**FECA’s Florida Legislative Report**

**January 28, 2019**

Late last week, a press [article](https://www.miamiherald.com/news/politics-government/state-politics/article225004695.html) stated the group supporting the Electric Utility re-regulation amendment has collected enough signatures to trigger review by the Florida Supreme Court. To date, the Division of Election website still shows the initiative’s proponents just short of the 76,632 signatures, verified from the appropriate number of Congressional districts, needed to move forward.  However, it will likely not take long for the website to be updated with new numbers officializing the announcement. [AIF and the Florida Chamber](https://floridapolitics.com/archives/286430-business-groups-sound-off-on-utility-ballot-proposal) immediately released statements condemning the initiative.  Having these business organizations come out early against this proposal is a positive development and sends a strong signal of support to the electric utilities.

During the Legislative Committee week, the House Energy and Utilities Committee, requested that each electric utility impacted by Hurricane Michael present on the pre-storm preparation and post-storm recovery actions.  Statewide’s presentation included a brief overview about electric cooperatives, how we approached and managed the impact of the storm for our members and the utilization of mutual aid. Statewide will continue to educate legislators in the coming weeks regarding the Hurricane’s impacts to our members.  If you would like to review the presentation in the Energy and Utilities Committee you may do so [here](https://thefloridachannel.org/videos/1-23-19-house-energy-utilities-subcommittee/). The presentation begins about the 1:39:20 mark.

The 2019 Legislative Session begins March 5. Legislation is filed daily and committees have completed many of their preliminary presentations Therefore, more bills will begin to be heard during the February committee weeks.  Below are the current bills of interest that have been filed thus far. Each week, the report will prioritize in the following manner: New legislation filed, priority, monitor, and tracking. Future reports will also include relevant proposed Constitutional amendments.  If you would like more detailed information or an explanation on any legislation or why it is located in a specific area, please do not hesitate to reach out to Allison or Mike.

**NEW LEGISLATION FILED**

**Exempting Renewable Energy Sources from Definition of Public Utility**

(SB 222/HB \_\_\_\_)

**Sponsors**: Sen Rodriguez / Rep

**Summary: This bill is very similar to SB 292 from last session.  Last year, it did not have a companion and was never heard in committee.**

Exempt certain renewable energy sources from the definition of “public utility” which would make them unregulated by the PSC.  The eligibility would meet the following criteria: Property owner must own and operate on their property; max capacity of 2.5MWs; produces and sells energy to users located on the property.

**Impact / Importance to Co-ops:**

Entities generating renewable energy would be selling electricity at retail without oversight.  The bill is silent on many aspects such as wheeling power, safety requirements, and interconnection agreements with incumbent utilities.

**Committee Assignments:**

SB 292: Not yet Available

HB \_\_\_:

**ACTION RECOMMENDED: OPPOSE**

**Bill Report Location: Priority**

**Theft**

(SB 406/HB \_\_\_)

**Sponsors**: Sen. Brandes / Rep. \_\_\_\_\_

**Summary: This bill is very similar to SB 928/HB713 from last session.  Last year, an amendment that addressed our concerns was adopted to the House version. Neither bill passed their chamber. SB 406 begins with the original language found in SB 928.**

The theft of utility services is punishable as provided in Section 812.014, F.S. Currently under this Section, a person could be convicted of grand theft and a felony of the third degree if the property stolen is valued at several amounts but the lowest amount is $300 or more, but less than $5,000. This legislation would raise the lowest amount for this conviction from $300 to $1500 which could reduce the number of eligible convictions for theft of utility services.

**Committee Assignments:**

SB 406: Not yet available

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Monitor**

**Traffic Offenses**

(SB 158/HB 71)

**Sponsors**: Sen. Baxley /Rep. McClain

**Summary:**

Current law dictates the required driving behavior used when encountering any emergency, sanitation, utility service or wrecker vehicle on any drivable roadway.  The legislation amends current statute defining who is considered a vulnerable road user and provides criminal penalties for a person who commits a moving violation that causes serious bodily injury or death of a vulnerable road user.

**Committee Assignments:**

SB 158: Infrastructure and Security; Appropriations Subcommittee on Criminal and Civil Justice and Appropriations

HB 71: Transportation & Infrastructure Subcommittee; Criminal Justice Subcommittee; State Affairs Committee

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Tracking**

**Public Meetings / Local Government Utility**

(SB 450/HB 327)

**Sponsors**: Sen. Gibson /Rep. Davis

**Summary:**

The legislation creates a public meeting requirements exemption for the portion of a meeting held by a utility owned and operated by a unit of local government when discussing the security of the technology, processes or practices of certain utilities. The exemption covers any portion of the meeting regarding the vulnerabilities within the system that could make it susceptible to attacks or expose the utility service to disruption or damage.

**Committee Assignments:**

SB 450:

HB 327: Energy & Utilities Subcommittee; Oversight, Transparency and Public Management Subcommittee, Commerce Committee

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Tracking**

**Underground Facility Damage Prevention and Safety**

(SB \_\_\_\_/HB 263)

**Sponsors**: Sen. \_\_\_\_ /Rep. Payne

**Summary:**

The legislation creates the Underground Facility Damage Prevention Review panel to receive and respond to complaints of damage to underground facilities. The panel will consist of nine members; one from the electric utility industry. The legislation outlines the procedure for complaints to be filed, the response time for parties to respond to the complaint, and penalties allowable by the panel. It also outlines the appeals process through DOAH. The legislation sets penalties for anyone knowingly removing or damaging permanent underground facility markers.

**Committee Assignments:**

SB \_\_:

HB 263: Energy & Utilities Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Tracking**