

FECA's Florida Legislative Report

February 28, 2025

The 2025 Legislative Session is right around the corner, with opening day set for Tuesday, March 4, 2025. There were no committee meetings scheduled this week, but House and Senate members have filed a wealth of new legislation. This is likely to continue until their respective bill filing deadlines, so expect to see an expanded bill report at the conclusion of next week.

This week saw more bills filed impacting utilities including SB 1304 by Sen. Bradley, relating to Solar Facilities. The bill would delete the provision in statute which permits solar facility sites on lands classified as agricultural in a local government's comprehensive plan. Additionally, any new solar facility after July 1, 2025, would be subject to future county ordinances requiring financial guarantees (i.e. a bond, irrevocable letter of credit, etc.) to cover decommissioning facilities upon retirement. Further, land used for solar facilities would need to be returned to its original state and made viable for agriculture use. This would apply to any facility over 2 MW constructed on agricultural land. With some exceptions, it provides that a county can presume a facility has reached the end of its useful life if it has failed to produce power over a 12-month period after construction has been completed or has been abandoned. It is unclear how this bill would interact with the land use restrictions proposed in SB 700/HB 651.

Two other bills of note are HB 1183, relating to Cybersecurity Incident Liability, by Rep. Giallombardo and SB 1002 relating to Utility Service Restriction, by Sen. Truenow. Last session, a nearly identical bill to HB 1183 passed before being vetoed by the Governor. HB 1183 provides certain entities, including co-ops or a third party, are not liable in connection with a cybersecurity incident if the entity follows existing Florida law about confidential personal information and has adopted a security program that aligns with NIST or other comparable standards. In addition, you may recall that legislation passed in 2023 to preempt certain local governments from prohibiting or restricting the types of fuel sources used by an electric utility. SB 1002 would expand the preemption over utility restrictions to include all local government entities, closing a possible loophole for some entities to restrict utilities.

Below are bills of interest filed thus far. Moving forward each successive week, the report will be prioritized in the following manner: new legislation filed, priority, monitor, and tracking. Any new activities will be highlighted **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.

NEW LEGISLATION FILED

Solar Facilities

(SB 1304/HB __)

Sponsors: Sen. Bradley/Rep. __

Summary:

The bill provides it is the intent of the Legislature that agricultural land used for solar facilities be returned to its original state and be viable for agricultural use after a solar facility has been decommissioned or reached the end its lifespan. It authorizes a county to require a solar facility over 2 megawatts to be decommissioned upon reaching the end of its useful life. It states a county can determine a solar facility is no longer viable if it does not produce power for a period of 12 months after construction has been

completed or the facility has been abandoned. It provides the 12-month period does not include a solar facility unable to produce power due to a disaster or other event beyond the control of the owner. It authorizes a county to require financial assurance from a facility owner in the form of a bond, irrevocable letter of credit, or other financial device deemed acceptable to the county to cover the cost of decommissioning the facility. It removes from statute the provision allowing solar facilities on lands classified as agricultural in a local government's comprehensive plan. It excludes solar facility sites whose construction applications have been submitted before July 1, 2025. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 1304: Filed, not referenced

HB __:

ACTION RECOMMENDED: NEUTRAL

Utility Service Restrictions

(SB 1002/HB 1137)

Sponsors: Sen. Truenow/Rep. Shoaf

Summary:

The bill expands the preemption over utility restrictions to include all local government entities, closing a possible loophole for some entities to restrict utilities. It states a municipality, county, special district, board, agency, commission, authority of a county, municipal corporation, community development district, or other political subdivision of the state are prohibited from enacting or enforcing any measures that limit or prohibit fuel sources utilized by public or electric utilities, natural gas utilities, etc. to serve authorized customers. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 1002: Community Affairs; Regulated Industries; Rules

HB 1137: Filed, not referenced

ACTION RECOMMENDED: SUPPORT

Unmanned Aircraft or Unmanned Aircraft Systems

(SB 1422/HB 1121)

Sponsors: Sen. Truenow/Rep. Canady

Summary:

The bill increases penalties for operating drones over or near critical infrastructure from a second-degree misdemeanor to a third-degree felony. The bill provides an effective date of October 1, 2025.

Committee Assignments:

SB 1422: Filed, not referenced

HB 1121: Filed, not referenced

ACTION RECOMMENDED: SUPPORT

Cybersecurity Incident Liability

(SB 1576/HB 1183)

Sponsors: Sen. DiCeglie/Rep. Giallombardo

Summary:

The bill provides that a county, municipality, corporation, cooperative, commercial entity, or third party,

etc. is not liable in connection with a cybersecurity incident if the entity is in compliance with Florida Statutes section 501.171 (existing Florida law about confidential personal information) and has adopted a security program that aligns with the current version of the standards, guidelines, or regulations of any of the following: 1) The National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity; 2) NIST special publication 800-171; 3) NIST special publications 800-53 and 800-53A; 4) The Federal Risk and Authorization Management Program security assessment framework; 5) The Center for Internet Security (CIS) Critical Security Controls; and 6) The International Organization for Standardization/International Electrotechnical Commission 27000-series family of standards. It provides this act shall take effect upon becoming law.

Committee Assignments:

SB 1576: Filed, not referenced

HB 1183: Filed, not referenced

ACTION RECOMMENDED: SUPPORT

Carbon Sequestration

(SB 1148/HB 1063)

Sponsors: Sen. Rodriguez/Rep. Cross

Summary:

The bill creates the Carbon Sequestration Task Force as an adjunct to DEP to provide recommendations for the development of a statewide carbon sequestration program. The task force must operate in a manner consistent with the requirements of s. 20.052, F.S., regarding advisory bodies, commissions, and boards. The task force must be composed of the following members or their designee: Secretary of DEP, Commissioner of Agriculture, Executive Director of the Fish and Wildlife Conservation Commission, Chief Resilience Officer, representative from the National Estuary Program, a member of an environmental not-for-profit, a landowner of working agriculture lands, representative with expertise in energy or sustainability, representative from UF IFAS, and a representative from the Florida Sea Grant Program. It requires appointments to the task force be made by September 1, 2025. It requires the task force to submit to the Governor, President of the Senate, and Speaker of the House a report that compiles the findings and recommendations of the task force by October 1, 2027. It provides the task force must terminate on April 30, 2027. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 1148: Filed, not referenced

HB 1063: Filed, not referenced

ACTION RECOMMENDED: NEUTRAL

PRIORITY

Department of Agriculture and Consumer Services

(SB 700/HB 651)

Sponsors: Sen. Truenow/Rep. Tuck

Summary:

The bill provides if a proposed power plant site is located on land classified as agricultural in the last 5 years, the electric utility must submit the Ten-Year Site Plan, currently sent to the PSC, to the county commission of the county in which the proposed site is located. It requires the county commission to

follow the same process and procedure as the PSC, evaluating the plan and deciding whether the plan is suitable or unsuitable. The county must then provide the PSC with its findings; It states land owned or leased by an electric utility which may also contain a solar energy system and is used for any other agriculture use must be classified by the property appraiser as agricultural; It requires an electric utility to offer first right of refusal of the development rights (via a less than fee simple acquisition) to the State of Florida for any land acquired, offered for sale, or transferred by the utility, which was classified as agricultural lands within five years before the date of acquisition; It broadens the Department of Agriculture's authority to regulate electric vehicle charging stations, expanding the definition of a charging station and giving broader enforcement powers to the Department. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 700: Agriculture; Appropriations Committee on Agriculture, Environment & General Government; Fiscal Policy

HB 651: Housing, Agriculture & Tourism; Criminal Justice; Agriculture & Natural Resources
Budget Subcommittee; Commerce

ACTION RECOMMENDED: NEUTRAL (Staff has expressed initial concerns with the bill sponsors.)

Assault or Battery on a Utility Worker

(SB 1386/HB 857)

Sponsors: Sen. Yarborough/Rep. Kincart Jonsson

Summary:

The bill increases penalties for criminal offenses committed against utility workers during their duty, including upgrading assault to a first-degree misdemeanor and battery or aggravated assault to a felony. It defines "utility worker," for the purposes of this law, as an employee or contractor visibly identified by a patch, emblem, or identification that links them to their utility, including those in electricity, gas, water, wastewater, telephone, or communications services. The bill provides an effective date of October 1, 2025.

Committee Assignments:

SB 1386: Filed, not referenced

HB 857: Filed, not referenced

ACTION RECOMMENDED: SUPPORT

Department of Transportation/Transportation

(SB 462/HB 567)

Sponsors: Sen. DiCeglie/Rep. McFarland

Summary:

The bill updates utility installation standards, including making facilities electronically detectable using "techniques" approved by DOT. Electronically detectable is not defined and DOT approved techniques are not specified, so it would need to be addressed in rule if not clarified in the existing language. It states a permit or relocation agreement must require the utility to be responsible for damage to existing infrastructure resulting from the work required and provide compensation for damages related to timely relocation of the utility as set forth in the utility work schedule. It defines "as-built plans" as those which include all changes and modifications that occur during the project. It requires the utility to submit as-built plans, in an electronic format meeting DOT standards or an electronic format meeting with utility industry standards within 20 days of completion of a project and show locations of surface and subsurface utilities. Reimbursements of up to 50% of the relocation costs may be issued by DOT and up to 100% in a rural area

of opportunity. Reimbursements may not be distributed until as-built plans are submitted. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 462: Transportation; Regulated Industries; Fiscal Policy

HB 567: Economic Infrastructure; Transportation & Economic Development Budget

Subcommittee; Commerce

ACTION RECOMMENDED: OPPOSE

Utility Relocation

(SB 818/HB 703)

Sponsors: Sen. McClain/Rep. Robinson (W.)

Summary:

The bill requires all utilities to submit a relocation schedule within 30 days and begin relocation work within 60 days of notification of utility facilities interfering with the use, maintenance, or expansion of a publicly owned right of way. Under certain circumstances, government entities must reimburse relocation costs for broadband facilities. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 818: Regulated Industries; Transportation; Rules

HB 703: Economic Infrastructure; Commerce

ACTION RECOMMENDED: NEUTRAL

MONITOR

Rural Communities

(SB 110/HB 1427)

Sponsors: Sen. Simon/Rep. Griffiths

Summary:

The bill requires the state land planning agency to prioritize technical assistance funding for government in rural areas and mandates consultation with the newly created Office of Rural Prosperity, within the Department of Commerce, to assist local governments in navigating procurement of state and federal resources. It revises sales and use tax revenue distributions to include fiscally constrained counties in support of public safety and infrastructure. The bill modifies definitions for fiscally constrained counties to account for population growth and increasing property values. It seeks to increase infrastructure funding directed to rural road projects along with economic development initiatives through grants for business growth, site preparedness, and technology adoption. It further requires the Office of Broadband to consult with each rural community liaison within the Office of Rural Prosperity to report annually on the implementation of broadband activities in rural, unserved, or underserved areas of the state. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 110: Community Affairs; Fiscal Policy

HB 1427: Filed, not referenced

ACTION RECOMMENDED: NEUTRAL

Public Service Commission

(SB 354/HB __)

Sponsors: Sen. Gaetz/Rep. __

Summary:

The bill increases the number of PSC commissioners from five to seven, of which one shall be a certified public accountant and one be a chartered financial analyst. It directs the PSC to establish a schedule for public utilities to submit rate change requests. The bill mandates the PSC keep utility returns on equity close to the risk-free rate with deviations requiring justification and revises annual reporting requirements to include economic analyses related to rate changes, cost impacts of excess returns on equity, long term impacts of regulated returns on equity, executive compensation and utility benchmarking. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 354: Regulated Industries; Appropriations Committee on Agriculture, Environment & General Government; Fiscal Policy

HB __:

ACTION RECOMMENDED: NEUTRAL

TRACKING

Residential Utility Disconnections

(SB 330/HB 419)

Sponsors: Sen. Berman/Rep. Tendrich

Summary:

The bill prohibits utility disconnections when forecasted heat indices reach 90 degrees or above, temperatures drop to 32 degrees or below, or during a state of emergency. It requires waiving reconnection and late fees or disconnecting services on weekends, state holidays, and days preceding holidays. It prevents utilities from passing compliance costs to customers and disallows service disconnections for accounts less than 60 days overdue. It requires utilities to offer payment assistance information and inform customers of disconnection suspensions through public alerts in multiple languages based on the primary languages spoken in a particular service area.

The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 330: Regulated Industries; Appropriations Committee on Agriculture, Environment & General Government; Fiscal Policy

HB 419: Economic Infrastructure; Civil Justice & Claims; Commerce

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

Heat Illness Prevention

(SB 510/HB 35)

Sponsors: Sen. Rouson/Rep. Gottlieb

Summary:

The bill requires implementation of an outdoor heat exposure safety program by employers in sectors where work is primarily outdoors and greater than 15-minute intervals. It provides for training in heat illness prevention along with response to heat related symptoms and establishes provisions for access to

drinking water and shade. It provides an effective date of October 1, 2025.

Committee Assignments:

SB 510: Commerce & Tourism; Appropriations Committee on Agriculture, Environment & General Government; Fiscal Policy

HB 35: Industries & Professional Activities; Human Services; Commerce

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

State Renewable Energy Goals

(SB 1496/HB 621)

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 carbon 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 unified statewide plan to have 100% of the state’s energy generated from renewable resources by 2050 and by 2051 will have net zero carbon emissions statewide. 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, 2026, and each January 1 thereafter. The bill provides an effective date of July 1, 2025.

Committee Assignments:

SB 1496: Filed, not referenced

HB 621: Economic Infrastructure; Agriculture & Natural Resources Budget Subcommittee; Commerce

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