

FECA's Florida Legislative Report

January 15, 2021

The official start of the 2021 Legislative Session will be Tuesday, March 2, 2021. Legislators met this week for their first committee meetings. Due to the COVID-19 pandemic, normal operations in and around the Capitol complex have drastically changed in order to protect the safety of legislators, staff and the public. Limited public access was allowed in committee meetings and only presenters and those providing public testimony could be physically present in the rooms. Legislators have requested meetings with constituents or industry representatives be conducted via telephone or virtual meetings to reduce the number of in-person interactions.

Pole attachments appear to be an issue we may have to deal with this Session. Charter Communications continues to try and rally support among internet groups and legislators. We are continuing to meet with groups that have or might be approached by Charter and express our concerns. There does not seem to be consensus between Charter and other broadband providers on their attempt to regulate pole attachment fees and make ready work for munis and electric co-ops. Staff met with Charter for the first time this week and we are requesting an additional meeting in an attempt to diffuse the problem before taking it to the Legislature. This is an evolving issue and we expect to have more updates prior to the Board meeting in February.

Traditionally, the first committee meeting agendas include only the introductions of the members and review of the issues covered within the specific committee. However, the House Civil Justice & Property Right Subcommittee got right down to business by considering and passing HB 7, Civil Liability for Damages Relating to COVID-19, by Representative McClure. The bill provides civil immunity from COVID-19 liability to businesses, including electric co-ops that acted in good faith during the pandemic. The intent of the bill is to protect businesses while aiding in the economic recovery, due to the pandemic, by protecting entities and institutions from frivolous litigation. The bill will be heard next in the House Pandemics & Public Emergencies Committee.

Senate and House Health Policy Committees, Senate Healthcare Appropriations and the House and Senate committees specializing on the Pandemic & Public Emergencies heard presentations and updates on the administration of the COVID-19 vaccine by the Department of Health (DOH) and the Department of Emergency Management (FDEM). The State of Florida has administered approximately 770,000 doses of the vaccine at this point. After some issues, all 67 counties will now receive vaccines based on their 65+ population. There are currently over 70 vaccination sites throughout the state. There have been several obstacles which have obstructed the rollout of the vaccine. The three prominent problems are: 1) demand far exceeds supply; 2) not enough vaccination sites; 3) lack of information – the current lag in reporting renders the data of those vaccinated mostly useless. Although Florida continues to work through problems, the state's distribution plan has been adopted by the Federal Government and all states are now following Florida's lead by allowing individuals 65+ to be vaccinated. Members voiced frustration over the lack of information and asked the agency to provide the public with a clear direction of

the state's roll-out plan. Legislators will continue to get briefings from FDEM and DOH and future presentations, testimony and updates are expected.

The House and Senate Appropriations Committees began their review of the pandemic's impact on Florida's economy. The state appears to be fiscally sound for the current year, due to reduction in reserves and other actions taken prior to the pandemic. The next two years may be a challenge for lawmakers. There is a projected \$2.75 billion general revenue deficit for fiscal year 2021-2022. To meet their constitutional responsibility to balance the budget, lawmakers will likely need to negotiate budget cuts across multiple areas including education, health care, environment, justice, and government. The next budget estimating conference is scheduled to be held in March.

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

Civil Liability for Damages Relating to COVID-19

(SB 72/HB 7)

Sponsors: Sen. Brandes / Rep. McClure

Summary:

This legislation provides several COVID-19-related liability protections for businesses, educational institutions, government entities, religious organizations, and other entities. Under the bill, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune from civil liability from a COVID-19-related civil action. The bill also provides that for any COVID-19-related civil action against a covered entity, a plaintiff must: 1) plead his or her complaint with particularity; 2) submit, at the time of filing suit, a physician's affidavit confirming the physician's belief that the plaintiff's COVID-19-related injury occurred because of the defendant's conduct; and 3) prove, by clear and convincing evidence, that the defendant was grossly negligent.

Committee Assignments:

SB 72: Filed

HB 7: Civil Justice & Property Rights Subcommittee, Pandemics & Public Emergencies Committee, Judiciary Committee

ACTION RECOMMENDED: SUPPORT

ACTION ITEM: HOUSE Civil Justice & Property Rights Subcommittee - PASSED

Energy 2040 Task Force

(SB 136/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, 2021 and a report would be submitted by January 1, 2023.

Committee Assignments:

SB 136: Regulated Industries; Appropriations Subcommittee on Agriculture, Environment and General Government, Appropriations

HB ____:

ACTION RECOMMENDED: OPPOSE

Solar 3rd Party Retail Sales

(SB 208 /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 an IOU'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. IOUs would be able to recover the full costs for any back-up generation or transmission services.

Committee Assignments:

SB 208: Regulated Industries; Commerce and Tourism; Rules

HB ____:

ACTION RECOMMENDED: OPPOSE