

FECA's Florida Legislative Report

February 28, 2020

This week, SB 7018, Essential State Infrastructure, was heard in the Senate Appropriations Committee and amended with the language found in SB 7020, Emergency Staging Areas. The bill would require the Public Service Commission (PSC), in coordination with other entities, to develop and adopt a master plan for EV Charging Stations on the state highway system. In addition, the bill would level the playing field by requiring the Dept. of Transportation (FDOT) and local government authorities to process and act upon applications for electric utility permits in ROWs in the same timeframe as applications filed by wireless companies. Further, the bill would allow owners of agricultural lands to allow both public and private linear facilities in conservation easements. The primary difference between SB 7018 and the House companion HB 7099 would be the agency that coordinates the EV infrastructure study (PSC or FDOT, respectively).

HB 1464, Underground Facility Damage Prevention and Safety, passed the Senate Rules Committee. The bill, along with its House companion HB 1095, are ready to be heard on the Floor.

Next week, it is expected that the Legislature will begin their budget conferencing process to finalize the FY2021 Budget. All normally scheduled committee meetings should end on Tuesday, March 3. For the remaining 10 days, the members will convene daily on the Chamber Floors to address all legislation for possible final passage.

Below are bills of interest filed thus far. Each week, the report will prioritize in the following manner: New legislation filed, priority, monitor, tracking and bills that appear dead. Any new activities will be highlighted in **RED**. If you would like more detailed information or an explanation of any legislation or why it is located in a specific area, please do not hesitate to reach out to Allison or Mike.

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: In Senate Messages

ACTION RECOMMENDED: OPPOSE

MONITOR

Essential State Infrastructure

(SB ____ /HB 7099)

Sponsors: Sen. ____/Rep. State Affairs Committee

Summary:

The bill is strongly linked to SB 7018. The bill would require FDOT, in coordination with other entities, to develop and adopt a master plan for EV Charging Stations on the state highway system (SHS) by July 2, 2021 and update annually by July 1. The plan would include: 1) identifying optimal locations on the SHS for the development of EV charging stations as a means of facilitating EV short-range and long-range travel and serve evacuation routes; 2) evaluating the types of EV charging stations available now and in the future; 3) evaluating the potential for building partnerships with local governments, other state and federal entities, electric utilities, the business community, and the public in support of EV charging stations; 4) identifying specific projects that will accomplish goals and objectives above. The bill would level the playing field by requiring FDOT and local government authorities to process and act upon applications for electric utility permits in ROWs in the same timeframe as applications filed by wireless companies. The amendments would require an authority to notify the applicant by e-mail if the application for a permit is complete, or incomplete and identify the missing information within 14 days after receiving the application. In addition, an application must be processed on a non-discriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days. If denied, the authority must specify in writing the basis for denial and then the applicant has 30 days to cure the deficiencies. The legislation would allow any land used for agriculture and subject to a conservation easement would be able to negotiate the use of the land for any public or private linear facility, right of access, and related appurtenances.

Committee Assignments:

SB ____:

HB 7099: Ready for the floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE Commerce Committee- PASSED

Electric Vehicle Charging Station Infrastructure

(SB 7018/HB 943)

Sponsors: Sen. Lee/Rep. Daley

Summary:

****Also, See HB 7099****

The bill would create 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: Ready for the Floor

HB 943: State Affairs

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE Appropriations Committee – PASSED as Amended

- The Amendment housed the language of SB 7020 that addresses Emergency Staging Areas
- The Amendment would also study the loss of revenue to the State Transportation Trust Fund due to the current and projected future use of electric vehicles and how other states have addressed the revenue loss.

Growth Management

(SB 410 /HB 203)

Sponsors: Sen. Perry /Rep. McClain

Summary:

****Also, See HB 7099****

HB 203 (SB 7018 now has the same language) would provide a utilities' right-of-way permit application a "shot clock" when submitting permit application to local governments. Last year, the telecom providers passed legislation to institute the "shot clock" for small wireless facilities, this would give electric utilities the same timeline.

(1) Within 14 days after receiving an application, an authority must determine and notify the applicant by e-mail if the application is complete, incomplete and identify the missing information. The applicant is deemed complete if the authority fails to provide notification within 14 days.

(2) A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt. If an authority does not use the 30-day negotiation period provided, the parties may mutually agree to extend the 60-day application review period. A permit issued to an approved applicant shall remain effective for 1 year unless extended by the authority.

(3) An authority must notify the applicant of approval or denial by e-mail. If the application is denied, the authority must specify in writing the basis of the denial and send documentation by e-mail. The applicant may cure the deficiencies identified and resubmit the application within 30 days after notice of the denial. The review of a revised application is limited

to the deficiencies cited in the denial. The review must be completed, and a written decision issued within 45 days. If the administrative review is not completed within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denial of an application. The Senate Bill does not currently contain the amendment language.

Committee Assignments:

SB 410: Rules

HB 203: Ready for the Floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE State Affairs Committee - PASSED

License Plates – “Thank a Lineman”

(SB 412 /HB 1135)

Sponsors: Sen. Bean /Rep. J. Grant

Summary:

The Legislation would create several new specialty license plates, including a “Thank a Lineman” plate. The bill would also outline criteria for the designs, create uniformity for annual fees associated with the plates, would cap the number of specialty license plates, and discontinue low performing plates. Currently, the “Thank a Lineman” specialty plate is not in the House Bill.

Committee Assignments:

SB 412: Appropriations, Rules

HB 1135: Ready for the Floor

ACTION RECOMMENDED: SUPPORT

ACTION ITEM: ON AGENDA (3/3) – SENATE Appropriations Committee

Constitutional Amendments Proposed by Initiative

(SB 1794/HB 7037)

Sponsors: Sen. Hutson/Rep. J. Grant

Summary:

The bill would require the Secretary of State (SOS) to submit the initiative to the Attorney General (AG), Speaker of the Florida House, and President of the Florida Senate (currently the SOS submits the initiative only to the AG). The House and Senate can then direct their staff to provide an analysis of the initiative. The Florida Supreme Court would be able to consider whether the proposed amendment is valid under provisions of the U.S. Constitution, not just the Florida Constitution. The language sets a specific timeframe in which signatures remain valid. The bill would require the signature threshold for starting the referral process to be met in all the congressional districts required by the Florida Constitution, which is half of the districts, or 14. The bill would provide each supervisor an extra 30 days to verify any petitions submitted before Dec. 1 of an odd-numbered year.

As the Financial Estimating Impact Conference determines the fiscal impact the following options are available for the ballot:

- Net Negative/Positive - state the known impact and it may result in higher taxes or loss of government services if passed

- Indeterminate – state it cannot determine an impact due to ambiguities or uncertainties in the ballot language
- Unable to agree – state the inability to agree on the impact AND the amendment may result in higher taxes or loss of government services if passed

Committee Assignments:

SB 1794: Ready for the Floor

HB 7037: Ready for the Floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE Rules Committee – PASSED

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. The Sunshine State One-Call (One-Call) board of directors would review reports of violations and identify issues regarding damage prevention and enforcement. The State Fire Marshal would have sole investigative authority over alleged incidents involving high-priority subsurface installations, and to issue citations and impose civil penalties for violations. The bill would transfer the reporting requirements from the “system” to the “member-operator or excavator” under high-priority subsurface installations procedures.

Committee Assignments:

SB 1464: Ready for the Floor

HB 1095: Ready for the Floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE Rules Committee - PASSED

Broadband

(SB 1166 /HB 969)

Sponsors: Sen. Albritton/Rep. Drake

Summary:

The legislation would establish the Florida Office of Broadband within the Department of Economic Opportunity for the purpose of developing and promoting broadband internet services in the state. Further, establishing this office would allow the state to pursue and receive federal grants available to support broadband.

Committee Assignments:

SB 1166: Ready for the Floor

HB 969: Senate Messages

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE Floor - PASSED

Department of Environmental Protection

(SB ____ /HB 5401)

Sponsors: Sen. ____/Rep. Raschein

Summary:

This legislation would transfer the Office of Energy within DACS to DEP effective July 1, 2020. This legislation also absorbed language found in HB 921, Department of Agriculture and Consumer Services that would incorporate the elimination of an annual reporting requirement for the renewable energy technology investment tax credit. The transfer of the Office of Energy to DEP can be handled through the budget process. Thus, not necessarily requiring a companion bill.

Committee Assignments:

SB ____:

HB 5401: Senate Messages

ACTION RECOMMENDED: NEUTRAL

Statewide Office of Resiliency

(SB 7016/HB 1073)

Sponsors: Sen. Lee/Rep. Stevenson

Summary:

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

Committee Assignments:

SB 7016: Ready for the Floor

HB 1073: State Affairs

ACTION RECOMMENDED: NEUTRAL

Office of Public Counsel

(SB 7052 /HB ____)

Sponsors: Sen. Committee Bill /Rep. _____

Summary:

The proposed Committee Bill would provide the Public Counsel to receive 4-year terms with a term-limit of 12 consecutive years. The legislation states the Committee on Public Counsel Oversight would receive applications and conduct interviews every 4 years beginning on March 1, 2021.

Committee Assignments:

SB 7052: Rules

HB ____:

ACTION RECOMMENDED: NEUTRAL**ACTION ITEM: ON AGENDA (3/2) – SENATE Rules Committee****Taxation**

(SB ____ /HB 7097)

Sponsors: Sen. ____/Rep. Ways and Means Committee**Summary:**

The annual “Tax Package” legislation would create a seven-day “disaster preparedness” tax holiday in May and June of 2020 for specified disaster preparedness items. The legislation would clarify the timing of when certain utility-owned tangible personal property is included on the tax roll.

Committee Assignments:

SB ____:

HB 7097: Appropriations

ACTION RECOMMENDED: NEUTRAL**ACTION ITEM: HOUSE Appropriations – PASSED****TRACKING****Emergency Staging Areas**

(SB 7020/HB ____)

Sponsors: Sen. Lee/Rep. ____**Summary:******Also, See SB 7018****

This legislation would allow FDOT to plan, design and construct staging areas to be activated during a declared state of emergency on the turnpike system. The staging sites would 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: Ready for the Floor

HB ____:

ACTION RECOMMENDED: NEUTRAL**ACTION ITEM: This language was amended on to SB 7018**

Sales Tax Holiday for Disaster Preparedness Supplies

(SB 524/HB ____)

Sponsors: Sen. Gruters /Rep. _____

Summary:

**** Also, See HB 7097****

This bill would create a sales tax exemption holiday for specified items relating to disaster preparedness and protection. During the exemption period, the following items, would 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: Ready for the Floor

HB ____:

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE Appropriations - PASSED

Department of Agriculture and Consumer Services

(SB 1514/HB 921)

Sponsors: Sen. Albritton/Rep. Brannan

Summary:

This legislation is an agency package that would incorporate the elimination of an annual reporting requirement for the renewable energy technology investment tax credit. The package would add renewable energy, alternative fuels and alternative vehicle technologies to the education and training programs on energy efficiency and conservation. The legislation would require FDEP, in coordination with DACS, the Florida chapter of the National Waste and Recycling Association and the Florida Natural Gas Association to develop a study to estimate the potential benefits of renewable natural gas in Florida.

Committee Assignments:

SB 1514: Appropriations

HB 921: Ready for the Floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE State Affairs Committee – PASSED as AMENDED

- The Amendment removed all the portions of the bill we were monitoring.

BILLS THAT APPEAR DEAD

Emergency Mitigation and Response

(SB 502/HB ____)

Sponsors: Sen. Montford/Rep. _____

Summary:

This legislation would create 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.

ACTION RECOMMENDED: NEUTRAL

Energy 2040 Task Force

(SB 144/HB ____)

Sponsors: Sen. Brandes / Rep. _____

Summary:

This legislation would create 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.**

ACTION RECOMMENDED: OPPOSE

Solar 3rd Party Retail Sales

(SB 446 /HB ____)

Sponsors: Sen. Brandes/Rep. _____

Summary:

This legislation would 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.

Clean Energy

(SB ____ /HB 1419)

Sponsors: Sen. ____/Rep. Good

Summary:

The legislation would create a new provision for renewable energy for local governments, colleges and universities would allow these public entities to own or lease renewable energy generation systems located on their property or within the same county and within their utility provider's territory. **By July 1, 2023, each municipal electric and electric cooperative would be required to adopt a program offering a renewable energy tariff identical to the IOU tariffs.**

ACTION RECOMMENDED: OPPOSE

State Renewable Energy Goals

(SB 256 /HB 97)

Sponsors: Sen. Rodriguez/Rep. Eskamani

Summary:

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

ACTION RECOMMENDED: OPPOSE

Exempting Renewable Energy Sources from Definition of Public Utility

(SB 288/HB ____)

Sponsors: Sen Rodriguez /Rep. ____

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

This legislation would exempt certain renewable energy sources from the definition of "public utility" which would make them unregulated by the FPSC.

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. The language requires new registration, reporting and recordkeeping for owners of cooling towers.

ACTION RECOMMENDED: NEUTRAL

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.

ACTION RECOMMENDED: OPPOSE

Heat Illness Prevention

(SB 882/HB 513)

Sponsors: Sen. Torres/Rep. C. Smith

Summary:

This legislation would impact electric co-op employees who regularly perform work outdoors. The language would require 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.

ACTION RECOMMENDED: OPPOSE

Broadband Internet Service

(SB 1776 /HB 1309)

Sponsors: Sen. Montford/Rep. Ausley

Summary:

The Legislation would require the Dept. of Management Services (DMS) to develop geographic information system maps of communications service providers consistent with the maps established by the FCC.

ACTION RECOMMENDED: NEUTRAL

Clean Energy Programs

(SB 824/HB 225)

Sponsors: Sen. Hooper / Rep. Zika

Summary:

The legislation would create 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.

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.

ACTION RECOMMENDED: NEUTRAL

Identification of Underground Facilities

(SB 592/HB 6039)

Sponsors: Sen. Pizzo/Rep. Duran

Summary:

The bill would allow local governments to specify the types of paint or other marking devices that are used to identify underground facilities.

ACTION RECOMMENDED: OPPOSED