

State of Florida



Public Service Commission

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

DATE: March 29, 2022

TO: Braulio L. Baez, Executive Director

FROM: Kaley Slattery, Legislative Director
Katherine Pennington, Government Liaison

RE: 2022 Legislative Wrap-Up – Summary of Bills

The Florida Legislature concluded the 2022 Legislative Session on March 14, 2022. During this Session, the Florida Public Service Commission's Legislative Affairs team tracked 80 bills of the 1,814 general and local bills initially filed. Of the bills filed this session, approximately 275 passed both chambers of the Legislature and are awaiting the Governor's action.

This report includes bills that have a direct or indirect impact on the PSC and concludes with bills of interest that did not pass. This document is for informational purposes only and requires no action by the Commission.

KEY BILLS THAT PASSED

SB 7036- Lifeline Services by Senate Regulated Industries Committee

Senate Bill 7036 updates Sections 364.10 and 364.107, F.S., to align Florida's Statutes with federal requirements and removes obsolete language to reflect the Federal Communications Commission's (FCC) 2016 Lifeline Modernization Order directives. The Lifeline program provides monthly telecommunication services discounts to qualifying low-income customers served by an eligible telecommunications carrier (ETCs). In accordance with the FCC's 2016 Modernization Order, the bill requires a Lifeline subscriber to provide proof of continued eligibility for Lifeline service upon request of the ETC or the FCC. The bill also removes the state-specific income eligibility criteria which are inconsistent with current requirements and refers the verification of income eligibility to the Office of Public Counsel.

PSC Impact: The bill removes references to state agencies no longer involved in the program and gives the Public Service Commission (PSC) and the Department of Children and Families (DCF) jurisdiction over the program. Additionally, the bill requires any state agency that determines a person is eligible for a Lifeline qualifying program to coordinate with the FCC to verify eligibility for Lifeline service. Finally, the bill clarifies that the PSC and DCF may exchange information with ETCs, and the FCC to enroll eligible customers in the program.

Status: SB 7036 passed both chambers of the Legislature on March 6, 2022 and has not yet been sent to the Governor.

Floor Vote: Senate 39-0; House 111-0.

HB 741- Net Metering by Representative McClure

House Bill 741 requires the PSC to propose revisions to its rules on net metering of customer-owned renewable generation. Net metering is a billing arrangement designed to compensate customers who own or lease renewable energy generation systems, such as rooftop solar, and export electricity generated onsite to an electric utility's system. The bill establishes a revised net metering program that credits excess energy delivered to an Investor-Owned Utility (IOU) system by customer-owned renewable generation under a graduated schedule. Finally, the bill permits an IOU to petition the PSC for approval to recover lost revenue resulting from the unanticipated, incremental addition of residential customer-owned or leased solar generation within the IOU's service territory between July 1, 2022, and December 31, 2023.

PSC Impact: The bill requires the PSC to adopt new rules to establish a new program design to become effective January 1, 2029, for customers who own or lease renewable generation for which a net metering application is approved after that date. The new program design must ensure that:

- IOU customers who own or lease renewable generation pay their full cost of electric service and are not cross subsidized by the general body of ratepayers.
- All energy delivered by the IOU is purchased at its applicable retail rate.
- All energy delivered by the customer-owned or leased renewable generation to the IOU is credited to the customer at the IOU's full avoided costs

Status: HB 741 passed both chambers of the Legislature on March 7, 2022 and has not yet been sent to the Governor.

Floor Vote: Senate 24-15; House 83-31.

HB 1411- Floating Solar Facilities by Representative Avila

House Bill 1411 promotes the expanded use of floating solar facilities (FSF) by requiring local governments to amend development regulations and requires FSF to be a permitted use in appropriate land use categories in each local government's comprehensive plan. A "floating solar facility" is defined as a solar facility located on a wastewater treatment pond, abandoned

limerock mine area, stormwater treatment pond, reclaimed water pond, or other water storage reservoir, as described in 163.3205(2), F.S. The bill requires the Office of Energy within the Department of Agriculture and Consumer Services to develop and submit recommendations to the Legislature by December 31, 2022, providing a regulatory framework for private and public sector entities that implement FSFs. Finally, under the bill, FSF construction is prohibited in an Everglades Agricultural Area reservoir project, if the local governments involved determine that there would be a negative impact on that area or project.

No PSC Impact

Status: HB 1411 passed both chambers of the Legislature on March 2, 2022 and has not yet been sent to the Governor.

Floor Vote: Senate 39-0; House 112-0

SB 1764- Municipal Solid Waste-to-Energy Programs by Senator Albritton

Senate Bill 1764 establishes the Municipal Solid Waste-to-Energy (MSWE) Program, within the Department of Agriculture and Consumer Services (DACS), comprised of a financial assistance grant program and an incentive grant program. The program is intended to incentivize the production and sale of energy and reduce waste disposed of in landfills and is limited to publicly owned MSWE facilities. The incentive program will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding MSWE facilities.

PSC Impact: The Public Service Commission is required to assist DACS with verifying eligibility and the amount of energy purchased from the facility. The financial assistance program will provide two cents per kilowatt-hour (kWh) purchased by an electric utility from the facility during the preceding state fiscal year, with specified limitations on the amount based on the terms of power purchase agreements entered into by the facility with an electric utility. Rules for the financial assistance grant program must be developed by DACS in consultation with the PSC.

Status: SB 1764 passed both chambers of the Legislature on March 10, 2022 and has not yet been sent to the Governor.

Floor Vote: Senate 38-0; House 110-8.

BILLS OF INTEREST THAT DID NOT PASS

SB 920/HB 737-Electric Vehicle Transportation Electrification Plan by Senator Perry & Representative Borrero

Both bills would have required the Public Service Commission to adopt rules for an Electric Vehicle (EV) transportation electrification plan to facilitate the deployment of EV charging infrastructure in a competitively neutral manner.

PSC Impact: SB 920 and HB 737 would have required the PSC to propose rules that promote investment in publicly available EV charging stations to encourage private investment and private ownership of EV charging infrastructure. Additionally, the PSC would have been required to establish policies that stimulate innovation, competition, private investment, and customer choice in EV charging infrastructure.

Status: SB 920 and HB 737 each passed only one committee and were not heard at the second committee stops.

SB 182- Renewable Energy by Senator Brandes

SB 182 would have authorized owners of commercial or industrial businesses or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases.

No PSC Impact

Status: SB 182 was never heard in committee and did not have a House companion bill.

SB 1678/HB 1285- Energy Equity Task Force by Senator Gibson & Representative Hinson

SB 1678 and HB 1285 sought to establish the Energy Equity Task Force; a board designed to recommend appropriate policies for the equitable siting of energy infrastructure throughout the state. Specifically, the task force would have examined strategies to assist minority, underserved, rural, and low-income communities in transitioning to energy efficiency and would have comprised of Florida residents, energy industry liaisons, environmental justice specialists, and experts from environmental-based organizations with guidance from the Florida legislature.

No PSC Impact

Status: SB 1678 was heard in two Senate committees but was indefinitely postponed from the last committee agenda. HB 1285 was never heard in committee.

SB 536/HB 337- Administrative Procedures by Senator Diaz and Representative McClain

SB 536 and HB 337 would have amended the Administrative Procedures Act (APA) with respect to the agency rulemaking process. The APA contains a uniform set of procedures that agencies must follow when exercising rulemaking authority delegated by the Legislature. One provision included in both bills would have required each agency to review its rules for consistency with the powers and duties granted by the agency's enabling statutes. And, if after reviewing a rule, the agency determined substantive changes to update a rule are not required, the agency would have been instructed to repromulgate the rule.

PSC Impact: SB 536 and HB 337 could have required all state agencies to review its rules on an annual basis and repromulgate any rules that meet the criteria set forth in the legislation.

Status: SB 536 and HB 337 each passed three committee stops and were indefinitely postponed and withdrawn from consideration for the House and Senate Floors.

cc: Mark Futrell
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