

FECA's Florida Legislative Report

March 17, 2023

Week 2 of the 2023 Legislative Session has concluded amidst a flurry of activity and packed committee agendas in addition to a considerable amount of floor time. Both chambers are expected to start rolling out their respective budgets over the next two weeks to position themselves properly for the budget conference in April. The House of Representatives passed HB 1 relating to the expansion of school choice and HB 837 relating to civil remedies (tort reform). The Senate is expected to take up both bills next week.

Some of the highlights of HB 837 include:

- Significantly limits fee multiplier incentives for lawyers to collect higher fees when they sue
- Eliminating the ability of attorneys to claim bad faith on the part of insurance companies with vague and meritless claims
- Right-sizing verdicts by allowing a fairer assessment of fault in negligence cases
- Providing juries with more detail and transparency with respect to calculating medical damages in ordinary tort cases.
- Reducing frivolous lawsuits or threats of litigation by eliminating “one-way attorney fees” that incentivize fraudulent or inflated claims
- Streamlining the civil litigation process by reducing the statute of limitations from four years to two years
- Requiring a jury to consider the fault of an intentional wrongdoer in certain negligence cases and incentivizing property owners to implement security measures

HB 1221, by Rep. Josie Tomkow, is the identical companion to SB 626, as originally filed. We continue to work with the sponsor, key members, and committee staff to communicate our position in an effort to reach a reasonable compromise. We expect a strike-all amendment to be available sometime Monday, if not before. The bill has been added to the Energy, Communications, & Cybersecurity agenda for Tuesday, March 21, from 2:00 – 6:00 PM ET in room 102 of the House Office Building. In its current form, the bill opens up our enabling statute, Chapter 425, to allow co-ops to provide communication services (i.e., broadband), and it will expand the PSC's pole attachment jurisdiction to electric cooperatives that provide broadband.

CS/SB 626, regarding broadband electric cooperatives, by Senator Nick DiCeglie, was not on the Commerce & Tourism agenda this week. As you recall, the bill sponsor offered a strike-all amendment that replaced the original bill language. The amendment moved most of the concerning language from Chapter 425 to Chapter 364, Communications Services, but keeps the provisions relating to regulation of broadband electric co-ops by the PSC for pole attachment rates. We are still working with the sponsor to address our concerns. CS/SB 626 will likely be on the Commerce & Tourism agenda for the week 4 meeting.

The Legislative Cookout is on Wednesday, March 22, from 5:00 - 8:00 PM ET at Goodwood Museum & Gardens. If you have not already, please reach out to your local Legislators and staff and encourage them to attend the preeminent event of Session. A call and/or visit from your co-op is always the best way to invite them to the event. We are looking forward to seeing everyone for a great time and good fellowship.

Below are bills of interest filed thus far. Moving forward each week, the report will prioritize in the following manner: priority, monitor, and tracking. 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 Drew or Mike.

PRIORITY

Rural Electric Cooperatives / Broadband Internet Service Providers

(SB 626 / HB 1221)

Sponsors: Sen. DiCeglie / Rep. Tomkow

Summary:

The bill provides the express power for Electric Cooperatives to engage in the provision of broadband in Chapter 425. All poles owned by a cooperative that provides broadband service directly, in a partnership with a third party, or receives broadband grant funding from any federal or state program, which expands broadband internet service to unserved areas of the state, would be regulated by the PSC under Chapter 366.04(8) as an investor-owned utility.

Committee Assignments:

SB 626: Commerce & Tourism; Rules

HB 1221: State Administration & Technology Appropriations; Commerce

ACTION RECOMMENDED: OPPOSE

ACTION ITEM: HOUSE ENERGY, COMMUNICATIONS & CYBER SECURITY – ON AGENDA 3/21

SENATE Regulated Industries Committee – PASSED as Amended (3/7)

- **AMENDMENT:** moves language relating to the regulation of broadband co-ops by the PSC from Chapter 425 to Chapter 364. It retains the authorization for co-ops to engage in the provision of broadband in Chapter 425.

MONITOR

Trees and Other Vegetation within Rights-of-way

(SB 108 / HB 55)

Sponsors: Sen. Rodriguez/Rep. Garcia

Summary:

The bill provides that the current prohibition against the removal, cutting, marring, defacing or destruction of trees or other vegetation within the rights-of-way of roads of the state highway system does not apply if the Department of Transportation (DOT) suspends the prohibition due to a declared state of emergency. It requires DOT to adopt guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration such as a hurricane or tropical storm.

Committee Assignments:

SB 108: Ready for the floor

HB 55: Transportation & Modals; Constitutional Rights, Rule of Law & Government Operations;

ACTION RECOMMENDED: SUPPORT

Energy Equity Task Force

(SB 680 / HB 293)

Sponsors: Sen. Davis / Rep. Hinson

Summary:

This bill 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 a minimum of 11 members reflecting ethnic and gender diversity of the state. The Commissioner of Agriculture will appoint: 1) four representatives from minority, underserved, rural or low-income communities from different regions of the state; 2) at least one environmental justice expert; 3) at least one representative from the electrical workers profession; 4) at least two energy industry liaisons representing utility and solar energy interests; 5) at least one representative from a statewide environmentally focused group; 6) one appointed by the President of the Senate and one 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 taskforce 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 a report to the Governor, Commissioner of Agriculture, the President of the Senate, and the Speaker of the House by September 30, 2024.

Committee Assignments:

SB 680: Regulated Industries; Agriculture, Environment & General Government Appropriations; Fiscal Policy

HB 293: Energy, Communications & Cyber Security; Agriculture & Natural Resources Appropriations; Commerce

ACTION RECOMMENDED: NEUTRAL

Renewable Energy Cost Recovery

(SB 1162 / HB 821)

Sponsors:

Sen. DiCeglie / Rep. Yeager

Summary:

The bill authorizes an IOU to recover in rates prudently incurred renewable natural gas and hydrogen fuel infrastructure project costs through the proper PSC cost-recovery procedure.

Committee Assignments:

SB 1162: Community Affairs; Rules

HB 821: Administration & Technology Appropriations; Commerce

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE REGULATED INDUSTRIES – ON AGENDA 3/21

ACTION ITEM: HOUSE ENERGY, COMMUNICATIONS & CYBERSECURITY – ON AGENDA 3/21

Government and Corporate Activism

(SB 302 / HB 3)

Sponsors: Sen. Grall / Rep. Rommel

Summary:

The bill eliminates environmental, social and governance factors in state investments and prohibits banks from using “unsafe and unsound practices” to deny services based on an individual’s political, religious, or business sector opinions. It prevents the financial institutions from considering “social credit scores” in determining an individual’s ability to obtain loans, lines of credit, and bank accounts.

Committee Assignments:

SB 302: Banking & Insurance; Fiscal Policy

HB 3: Ready for the floor

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE STATE AFFAIRS - PASSED

State Renewable Energy Goals

(SB 970 / HB 957)

Sponsors: Sen. Berman / Rep. Eskamani

Summary:

The bill 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 bill 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 bill 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, 2024 and each January 1 thereafter.

Committee Assignments:

SB 970: Environment & Natural Resources; Agriculture, Environment & General Government; Fiscal Policy

HB 957: Energy, Security & Cyber Security; Agriculture & Natural Resources Appropriations; Commerce

ACTION RECOMMENDED: NEUTRAL (The bill is not expected to move. If the bill gains traction, staff will recommend opposing it)

New Nuclear Energy

(SM__ / HM 1137)

Sponsors: Sen.__ / Rep. Overdorf

Summary:

The memorial urges the President and Congress of the United States to take action to adjust regulatory policy as necessary to allow states the ability to conduct feasibility studies on reclamation and repurposing of spent nuclear fuel for new nuclear energy generation.

Committee assignments:

SM__:

HM 1137: Energy, Communications & Cybersecurity; Commerce

ACTION RECOMMENDED: SUPPORT

Municipal Electric Utilities / Municipal Utilities

(SB 1380 / HB 1331)

Sponsors: Sen. Martin / Rep. Busatta Cabrera

Summary:

The Senate bill provides that a municipal electric utility, supplying electricity to any retail customer outside its corporate boundaries, will meet the definition of a “Public Utility” as defined in 366.02. It further states, a municipal electric utility meeting these criteria will be regulated under this chapter for a minimum of 5 years. The PSC is directed to adopt rules to implement.

The House bill authorizes municipal electric utilities to impose a surcharge, not to exceed 10%, on utility customers outside of municipal boundaries. The surcharge is based on the percentage of customers outside municipal boundaries. It provides that a municipal utility may not use surcharge proceeds in a manner similar to the levy of a public service tax. The bill provides that a municipal electric utility, supplying electricity, natural gas or manufactured gas, or similar gaseous substance to any retail customer outside its corporate boundaries, will meet the definition of a “Public Utility” as defined in 366.02. The PSC is directed to adopt rules for implementation. In addition, it prohibits the transfer of electric utility or wastewater utility earnings to the general fund of the municipality for nonpublic utility purposes. It provides that a municipality doing so will no longer be eligible to receive state funds for infrastructure or water projects.

Committee Assignments:

SB 1380: Agriculture, Environment & General Government Appropriations; Fiscal Policy

HB 1331: Education & Employment; Appropriations; Commerce

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE REGULATED INDUSTRIES – ON AGENDA 3/21

ACTION ITEM: HOUSE ENERGY, COMMUNICATIONS & CYBERSECURITY – ON AGENDA 3/21

Electric Vehicle Infrastructure

(SB 1176 / HB 1591)

Sponsors: Sen. Simon / Rep. Maggard

Summary:

The bill requires the Public Service Commission (PSC) to adopt rules for electric vehicle charging stations to facilitate the widespread deployment of electric vehicle charging infrastructure. The rules must ensure consumer choice and competition, provide for reasonable and affordable cost-based electric rates for public utility rate payers, and be competitively neutral and apply to public utilities offering electric vehicle charging station services to the public. It provides the PSC shall propose rules by January 1, 2024, with final adoption required by January 1, 2025.

Committee Assignments:

SB 1176: Regulated Industries; Transportation; Rules

HB 1591: Energy, Communications & Cyber Security; State Administration & Technology Appropriations; Commerce

ACTION RECOMMENDED: NEUTRAL

TRACKING

United States – Produced Iron and Steel in Public Works Projects

(SB 304 / HB 1239)

Sponsors: Sen. Boyd / Rep. Griffiths

Summary:

This bill provides that a governmental entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in such contract a requirement that any iron or steel product used in or purchased for the project must be produced in the United States. Exemptions from this requirement include: 1) sufficient quantities or satisfactory quality of the iron or steel products needed are not produced in the United States; 2) the cost to use products produced in the U.S. would increase the total cost of the project by more than 20 percent; and 3) compliance is inconsistent with public interest.

Committee Assignments:

SB 304: Appropriations Committee on Agriculture, Environment & General Government; Fiscal Policy
HB 1239: Constitutional Rights, Rule of Law & Government Operations; Local Administration, Federal Affairs & Special Districts; State Administration & Technology Appropriations; State Affairs

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE GOVERNMENT OVERSIGHT & ACCOUNTABILITY - PASSED

Requiring Broader Public Support for Constitutional Amendments or Revisions

(SJR 1410 / HJR 129)

Sponsors: Sen. Gruters / 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 elector votes as required at the time of passage of amendment or revision.

Committee Assignments:

SJR 1410: Ethics & Elections; Judiciary; Rules
HJR 129: State Affairs

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE JUDICIARY - PASSED

Energy

(SB 284 / HB 1025)

Sponsors: Sen. Brodeur/Rep. Caruso

Summary:

The bill revises the selection criteria for purchasing or leasing vehicles for a state agency, universities, community colleges, and local governments under the state purchasing plan. It removes the provision requiring the use and procurement of ethanol and biodiesel blended fuels and requires the Department of Management Services, before July 1, 2024, to make recommendations to all state agencies, universities, community colleges, and local governments regarding the procurement of electric and

natural gas fuel vehicles and best practices for integrating these vehicles into existing fleets.

Committee Assignments:

SB 284: Fiscal Policy

HB 1025: Ways & Means; Commerce

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE FINANCE & TAX – PASSED

ACTION ITEM: HOUSE ENERGY, COMMUNICATIONS & CYBERSECURITY – ON AGENDA 3/21

Florida Hometown Hero Housing Program

(SB 772 / HB 771)

Sponsors: Sen. Davis / Rep. Nixon

Summary:

The bill creates a housing program, to be administered by the Florida Housing Finance Corporation, authorizing the corporation to underwrite and make loans to frontline emergency workers, certain medical and health personnel, and educators to purchase a primary residence home. A purchaser may reduce the amount of the down payment and closing cost they pay by a maximum of 5% of the first mortgage loan or \$25,000, whichever is less. The loans must be available at a 0% interest rate. This is available to persons or families with incomes not exceeding 150% of the state or local medium income, whichever is greater. Eligible borrowers would include electric lineman, or an employee of a public utility or an electric utility whose primary job responsibilities are to install and/or maintain systems for the utility as well as other emergency workers.

Committee Assignments:

SB 772: Community Affairs; Transportation, Tourism, Economic Development Appropriations; Appropriations

HB 771: Local Administration, Federal Affairs & Special Districts; Infrastructure & Tourism Appropriations; State Affairs (**Withdrawn prior to introduction**)

ACTION RECOMMENDED: NEUTRAL

Carbon Sequestration

(SB__ / HB 1149)

Sponsors: Sen.__ / Rep. Massullo

Summary:

The bill directs the Department of Agriculture and Consumer Services to conduct a study on carbon sequestration activities and programs. The study must include a comprehensive list of existing state agency carbon sequestration activities and programs available to agriculture producers in the state; recommendations for a state level exchange program to assist agriculture producers in participating in carbon sequestration activities; and legislative recommendations for the creation of a carbon sequestration program. It requires the Department to submit a report on the results of the study to the Senate President and Speaker of the House by October 1, 2023.

Committee Assignments:

SB__:

HB 1149: Agriculture & Natural Resources Appropriations; Infrastructure Strategies

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: HOUSE AGRICULTURE, CONSERVATION & RESILIENCY – ON AGENDA 3/21

Drones

(SB 1068 / HB 1071)

Sponsors: Sen. Collins / Rep. Duggan

Summary:

The bill defines “drone delivery service” as a person engaged in a business or profession of delivering goods via drone. It further defines a “drone port” as any area of nonresidential land or water used, or intended for use, for the landing and takeoff of drones. The bill provides that a political subdivision may not withhold issuance of a business tax receipt or enact or enforce an ordinance that prohibits a drone delivery service’s operation based on the location of the service’s port.

Committee Assignments:

SB 1068: Rules

HB 1071: Local Administration, Federal Affairs & Special Districts; Infrastructure Strategies

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE COMMUNITY AFFAIRS – ON AGENDA 3/22

Unmanned Aircraft Systems Act

(SB 908 / HB 645)

Sponsors: Sen. Rodriguez / Rep. Brackett

Summary:

The bill deletes a provision requiring a person or government entity, seeking to restrict or limit the use of drones in close proximity to owned infrastructure or facilities, from having to apply to the Federal Aviation Administration for the designation.

Committee Assignments:

SB 908: Military & Veterans Affairs, Space & Domestic Security

HB 645: Infrastructure Strategies

ACTION RECOMMENDED: NEUTRAL

ACTION ITEM: SENATE TRANSPORTATION – PASSED

ACTION ITEM: HOUSE CRIMINAL JUSTICE – ON AGENDA 3/21

Drones

(SB 1514 / HB 1455)

Sponsors: Sen. Wright / Rep. Altman

Summary:

The bill requires government agencies that use drones not produced by approved by manufactures to submit a plan to DMS by August 1, 2023, for discontinuing use by July 1, 2026. It provides that all government agencies that do not submit a plan by August 1, 2023 shall discontinue use as of this date.

Committee Assignments:

SB 1514: Government Oversight & Accountability; Community Affairs; Rules

HB 1455: Constitutional Rights, Rule of Law & Government Operations; State Affairs

ACTION RECOMMENDED: NEUTRAL