

FECA's Florida Legislative Report

February 8, 2019

Legislative committees continued their work this week as Governor DeSantis released his “Bold Vision for a Brighter Future” Budget. In addition, Director of the Division of Emergency Management, Jared Moskowitz, presented at the Senate Appropriations Committee and addressed concerns relating to FEMA/FDEM storm reimbursements. Moskowitz testified that the new Public Assistance Expedited Project Process will allow qualifying entities to immediately receive 50% of their eligible costs incurred for debris removal (Category A) and emergency protective measures (Category B). Also, within the next 30 days, Moskowitz advised the Committee that past auditing procedures, which required 100% verification would be eliminated for Hurricane Michael filings and for any outstanding requests for Hurricanes Hermine, Matthew and Irma. We are cautiously optimistic that these actions will help the electric co-ops and continue to work on getting a meeting with Dir. Moskowitz to clarify these issues.

Two bills of interest filed this week are HB 651 and SB 406. HB 651, relating to medically essential electric utility service, would require co-ops and munis to comply with medically essential electric service requirements overseen by the PSC, that currently are applicable only to IOUs. The second bill is SB 406, relating to theft, would raise the monetary threshold of stolen goods or commodities such as electricity required to trigger a felony charge. SB 406 is the companion bill to HB 589 that was filed in late January. We are working with the bill sponsors and letting them know our concerns.

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

Medically Essential Electric Utility Service

(SB ____ /HB 651)

Sponsors: Sen. ____/Rep. D. Smith

Summary:

Under current law only IOUs are required to follow notification and certification requirements relating to medically essential electric utility service & service disconnection which are overseen by the FPSC. Under this bill, the requirements for medically essential electric service would apply to co-ops and munis and would extend the FPSC's authority over us. It would require emergency management plans to develop an interjurisdictional arrangement in consultation with each utility to identify facilities are deemed to be critical to public health, safety, welfare or security. Emphasizing expeditious restoration of services to the facilities deemed critical during times of disaster.

Impact / Importance to Co-ops:

This legislation would expand the jurisdictional authority of the PSC over co-ops and munis to include requirements and certifications for medically essential electric services.

Committee Assignments:

HB 651: Not Yet Assigned

ACTION RECOMMENDED: OPPOSE

REPORT LOCATION: Priority

Public Utility Storm Protection Plans

(SB 796 /HB ____)

Sponsors: Sen. Gruters /Rep. ____

Summary:

This legislation requires IOUs to submit storm protection plans to the PSC on an annual basis as a part of the storm hardening plans. It requires the PSC to conduct an annual proceeding to allow public utilities to justify and recover certain costs through a storm protection cost recovery clause.

Committee Assignments:

HB 796: Not Yet Assigned

ACTION RECOMMENDED: NEUTRAL

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

HB ____:

ACTION RECOMMENDED: OPPOSE

MONITOR

Theft

(SB 406/HB 589)

Sponsors: Sen. Brandes / Rep. Donalds

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.

House Bill 589, the companion to SB 406, has been filed but the language is different. HB 589 houses language developed last year to specifically identify theft of utility services as a third-degree felony.

Committee Assignments:

SB 406: Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

HB 589: Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: ON AGENDA (2/11)- SENATE Criminal Justice Committee

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: Innovation, Industry and Technology; Governmental Oversight and Accountability; Rules

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

ACTION RECOMMENDED: NEUTRAL

Regional Rural Development Grants

(SB 596/HB 671)

Sponsors: Sen. Albritton /Rep. Clemons

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 671: Not Yet Available

ACTION RECOMMENDED: NEUTRAL

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: Innovation, Industry and Technology; Government Oversight and Accountability; Rules

HB 591: Energy and Utilities Subcommittee; Oversight, Transparency and Public Management Subcommittee; Commerce Committee

ACTION RECOMMENDED: NEUTRAL

Bill Report Location: Tracking

Underground Facility Damage Prevention and Safety

(SB 848/HB 263)

Sponsors: Sen. Broxson /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 848: Not Yet Available

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

ACTION RECOMMENDED: NEUTRAL