

FECA's Florida Legislative Report

February 5, 2021

The broadband deployment issue continues to attract the attention of various legislators. For example, Representative Chuck Clemons filed HB 753, Broadband Internet Deployment, which would create the Broadband Opportunity Program. The program would award grant dollars to entities willing to invest in broadband services and build the necessary infrastructure to ensure broadband internet services are available to unserved and underserved communities. Each recipient of the monies would sign a performance-based agreement with penalties for not meeting their goals. In addition, the state would not award grants to broadband providers in areas where the providers have already received federal funding.

Senator Travis Hutson filed SB 1008, Solar Electrical Generating Facilities, which would exempt solar generating facilities less than 150MWs from the siting requirements under the Power Plant Siting Act (PPSA). Currently, the PPSA exempts solar generating facilities of less than 75MWs from its siting requirements. Solar generating facilities would also become a “permitted use” in local government comprehensive plans and agricultural zoning districts in unincorporated areas.

Governor DeSantis released his “Florida Leads” Budget for Fiscal Year 2021-2022. The \$96.6 billion budget is an increase of \$4.3 billion over the current fiscal year. However, the budget does address the economic uncertainty of the pandemic by recommending \$1 billion in savings and placing \$6.6 billion in total reserves. The budget includes a 10-day Disaster Preparedness Sales Tax Holiday. The Governor’s staff presented details of the budget in each of the House and Senate Appropriations Committees and subcommittees. The legislature will begin to build their budget in the coming weeks. It is anticipated the House and Senate will be much more conservative in their budgets to address any revenue shortfalls due to COVID-19.

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

Broadband Internet Deployment

(SB ____ / HB 753)

Sponsors: Sen. ____ / Rep. Clemons

Summary:

The legislation would create the Broadband Opportunity Program within the Office of Broadband in the Department of Economic Opportunity. The Program would award grants to applicants seeking to expand access to broadband internet service in unserved or underserved areas. Rural electric cooperatives are listed as one of the entities that could apply for grant dollars. Any recipient selected to receive the grant dollars would sign an agreement that includes a performance conditions with sanctions for failure to meet those conditions.

Committee Assignments:

SB ____:

HB 753: Filed

ACTION RECOMMENDED: NEUTRAL

Greenhouse Gas Emissions

(SB ____/ HB 617)

Sponsors: Sen. ____ / Rep. Melo

Summary:

The legislation would not allow enforcement of federal legislation which creates state plans to regulate greenhouse gas emissions unless the Florida legislature authorizes it.

Committee Assignments:

SB ____:

HB 617: Filed

ACTION RECOMMENDED: NEUTRAL

Solar Electrical Generating Facilities

(SB 1008 / HB ____)

Sponsors: Sen. Hutson / Rep. _____

Summary:

The legislation states a solar facility shall be permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area. The county may adopt ordinances on buffer zones and landscaping requirements that do not exceed requirements for similar construction of other facilities. The bill would increase the megawatts permitted for a solar electrical generating facility from 75 to less than 150MW before having to seek approval for siting under the Florida Electrical Power Plant Siting Act.

Committee Assignments:

SB 1008: 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: Judiciary Committee

ACTION RECOMMENDED: SUPPORT

ACTION ITEM: HOUSE Pandemics & Public Emergencies Committee- 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 775)

Sponsors: Sen. Brandes/Rep. **Omphroy**

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 775: **Filed**

ACTION RECOMMENDED: OPPOSE

MONITORING

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 551)

Sponsors: Sen. Berman / Rep. Hardy

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 551: Filed

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: Tourism, Infrastructure & Energy Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Commerce Committee

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

TRACKING