

FECA's Florida Legislative Report

January 29, 2021

Rural broadband deployment in Florida will be a topic of great interest in the Legislature this year. This week, FECA met with Charter Communications to discuss their proposed language to change pole attachment rates, terms and conditions that would likely adversely impact electric co-ops. We will continue to diligently defend our position that pole attachment rates, terms and conditions are not barriers to broadband deployment. After a lengthy discussion, both parties committed to meet again next week. This allows FECA the opportunity to work with our co-ops to gain feedback and insight. This information will be used as we move along in the process to defend our position and apply factual truths against the proposed language as well as provide us with possible compromise language.

The House Tourism, Infrastructure & Energy Subcommittee met this week to discuss an "Overview of Broadband Internet Service Deployment in Florida". First, Dane Eagle, Secretary of the Department of Economic Opportunity, presented on the transition of the Florida Office of Broadband into their agency. Then, Lumen (formally CenturyLink), The Florida Internet and Television Association (FIT) and AT&T presented on their footprint within the state, efforts to bring broadband into underserved areas, and any suggestions or complications they have encountered during their efforts. FIT's attorney brought up high pole attachment rates charged by co-ops and munis in comparison to the FCC regulated IOU rates. Further, he mentioned possible legislation to address this concern. There were no questions or remarks from committee members. We will continue to meet with legislators and committee staff to educate them on pole attachment rates charged by co-ops and address the telecom/cable companies' testimony.

Several bills have been added to our tracking chart. Representative Eskamani filed HB 283, State Renewable Energy Goals which would develop a renewable energy plan with a goal to have 100% of the state's energy generated from renewable resources by 2050. In addition, the bill would create the Renewable Energy Workforce Development Advisory Committee to determine how to attract growth in the renewable energy job sector within Florida to meet the energy goals. **Noteworthy:** the term "environmental justice" recently used during federal discussions on climate change is defined within in this bill as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.

Senator Brandes filed SB 138, Electric Vehicles, to provide financial assistance for EV infrastructure throughout the state.

Senator Hutson filed SB 856, State Preemption of Energy Infrastructure Regulations, which would pre-empt the regulation of energy infrastructure construction from local governments to the state. **Noteworthy:** the legislation incorporates a "whereas clause" stating

the Florida legislature recognizes the importance of consumer choice in the energy market. This language is not relevant to the purpose of the bill and we will oppose the bill if the clause is not removed.

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

Electric Vehicles

(SB 138/HB __)

Sponsors: Sen. Brandes / Rep. _____

Summary:

To improve interstate mobility, this legislation would direct the FDOT to evaluate new infrastructure technologies such as EV charging stations. The Electric Vehicle Infrastructure Grant Program would be established by FDOT to provide financial assistance to encourage the installation of EV charging infrastructure. The program would be funded by revenues collected in the licensure of electric and hybrid vehicles. State agencies, public universities, public transit agencies, ports, airports, and local governments may apply to receive monies to install publicly available EV charging infrastructure on public or private property

Committee Assignments:

SB 138: Transportation; Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Electric Vehicles - Fees

(SB 140/HB __)

Sponsors: Sen. Brandes / Rep. _____

Summary:

Beginning January 1, 2025, this legislation would increase the license tax hybrid and electric vehicles by \$15 to fund the Electric Vehicle Infrastructure Grant Program. The increase of the licensure fee would expire after five years.

Committee Assignments:

SB 140: Transportation; Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

Solar Energy Systems Located on the Property of Educational Facilities

(SB 188/HB ____)

Sponsors: Sen. Berman / Rep. _____

Summary:

This legislation provides that any costs associated with a solar energy system that is located on the property of an educational institution may not be included when calculating the “cost per student station” for any new construction projects. The per student station allocation, limits the state administered funds a school district can use for new construction projects on an educational plant space.

Committee Assignments:

SB 188: Education; Appropriations Subcommittee on Education, Appropriations

HB ____:

ACTION RECOMMENDED: NEUTRAL

State Renewable Energy Goals

(SB 720 /HB 283)

Sponsors: Sen. Berman/Rep. Eskamani

Summary:

This legislation modifies the definition of “renewable energy” to exclude energy produced using high quality synthetic gas produced from waste petroleum coke with CO2 capture and sequestration. In addition, the legislation would prohibit the drilling or exploration of, or production or transportation of, oil, gas, or other petroleum products on the land and waters of the state. The Office of Energy would be directed to develop a plan to have 100% of the state’s energy generated from renewable resources by 2050. The legislation would create the Renewable Energy Workforce Development Advisory Committee consisting of 13 members appointed by the Commissioner of Agriculture. The committee would make recommendations to promote employment growth and access to jobs in the energy efficiency and renewable energy industry. A report of the committee’s findings would be presented to the President of the Senate and the Speaker of the House by January 1, 2022 and each January 1 thereafter.

Committee Assignments:

SB 720: Environment and Natural Resources; Regulated Industries; Rules

HB 283: Filed

ACTION RECOMMENDED: OPPOSE

State Preemption of Energy Infrastructure Regulations

(SB 856 / HB ____)

Sponsors: Sen. Hutson / Rep. _____

Summary:

The legislation states the construction of energy infrastructure is preempted to the state. Local governmental entities may not implement any law, ordinance, regulation, policy or resolution

that prohibits restricts, or requires the construction of new or the expansion, upgrading or repair of existing energy infrastructure or impose any requirements more stringent than state law.

Committee Assignments:

SB 856: Filed

HB ____:

ACTION RECOMMENDED: NEUTRAL

PRIORITY

Civil Liability for Damages Relating to COVID-19

(SB 72/HB 7)

Sponsors: Sen. Brandes / Rep. McClure

Summary:

This legislation provides 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 plaintiff in a COVID-related civil action would have the burden to prove that: the defendant was grossly negligent, by clear and convincing evidence.

Committee Assignments:

SB 72: Commerce and Tourism, Rules

HB 7: Pandemics & Public Emergencies Committee, Judiciary Committee

ACTION RECOMMENDED: SUPPORT

**ACTION ITEM: –SENATE Judiciary Committee – PASSED; ON AGENDA (2/3) –
HOUSE Pandemics & Public Emergencies Committee**

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

MONITORING

TRACKING