



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

DATE: April 18, 2018

TO: Braulio L. Baez, Executive Director

FROM: Katherine Pennington, Legislative Director
Adam Potts, Government Liaison

RE: FINAL 2018 Legislative Wrap-Up – Summary of Bills

During the 2018 Florida Legislative Session, the Florida Public Service Commission (FPSC) Governmental Affairs team tracked 86 bills of the more than 3,000 initially filed. Of those 86 bills, only 5 passed the Legislature. The Governor has now signed those five bills. Although 195 bills passed both houses of the Legislature during the 2018 legislative session, we do not expect any of these bills to cause an additional workload for the FPSC. This summary also notes bills of interest that did not pass. This document is for informational purposes only and no action by the Commission is required.

KEY BILLS THAT PASSED

HB 405 by Representative J. Williams (SB 494 by Senator Lee Laid on Table) – Linear Facilities

The Florida Electrical Power Plant Siting Act (PPSA) and the Florida Electric Transmission Line Siting Act (TLSA) establish centrally coordinated review processes for state and local permitting of certain electrical power plants and transmission lines. Under the PPSA, an application for certification of a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities that constitute “development,” with existing land use plans and zoning ordinances. Certain activities are excluded from the definition of development. Further, the PPSA and the TLSA authorize the establishment of conditions in an order granting certification, though both state that they do not affect in any way the ratemaking power of the FPSC.

HB 405 establishes the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA. Further, the bill provides that the PPSA and the TLSA do not affect the exclusive jurisdiction of the PSC to require transmission lines to be located underground.

HB 405 amends two of these excluded items from the definition of “development” in relation to the PPSA and the TLSA:

- The bill provides that the exclusion for work done on established rights-of-way applies to established rights-of-way and corridors and to rights-of-way and corridors to be established.
- The bill provides that the exclusion for the creation of specified types of property rights applies to creation of distribution and transmission corridors.

The bill makes identical changes to the definition of development in the Florida Local Government Development Agreement Act.

Status: HB 405 was approved by the Governor on March 19, 2018, Chapter [2018-034](#). The bill takes upon becoming a law.

ADDITIONAL BILLS OF INTEREST THAT PASSED

HB 7023 by Rules & Policy (SB 1342 by Senator Benacquisto Laid on Table) – Florida Statutes/General – 2018 (Reviser’s Bill)

HB 7023 is a general reviser’s bill, of a technical nature, that makes technical changes to sections 364.386 and 366.92, F.S., relating to statutorily required reports.

General reviser’s bills are bills recommended by the Division of Law Revision and Information of the Florida Legislature that remove statutory inconsistencies, redundancies, and unnecessary repetitions, improve clarity, and facilitate correct and proper interpretations. Such changes recommended may include:

- Corrections to grammatical and typographical errors
- Removal of expired or obsolete statutes and laws
- Transfer, consolidation, and renumbering of sections, subsections, chapters, and titles

These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

Status: HB 7023 was approved by the Governor on March 23, 2018, Chapter [2018-110](#). The bill takes effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

HB 1267 by Representative Killebrew (SB 962 by Senator Grimsley Laid on Table) – Telephone Solicitation

Unscrupulous persons are able to use current technology, such as auto dialers and Voice over Internet Protocol, to contact large volumes of consumers by phone and to misrepresent, or “spoof,” the phone number from which they are calling, with the ultimate intent to defraud the consumer. To reduce this activity, the Federal Communications Commission (FCC), in

November 2017, adopted a rule that permits providers of voice communications services to block phone calls made from certain numbers – numbers that a consumer has requested to be blocked and numbers that have not been assigned under the North American Numbering Plan (NANP) – before they reach consumers' phones.

Consistent with the FCC's rule, HB 1267 authorizes telecommunications companies who provide voice communications services to customers in Florida to preemptively block certain phone calls from reaching a customer's phone. In particular, consistent with federal law and FCC rules, such service providers may block calls:

- When the customer to which an originating number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only.
- Originating from a number that is not a valid NANP phone number.
- Originating from a valid NANP phone number that has not been allocated to a telephone service provider by the NANP Administrator or pooling administrator.
- Originating from a valid NANP phone number that has been allocated to a telephone service provider but is unused, as confirmed by the provider blocking the calls.

The bill provides that a service provider may not block a voice call from either of the first two categories listed above if the call is an emergency call placed to 911. The bill permits voice service providers to rely on a phone number as reflected on a caller identification service for purposes of blocking that number.

Status: HB 1267 was approved by the Governor on March 21, 2018, Chapter [2018-070](#). The bill takes effect July 1, 2018.

HB 7095 by Governmental Accountability (SB 7008 by Communications, Energy, & Public Utilities Laid on Table) – OGSR/Local Government Electric Utility
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The Open Government Sunset Review Act requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

Municipal electric utilities, from time to time, seek or receive proposals from business entities concerning the development of projects related to providing electric service. According to the utilities, providers of new technologies would be discouraged from sharing information about opportunities to participate in projects if such information were subject to public disclosure due to fear of harming their business by exposing competitively sensitive information.

Current law provides that proprietary confidential business information held by an electric utility that is subject to public record requirements in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources is confidential and exempt from public record requirements.

HB 7095 reenacts the public record exemption, which would repeal on October 2, 2018, if this bill had not become law. The bill also inserts a cross-reference to provide a specific definition for the term “trade secrets,” which are protected under the public record exemption.

Status: Approved by the Governor on March 23, 2018, Chapter [2018-120](#). The bill takes effect October 1, 2018.

HB 651 by Representative Yarborough (SB 950 by Senator Mayfield Laid on Table) – State Employment

HB 651 eliminates the Florida State Employees’ Charitable Campaign (“FSECC”) and provides that no organization, entity, or person may intentionally solicit a state employee through any means for fundraising or business purposes within work areas during work hours.

The FSECC is currently an annual charitable fundraising drive administered by the Department of Management Services. It is the only authorized charitable fundraising drive directed toward state employees within work areas during work hours, and for which the state will provide a payroll deduction. State officer and employee participation is voluntary.

On December 7, 2016, the secretary of DMS notified state agencies that the campaign was being suspended because more than 63 percent of every dollar pledged would have gone to cover the fiscal agent fee instead of to the designated charities. To date, the campaign remains suspended. However, it did not prohibit state-approved communications by entities that the state have under contract to provide employee benefits or services, non-coercive voluntary communications between state employees in workplace areas, and activities at authorized public events occurring in non-work areas of state owned or leased facilities. Changes included in HB 651 will correct this deficiency.

Status: HB 651 was approved by the Governor on March 21, 2018, Chapter [2018-057](#). The bill takes effect July 1, 2018.

BILLS OF INTEREST THAT DID NOT PASS

CS/CS/SB 1018 by Senator Bean – Designation of Eligible Telecommunications Carriers; similar to CS/HB 1167 by Representative Leek

SB 1018 would have restored the language stricken in the 2011 legislation with the added clarification that the exception only applies “for the purpose of making ETC designations for Lifeline service programs.” Thus, the bill would have authorize the PSC to designate wireless carriers as ETCs, but only for purposes of the Lifeline program. It would not, for example, allow the Commission to designate non-wireline carriers for high-cost support under the federal universal service program. Because there is a backlog of requests for ETC designations at the FCC, wireless companies that want to become an ETC in Florida may be able to receive an ETC designation more expeditiously and, as a result, offer service to customers eligible for the Lifeline program.

There are currently 13 wireline ETCs and 4 wireless ETCs designated in Florida. By comparison, there are currently 35 wireless ETC designation petitions pending at the FCC; one such petition was filed with the FCC in 2011. Additional ETCs competing for Lifeline customers in the Florida market may increase subscribership within the program.

SB 1018 was amended in the Senate Governmental Oversight and Accountability Committee to include technical revisions to section 364.10, F.S., to improve consistency between Florida Statute and Federal requirements. The amendatory language also fixed included language to allow customers' eligibility information to be shared with the national verifier for eligibility.

SB 1018 passed the Senate on a 37-0 vote but died in messages when. The companion bill, HB 1167, which passed all of its committee references was not heard on the House floor.

SB 1038 by Senator Brandes and HB 1411 by Representative Diamond – Energy 2040 Task Force
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These bills would have created the Energy 2040 Task Force within the FPSC, as a task force under Section 20.03, F.S. This task force would have been charged with projecting Florida's energy needs over the next twenty years and determining how to best meet those needs in an efficient, affordable, and reliable manner. The task force must also consider increasing competition and consumer choice, as well as ensuring adequate electric reserves.

The task force would have also been charged with recommending appropriate energy policies for Florida, including any statutory changes. The task force would be required to consider all relevant topics, including:

- Forecasts through 2040 of Florida's population growth, electricity needs, and electrical supply, including fuel diversity
- Projections of the effects of allowing third-party sales of renewable energy, including how to define "renewable energy" for purposes of these sales
- The rights and obligations between an entity engaging in third-party sales of electricity and its customers, including how these relationships should be regulated, if at all
- The effects of third-party sales of electricity upon public utility investments, including how to recover any stranded costs that might result from these sales
- The effects of third-party sales on a public utility's obligation to serve all customers within its territory
- Projections of the effects of allowing the use of "micro grids," including how they affect the larger electric grid and how to regulate their operators
- Emerging and projected technologies, including (but not limited to): solar power, sustainable energy, smart grid technology, energy storage, electric vehicles, distributed generation, and storm hardening
- Analysis of the impacts of state and local government taxes on government revenues and the electric supply
- The environmental impact of energy generation and transmission in Florida

SB 1038 required that the FPSC provide administrative and support services to the task force and any of its advisory committees. As such, the proposed bill had a significant fiscal impact on the

FPSC, as this support would likely require additional FTEs and other resources. The Commission would also be responsible for any travel or per diem expenses, as allowed by section 112.061, F.S., for members of the task force and its advisory committees, to which they are entitled under subsection (6) of the bill.

The task force would have included the following eight members:

- The Public Counsel or designee thereof, who will Chair the task force
- The Executive Director of the FPSC or designee thereof
- The Chair of the Florida Energy System Consortium, or designee thereof
- The CEO of the Florida Reliability Coordinating Council, or designee thereof
- Two members of the Florida Senate, appointed by the President of the Senate
- Two members of the Florida House of Representatives, appointed by the House Speaker

The task force would have had to report its recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 2020.

SB 1038 passed one committee in the Senate. HB 1411 was never heard in committee.

OTHER BILLS THAT DID NOT PASS

- Nuclear cost recovery – Senator Rodriguez and Representative Diamond filed bills to repeal sections 366.93 and 366.95, Florida Statutes, relating to the Nuclear Cost Recovery Clause and the financing for nuclear facilities (securitization language enacted in 2016). SB 716 and HB 6071 were not heard in committee.
- Public electric utility rates – Senator Rodriguez introduced SB 626 to require that public utilities charge, for the first 500 kilowatt hours used by a residential customer, a rate that is 25 percent below the rate by the utility or 25 percent below the second tier of the progressive rate schedule for the customer (if applicable). SB 976 did not have a House companion bill and was not heard in committee.
- Well stimulation and advanced well stimulation treatment – Several bills relating to well stimulation and hydraulic fracturing were introduced. Representative Peters introduced a bill in the House to ban all stages of well intervention performed by injecting fluids into a rock formation. Senators Farmer and Young introduced similar bills in the Senate. SB 462 by Senator Young passed two committees and later died when it was not heard in the Senate Appropriations Committee. The other two bills were not heard in any committee.

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