

Committee on Communications, Energy, And Public Utilities

CS/CS/HB 175 — Emergency Communication System

by Regulatory Affairs Committee; Finance and Tax Subcommittee; and Rep. Steube and others (CS/SB 294 by Appropriations Committee and Senator Hays)

The bill lowers the E911 fee from 50 cents to 40 cents for all three categories of voice communication services: prepaid wireless service, wireless service, and nonwireless service. The bill creates a process for collection and distribution of the E911 fee on prepaid wireless services by sellers at the point of sale. A seller of prepaid wireless operating in the state before the fee is imposed can retain 100 percent of the prepaid E911 fees collected for the first two months to offset the costs of setup. After this two-month period, a seller may retain five percent of the prepaid wireless E911 fees that are collected as a retailer collection allowance. The remainder of fees collected must be remitted to the Department of Revenue, which is the agent authorized to collect and distribute the funds for the E911 Board, in the month following collection of the fee.

The bill expands the list of authorized county expenditures for which E911 funds may be used and modifies the distribution of funds to counties and wireless providers for E911 operations.

The bill appropriates the nonrecurring sum of \$250,000 from the General Revenue Fund to the Department of Revenue and \$190,713 from the Operating Trust Fund to the Department of Revenue for the 2014-2015 fiscal year.

On February 17, 2014, the Revenue Estimating Conference determined that the provisions in this bill will decrease revenues distributed to the Emergency Communications Number E911 System Fund by \$1.0 million in Fiscal Year 2014-15, with a \$3.2 million positive, recurring impact to the fund.

If approved by the Governor, these provisions take effect July 1, 2014, except as otherwise provided.

Vote: Senate 36-0; House 116-0

Committee on Communications, Energy, And Public Utilities

CS/HB 177 — Public Records/Prepaid Wireless E911 Fee

by Government Operations Subcommittee; and Rep. Steube and others (CS/SB 292 by Governmental Oversight and Accountability Committee; and Senator Hays)

The bill expands the public record exemption for proprietary confidential business information submitted to the Board or Technology Program to include such information when it is submitted to the Department of Revenue (DOR) as an agent of the E911 Board. DOR may provide the confidential and exempt information to the Secretary of the Department of Management Services (DMS) or to the E911 Board (Board) for use in the conduct of official business by DMS or the Board.

The exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2019, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution.

These provisions take effect on the same date that HB 175 or similar legislation takes effect and becoming law.

Vote: Senate 39-0; House 115-0

Committee on Communications, Energy, And Public Utilities

CS/CS/CS/SB 272 — Water Utilities

by Appropriations Committee; Community Affairs Committee; Communications, Energy, and Public Utilities Committee; and Senator Simpson

The bill creates a process for customers to petition the Florida Public Service Commission (PSC or commission) to require compliance with secondary water quality standards. If a utility fails to comply with commission orders, the process could result in revocation of the utility's certificate of authority. The bill provides petition criteria and factors the commission must consider in its review of the petition and the action it may take to dispose of the petition. The commission is authorized to adopt rules to administer the provisions. Once a petition has been filed in compliance with the section, a utility is prohibited from filing a rate case until the commission has issued a final order.

The bill adds secondary water quality standards to the criteria that the PSC must consider when setting rates for water service. The bill provides guidelines for the secondary water quality standards. The bill authorizes the commission to reduce the utility's return on equity of up to 100 basis points or deny all or part of a rate increase for a utility's system or part of a system if it determines that the quality of water service is less than satisfactory for the time the system remains unsatisfactory. The bill requires a utility to provide an estimate of the costs and benefits of plausible solutions for each concern that the commission finds, meet with the customers to discuss the costs and solutions, and periodically report on the progress of implementation. The commission may require the utility to resolve certain problems and require benchmarks and periodic progress reporting. The bill authorizes the commission to adopt rules to assess and enforce compliance with the secondary water standards and prescribe penalties for a utility's failure to adequately address each concern.

The bill appropriates \$212,521 in recurring funds and \$12,012 in nonrecurring funds from the General Revenue Fund to the PSC and authorizes three full-time equivalent positions for the 2014-2015 fiscal year to implement the provisions in this act.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 37-0; House 99-15

Committee on Communications, Energy, And Public Utilities

CS/SB 366 — Public Records/Trade Secrets/Computers

by Governmental Oversight and Accountability Committee; and Senator Brandes

The bill expands an existing public records exemption for data, programs, or supporting documentation that contain trade secrets as defined in s. 812.081, F.S., reside or exist internal or external to a computer, computer system, or computer network, or electronic device, and are held by an agency. This bill is the public records companion to CS/CS/SB 364, which provides criminal penalties for computer related crimes.

The exemptions are subject to the Open Government Sunset Review Act and will repeal on October 2, 2019, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution.

These provisions take effect on the same date that SB 364 or similar legislation takes effect.

Vote: Senate 39-0; House 117-0

Committee on Communications, Energy, And Public Utilities

CS/CS/CS/HB 641 — Computer Crimes

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. La Rosa (CS/CS/CS/SB 364 by Appropriations Committee; Criminal Justice Committee; Communications, Energy, and Public Utilities Committee; and Senator Brandes)

The bill recognizes that advancements in technology have led to an increase in the number and reach of computer related crimes. CS/CS/CS/HB 641 addresses this increase in computer crimes by expanding the application of various existing statutes addressing computer-related crimes to include electronic devices and creating additional offenses. The bill expands the entities that can bring a civil action against persons convicted of computer-related offenses and provides for exceptions to computer-related offenses for persons who act pursuant to a search warrant, an exception to a search warrant, within the scope of lawful employment or who perform authorized security operations of a government or business.

Three crimes are added to “offenses against users of computer networks and electronic devices” including:

- Audio and video surveillance of an individual without that individual’s knowledge by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device without authorization;
- Intentionally interrupting the transmittal of data to or from, or gaining unauthorized access to a computer, computer system, computer network, or electronic device belonging to a mode of public or private transit;
- Endangering human life; and
- Disrupting a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

“Offenses against public utilities” are created in the bill and two additional crimes are created, including:

- Gaining access to a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility while knowing that such access is unauthorized, a third degree felony; and
- Physically tampering with, inserting a computer contaminant into, or otherwise transmitting commands or electronic communications to a computer, computer system, computer network, or electronic device which causes a disruption in any service delivered by a public utility, a second degree felony.

If approved by the Governor, these provisions take effect October 1, 2014.

Vote: Senate 39-0; House 117-0

Committee on Communications, Energy, And Public Utilities

CS/HB 803 — Communications Service Tax

by Finance and Tax Subcommittee; Rep. Boyd and others (CS/CS/CS/SB 898 by Appropriations Committee; Commerce and Tourism Committee; Communications, Energy, and Public Utilities Committee; and Senators Abruzzo and Soto)

The communications services tax is levied on each taxable sale of communications services at retail in this state. The category of “information services” is expressly excluded from the definition of the term “communications services,” thereby exempting sales of information services from the tax.

The bill amends the definition of the term “information services” to include data processing and other services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser whose primary purpose for the underlying transaction is the processed data or information.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 39-0; House 111-0

**Committee on Communications, Energy,
And Public Utilities**

SB 1010 — Cable and Video Services

by Senator Richter

The bill repeals s. 610.119, F.S., which requires the Office of Program Policy Analysis and Government Accountability to submit a second and final report on the status of competition in the cable and video service industry. The law includes specifics about what the report should contain. Section 610.199(2), F.S., also required the Department of Agriculture and Consumer Services to make recommendations regarding the workload and staffing requirements associated with consumer complaints related to video and cable certificate holders, which was fulfilled in 2008.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 39-0; House 115-0

Committee on Communications, Energy, And Public Utilities

CS/HB 7147 — Building Construction Policies

by Regulatory Affairs Committee; Energy and Utilities Subcommittee; and Rep. J. Diaz (CS/CS/CS/SB 1044 by Appropriations Committee; Agriculture Committee; Communications, Energy, and Public Utilities Committee; and Senator Simpson)

Southern States Energy Compact

The bill deletes a statutory provision that the Department of Agriculture and Consumer Services (DACS or department) is to represent Florida in the Southern States Energy Compact. It also authorizes the Commissioner of Agriculture to appoint a member of the Southern States Energy Board, increasing the Florida membership to a total of four.

Department of Agriculture and Consumer Services & Department's Office of Energy

The bill modifies the department's duties to promote solar energy by requiring that it promote all forms of renewable energy. The DACS is also to study and make recommendations on energy efficiency in its annual report to the Governor and the Legislature. Finally, in aiding and promoting the commercialization of renewable energy, the DACS is to work with the Florida Energy Systems Consortium, in addition to those entities currently listed.

The statutes which create the solar energy and energy-efficient appliance rebate programs (which were operated by the Office of Energy but are no longer operational) are repealed.

The DACS is authorized to post information on its website relating to alternative fueling stations and electric vehicle charging stations that are available to the public.

A representative of the Office of Energy, to be appointed by the Governor, is added to the membership of the Florida Building Commission.

Building Energy-Efficiency Rating System

The bill changes the criteria for the building energy-efficiency rating system, requiring that the system include:

- The ability to provide reliable and scientifically-based analysis of a building's energy consumption or energy features;
- The ability to compare similar building types in similar climate zones;
- Use of standard calculations, formulas, and scoring methods;
- National applicability;
- Clearly defined and researched baselines or benchmarks;
- Ratings that are performed by qualified professionals;
- A labeling and recognition program with specific criteria or levels;
- Residential program benchmarks that must be consistent with national building standards and home energy rating standards; and
- At least one level of oversight performed by a group of professionals with subject matter expertise in energy efficiency, energy rating, and evaluation methods.

Building Construction

The bill allows proof that compensation has been secured for an employer's employees, which is required as a condition of applying for a building permit, to be shown electronically or physically. It also allows site plans or building permits to be maintained at the worksite in the original form or in the form of an electronic copy.

Agencies and local government are prohibited from requiring that existing mechanical equipment located on or above the surface of a roof comply with the requirements of the Florida Building Code relating to roof-mounted mechanical units except when the equipment is being replaced or is being removed during reroofing. In a single-family dwelling, make-up air is not required for range hood exhaust systems capable of exhausting either 400 cubic feet per minute or less or more than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

The bill adds inspection criteria that must be adopted by the Florida Building Commission within the Florida Building Code.

Florida Fire Prevention Code

The bill creates smoke alarm battery requirements. A one-family or two-family dwelling or a townhouse that is undergoing a repair may use smoke alarms with a non-removable, non-replaceable, 10-year battery, instead of hardwiring a smoke alarm into the electrical system. Effective January 15, 2015, a battery-powered smoke alarm that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least 10 years. These battery requirements do not apply to a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system.

Tents up to 30 feet by 30 feet are exempted from the Florida Fire Prevention Code.

Pool Construction and Operation in Florida

The bill allows the Department of Health (DOH) to grant variances from the Florida Building Code relating to public swimming pools and bathing places when the owner establishes that compliance would be a hardship. It requires building officials to recognize and enforce these variance orders.

The bill creates additional requirements for an application for an operating permit for a public swimming pool, including a requirement that those desiring to construct, develop, or modify a public swimming pool apply to the DOH for an operating permit before applying for a building permit. Similarly, the bill prohibits a local enforcing agency from issuing a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit. These provisions take effect October 1, 2014.

If approved by the Governor, except as otherwise provided, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 117-1