

## **FECA's Florida Legislative Report**

### **February 12, 2021**

This week, Senator Travis Hutson filed SB 1128, Preemption on Restriction of Utility Services. The bill would create a definition of “utility service provider” as any private, municipal, county, special district, or cooperative engaging in the sale or supply of electricity or gas to or for the public within the state. It also prohibits local governments from enacting or enforcing any resolution, ordinance, or policies restricting a property owner from choosing a utility service that serves the affected property. Representative Tomkow filed identical legislation in HB 919; except it does not include cooperatives in the “utility service provider” definition.

There are four bills filed which would address preempting a local government’s ability to restrict or limit property owner rights. We believe these bills are possibly a reaction to a proposed renewable energy resolution submitted to the City of Tampa which has since been withdrawn. The resolution’s goal was to make the City of Tampa a 100% clean, renewable energy city by 2030. In addition, the resolution would have supported a ban on fossil fuels and any new fossil fuel infrastructure in the City of Tampa. SB 1128/HB 919 would seek to ensure that local governments could not, by local ordinance or resolution, take any action that prohibits a utility customer from choosing their type of utility service.

In the report below, there are a couple of other preemptive bills that would address concerns over local governments restricting homeowner property rights. At this point, we have not taken a position on the bills, however, some of those bills include consumer choice language which we would oppose. We are developing alternative language that would remove any reference to customer choice without interfering with the overall intent of the legislation.

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**

#### **Preemption on Restriction of Utility Services**

(SB 1138/HB 919)

**Sponsors:** Sen. Hutson / Rep. Tomkow

**Summary:**

This legislation would create a new definition under 366 of a “Utility Service Provider” as any private, municipal, county, special district, or cooperative engaging in the sale or supply of electricity or gas to or for the public within the state. The bill would limit local governments from

enacting or enforcing any resolutions, ordinances, rules, code or policy restricting or prohibiting a property owner from CHOOSING a utility service from a utility service provider that serves the property.

**Committee Assignments:**

SB 1128: Filed

HB 919: Filed

**ACTION RECOMMENDED: NEUTRAL**

## **Sales Tax Holiday for Disaster Preparedness Supplies**

(SB 734/HB \_\_\_\_)

**Sponsors:** Sen. Gruters / Rep. \_\_\_\_\_

**Summary:**

This bill would create a sales tax exemption holiday from May 29-June 13, 2021 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, food storage coolers, portable generators, storm shutter devices, and reusable ice. Also, impact-resistant windows, impact resistant doors, and impact resistant garage doors are included within certain perimeters.

**Committee Assignments:**

SB 734: Commerce and Tourism, Finance and Tax, Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: SUPPORT**

**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:**

**ON AGENDA (2/15) – SENATE Commerce and Tourism Committee**  
**ON AGENDA (2/16) - HOUSE Judiciary 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 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 817)

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

### **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 817: Filed

**ACTION RECOMMENDED: NEUTRAL**

## **Electric Vehicles - Fees**

(SB 140/HB 819)

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

### **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 819: Filed

**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 839)

**Sponsors:** Sen. Hutson / Rep. Fabricio

**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: Regulated Industries, Community Affairs, Rules

HB 839: Filed

**ACTION RECOMMENDED: NEUTRAL**

## **TRACKING**

### **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 761)

**Sponsors:** Sen. Hutson / Rep. Overdorf

**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: Regulated Industries, Community Affairs, Rules

HB 761: Filed

**ACTION RECOMMENDED: NEUTRAL**