch shall be mounted separate from, but adjacent to, the meter socket and shall be readily accessible to the investor-owned utility and capable of being locked in the open position with a single investor-owned utility padlock.

(b) The investor-owned utility may open the switch pursuant to the conditions set forth in paragraph (6)(c), isolating the customer-owned renewable generation, without prior notice to the customer. To the extent practicable, however, prior notice shall be given. If prior notice is not given, the utility shall at the time of disconnection leave a door hanger notifying the customer that their customer-owned renewable generation has been disconnected, including an explanation of the condition necessitating such action. The investor-owned utility shall reconnect the customer-owned renewable generation as soon as the condition necessitating disconnection is remedied.

(c) Any of the following conditions shall be cause for the investor-owned utility to disconnect customer-owned renewable generation from its system:

1. Emergencies or maintenance requirements on the investor-owned utility's electric system;

2. Hazardous conditions existing on the investor-owned utility system due to the operation of the customer's generating or protective equipment as determined by the investor-owned utility;

3. Adverse electrical effects, such as power quality problems, on the electrical equipment of the investor-owned utility's other electric consumers caused by the customer-owned renewable generation as determined by the investor-owned utility;

4. Failure of the customer to maintain the required insurance coverage.

(7) Administrative Requirements.

(a) Each investor-owned utility shall maintain on its website a downloadable application for interconnection of customer-owned renewable generation, detailing the information necessary to execute the Standard Interconnection Agreement. Upon request the investor-owned utility shall provide a hard copy of the application within 5 business days.

(b) Within 10 business days of receipt of the customer's application, the investor-owned utility shall provide written notice that it has received all documents required by the Standard Interconnection Agreement or indicate how the application is deficient. Within 10 business days of receipt of a completed application, the utility shall provide written notice verifying receipt of the completed application. The written notice shall also include dates for any physical inspection of the customer-owned renewable generation necessary for the investor-owned utility to confirm compliance with subsections (2) through (6), and confirmation of whether a Tier 3 interconnection study will be necessary.

(c) The Standard Interconnection Agreement shall be executed by the investor-owned utility within 30 calendar days of receipt of a completed application. If the investor-owned utility determines that an interconnection study is necessary for a Tier 3 customer, the investor-owned utility shall execute the Standard Interconnection Agreement within 90 days of a completed application.

(d) The customer must execute the Standard Interconnection Agreement and return it to the investor-owned utility at least 30 calendar days prior to beginning parallel operations and within one year after the utility executes the Agreement. All physical inspections must be completed by the utility within 30 calendar days of receipt of the customer's executed Standard Interconnection Agreement. If the inspection is delayed at the customer's request, the customer shall contact the utility to reschedule an inspection. The investor-owned utility shall reschedule the inspection within 10 business days of the customer's request.

(8) Net Metering.

(a) Each investor-owned utility shall enable each customer-owned renewable generation facility interconnected to the investor-owned utility's electrical grid pursuant to this rule to net meter.

(b) Each investor-owned utility shall install, at no additional cost to the customer, metering equipment at the point of delivery capable of measuring the difference between the electricity supplied to the customer from the investor-owned utility and the electricity generated by the customer and delivered to the investor-owned utility's electric grid.

(c) Meter readings shall be taken monthly on the same cycle as required under the otherwise applicable rate schedule.

(d) The investor-owned utility shall charge for electricity used by the customer in excess of the generation supplied by customer-owned renewable generation in accordance with normal billing practices.

(e) During any billing cycle, excess customer-owned renewable generation delivered to the investor-owned utility's electric grid shall be credited to the customer's energy consumption for the next month's billing cycle.

(f) Energy credits produced pursuant to paragraph (8)(e) shall accumulate and be used to offset the customer's energy usage in subsequent months for a period of not more than twelve months. At the end of each calendar year, the investor-owned utility shall pay the customer for any unused energy credits at an average annual rate based on the investor-owned utility's COG-1, as-available energy tariff.

(g) When a customer leaves the system, that customer's unused credits for excess kWh generated shall be paid to the customer at an average annual rate based on the investor-owned utility's COG-1, as-available energy tariff.

(h) Regardless of whether excess energy is delivered to the investor-owned utility's electric grid, the customer shall continue to pay the applicable customer charge and applicable demand charge for the maximum measured demand during the billing period. The investor-owned utility shall charge for electricity used by the customer in excess of the generation supplied by customer-owned renewable generation at the investor-owned utility's otherwise applicable rate schedule. The customer may at their sole discretion choose to take service under the investor-owned utility's standby or supplemental service rate, if available.

(9) Renewable Energy Certificates. Customers shall retain any Renewable Energy Certificates associated with the electricity produced by their customer-owned renewable generation equipment. Any additional meters necessary for measuring the total renewable electricity generated for the purposes of receiving Renewable Energy Certificates shall be installed at the customer's expense, unless otherwise determined during negotiations for the sale of the customer's Renewable Energy Certificates to the investor-owned utility.

(10) Reporting Requirements. Each electric utility, as defined in *Section 366.02(2), F.S.*, shall file with the Commission as part of its tariff a copy of its Standard Interconnection Agreement form for customer-owned renewable generation. In addition, each electric utility shall report the following, by April 1 of each year.

(a) Total number of customer-owned renewable generation interconnections as of the end of the previous calendar year;

(b) Total kW capacity of customer-owned renewable generation interconnected as of the end of the previous calendar year;

(c) Total kWh received by interconnected customers from the electric utility, by month and by year for the previous calendar year;

(d) Total kWh of customer-owned renewable generation delivered to the electric utility, by month and by year for the previous calendar year; and

(e) Total energy payments made to interconnected customers for customer-owned renewable generation delivered to the electric utility for the previous calendar year, along with the total payments made since the implementation of this rule.

(f) For each individual customer-owned renewable generation interconnection:

1. Renewable technology utilized;

2. Gross power rating;

3. Geographic location by county; and

4. Date interconnected.

(11) Dispute Resolution. Parties may seek resolution of disputes arising out of the interpretation of this rule pursuant to Rule *25-22.032, F.A.C*, Customer Complaints, or Rule *25-22.036, F.A.C.*, Initiation of Formal Proceedings.

Statutory Authority

Rulemaking Authority *350.127(2)*, *366.05(1)*, *366.91(5)*, *366.92 FS.*

Law Implemented 366.02(2), 366.04(2)(c), (5), (6), 366.041, 366.05(1), 366.81, 366.82(1), (2), *366.91*, *366.92 FS.*

History

HISTORY

New 2-11-02, Amended 4-7-08.

Annotations

Case Notes

ANNOTATIONS

Net metering

Utility customers were not entitled to any relief on their claim that a utility improperly rejected their application for including in its net metering program nor on their claim that the utility had imposed □arbitrary □ limits in violation of paragraph ***25-6.065****(2)(c), F.A.C.*, and *Section 366.91(2)(c), F.S.* because the manner in which the utility had implemented paragraph ***25-6.065****(2)(c), F.A.C.*, was reasonable and that the utility was permitting net metering of 115 percent of consumption because each unique system was assessed on a range of values using photovoltaic watts resulting in some fluctuation. Moreover, the customers were not entitled to any kind of a refund from the utility and any claim for damages would not be considered because the Commission lacked authority to award damages. In re Petition to Compel Florida Power & Light to comply with *Section 366.91, F.S.* and Rule ***25.6-065***, F.A.C., 2020 FLA. PUC LEXIS 42, January 17, 2020, Order.

Solar equipment leases

Petitioner □s proposed residential solar equipment lease program was consistent with the requirements in Rule ***25-6.065****, F.A.C.*, relating to solar equipment leases and did not constitute a sale of electricity. That being so, the Florida Public Service Commission did not have jurisdiction to regulate the petitioner or its customer-lessees where the latter leased solar generation equipment and paid a flat monthly lease payment for their personal use thereof, which monthly fee was not based on electric generation. In re Petition for declaratory statement concerning leasing of solar equipment, 2018 Fla. PUC LEXIS 339, August 21, 2018, Final Order

End of Document

Fla. Stat. § 366.91

Current through the 2021 Regular and First and Second Extraordinary Sessions.

LexisNexis® Florida Annotated Statutes > Title XXVII. Railroads and Other Regulated Utilities. (Chs. 350 — 368) > Chapter 366. Public Utilities. (§§ 366.01 — 366.97)

§ *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) "Biogas" means a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas.

(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) "Renewable energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting 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.

(f) "Renewable natural gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline.

(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.

(9) The commission may approve cost recovery by a gas public utility for contracts for the purchase of renewable natural gas in which the pricing provisions exceed the current market price of natural gas, but which are otherwise deemed reasonable and prudent by the commission.

History

S. 1, *ch. 2005-259*; s. 41, *ch. 2008-227*, eff. July 1, 2008; s. 16, *ch. 2010-139*, eff. May 27, 2010; s. 2, *ch. 2021-178*, effective July 1, 2021.

Annotations

LexisNexis® Notes

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).

Case Notes

Energy & Utilities Law: Electric Power Industry: Rates

Circuit court properly entered summary judgment in favor of an electric utility company in a non-profit corporation’s action for a declaration that the utility’s amended policy—charging its solar customers the full retail rate for kilowatt-hours consumed and crediting them at a much lower fuel charge rate for the total kilowatt-hours generated and sent to the grid—violated the law, and for an injunction directing the utility to provide a lawful net metering program because the non-profit lacked standing to challenge the policy since it only presented a conclusory assertion of injury linked to the policy by only a tenuous chain of speculation that it could not have successfully established a cooperative even with the policy in effect. *Cmty. Power Network Corp. v. JEA, 2021 Fla. App. LEXIS 12880 (Fla. 1st DCA Sept. 9, 2021)*.

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.

End of Document

Fla. Stat. § 366.92

Current through the 2021 Regular and First and Second Extraordinary Sessions.

LexisNexis® Florida Annotated Statutes > Title XXVII. Railroads and Other Regulated Utilities. (Chs. 350 — 368) > Chapter 366. Public Utilities. (§§ 366.01 — 366.97)

§ *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" includes renewable energy and renewable natural gas as those terms are defined in s. 366.91(2).

(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*, effective May 10, 2018; s. 3, *ch. 2021-178*, effective July 1, 2021.

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).

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).

End of Document

Fla. Stat. § 768.1382

Current through the 2021 Regular and First and Second Extraordinary Sessions.

LexisNexis® Florida Annotated Statutes > Title XLV. Torts. (Chs. 766 — 774) > Chapter 768. Negligence. (Pts. I — II) > Part I. General Provisions. (§§ 768.041 — 768.39)

§ 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 the 2021 Regular and First and Second Extraordinary Sessions.

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. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(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*, effective July 1, 2014; s. 1, *ch. 2014-163*, effective July 1, 2014; s. 14, *ch. 2021-51*, effective June 29, 2021; s. 5, *ch. 2021-8*, effective July 1, 2021.

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*.

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