

## **FECA's Florida Legislative Report**

### **February 1, 2019**

This week the legislature is working in their district offices preparing for a very busy February in Tallahassee. Although not in the Capitol, they are finalizing and approving legislation for the upcoming Session.

Senate President Galvano created the Infrastructure and Security Committee this year; which plans to focus on revitalizing rural Florida communities, including utility and communication resources that provide access to clean water and reliable broadband connectivity. Infrastructure needs, such as creating more evacuation routes, is an important issue for the Committee. In addition, the Committee is tasked with developing legislation to expedite the creation of three new multi-use corridors in our rural areas to strategically plan for future growth while revitalizing rural communities and enhancing public safety. Statewide will work with the Committee to better understand how these concepts will be developed into legislation and the impact to our co-ops and communities.

The new Director of the Florida Division of Emergency Management (FDEM), Jared Moskowitz, is working to develop new policies to help expedite FEMA disbursements to co-ops and other sub-grantees. FECA has requested a meeting with Director Moskowitz to discuss how the current process at FDEM could be changed to eliminate redundant oversight by FDEM, which delays reimbursement of FEMA funds to co-ops.

The political committee "Citizens for Energy Choices" is seeking to place an amendment that would re-regulate the electric utility industry on the 2020 ballot by Citizen initiative. The political committee has submitted 79,132 valid signatures advancing the measure to the Florida Supreme Court for review. The Court has not yet set dates to file briefs or set a hearing schedule, but these dates should be available in early March. Statewide continues to work with the Board and co-op CEOs to assess the best approach for the co-ops to take regarding this initiative. As more details emerge, we will try to include updates in future reports.

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. Any new activities will be highlighted in RED. 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**

### **Regional Rural Development Grants**

(SB 596/HB \_\_)

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

**Summary:**

This legislation provides for a matching grant program to assist rural areas of opportunity as defined in statute. Regional economic development organizations representing rural counties and communities may apply annually for the grants that range from \$150,000 to \$250,000 depending on the regional impact of the organization. Under the Rural Infrastructure Fund, changes were made to allow the department to award grants of up to 50% of the total project costs to facilitate local government or private infrastructure efforts; expanding the list to include improving access and availability of broadband Internet services.

**Committee Assignments:**

SB 596: Not yet available

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Tracking**

### **Public Record Exemption: Utility Held Customer Information and Data**

(SB 600/HB 591)

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

**Summary:**

Current law allows for public record requests to garner customer meter-derived data and billing information by a utility that is owned or operated by a unit of local government. With the installation of smart meter technology by many municipal electric utilities, the ability for more detailed information in increments less than one billing cycle is possible. This legislation would limit the level of the public records request to one billing cycle to protect and safeguard the customer's consumption data.

**Committee Assignments:**

SB 600: Not yet available

HB 591: Not yet available

**ACTION RECOMMENDED: NEUTRAL**

**Bill Report Location: Tracking**

## **PRIORITY**

### **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: Innovation, Industry and Technology; infrastructure and Security; Community Affairs; Rules

HB \_\_\_\_:

**ACTION RECOMMENDED: OPPOSE**

## MONITOR

### 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**

## TRACKING

### 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**

**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**

**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**