

FECA's Florida Legislative Report

February 26, 2021

The Legislative Session will begin on Tuesday, March 2 and is slated to end on Friday, May 7, 2021. Legislators must file any bills for consideration by noon March 2.

This week, SB 1592 and HB 1239, Broadband Internet Infrastructure, were filed. The bills would require municipal electric utility pole attachment rates, terms and conditions to be consistent with FCC regulations. The bill also would require municipal electric utilities to provide all necessary paperwork to show how they calculate “make ready” work costs. Although, the bill only applies to munis, Brad Swanson, President of the Florida Internet and Television Association, states in a recent [op-ed](#) that both munis and electric cooperatives are high-cost barriers to the deployment of broadband. Though Florida’s electric co-ops support the need to bring broadband to underserved and unserved communities, our consumer-members should not be required to subsidize infrastructure costs needed to provide this service by for-profit cable companies. We look forward to continued positive discussions with the bill sponsors on this very important issue.

Senator Lorraine Ausley filed SB 1560, Broadband Internet Service, requiring The Broadband Office in the Department of Economic Development to develop, and annually update, a statewide mapping system identifying where broadband-capable networks exist and where broadband internet services are available to the end-user. The legislation would also create a 16-member Broadband Deployment Task Force to provide recommendations on how to reach unserved and underserved areas. Sen. Ausley’s staff has indicated to us that they intend to include electric cooperatives in any discussions aimed at resolving difficulties and providing solutions to the lack of broadband services throughout the state.

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 Infrastructure

(SB 1592 /HB 1239)

Sponsors: Sen. Burgess / Rep. Tomkow

Summary:

This legislation acknowledges deploying services to rural areas is much more costly due to population sparsity. It also states the lack of access to broadband internet services in these areas deprives the communities of opportunities. Thus, the legislation deems it in the public interest of

the state to remove regulatory and economic barriers to entice for-profit communications companies to provide and deploy broadband access. This bill would require reasonable rates, terms, and conditions to access to municipal utility poles. The bill would mandate pole attachments rates on municipal utility poles be just, reasonable, nondiscriminatory and fully compensatory; consistent with the FCC set rates for the IOUs. The legislation also outlines acceptable “make-ready” costs and pole replacement costs required by the broadband provider while requiring all pole replacements to accommodate the broadband provider’s attachment within 90 days.

Committee Assignments:

SB 1592: Filed

HB 1239: Filed

ACTION RECOMMENDED: OPPOSE

Broadband Internet Service

(SB 1560 /HB 1339)

Sponsors: Sen. Ausley / Rep. Goff-Marcil

Summary:

This legislation would require the Office of Broadband within the Department of Economic Opportunity to develop and annually update a mapping system identifying where broadband-capable networks exist and where broadband Internet services are available to the end-user. The mapping would be required to identify upload/download speeds available to businesses in the state and identify underserved and unserved areas throughout the rural areas of the state. The legislation would define “unserved” as geographical areas with no provider or broadband Internet service offering a connection with the capacity of 25/3 speed per second. It defines “underserved” as a geographical area with no provider of broadband Internet service offering a connection with the capacity of 100/10 speed per second. The legislation would create a 16-member Broadband Deployment Task Force to support and provide recommendations to the office for the deployment of broadband Internet service throughout the state.

Committee Assignments:

SB 1560: Filed

HB 1339: Filed

ACTION RECOMMENDED: NEUTRAL

Public K-12 Educational Institution Resiliency

(SB 1538 /HB ____)

Sponsors: Sen. A. Rodriguez / Rep. _____

****Sen. Berman has also filed SB 1718 which is fundamentally the same concept****

Summary:

This legislation would allow for net metering, including aggregation of net metering credits by a school district to offset energy charges for school facilities not collocated on the site; not to exceed 400 MW. It allows for the K-12 institution to contract with a third party to install, maintain

and operate a renewable energy source on the school property. The third party would be permitted to sell the electricity to the school or other governmental authority through a PPA. This would not be considered the retail sale of electricity and not subject to regulation under 366.

Committee Assignments:

SB 1538: Filed

HB ____:

ACTION RECOMMENDED: OPPOSE

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: House Floor

ACTION RECOMMENDED: SUPPORT

ACTION ITEM:

ON AGENDA (3/2) - SENATE Commerce and Tourism 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: **Tourism, Infrastructure & Energy Committee; State Administration & Technology Appropriations Subcommittee; Commerce Committee**

ACTION RECOMMENDED: OPPOSE

MONITORING

Preemption on Restriction of Utility Services

(SB 1128/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 prevent 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. As we have continued to learn about this legislation, we understand the desire to address the issues. We are working with the stakeholders to address our concerns with some of the current language.

Committee Assignments:

SB 1128: Regulated Industries, Community Affairs, Rules

HB 919: **Tourism, Infrastructure & Energy Subcommittee; Local Administration & Veterans Affairs Subcommittee; Ways & Means Committee; Commerce Committee**

ACTION RECOMMENDED: NEUTRAL

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: **Tourism, Infrastructure & Energy; Infrastructure & Tourism Appropriations Subcommittee; Commerce**

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: **Tourism, Infrastructure & Energy; Ways & Means; Commerce**

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: PreK-12 Appropriations Subcommittee, Education & Employment Committee; Appropriations Committee

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: ON AGENDA (3/2) – SENATE Education Committee

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: **Tourism, Infrastructure & Energy; Local Administration & Veteran Affairs; Commerce**

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: Tourism, Infrastructure, & Energy Subcommittee; Infrastructure & Tourism Appropriations Subcommittee; Commerce Committee761

ACTION RECOMMENDED: NEUTRAL

Greenhouse Gas Emissions

(SB 1236/ HB 617)

Sponsors: Sen. A. Rodriguez / 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 1236: Environment and Natural Resources; Governmental Oversight and Accountability; Rules
HB 617: Environment, Agriculture & Flooding Subcommittee; Tourism, Infrastructure & Energy Subcommittee; State Affairs Committee

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: Tourism, Infrastructure, & Energy Subcommittee; Local Administration & Veterans Affairs Committee; Commerce Committee

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: Finance and Tax, Appropriations

HB ____:

ACTION RECOMMENDED: SUPPORT

Energy

(SB 1362 /HB 993)

Sponsors: Sen. Polsky / Rep. Skidmore

Summary:

This legislation would require the Statewide Emergency Shelter Plan to identify and document the back-up power generation systems and fuel types available at each shelter. The bill would institute greenhouse gas reduction goals to eliminate greenhouse gas within the state by 2050. The Department of Agriculture and Consumer Services (DACS) would develop and maintain a greenhouse gas registry and inventory phasing in government buildings, utilities and certain businesses meeting size criteria within the next four years. The bill would create the Resilient Farms Pilot Program and the Farm Renewable & Efficiency Demonstrations Program within DACS

Committee Assignments:

SB 1362: Regulated Industries; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 993: Environment, Agriculture & Flooding; Tourism, Infrastructure & Energy; Appropriations; State Affairs

ACTION RECOMMENDED: NEUTRAL

