

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

### **April 26, 2019**

Welcome to the last two weeks of the 2019 Session. All regularly scheduled committee meetings and budget subcommittee conference meetings have concluded. The House and Senate continue to meet throughout the days and evenings to try and meet their end goal of passing the budget without extending Session.

This week, the Senate amended HB 107, making texting while driving a primary offense and requiring "hands-free" driving in all school and work zones. The legislation now returns to the House for possible final passage.

Both SB 796, relating to Public Utility Storm Protection Plans and SB 1000, relating Communication Services passed the Senate and are expected to be heard in the House next week. There were no amendments to either of these bills on the Senate Floor.

If the budget conference continues to progress at its current pace the legislative session could end on time. The budget chairs will continue to meet through the weekend to finalize any unresolved issues from budget subcommittee meetings.

Below are the current bills of interest that have been filed thus far. A new section has been added for bills that have passed both chambers and await final approval or veto by the Governor. Each week, the report will prioritize in the following manner: New legislation filed, priority, monitor, tracking, bills that appear to be dead and bills ready for the Governor's Approval. 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**

#### **PRIORITY**

#### **Medically Essential Electric Utility Service**

(SB 1370 /HB 651)

**Sponsors:** Sen. Farmer/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. However, it expressly states the FPSC would not regulate or supervise the co-op Programs.

**Committee Assignments:**

SB 1370: Innovation, Industry and Technology; Health Policy; Rules

HB 651: Senate Messages

**ACTION RECOMMENDED: OPPOSE**

**Communications Services**

(SB 1000 /HB 693)

**Sponsors:** Sen. Hutson/Rep. Fischer

**Summary:**

The Legislation makes changes to the statutes that govern the use of public rights-of-way by providers of communications service providers. The National Electric Safety Code and FDOT's Utility Accommodation Manual were added to the applicable codes that wireless companies must comply with when placing poles in ROWs. That applications can be denied by local authorities (municipalities and counties) for the installation of new wireless utility poles in the ROW if placement of the pole would interfere with sight lines, clear zones, public safety, or if fails to comply with the FDOT UAM, the NESC and other applicable codes. Permitting and placement of wireless poles in public ROWs will not delay issuing permits for other utility work, including electricity the ROWs

**Committee Assignments:**

SB 1000: House Messages

HB 693: Ready for the Floor

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: SENATE (4/26) – PASSED**

**MONITOR****Texting While Driving**

(SB 76/HB 107)

**Sponsors:** Sen. Simpson /Rep. Toledo

**Summary:**

The Legislation allows for the purpose of nonvoice interpersonal communication by way of texting, emailing and instant messaging to be enforced as a primary offence. The Senate bill expands the legislation to enforce "hands-free driving." The "hands-free" component prohibits the use of the following devices if not used in a hands-free manner: cell phones, tablets, laptops, two-way messaging devices, or electronic games.

**Committee Assignments:**

SB 76: See HB 107

HB 107: Returning Messages

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: SENATE - HB 107 PASSED the SENATE FLOOR as AMENDED**

**\*\*AMENDMENT – Maintained texting as a primary offense while making all school and work zones “hands-free driving” areas.**

## **Public Safety**

(SB 642/HB \_\_\_\_)

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

### **Summary:**

This legislation as amended is a broad public safety bill encompassing language from HB 7072 and SB 406, relating to theft. Current law 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 raises the lowest amount for this conviction from \$300 to \$750.

### **Committee Assignments:**

SB 642: Ready for the Floor

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: SENATE (4/26) – Special Order Calendar**

## **Public Safety**

(SB \_\_\_\_/HB 7125)

**Sponsors:** Sen. \_\_\_\_ /Judiciary Committee

### **Summary:**

This legislation is an overarching public safety overhaul that encompasses language housed in HB 589, relating to theft. Current law 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 \$1000. However, the language adds utility services theft to the list of activities that receive a felony of the third degree regardless of the amount stolen.

### **Committee Assignments:**

SB \_\_\_\_:

HB 7125: Appropriations

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: ON AGENDA (4/29) – 3<sup>rd</sup> Reading**

## **TRACKING**

## **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: Ready for the Floor

HB 671: Transportation & Tourism Appropriations Subcommittee; Commerce Committee

**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: Ready for the Floor

HB 591: SENATE Messages

**ACTION RECOMMENDED: NEUTRAL**

## **Public Utility Storm Protection Plans**

(SB 796 /HB 797)

**Sponsors:** Sen. Gruters /Rep. Fine

**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:**

SB: 796: House Messages

HB 797: Ready for the floor

**ACTION RECOMMENDED: NEUTRAL**

## **ACTION ITEM: SENATE - PASSED**

### **Business Organizations**

(SB 892/HB 1009)

**Sponsors:** Sen. Passidomo / Rep. Byrd

**Summary:**

HB 1009 would add certain indemnification requirements for all not-for-profit corporations including electric cooperatives. The bill would allow for both permissible and mandatory indemnification by not-for-profit corporations for past and present directors for liability incurred in a court proceeding. We believe electric cooperatives presently carry sufficient Director liability insurance to cover these additional requirements.

**Committee Assignments:**

SB 892: Ready for the Floor

HB 1009: Senate Messages

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: ON AGENDA (4/29) – SENATE Special Order; HOUSE Floor – PASSED**

### **Private Property Rights**

(SB 1400 /HB 1159)

**Sponsors:** Sen Albritton/Rep. LaRosa

**Summary:**

A local government ordinance may not require permits, fees and other notices for pruning, trimming, or removing trees on residential property under certain conditions. The bill also removes the current requirement for local government approval to perform certain right-of-way tree maintenance by electric utilities.

**Committee Assignments:**

SB 1400: Ready for Floor

HB 1159: Senate Message

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: HOUSE Floor – PASSED; ON AGENDA (4/26) – SENATE Special Order**

### **Constitutional Amendments**

(SB 7096 /HB 7111)

**Sponsors:** Sen. Judiciary/Rep. Grant

**Summary:**

The legislation requires petition gatherers to register with the Secretary of State and be a Florida resident before obtaining signatures on petition forms. Requires the name of the sponsor of an initiative to appear on the ballot with the percentage of donations received from certain in-state donors. Prohibits compensation for the petition gatherers to be based on the number of petitions gathered. Effective upon becoming law and will impact any initiatives currently in the process; not yet on the ballot.

**Committee Assignments:**

SB 7096: Appropriations

HB 7111: Senate Messages

**ACTION RECOMMENDED: NEUTRAL****ACTION ITEM: HOUSE Floor - PASSED****TRACKING/ NO COMPANION****Emergency Mitigation and Response**

(SB 1610 /HB \_\_\_\_)

**Sponsors:** Sen. Montford/Rep. \_\_\_\_**Summary:**

This legislation creates the Hurricane Michael Recovery Task Force in conjunction with the Division of Emergency Management to make recommendations to the Legislature regarding additional assistance needed in response, recovery and mitigation of the effects of Hurricane Michael.

**Committee Assignments:**

SB 1610: Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL****Criminal Justice**

(SB 1334 /HB \_\_\_\_)

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

**Follow SB 406 or SB 7072.** This legislation is an overarching criminal justice overhaul that encompasses the language housed in SB 406, relating to theft. 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 1334: Judiciary; Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL****The Office of Public Counsel**

(SB 196 /HB \_\_\_\_)

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

**Summary:**

This legislation requires the public counsel to be appointed to a 4-year term limit (maximum of 12 consecutive years) by the Committee on Public Counsel Oversight. The appointment and 4-year term would begin on January 15, 2021.

**Committee Assignments:**

SB 196: Governmental Oversight and Accountability; Rules

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**Fleet Vehicle Rebate Programs**

(SB 1368 /HB \_\_\_\_)

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

**Summary:**

This legislation creates an electric and hybrid fleet vehicle rebate program administered by the Dept. of Agriculture and Consumer Services (DACS). The program reserves 40% of the allocated dollars for governmental applicants, the remaining funds for commercial applicants. The rebate will first-come, first-serve basis and cannot exceed 50% of the eligible costs of the fleet. Each eligible applicant can receive a maximum of \$25,000 per vehicle, up to \$250,000 per fiscal year. The rebate program will be assessed each year to determine its viability.

**Committee Assignments:**

SB 1368: Infrastructure and Security; Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**READY FOR GOVERNOR'S APPROVAL****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: Refer to HB 327

HB 327: PASSED; Ready for Governor's Approval

**ACTION RECOMMENDED: NEUTRAL**

**CITIZEN INITIATIVE**

Click [here](#) for FECA's Opposition Brief filed 4/18/19

Click [here](#) for Re-reg Initiative on the Florida Division of Elections website.

Click [here](#) for the Supreme Court Docket for the Re-reg Initiative, including all briefs filed in opposition to the initiative.

**Broad outline of ballot initiative process** (highlighted portion indicating where the initiative is in process):

- The sponsor first must be registered as a political committee.
- The initiative petition, which includes ballot title, summary and text of the proposed amendment, must be submitted to Florida's Secretary of State which simply approves the form of the petition.
- The sponsor must obtain a letter from the Division of Elections confirming it has obtained at least 76,623 verified signatures
- Once the requisite signatures are verified by the Division of Elections, the Secretary of State is required to "immediately" submit the proposed amendment to the Attorney General (AG) and the Fiscal Impact Estimating Conference (FIEC).
- The FIEC is required to complete a financial impact statement within 45 days of receipt of the proposed amendment. The proposed amendment was received on January 30, 2019, therefore, the financial impact statement must be completed by **March 15.**
- Within 30 days of receipt of the proposed amendment from the Secretary of State, the AG is required to petition the Supreme Court requesting an advisory opinion within 30 days. The AG received the proposed amendment on January 30, 2019, therefore, the AG must petition the Supreme Court by **February 28.**
- Prior to placement on the ballot, the Florida Supreme Court must review the proposed amendment to ensure it (i) only addresses a "single-subject", and (ii) the title and summary are clearly drafted to allow voters to fully comprehend the contemplated changes.
- Assuming that the Supreme Court approves the proposed amendment, the sponsor still must obtain at least 766,200 verified signatures before the proposal can be placed on the ballot.

**SUPREME COURT CASE CALENDAR:**

April 18, 2019 -	Opponents Briefs
May, 8, 2019 -	Answer Briefs
May 28, 2019 -	Replies by Opponents
August 28, 2019 -	Oral Arguments

**BILLS THAT APPEAR DEAD**

**Traffic Offenses**



(SB 158/HB 71)

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

**Summary:**

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.

**ACTION RECOMMENDED: NEUTRAL**

## **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.

**ACTION RECOMMENDED: NEUTRAL**

## **State Renewable Energy Goals**

(SB 1762 /HB 1291)

**Sponsors:** Sen. Rodriguez/Rep. Eskamani

**Summary:**

This legislation directs the Office of Energy, within DACS, to develop a plan to have 100% of the state's energy generated renewable resources by 2050

**ACTION RECOMMENDED: OPPOSE**

## **Heat Illness Prevention**

(SB 1538 /HB 1285)

**Sponsors:** Sen. Torres/Rep. C. Smith

**Summary:**

This legislation will impact the electric co-ops for those employees that regularly perform work in an outdoor environment. It requires the implementation of a heat exposure program.

**ACTION RECOMMENDED: OPPOSE**

## **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.

**ACTION RECOMMENDED: OPPOSE**

## **Community Solar Program**

(SB 1156/HB \_\_)

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

### **Summary:**

The bill is only applicable to IOUS. It allows a community solar facility to sell electricity at retail through subscriptions.

**ACTION RECOMMENDED: OPPOSE**

## **Renewable Energy Standards**

(SB 1372 /HB\_\_\_\_\_)

**Sponsors:** Sen. J. Rodriguez/Rep. \_\_\_\_\_

### **Summary:**

The legislation would mandate a renewable portfolio standard (RPS) for only IOUs.

**ACTION RECOMMENDED: OPPOSE**