

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

### **April 23, 2021**

This week, SB 1592 / HB 1239, Broadband Internet Infrastructure, applicable only to municipal electric utilities, were significantly amended in committee. The amendment created a promotional \$1/pole attachment rate for 3 years beginning July 1, 2021, and requires the internet provider to submit an application to the muni and the Florida Office of Broadband. To receive the promotional rate, there must be an agreement which includes terms and conditions between the utility and the broadband provider. If no agreement exists, the parties have 90 days to negotiate an agreement. The Legislation requires the Office of Broadband to work with rural communities to locate unserved and underserved communities. Currently, there are differences between the two amended bills. SB 1592 requires all attachments to comply with standards in the National Electrical Safety Code or nondiscriminatory standards set by the municipal utility which are in excess of the National Electrical Safety code. HB 1239 adds language creating a grant program in the Florida Office of Broadband to help fund the installation and deployment of broadband Internet infrastructure to reach unserved areas of the state. HB 1239 is scheduled to be heard on the House Floor today and sent to the Senate early next week.

HB 839, State Pre-emption of Energy Infrastructure Regulation and HB 919, Pre-emption on Restriction of Utility Services have passed both chambers and are ready for the Governor's actions. We believe these two pieces of legislation were in response to a proposed renewable energy resolution submitted to the City of Tampa which has since been withdrawn.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. HB 839 pre-empts to the state any actions restricting or prohibiting the construction of energy infrastructure relating to transportation fuel and HB 919 restricts or prohibits the types of fuel sources which may be supplied by energy providers to their customers.

SB 1944, Utility and Communication Service Poles, applicable only to IOUs, was amended in committee and awaits final passage in the Senate. The bill will then be heard by the House for action. Both SB 1944 and HB 1567 would move new disputes from the FCC to the PSC. The PSC would regulate and enforce rates, terms and conditions of pole attachments and would hear and resolve complaints concerning these issues. The Commission must adopt procedural rules on these issues by January 1, 2022. In addition, the PSC must determine, by rule, a process to deal with redundant poles and transfer of pole ownership. These rules must be adopted by the PSC by April 1, 2022.

Below are bills of interest filed. Each week, the report will prioritize in the following manner: Ready for Governor Action, Priority, Monitor, Tracking, Most Likely Dead and Signed by the Governor. Any new activities will be highlighted in **RED**. If you would like more detailed

information or an explanation of any legislation or why it is located in a specific area, please do not hesitate to reach out to Allison or Mike.

## **READY FOR GOVERNOR ACTION**

### **State Preemption of Energy Infrastructure Regulations**

(SB 856 / HB 839)

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

**Summary:**

The legislation states the restricting or prohibiting of construction of energy infrastructure relating to transportation fuels are 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 transportation fuel infrastructure or impose any requirements more stringent than state law.

**Committee Assignments:**

SB 856: Refer to HB 839

HB 839: Ready for the Governor

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Rules - PASSED**

**HOUSE – PASSED**

**SENATE - SB 856 laid on the table, Took up HB 839 – PASSED**

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

(SB 1128/HB 919)

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

**Summary:**

This legislation would prevent local governments from enacting or enforcing any resolutions, ordinances, rules, code or policy restricting or prohibiting the types of fuel sources of energy production which may be used, delivered, converted, or supplied by energy providers to customers the providers are authorized to serve. The bill does include electric utilities and public utilities but states the PSC jurisdiction is not altered or expanded.

**Committee Assignments:**

SB 1128: Refer to HB 919

HB 919: Ready for the Governor

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEMS:**

**SENATE Rules - PASSED as Amended**

**Amendment – The language aligned the bill to be identical to the House bill.**

**HOUSE – PASSED**

**SENATE – SB 1128 laid on the table, Took up HB 919 - PASSED**

## **PRIORITY**

### **Broadband Internet Infrastructure**

(SB 1592 /HB 1239)

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

**Summary:**

The legislation is applicable only to municipal electric utilities and creates a \$1/pole promotional attachment rate for 3 years and requires an internet provider to submit an application to the municipal utility and the Office of Broadband. If the broadband provider is unable to provide broadband service to identified unserved or underserved customers within 12 months, the broadband provider may be required to pay the prevailing rate on the attachments identified to provide those customers with broadband. The attachments subject to the promotional rate must follow all other terms and conditions of the agreement between the utility and the broadband provider and if no agreement exists, the parties have 90 days to create one. The bill requires all attachments to comply with standards in the National Electrical Safety Code or nondiscriminatory standards set by the municipal utility which are in excess of the National Electrical Safety Code. The bill also requires the Office of Broadband to work with rural communities to locate unserved and underserved communities. HB 1239 creates a grant program in the Florida Office of Broadband to help fund the installation and deployment of broadband Internet infrastructure in unserved areas.

**Committee Assignments:**

SB 1592: On Calendar

HB 1239: 3R

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEMS:**

**SENATE Appropriations Committee – Passed as Amended**

**HOUSE Commerce Committee – Passed as Amended**

**House – Special Order**

**\*\*Amendment changes are reflected in the above bill summary\*\***

### **Utility and Communication Service Poles**

(SB 1944/HB 1567)

**Sponsors:** Sen. Albritton / Rep. DiCeglie

**Summary:**

This legislation would move new disputes in Florida from the FCC to the PSC. The PSC would regulate and enforce rates, terms and conditions of pole attachments, and would hear and resolve complaints concerning these issues. The legislation would provide a 180-day timeline in which attaching entities must move their pole attachments to reduce the number of redundant

poles in the rights-of-way. If the pole attachment is not moved within the time period, the pole owner may move the attachment at the attaching entity's expense. Establishes a process for notification of attaching entities in advance of major hardening projects. The Commission shall adopt procedural rules by January 1, 2022 to administer and implement the subsection in regards to pole attachment rates. The Commission shall adopt rules by April 1, 2022 to implement mandatory pole inspections and the timely and coordinated removal of all pole attachments on redundant poles.

**Committee Assignments:**

SB 1944: House Messages

HB 1567: Calendar

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Appropriations Committee - PASSED as Amended**

**HOUSE Commerce Committee – PASSED as Amended**

**SENATE – PASSED**

**\*\*Amendment changes are reflected in the above bill summary\*\***

## **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: 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: Appropriations

HB 819: Tourism, Infrastructure & Energy; Ways & Means; Commerce

**ACTION RECOMMENDED: NEUTRAL**

## **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 underserved areas. Rural electric cooperatives or their broadband affiliates are listed as one of the entities that could apply for grant dollars under certain circumstances. 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: Refer to HB 1239

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM: Language was amended onto HB 1239, Broadband Internet Infrastructure**

## **TRACKING**

## **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 28-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: Refer to 7068;

HB 7061:

**ACTION RECOMMENDED: SUPPORT**

**ACTION ITEM:**

**HOUSE – PASSED HB 7061**

**ON AGENDA (4/26) – SENATE Special Order**

**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. The legislation creates the Broadband Opportunity Program to award grants to support broadband Internet infrastructure in underserved and unserved areas of Florida.

**Committee Assignments:**

SB 1560: Ready for the Floor

HB 1339: Tourism, Infrastructure, & Energy; Infrastructure & Tourism Appropriations; Commerce

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Appropriations – PASSED as Amended**

**MOST LIKELY DEAD**

**Renewable Energy**

(SB 1960/HB \_\_\_\_)

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

**Summary:**

The legislation states a solar facility shall be a 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 state Florida Electrical Power Plant Siting Act does not apply to a stand-alone or collocated alternative or renewable energy facility 75MW or less. The legislation defines alternative or renewable energy facility as an electrical generative facility that produces energy for wholesale or retail sale using any of the following generative methods: solar, biodiesel, hydrokinetic, wind, or green hydrogen.

**Committee Assignments:**

SB 1960: Regulated Industries; Community Affairs; Rules

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

## **Utility Customer Assistance Funds**

(SB 1860/HB 1435)

**Sponsors:** Sen. Jones / Rep. C. Smith

**Summary:**

This legislation would create a COVID-19 utility customer assistance fund in Office of Energy within the Department of Agriculture and Consumer Services. The Office of Energy would be required to establish an application process for the utility provider to complete before receiving any utility customer assistance funds assisting to offset nonpayment of utility bills by residential customers. For a utility service provider to qualify for assistance, the legislation outlines requirements that must be met by utility service provider for any residential customers with past due balances. The legislation would require a \$100 million appropriation to administer the program.

**Committee Assignments:**

SB 1860: Regulated Industries; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 1435: Tourism, Infrastructure & Energy; Agriculture & Natural Resources Appropriation Subcommittee; Commerce

**ACTION RECOMMENDED: NEUTRAL**

## **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**

## **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: Commerce and Tourism; Rules

HB 775: Tourism, Infrastructure & Energy Committee; State Administration & Technology  
Appropriations Subcommittee; Commerce Committee

**ACTION RECOMMENDED: OPPOSE**

## **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: Appropriations Subcommittee on Education, Appropriations

HB 551: PreK-12 Appropriations Subcommittee, Education & Employment Committee;  
Appropriations Committee

**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**

## **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**

## **Public K-12 Educational Institution Resiliency**

(SB 1538 /HB 1487)

**Sponsors:** Sen. A. Rodriguez / Rep. McCurdy

**\*\*Sen. Berman and Rep. Hardy have also filed SB 1718/ HB 1611 which are 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: Education; Regulated Industries; Appropriations

HB 1487: Pandemic & Public Emergencies; Tourism, Infrastructure & Energy; PreK-12 Appropriations Subcommittee; Education & Employment

**ACTION RECOMMENDED: OPPOSE**

## **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: Refer to SB 896: House Messages

HB 761: Refer to SB 896

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**Language was amended onto HB 539/SB 896.**

**SENATE – PASSED**

**\*\*Anticipated\*\* ON AGENDA (4/26) – HOUSE Special Order**

### **Ancillary Property Rights**

(SB 1520/HB 1139)

**Sponsors:** Sen. Boyd / Rep. D. Smith

**Summary:**

This bill would permit the assignment of an undivided interest in a utility easement to facilitate the hardening of the electrical grids and to permit a more cost-effective way for colocation of infrastructure providing utility services. The legislation also clarifies any recordings in public records intended to extent an easement beyond 30 years must include an affirmative statement of the parties' intention to make the extension.

**Committee Assignments:**

SB 1520: Community Affairs; Rules

HB 1139: Tourism, Infrastructure & Energy; Judiciary

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Rules – Temporarily Postponed**

### **Violations Against Vulnerable Road Users**

(SB 278/HB 1643)

**Sponsors:** Sen. Baxley / Rep. McClain

**Summary:**

Current law dictates the required driving behavior used when encountering any emergency, sanitation, utility service or wrecker vehicle on any drivable roadway. The legislation would define who is considered a vulnerable road user and provides criminal penalties for a person who commits a moving violation that causes serious bodily injury or death of a vulnerable road user.

**Committee Assignments:**

SB 278: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

HB 1643: Criminal Justice & Public Safety; Tourism, Infrastructure & Energy; Judiciary

**ACTION RECOMMENDED: SUPPORT**

**SIGNED BY THE GOVERNOR**

## **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. The legislation establishes protections and procedures for COVID-19 related claims against health care providers.

### **Committee Assignments:**

SB 72: Signed by Governor

HB 7: Senate Messages

**ACTION RECOMMENDED: SUPPORT**

**ACTION ITEM:**

**SIGNED BY GOVERNOR**