

FECA's Florida Legislative Report October 22, 2021

Governor Ron DeSantis announced on Thursday, October 21, his intentions to take aggressive legal actions through the courts to fight the federally mandated COVID-19 vaccination mandate. He is also calling for a Special Session of the Florida Legislature to pass legislation which would ban local governments, agencies and businesses from mandating COVID-19 vaccines for their employees and stripping liability protections from any businesses that impose them. It is expected the Special Session will be held in November.

The official start of the 2022 Legislative Session will be Tuesday, January 11, 2022. The Florida Capitol and Legislative committee meetings are open to the public with social distancing perimeters in place. The Legislators just completed their second week of committee meetings, primarily hearing presentations from state agencies.

This week, Senator Polsky filed SB 548, an act relating to energy. This legislation contains the new energy efficiency policies that were included in the legislative agenda proposed by Agriculture Commissioner Nikki Fried. The bill would create the Florida farm renewable energy production credit to encourage agricultural producers to keep their farms operational while encouraging the development and expansion of renewable energy. It also creates greenhouse gas reduction goals as follows: 1) By 2030, a 50% reduction; 2) By 2050, a 90% reduction; 3) By 2055, a 100% reduction. It would create several energy programs including: 1) the Residential Energy Efficiency Upgrades Program to provide financial assistance to qualified recipients to make energy efficiency improvements in low-income households; 2) the Wastewater Treatment Plant Energy Program to reduce the total energy consumption and cost of wastewater treatment; and 3) the Farm Renewable and Efficiency Demonstrations Program to promote and encourage the use of energy efficiency and renewable energy. In addition to these programs the bill would create a greenhouse gas registry and inventory to provide accurate greenhouse gas emissions data. Representative Skidmore is expected to file the companion in the House.

The Senate State Affairs Committee received an overview from the Florida Fish and Wildlife Conservation Commission (FWCC) on the relocation and permitting requirements of the gopher tortoise. There were several questions pertaining to the increased costs of gopher-relocation which has skyrocketed to \$6000 or more per gopher relocation. FWCC stated the agency is not involved in regulating or approving the costs associated with gopher relocation. This issue along with the health and well-being of the gophers and the lack of available relocation areas will continue to be addressed in the coming weeks with possible legislation to address the concerns.

The Senate Transportation Committee heard a presentation by Cayce Hinson, the Florida Public Service Commission, on the Electric Vehicle Master Plan and utility regulatory considerations when developing any future EV charging station policies. There was also a panel discussion on the deployment of electric vehicle charging infrastructure through-out Florida. The

panel discussed the growing need and deployment of EV charging stations throughout Florida while outlining the continued concerns and needs to ensure the continued growth of EV cars and adequate charging stations throughout Florida. They also discussed how the charging stations will charge the EV customer, and how to replenish state funds that depend on gas taxes to maintain Florida's roads and infrastructure.

The House Environment, Agriculture & Flooding Subcommittee heard an update from the Florida Department of Environmental Protection on the State 404 Program. Section 404, Clean Waterways Act, is regulated by the U.S. EPA and regulates discharge of dredged or fill material into the waters of the U.S. In December 2020, EPA granted assumption of the 404-program to Florida. Since December 2020, the program has received over 3,098 applications. There were several questions surrounding the magnitude of applications and any changes that could take place with the administration at the federal level and within EPA. FDEP is coordinating with the Water Management Districts to help process the remaining applications and are making headway in the back log. The impact to FDEP from any changes within the WOTUS rules at EPA are still being monitored.

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

Energy

(SB 548/ HB)

Sponsors: Sen. Polsky/Rep.

Summary:

The bill would create a Florida farm renewable energy production credit to encourage agricultural producers to keep their farms operational while encouraging the development and expansion of renewable energy. The credit would be 1 cent for every kwh of electricity produced via a renewable energy source. The bill would also allow the Board of Trustees of the Internal Improvement Trust Fund to lease for compensation the use of manmade stormwater management systems for floating solar energy systems. Also, DACS would be required to establish a program to benchmark the energy efficiency of state-owned buildings. The bill would establish a renewable and energy efficiency portfolio standard requiring IOUs to reduce demand for nonrenewable energy and supply renewable to its customers (the PSC would implement rules for the RPS.) The bill would also create greenhouse gas reduction goals as follows:

1. By 2030, a 50% reduction
2. By 2050, a 90% reduction
3. By 2055, a 100% reduction

The bill would create several energy programs including: 1) the Residential Energy Efficiency Upgrades Program to provide financial assistance to qualified recipients to make energy efficiency improvements in low-income households; 2) the Wastewater Treatment Plant Energy Program to reduce the total energy consumption and cost of wastewater treatment; and 3) the Farm Renewable and Efficiency Demonstrations Program to promote and encourage the use of energy efficiency and renewable energy. In addition to these programs the bill would create a greenhouse gas registry and inventory to provide accurate greenhouse gas emissions data.

Committee Assignments:

SB 548: Filed

HB:

ACTION RECOMMENDED: OPPOSE

Solar 3rd Party Retail Sales

(SB 182 /HB ____)

Sponsors: Sen. Brandes/Rep.

Summary:

This legislation would 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 182: Regulated Industries; Commerce and Tourism; Rules

HB ____:

ACTION RECOMMENDED: OPPOSE

State Renewable Energy Goals

(SB 366 / HB 81)

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 366: Environment and Natural Resources, Regulated Industries, Rules

HB 81: Tourism, Infrastructure & Energy Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Commerce Committee

ACTION RECOMMENDED: OPPOSE

Procedures for Petitions for Utility Rate Relief

(SB 350/ HB 269)

Sponsors: Sen. Bean/Rep. Byrd

Summary:

This legislation would increase the maximum annual sales, from 500 to 1000 gigawatt hours, for natural gas utilities or IOUs to be eligible to request certain procedures for rate relief from the PSC.

Committee Assignments:

SB 350: Regulated Industries; Appropriations Subcommittee on Agriculture, Environment and General Government; Appropriations

HB 269: Filed

ACTION RECOMMENDED: NEUTRAL

Insurance Coverage for At-home COVID-19 Test Kits

(SB 328 / HB 129)

Sponsors: Sen. Rodriguez/Rep. Zika

Summary:

Committee Assignments:

This legislation would require a health insurer or health maintenance organization to cover at-home COVID-19 tests, purchased with or without a prescription, to be used at home or elsewhere.

SB 328: Banking and Insurance; Appropriations Subcommittee on Agriculture, Environment and General Government; Appropriations

HB 129: Finance and Facilities Subcommittee; Insurance & Banking Subcommittee; Appropriations; Health and Human Services

ACTION RECOMMENDED: NEUTRAL

Supermajority Vote for Legislative Preemption

(SJR 152 / HB _____)

Sponsors: Sen. Farmer/Rep.

Summary:

This joint resolution would propose a constitutional amendment requiring a supermajority vote of each house of the legislature for a general law to preempt an issue to the state.

Committee Assignments:

SB 152: Community Affairs, Judiciary, Rules

HB ____:

ACTION RECOMMENDED: OPPOSE

Requiring Broader Public Support for Constitutional Amendments or Revisions

(SJR / HJR 177)

Sponsors: Sen. /Rep. Roth

Summary:

This joint resolution would propose a constitutional amendment to increase the percentage of elector votes required to approve an amendment to the State Constitution from 60 percent to 66.67 percent. The repeal of an amendment or revision need only be approved by the same percentage of elector votes as required at the time of passage of amendment or revision.

Committee Assignments:

SJR:

HJR 177: Public Integrity & Elections; Judiciary

ACTION RECOMMENDED: NEUTRAL

Preemption of Tree Pruning, Trimming, and Removal

(SB 316 / HB 6025)

Sponsors: Sen. Stewart/Rep. Eskamani

Summary:

This legislation would REPEAL legislation passed in 2019 stating a local government ordinance may not require permits, fees and other notices for pruning, trimming, or removing trees on residential property under certain conditions. The 2019 bill also removed requirement for local government approval to perform certain right-of-way tree maintenance by electric utilities.

Committee Assignments:

SB 316: Community Affairs; Judiciary; Rules

HB 6025: Local Administration & Veterans Affairs Subcommittee; Commerce; State Affairs

ACTION RECOMMENDED: NEUTRAL

Legislation by Initiative

(SJR 586 / HJR 377)

Sponsors: Sen. Torres/Rep. Geller

Summary:

This joint resolution would propose a constitutional amendment to allow the proposal and approval of laws by initiative without legislative or gubernatorial approval. If any initiative

proposed on the ballot were to pass, the language could not be modified until after one year of enactment and would take a four-fifths vote of the membership of each house of the legislature.

Committee Assignments:

SJR 586: Filed

HJR 377: Filed

ACTION RECOMMENDED: OPPOSE