

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

### **January 14, 2022**

Tuesday (1/11) was the opening day of the 2022 Legislative Session. Governor DeSantis gave his State of the State address to the House and the Senate, highlighting his priorities for the upcoming Session and touting Florida's growth. Further, the Governor spotlighted the recently released "Freedom First Budget" of \$99.7 billion. The Budget proposal includes setting aside a historically large \$15 billion in reserves to offset unknown inflation issues while offering \$1 billion in sales tax holidays for such things as: a new gas tax holiday, school and disaster preparedness supplies. The Florida legislature will hear details surrounding his released budget in the coming weeks as they develop the 2022-2023 Fiscal Year Budget for the State. In addition, the Governor and Speaker spoke about other priorities such as data privacy and cybersecurity, which could be big issues this year.

SB 1024, an act relating to net-metering, was heard and passed its first Senate committee. The legislation would require the Florida Public Service Commission to revise current net-metering rules to allow IOUs to collect full costs of electric services from customers owning or leasing renewable generation. This would eliminate any subsidization paid by IOU ratepayers who do not utilize customer-owned solar generation. The IOU would pay the customer at full-avoided costs for the generation provided by the customer-owned solar generation. This bill does not apply to the current law governing how electric cooperatives are able to handle net-metering. Most of the public testimony against the bill came from individuals owning solar generation or are employed by the solar installation companies. During public testimony, two individuals brought up electric cooperatives, stating co-op areas have not seen the growth in solar panels because they do not have the same rules and requirements required of IOUs. There was little to no discussion or questions asked from legislators regarding co-ops. Statewide met with the Committee Chairman, the bill sponsor, and another member to clarify any misconceptions on the electric cooperatives' net-metering programs. The sponsor committed to work with the opponents of the bill, while stating it is important to update the current rules on net-metering to reduce current subsidies paid by all IOU rate-payers.

The bill to create the Broadband Pole Replacement Program (SB 1800/HB1543) within the Florida Office of Broadband was filed this week. The program's goal is to help offset make-ready costs for broadband internet companies choosing to provide broadband services to unserved areas throughout our state. The bill would allow an eligible applicant to seek reimbursement for eligible pole replacement costs paid to the pole owner. Charter Communications reached out to us this summer to discuss collaborating on possible legislation to help reduce the cost to build-out in unserved areas. The legislation filed is a product of that work and reflects the input from the co-ops. The funding for the program would include revenues from the Federal Coronavirus State Fiscal Recovery Fund.

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 Infrastructure**

(SB 1800 / HB 1543)

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

**Summary:**

This legislation would create the Broadband Pole Replacement Program ("Program") and would add the administration of the program to the duties required of the Florida Office of Broadband ("Office"). Under the Program, and subject to the availability of funds, qualified applicants may apply and get reimbursed for eligible pole replacement costs paid upfront to the pole owner by the applicant (up to a 50% of the total amount paid or \$5,000, whichever is less). An applicant may request information from a pole owner verifying the amount of eligible pole replacement costs paid by the applicant only if such information is not otherwise reasonably available. The bills would require a pole owner who calculates its pole rental fee based on a federal or state required/approved formula to exclude certain expenses from any eligible pole replacement costs as a condition of receiving reimbursement under the Program. The Secretary of the Department of Economic Opportunity ("DEO") must apply for \$100 million in federal funding from various federal plans. Rulemaking by DEO, the Office or any other agency is not required to administer the Program. One year after the funds are exhausted, the Office must provide a report to the Governor and both Houses, which would identify and examine the deployment of broadband infrastructure facilitated by the Program. The legislation seeks \$400 million in nonrecurring funds from payments to the state by the Coronavirus State Fiscal Recovery Fund.

**Committee Assignments:**

SB 1800: Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

HB 1543: Filed

**ACTION RECOMMENDED: NEUTRAL**

## **Cybersecurity**

(SB 1670 / HB\_\_\_\_)

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

**Summary:**

This legislation would require all local governments and hospitals to report any cybersecurity attacks, including ransomware and data breaches to the State Watch Office. The bill would require local governments to adopt cyber security standards for all information technology and operational technology that comply with the NIST cybersecurity framework that is appropriate for their size of an organization. All state agencies and local governments must report to the State Watch Office, the Florida Digital Service, the Executive Office of the Governor, FDLE, and local law enforcement agencies within 12 hours of discovery of a breach. A report must be submitted to the Florida Cybersecurity Advisory Council once the event has concluded. Local governments would NOT be allowed to pay any ransom before communicating with the Florida Digital Service and local law enforcement agencies. Finally, anyone who places ransomware in a computer system, network or electronic device commits a felony in the first degree.

**Committee Assignments:**

SB 1670: Military and Veteran Affairs, Space, and Domestic Security; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB\_:

**ACTION RECOMMENDED: NEUTRAL**

## **Move Over Act Penalties**

(SB 1676 / HB 1169)

**Sponsors:** Sen. Pizzo/Rep. Busatta Cabera

**Summary:**

This legislation would increase penalties for any driver who violates the current Move Over Act. If a driver fails to vacate the lane closest to an authorized emergency, sanitation or utility service vehicle the fine would be \$500. If a driver cannot change lanes but does not slow to a speed that is 20 miles per hour less than the posted speed limit, the fines would be double the current amount.

**Committee Assignments:**

SB 1676: Transportation; Judiciary; Appropriations

HB 1169: Criminal Justice & Public Safety; Tourism Infrastructure & Energy; Judiciary

**ACTION RECOMMENDED: SUPPORT**

## **Energy Equity Task Force**

(SB 1678 / HB 1285)

**Sponsors:** Sen. Gibson/Rep. Hinson

**Summary:**

This legislation would create the Energy Equity Task Force who would provide recommendations to Florida Department of Agriculture and Consumer Services for fostering a fair and equitable transition of the state's energy infrastructure to renewable technologies within minority, underserved, rural and low-income communities. The task force would consist of, at minimum, 11 members reflecting ethnic and gender diversity of the state and must include: 1) four representatives from minority, underserved, rural or low-income communities from different regions of the state; 2) two environmental justice experts; 3) two energy industry liaisons; 4) one from a statewide environmentally focused group; 5) one appointed by the President of the Senate; and 6) one appointed by the Speaker of the House. The task force must recommend policies for the equitable siting of energy infrastructure throughout the state including siting of utility-scale and industrial solar arrays. In addition, the task must examine strategies to assist minority underserved, rural and low-income communities in transitioning to energy efficiency programs. The task force would be required to present an interim report to the Governor, Commissioner of Agriculture and Consumer Services, the President of the Senate, and the Speaker of the House by September 30, 2023.

**Committee Assignments:**

SB 1678: Regulated Industries; Appropriations Subcommittee on Agriculture, Environment and General Government; Appropriations

HB 1285: Tourism, Infrastructure & Energy; Agriculture & Natural Resources Appropriations Subcommittee; Commerce

**ACTION RECOMMENDED: NEUTRAL**

## **Temporary Underground Residential Electric Service**

(SB 1332 / HB 481)

**Sponsors:** Sen. Wright / Rep. Duggan

**Summary:**

This legislation would not allow local governments to prohibit electric utilities from using temporary underground residential services if the electric utility has a tariff approved by or on-file with the FPSC. After an inspection, the electric utility may install permanent electric service and the service may be

used for construction purposes until a certificate of occupancy is obtained. “Temporary underground residential service” includes the installation of a meter socket, meter, and downpipe configured for temporary electric service.

**Committee Assignments:**

SB 1332: Regulated Industries; Community Affairs; Rules

HB 481: Local Administration & Veterans Affairs; Commerce

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**HOUSE Tourism, Infrastructure & Energy - PASSED**

## **Floating Solar Facilities**

(SB 1338 / HB 1411)

**Sponsors:** Sen. Diaz / Rep. Avila

**Summary:**

This legislation would encourage local governments to allow the siting and permitting of floating solar facilities on wastewater treatment ponds, abandoned lime rock mine areas, or other manmade water storage reservoirs. The bill would require local governments to amend their comp plans and land development regulations to promote the expanded use of floating solar facilities. The counties may adopt ordinances specifying buffer and landscaping requirements for floating solar facilities but they may not exceed similar uses involving the construction of other solar facilities that are permitted in agricultural land use categories and zoning districts. The Office of Energy is responsible for developing and submitting recommendations to the Legislature to provide a regulatory framework for private and public sector entities implementing floating solar facilities by December 31, 2022.

**Committee Assignments:**

SB 1338: Regulated Industries; Community Affairs; Rules

HB 1411: Filed

**ACTION RECOMMENDED: NEUTRAL**

## **Broadband**

(SB 1726 / HB \_\_\_\_)

**Sponsors:** Sen. Ausley / Rep.

**Summary:**

This legislation would create the Broadband Deployment Taskforce within the Office of Broadband to provide recommendations for the deployment of broadband throughout the state. The 16-member taskforce would be tasked to identify federal funding to help fund the deployment of broadband, research the gaps in coverage throughout the state, develop strategy to expand to rural areas of opportunity, develop strategy to for urban adoption where affordability is an issue, identify specific projects to accomplish deployment, and submit a report by December 31, 2023. The bill would provide an additional 7 Full-time employees for the Office of Broadband to implement the broad a broadband availability and access strategic plan, implement federal broadband grant programs, maintain updated geographical information system maps of availability, and provide administrative support for the Broadband Deployment Task Force.

**Committee Assignments:**

SB 1776: Commerce and Tourism; Regulated Industries; Appropriations

HB \_\_\_\_:

## **ACTION RECOMMENDED: NEUTRAL**

### **PRIORITY**

#### **Infrastructure Project Funding**

(SB 1162/HB 621)

**Sponsors:** Sen. Broxson / Rep. Fine

**Summary:**

This legislation would prohibit the appropriation of state monies for infrastructure projects if a grantee uses any revenues collected for utility services to finance the grantee's general governmental fund or to lend money to finance the grantee's general government functions. The definition for grantee and government-owned utility includes "rural electric cooperative" which we believe is an overreach and should be removed. **\*\*We expect the bill sponsor to file an amendment removing "rural electric cooperative" from the bill. \*\***

**Committee Assignments:**

SB 1162: Environment and Natural Resources; Approps Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 621: Tourism, Infrastructure & Energy; Local Admin & Veterans Affairs; Approps; Commerce

## **ACTION RECOMMENDED: NEUTRAL**

#### **Critical Infrastructure**

(SB 828 / HB 1147)

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

**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: Government Oversight and Accountability; Military and Veteran Affairs, Space and Domestic Security; Rules

HB 1147: Government Operations; Civil Justice & Property Rights; State Administration & Technology Appropriations Subcommittee; State Affairs

## **ACTION RECOMMENDED: NEUTRAL**

### **MONITOR**

#### **Net-metering**

(SB 1024/ HB 741)

**Sponsors:** Sen. Bradley/Rep. McClure

**Summary:**

The bill would require the FPSC to propose a revised net metering rule for public utilities to include the following:

- 1) Net metering rate structures and billing must ensure public utility customers owning or leasing renewable generation pay full cost of electric service and not subsidized by public utility ratepayers.
- 2) New metering must ensure all energy delivered by the public utility is purchased at applicable retail rate and credited to the customer at full-avoided costs.
- 3) Net metering may include fixed charges to help ensure the public utility recovers fixed costs for servicing customers engaging in net metering and the general rate-payers do not subsidize customer-owned or leased generation.

The legislation would allow any current public utility customer with owned or leased renewable generation prior to January 1, 2023, ten years to continue the use of the net metering rate design and rates in their current agreement. This legislation would ONLY apply to public utilities.

**Committee Assignments:**

SB 1024 Community Affairs; Rules

HB 741: Tourism, Infrastructure & Energy; State Administration & Technology Appropriations  
Subcommittee; Commerce

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Regulated Industries- PASSED as AMENDED**

- **Amendment: Clarifies current law to ensure those entities with a deed restriction, covenant, declaration or similar binding agreement affecting the alteration of residential dwellings may deny the installation of solar collectors if they do not meet current parameters specified in statute.**

**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: Appropriations

HB 269: Commerce

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Appropriations Subcommittee on Agriculture, Environment, and General Government – PASSED; HOUSE State Administration & Technology Appropriations Subcommittee - PASSED**

**Insurance Coverage for At-home COVID-19 Test Kits**

(SB 328 / HB 129)

**Sponsors:** Sen. Rodriguez/Rep. Zika

**Summary:**

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.

**Committee Assignments:**

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**

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

**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**

## **TRACKING**

## **Electric Vehicles - Fees**

(SB 908/HB \_\_)

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

**Summary:**

Beginning January 1, 2025, this legislation would create an additional flat fee on the license tax for low-speed, electric and plug-in hybrid electric vehicles depending on their weight level. Monies collected would be deposited to the State Transportation Trust Fund and to the county where the vehicle is registered. The additional flat fee will expire in five years.

**Committee Assignments:**

SB 908: Transportation; Finance and Tax; Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**Electric Vehicles Charging Infrastructure**

(SB 918/HB \_\_\_\_)

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

**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. The legislation also directs FDOT to work with the Federal Highway Administration to seek programmatic approval for the issuance of FDOT permits and any necessary related approval to accommodate the installation of electric vehicle charging stations in the interstate and non-interstate highway rights-of-way in the state.

**Committee Assignments:**

SB 918: Transportation; Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations

HB \_\_\_\_:

**ACTION RECOMMENDED: NEUTRAL**

**Electric Vehicle Transportation Electrification Plan**

(SB 920 / HB 737)

**Sponsors:** Sen. Perry /Rep. Borrero

**Summary:**

This legislation would require the Florida Public Service Commission to adopt rules for an electric vehicle transportation electrification plan used to facilitate the deployment of EV charging infrastructure in a competitively neutral manner, applicable only to IOUs.

**Committee Assignments:**

SB 920: Regulated Industries; Transportation; Rules

HB 737: Tourism, Infrastructure & Energy; State Administration & Technology Approps; Commerce

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**ON AGENDA (1/18) – SENATE Regulated Industries Committee**

**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 950/ HJR 177)

**Sponsors:** Sen. A. Rodriguez /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 950: Ethics and Elections; Judiciary; Rules

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

**ACTION RECOMMENDED: OPPOSE**

**Gopher Turtles**

(SB 494 / HB 323)

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

**Summary:**

This legislation is a Florida Fish and Wildlife Conservation Commission agency bill covering multiple issues. One section of the bill covers the issue of gopher tortoise recipient sites and penalties associated with the death of the tortoises. **A SENATE amendment to the bill deleted all penalties for the death or injury of gopher tortoises or destruction of their burrows.**

**Committee Assignments:**

SB 494: Appropriations

HB 323: Agriculture & Natural Resources Appropriations Subcommittee; State Affairs

**ACTION RECOMMENDED: NEUTRAL**

**ACTION ITEM:**

**SENATE Appropriations Subcommittee on Agriculture, Environment, and General Government – PASSED as AMENDED**

- **Amendment: Would allow for each lead land managing agency to consult with FWCC to consider management plans to be used as gopher tortoise recipient sites. The amendment to the amendment deleted all penalties for the death or injury of gopher tortoises or the destruction of their burrows.**