

FECA's Florida Legislative Report

November 5, 2021

The official start of the 2022 Legislative Session will be Tuesday, January 11, 2022. However, Governor Ron DeSantis formally called a special legislative session for November 15 - 19 to address COVID-19 vaccine mandates for employers. These dates coincide with a scheduled committee week of the Legislature. The Governor outlined his desire to see legislation passed preventing businesses from firing workers who are unvaccinated while dissuading companies from requiring vaccines in the first place. The call did not confirm the rumors to remove COVID-19 liability protections from businesses imposing vaccine mandates on their workers, but this concept could still be included in legislation. Currently, neither chamber has introduced legislation for consideration during the special session. The Senate President and House Speaker released a joint statement committing to protect Floridians from overreaches on the part of the federal government. It is unclear how potential state laws prohibiting vaccine mandates will interact with the federal contractor vaccine mandate or the recently published [OSHA emergency temporary standard \(ETS\)](#) requiring businesses with 100 employees or more to require either vaccines or weekly testing and a mask mandate for the unvaccinated. Governor DeSantis is challenging the federal contractor mandate in court, and has stated that he plans to challenge the OSHA ETS as well.

SB 828, Critical Infrastructure was filed this week. It is unclear if electric cooperatives would be considered "asset owners" and subject to the requirement of the Act. A copy of the bill text is attached to this report. Please look over the language and let Allison know (allison@feca.com) if your co-op could meet the standards and deadlines required in the proposed legislation.

This week, the Senate Regulated Industries committee held a Confirmation hearing for Florida Public Service Commissioner Gabriella Passidomo. Commissioner Passidomo was selected earlier this year by Governor Desantis when Commissioner Julie Brown vacated her seat to become the Secretary of the Department of Business and Professional Regulation. If confirmed, Commissioner Passidomo's term will end January 1, 2023. Also, the committee passed SB 350, an act relating to Procedures for Petitions for Utility Rate Relief. The legislation increases the maximum annual sales threshold for IOUs and natural gas utilities to qualify for rate relief under the FPSC proposed agency action procedure to 1000 gigawatts. The bill passed unanimously.

Also, this week the FPSC met and elected Commissioner Fay as the new Chairman of the Commission for a two year term, replacing Chairman Clark.

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

Critical Infrastructure

(SB 828 / HB __)

Sponsors: Sen. Hutson /Rep.

Summary:

This legislation would create the “Critical Infrastructure Standards and Procedures Act.” Beginning in July, 2024, all asset owners (which MAY include electric cooperatives) must ensure that the operation and maintenance of their critical infrastructure meets the ISA / IEC 62443 series of standards that are referenced in the NIST Cybersecurity Framework. In addition, starting July, 2026, asset owners must ensure that any components purchased for upgrades to or construction of critical infrastructure meet the standards in the NIST Cybersecurity Framework. Any civil action lawsuits would be based on good faith efforts to comply with the Act. * Under the current language of the bill, it is unclear whether or not electric cooperatives would be considered asset owners subject to the requirements of the Act.

Committee Assignments:

SB 828: Filed

HB __:

ACTION RECOMMENDED: NEUTRAL

Vaccinations During Public Health Emergencies

(SB 734 / HB 6069)

Sponsors: Sen. Gruters /Rep. Shoaf

Summary:

This legislation would remove the current authority of the State Health Officer to order vaccination of individuals upon a declaration of a public health emergency.

Committee Assignments:

SB 734: Filed

HB 6069: Filed

ACTION RECOMMENDED: NEUTRAL

PRIORITY

Energy

(SB 548/ HB 491)

Sponsors: Sen. Polsky/Rep. Skidmore

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: Regulated Industries; Finance and Tax; Appropriations

HB 491: Filed

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

MONITOR

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

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE Regulated Industries – PASSED unanimously

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

TRACKING

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: **Ethics & Elections; Judiciary; Rules**

HJR 377: Filed

ACTION RECOMMENDED: OPPOSE