

FECA Florida Legislative Report

January 22, 2013

The bills that are of concern to co-ops are listed below. More information on each bill can be found by visiting either www.myfloridahouse.gov or www.flsenate.gov.

Priority Bills

Electricity Theft - SB 338 by Sen. Simpson and HB 191 by Rep. Raulerson would increase penalties for stealing electricity. Currently, the criminal penalty is a first-degree misdemeanor, regardless of the dollar value of the electricity that is stolen. The legislation would allow penalties that vary depending upon the value of the electricity that was stolen. Additionally, the legislation would increase the minimum award in a civil action against the thief from \$1,000 to \$3,000, which would mitigate the utility's time and cost of recovering its losses.

Coal Combustion Residuals (CCRs) - (Not yet filed) SB by Sen. Simpson and HB by Rep. Goodson would address a proposed rule by the U.S. Environmental Protection Agency (EPA) that could regulate CCRs as hazardous waste. Currently, CCRs in Florida are recycled for use in cement, wallboard and materials for roads, or stored in landfills. However, Florida law prohibits storage of hazardous material in landfills, and EPA's rule could require CCRs to be shipped out of Florida for storage costing Seminole more than \$100 million per year. Additionally, EPA's rule could prevent electric utilities from recycling CCRs. This bill would exempt CCRs from Florida's laws that prohibit the storage of hazardous waste in landfills, allowing CCRs to continue to be landfilled in Florida, and would allow electric utilities to continue recycling CCRs.

Retail Wheeling for Renewable Generators - HB 309 by Rep. Rehwinkle-Vasilinda would exempt renewable energy systems of up to 5 MW from the definition of public utility. These generators would not be regulated by the PSC and could sell electricity to existing utility customers (it is silent as to whether they must be customers of the same utility) that are on property adjacent to, contiguous with, or located within a half mile of the generator. The bill is silent as to whether we can put these customers on a special rate to insure that the remaining customers do not subsidize the renewable generator's consumers. Additionally, the bill

would require public utilities to purchase the renewable energy at the same rate they sell energy to ratepayers instead of at avoided cost.

Bills of Interest

Ban Texting While Driving - SB 52 by Sen. Detert and HB 13 by Rep. Holder would ban typing messages on electronic devices while operating a vehicle. The bill would not prevent the safe usage of mobile or radio devices for verbal communication. The penalty would be a secondary offense meaning that law enforcement could not stop a motorist just for texting while driving. SB 74 by Sen. Sachs would make the violation a primary offense, meaning law enforcement could ticket a violator just for texting while driving. Additionally, HB 61 and SB 152 would ban the use of all mobile electronic devices for minors who are driving.

Cost Recovery - HB 4003 by Rep. Rehwinkle Vasilinda would repeal the pre-completion cost recovery clause that is available to IOUs to finance construction of nuclear and IGCC facilities.

Ad Valorem Exemptions- HB 277 by Rep. Rehwinkle-Vasilinda would implement a Constitutional amendment that passed in 2008, which prohibits the taxation of improvements to residential property if the improvements are a renewable energy device or they strengthen the property's resistance to wind damage. The exemptions would only apply to work done on or after January 1, 2013.

Assault or Battery on Utility Workers - SB 344 by Sen. Soto would increase the criminal penalties for committing assault or battery on a utility worker.

Repeal of Renewable Gasoline Standard - SB 320 by Sen. Evers and HB 4001 by Rep. Gaetz would repeal the Florida Renewable Fuel Standard Act that was enacted in 2008 (HB 7135). The Act requires that all gas sold after 2010, with exceptions, must contain 9-10% fuel ethanol.

Office of Homelessness - HB 93 by Rep. Reed would create the Office of Homelessness within the Dept. of Children and Families. The Office would have funds that could be used to help families pay bills including past due utility costs.