

FECA's Florida Legislative Report

January 10, 2020

On Thursday, the Florida Supreme Court released an unanimous opinion rejecting the proposed "Energy Choice" Constitutional Amendment. The Court concluded that the Initiative should not be included on the November 2020 ballot because the ballot summary in the amendment was misleading. The opinion and an analysis of the ruling by our counsel, Bruce May, is attached.

The 2020 Legislative Session will begin Tuesday, January 14th and is slated to end on Friday, March 13th. Legislators must file their bills by noon January 14 for consideration this year.

HB 773, Medically Essential Utility Service, continues to be a bill of interest. The House Energy and Utilities Subcommittee again requested information outlining how co-ops currently meet the provisions within the bill. Though the co-ops provided this information last year, to ensure accuracy, Statewide sent an email with an attached spreadsheet outlining how each co-op meets the standards in the bill. Please review the document and provide any updates or additional information by **Tuesday, January 14th**. It is probable the bill will be heard in the subcommittee within the first week of Session. The Co-ops remain opposed to the bill and Statewide is working with the sponsor to share our concerns. Currently, there is not a Senate Companion Bill.

Some Co-ops are asking when talking points will be available for the ACRE Cookout on Jan. 21. Statewide will send the talking points out late next week. This timing allows for the most current information available ahead of your legislative visits.

Below are bills of interest 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

Fossil Fuel Combustion Products

(SB 1432 /HB ____)

Sponsors: Sen. Torres/Rep. ____

Summary:

This legislation would negate the current statutory exemption which allows landfills to accept coal combustion residuals from a fossil fuel-fired electric or steam generation facility.

Committee Assignments:

SB 1432: Filed

HB ____:

ACTION RECOMMENDED: OPPOSE

Underground Facility Damage Prevention and Safety

(SB 1464 /HB 1095)

Sponsors: Sen. Flores/Rep. Fitzenhagen

Summary:

This legislation would provide for enhanced civil penalties for certain violations relating to underground facilities regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Dept. of Transportation. Incidents involving damage to high-priority subsurface installations would be reported to either the State Fire Marshall, county fire chief, local or state law enforcement officer, government code inspector or code enforcement officer for investigation. An underground facility damage prevention review panel would be established under the Division of State Fire Marshal to review complaints of violations and to identify issues regarding damage prevention and enforcement. The panel would also identify areas in the state where additional education on damage prevention and enforcement is needed and review current practices for locating underground pipes regulated by the PHMSA. The review panel will be made up of 9 members appointed by the Sunshine State One-Call (One-Call) board of directors and must include one member representing the electric utility industry. If expenses to operate the review panel are not offset through recovered civil penalties, member operators of One-Call would be equally share in the cost of operation through monthly assessments, which would be in addition to current monthly assessments.

Committee Assignments:

SB 1464: Filed

HB 1095: Filed

ACTION RECOMMENDED: OPPOSE

PRIORITY

Medically Essential Electric Utility Service

(SB ____ /HB 773)

Sponsors: Sen. ____/Rep. Maggard

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 ____:

HB 773: Energy & Utilities Subcommittee; Health & Human Services Committee; Commerce Committee

ACTION RECOMMENDED: OPPOSE

Solar 3rd Party Retail Sales

(SB 446 /HB ____)

Sponsors: Sen. Brandes/Rep. _____

Summary:

This legislation will allow commercial or industrial businesses to install, maintain and operate a renewable energy source on their structure and sell the electricity generated from the device to a commercial or industrial business that is located immediately adjacent to the structure or parcel. These sales would not be considered retail sales of electricity and therefore not subject to regulation by the FPSC. If the commission determines that the level of reduction in electricity purchases by customers using renewable energy devices is significant enough to adversely impact the rates of other customers, the Commission may approve a utility's request to recover its costs of providing capacity, generation, and distribution caused by customers using renewable energy devices. These costs would only be assessed to the renewable energy users. Utilities would be able to recover the full costs for any back-up generation or transmission services.

Committee Assignments:

SB 446: Innovation, Industry, and Technology; Commerce and Tourism; Rules

HB ____:

ACTION RECOMMENDED: OPPOSE

Energy 2040 Task Force

(SB 144/HB ____)

Sponsors: Sen. Brandes / Rep. _____

Summary:

Creates an Energy 2040 Taskforce within the FPSC to project Florida's electric energy needs over the next 20 years and determine how best to meet those needs in an efficient, affordable and reliable manner while **increasing competition and consumer choice and ensuring adequate electric reserves**. The taskforce would recommend appropriate electric policies for the state, including any necessary statutory changes. The task force would have eight appointed members: Public Counsel, FPSC Executive Director, Florida Energy Systems Consortium Chair, FRCC Executive Director, two Florida Senators, and two Florida House of Representatives. The meetings would begin by August 1, 2020 and a report would be submitted by January 1, 2022.

Committee Assignments:

SB 144: Innovation, Industry and Technology; Appropriations Subcommittee on Agriculture, Environment and General Government, Appropriations

HB ____:

ACTION RECOMMENDED: OPPOSE

MONITOR

State Renewable Energy Goals

(SB 256 /HB 97)

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 from renewable resources by 2050.

Committee Assignments:

SB 256: Innovation, Industry and Technology; Government Oversight and Accountability; Rules
HB 97: Energy & Utilities Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Commerce

ACTION RECOMMENDED: OPPOSE

Exempting Renewable Energy Sources from Definition of Public Utility

(SB 288/HB ____)

Sponsors: Sen Rodriguez /Rep. ____

Summary: This bill is very similar to SB 222 from last session. Last year, it did not have a companion and was never heard in committee.

Exempts certain renewable energy sources from the definition of "public utility" which would make them unregulated by the FPSC. An eligible renewable source would need to meet the following criteria: 1) property owner must own and operate on their property; 2) max capacity of 2.5MWs; and 3) produces and sells energy to users located on the property.

Committee Assignments:

SB 288: Innovation, Industry and Technology; Community Affairs; Rules
HB ____:

ACTION RECOMMENDED: OPPOSE

Cooling Towers

(SB 1190 /HB ____)

Sponsors: Sen. Gruters/Rep. ____

Summary:

This legislation is intended to protect the public from Legionella bacteria which can be found in improperly sanitized cooling towers. A "cooling tower" means an evaporative condenser, a fluid cooler, or another wet cooling device that is capable of aerosolizing water that is part of a recirculated water system and that is incorporated into an energy production system (i.e. power plant). The language requires new registration, reporting and recordkeeping for owners of cooling towers.

Committee Assignments:

SB 1190: Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Statewide Office of Resiliency

(SB 7016/HB 1073)

Sponsors: Sen. Lee/Rep. Stevenson

Summary:

This legislation creates the Statewide Office of Resiliency and the Statewide Sea-Level Rise Task Force. The Task Force will make projection recommendations of the sea-level rise and its impact along the coastline. The projection recommendations must be submitted to the Environmental Regulation Commission (ERC) by January 1, 2021. If those recommendations are passed by the ERC, it will serve as the state's official estimate of impact on the state. The estimates will serve as the baseline for any future projects, plans and appropriations to address sea-level rise impacts in the state.

Committee Assignments:

SB 7016: Environmental and Natural Resources; Appropriations

HB 1073: Filed

ACTION RECOMMENDED: NEUTRAL

Heat Illness Prevention

(SB 882/HB 513)

Sponsors: Sen. Torres/Rep. C. Smith

Summary:

This legislation will impact electric co-op employees who regularly perform work outdoors. The language requires the use of an "Outdoor Heat Exposure Safety Program", which includes training approved by DACS or DOH if it provides greater worker protection than any related industry-specific standards. Currently, co-ops follow OSHA's heat exposure regulations, therefore, if the bill were to pass, co-ops would be regulated and trained for heat illness issues by both the state and the feds. The program outlines how to protect from and identify heat illness symptoms while providing medical aid steps to address any worker suffering from it. Each program must implement policies for any worker required to be outdoors for 2 hours or longer with a heat index meeting or exceeding 90 degrees; some of the policy requirements are pre-shift meetings to review the procedures, cool water at each job site, 10 minute break for every 2 hours of work, access to shade, and clothing suggestions to assist with cooler body temperatures.

Committee Assignments:

SB 882: Agriculture; Health Policy; Rules

HB 513: Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee

ACTION RECOMMENDED: OPPOSE

TRACKING

Clean Energy Programs

(SB 824/HB 225)

Sponsors: Sen. Hooper / Rep. Zika

Summary:

The legislation creates the Property Assessed Clean Energy (PACE) Act, which allows local governments the option to contract with a PACE Administrator to administer loans for qualified

energy efficiency, renewable and other property improvements. The local government or PACE Administrator must verify that the property owner has the ability to repay the loan using a number of criteria. The PACE loan period would not be able to extend beyond the useful life of the qualifying improvement.

Committee Assignments:

SB 824: Community Affairs; Innovation, Industry and Technology; Rules

HB 225: Energy & Utilities Subcommittee; Ways & Means Committee; State Affairs Committee

ACTION RECOMMENDED: NEUTRAL

Traffic Offenses

(SB 308/HB 455)

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 308: Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations

HB 455: Transportation & Infrastructure Subcommittee; Criminal Justice Subcommittee; State Affairs Committee

ACTION RECOMMENDED: NEUTRAL

Emergency Mitigation and Response

(SB 502/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 502: Infrastructure and Security; Appropriations on Transportation, Tourism and Economic Development; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Sales Tax Holiday for Disaster Preparedness Supplies

(SB 524/HB ____)

Sponsors: Sen. Gruters /Rep. ____

Summary:

This bill is a sales tax exemption holiday for specified items relating to disaster preparedness and protection. During the exemption period, the following items, will be exempt from state sales and use tax and county discretionary sales surtaxes: certain light sources, radios, tarps, “tie-down” kits, fuel tanks, batteries, first aid kits, cellular telephone chargers, food storage coolers, portable generators, storm shutter devices, carbon monoxide detectors, reusable ice, personal locator beacons, and emergency position-indicating radio beacons.

Committee Assignments:

SB 524: Finance and Tax; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Identification of Underground Facilities

(SB 592/HB 6039)

Sponsors: Sen. Pizzo/Rep. Duran

Summary:

The bill will allow local governments to specify the types of paint or other marking devices that are used to identify underground facilities. This could potentially cause confusion for utilities that have facilities in multiple local jurisdictions since each local government could have different types of underground identifiers.

Committee Assignments:

SB 592: Innovation, Industry, and Technology; Community Affairs; Rules

HB 6039: Energy and Utilities Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Commerce Committee

ACTION RECOMMENDED: OPPOSED

Electric Vehicle Charging Station Infrastructure

(SB 7018/HB 943)

Sponsors: Sen. Lee/Rep. Daley

Summary:

The bill creates a plan to develop electric vehicle charging station infrastructure in the state. The legislative purpose for this infrastructure is to combat climate change, reduce carbon dioxide emissions, and assist with evacuations during disasters. The FPSC, in coordination with FDOT and the Office of Energy must recommend a plan to the Governor and the Legislature by July 1, 2021 (status report must be filed by December 1, 2020.) The goals of the plan would include: 1) projecting the increase in use of EVs in Florida over the next 20 years and determining how to ensure an adequate supply of charging stations to support the increase; 2) evaluating the types of EV charging stations available now and in the future; 3) developing strategies to supply the charging stations such as partnerships with local governments, state and federal entities and electric utilities; 4) identifying locations for charging stations and any barriers to construction; 5) **identifying the regulatory structure necessary for the delivery of electricity to the charging stations;** and 6) reviewing emerging technologies in the EV market.

Committee Assignments:

SB 7018: Appropriations Subcommittee on Agriculture, Environment and General Government; Appropriations

HB 943: Transportation & Infrastructure Subcommittee; Appropriations; State Affairs

ACTION RECOMMENDED: NEUTRAL

Emergency Staging Areas

(SB 7020/HB _____)

Sponsors: Sen. Lee/Rep. _____

Summary:

Allows FDOT to plan, design and construct staging areas to be activated during a declared state of emergency on the turnpike system. The staging sites must be used for emergency supplies (water, fuel, generators, vehicles, equipment, etc). When selecting a site for a staging area, FDOT must consider: 1) best area for wide dissemination of supplies; 2) ease of access; 3) size of the area; and 4) use of area during non-emergencies. Priority sites will be placed in counties with populations of 200,000 or more and the staging areas may be authorized for other uses including commercial motor vehicle parking to comply with hours-of-service requirements.

Committee Assignments:

SB 7020: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Department of Agriculture and Consumer Services

(SB 1514/HB 921)

Sponsors: Sen. Albritton/Rep. Brannan

Summary:

This legislation is an agency package that incorporates the elimination of an annual reporting requirement for the renewable energy technology investment tax credit. The package adds renewable energy, alternative fuels and alternative vehicle technologies to the education and training programs on energy efficiency and conservation

Committee Assignments:

SB 1514: Filed

HB 921: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs

ACTION RECOMMENDED: NEUTRAL