

FECA's Florida Legislative Report

March 17, 2020

The 2020 Legislative Session is almost over. Annually, an issue arises that dominates the final days of Session, which can force Session into overtime. This year, COVID-19 is that issue. The Session was extended until Friday, March 20, to address the budget and associated bills, which are slated for final passage on Thursday. All other policy bills that did not pass last Friday are now dead. For our purposes, Session is essentially over, but we will continue to monitor the legislature until they Sine Die. Overall, the electric co-ops had a good Session. This is due to the countless hours Allison and Jon Steverson spent at the Capitol advocating on our behalf and analyzing vast amounts of legislation in concert with Michelle. I appreciate all their efforts and their commitment to the co-ops.

The impacts of COVID-19 on citizens, businesses, and the state will negatively affect revenues. Due to the unknown extent of the fiscal impacts due to COVID-19, it is possible that the legislature could return later in the year to realign the budget. Despite the pandemic dominating legislative discussions, several bills that are of interest to electric co-ops passed and are awaiting final approval by the Governor. Some of the key bills are HB 1135 – License Plates; SB 7018 – Essential State Infrastructure; and SB 664 – Verification of Employment Eligibility.

HB 1135 – License Plates, created a new “Thank a Lineman” specialty plate. The revenues from the plate will provide scholarships for students enrolled in the Electrical Distribution Technology Program at Lake-Sumter State College.

SB 7018 – Essential State Infrastructure, designates the Florida Department of Transportation (FDOT) to be the lead agency, to coordinate with other agencies and entities, to develop a master plan for EV Charging Station infrastructure on the state highway system. In addition, the bill would level the playing field by requiring 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.

SB 664 - Verification of Employment Eligibility, requires private employers (including electric co-ops) to verify the employment eligibility of newly hired employees. Beginning January 1, 2021, all private employers must verify a person's employment eligibility by using the E-Verify system or requiring the same documentation that is required on the current Employment Eligibility Verification form (Form I-9). In addition, Economic Development Incentive applications would not be approved unless the application includes proof that the applicant business is registered with and uses the E-Verify System.

Below, the report has the final list of: Bills heading to the Governor and Bills that Died. 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.

BILLS HEADING TO THE GOVERNOR

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: Laid on the Table; Refer to 969

HB 969: Headed to the Governor

ACTION RECOMMENDED: NEUTRAL

Verification of Employment Eligibility

(SB 664 /HB 1265)

Sponsors: Sen. Lee/Rep. Byrd

Summary:

The legislation addresses the process used by employers to implement state and federal laws to validate new employees who are authorized to work in the United States. The legislation would require public employers, contractors and subcontractors to use E-Verify system for newly hired employees; while any private employers may use E-verify or the Form I-9 documents. The executive director of the Department of Economic Opportunity will not approve any Economic Development Incentive applications unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify System. The legislation will be effective on July 1, 2020; However, the portion involving private employers meeting the standards would begin on January 1, 2021.

Committee Assignments:

SB 664: Ready for the Floor

HB 1265: Laid on the Table; Refer to SB 664

ACTION RECOMMENDED: NEUTRAL

Electric Vehicle Charging Station Infrastructure

(SB 7018/HB 7099)

Sponsors: Sen. Lee/Rep. Ingoglia

Summary:

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 FDOT is the lead agency (in conjunction with FPSC and the Office of Energy) for encouraging the expansion and location of Electric Vehicles (EVs) and EV Charging Stations along the State Highway System. FDOT will also identify barriers to the use of EVs and EV Charging Stations throughout our state. FPSC is the lead agency (in conjunction with FDOT and the Office of Energy) for projecting expansion and comparing current and new technology in EVs and EV Charging Stations. Also, identifying the regulatory structure necessary for the delivery of electricity to EVs and EV Charging Stations which must include competitive neutral policies. The legislation would provide a utilities' right-of-way permit application "shot clock" when submitting permit application to local governments. (See comments under SB 410, Growth Management for more details.) The 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. (This is the substance of SB 7020).

Committee Assignments:

SB 7018: Ready for the Governor

HB 7099: Laid on the Table; Refer to SB 7018

ACTION RECOMMENDED: NEUTRAL

Growth Management

(SB 410 /HB 203)

Sponsors: Sen. Perry /Rep. McClain

Summary:

The legislation, includes language also in SB 7018, that 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: Ready for the Governor

HB 203: Laid on the Table, Refer to SB 410

ACTION RECOMMENDED: NEUTRAL

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 revenues from the plate will provide scholarships for students enrolled in the Electrical Distribution Technology Program at Lake-Sumter State College. 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. The following steps must be met before the license plate will be approved for circulation:

- 1) Governor approves HB 1135
- 2) Within 60 days of the bill becoming law, the art design for the specialty plate must be reviewed and approved by the Department of Highway Safety and Motor Vehicles (DHSMV).
- 3) Within 120 days of the bill becoming law, DHSMV must establish a method to issue a specialty license plate voucher allowing for the presale of such plate.
- 4) Within 24 months after establishing a presale specialty license plate voucher, the approved specialty license plate must record with DHSMV a minimum of 3,000 voucher sales before the license plate may be manufactured.

Committee Assignments:

SB 412: Laid on the Table, Refer to HB 1135

HB 1135: Ready for the Governor

ACTION RECOMMENDED: SUPPORT

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 half of the congressional districts. The bill would provide each supervisor an extra 30 days to verify any petitions submitted before Dec. 1 of an odd-numbered year. The bill would require a supervisor of elections to charge the actual cost for verifying a petition signature and requiring the Department of State to determine the actual cost amount annually.

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 Governor

HB 7037: Laid on the Table, Refer to SB 1794

ACTION RECOMMENDED: NEUTRAL

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. The legislation 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 1464: Laid on the Table; Refer to HB 1095

HB 1095: Passed; Ready for the Governor

ACTION RECOMMENDED: NEUTRAL

Taxation

(SB ____ /HB 7097)

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

Summary:

The annual "Tax Package" legislation would create a "disaster preparedness" tax holiday from May 29 until June 4, 2020, for specified disaster preparedness items.

Committee Assignments:

SB ____:

HB 7097: Ready for the Governor

ACTION RECOMMENDED: NEUTRAL

BILLS THAT DIED

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.

ACTION RECOMMENDED: OPPOSE

Emergency Staging Areas

(SB 7020/HB ____)

Sponsors: Sen. Lee/Rep. ____

Summary:

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.

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: Language was amended onto SB 7018

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.

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.

ACTION RECOMMENDED: NEUTRAL

Office of Public Counsel

(SB 7052 /HB ____)

Sponsors: Sen. Committee Bill /Rep. _____

Summary:

The legislation 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.

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: Language was amended onto HB 1095

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