

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 159 — Pub. Rec./Lottery Winners

by Rep. Davis and others (SB 170 by Senators Polsky and Book)

The bill creates a new subsection (3) in s. 24.1051, F.S., to provide a public records exemption for 90 days from the date a prize is claimed, for the name of a winner of a lottery prize valued at \$250,000 or more, unless the winner consents to the release of his or her name, or if disclosure is required by other provisions of current law.

The bill provides a public necessity statement for the exemption.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-1; House 114-1

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SB 222 — Swimming Pool Specialty Contracting Services

by Senator Gruters

The bill creates an exemption from local and state licensing requirements for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, interactive water features, hot tubs, and spas. The supervising contractor need not employ or have a direct contract with the unlicensed person performing the specialty contracting services.

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law, such as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 112-0

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SB 350 — Procedures for Petitions for Utility Rate Relief

by Senator Bean

The bill increases the maximum annual sales threshold for public electric utilities to qualify for rate relief under the Florida Public Service Commission's proposed agency action procedure to 1,000 gigawatt hours from 500 gigawatt hours. The proposed agency action procedure allows for a more expedient rate relief process than a standard rate case, if there are no objections.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 113-3

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CS/HB 375 — Structural Engineering Recognition Program for Professional Engineers

by Regulatory Reform Subcommittee and Reps. Toledo, Silvers, and others (SB 940 by Senator Baxley)

The bill establishes the “Structural Engineering Recognition Program for Professional Engineers” (program) which requires the Florida Board of Professional Engineers (board) to recognize any licensed professional engineer who:

- Has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination or any other examination approved by the board; and
- Specializes in structural engineering based on alternative criteria determined by the board.

Upon application to the board, a professional engineer who has the minimum program requirements must be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. The board is prohibited from collecting a fee for the application or for recognition by the program.

The bill authorizes a professional engineer who is recognized by the program to identify the recognition in her or his professional practice, including in marketing and advertising materials.

Under the bill, recognition by the program is not required for a professional engineer to practice structural engineering. The bill requires the board to adopt rules to implement the above requirements.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 112-0

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CS/HB 481 — Temporary Underground Power Panels

by Tourism, Infrastructure and Energy Subcommittee and Rep. Duggan (CS/CS/SB 1332 by Community Affairs Committee; Regulated Industries Committee; and Senator Wright)

The bill prohibits counties and municipalities from enacting ordinances, regulations, or policies preventing an electric utility from installing a temporary underground (TUG) power panel during construction. The TUG power panel must meet the requirements of Article 590 of the 2020 National Electrical Code.

After an initial inspection of a TUG power panel, a county or municipality is prohibited from requiring a subsequent inspection as a condition for issuance of a certificate of occupancy.

The bill does not apply to a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality's ordinance, regulation, or policy applies only to its own operations as an electric utility.

Under the bill, "temporary underground power panel" is defined as a permanent meter base including a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to the utility's tariffs or service standards. The TUG power panel must be permanently attached to a block residential structure, provide temporary power for construction of the residential structure, and be intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 115-0

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CS/CS/HB 741 — Net Metering

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; and Rep. McClure and others (CS/CS/CS/SB 1024 by Rules Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Bradley)

The bill requires the Public Service Commission (PSC) to revise its rules on net metering of customer renewable generation, effective January 1, 2024. The revised rule must provide that excess electricity used by the customer is billed in accordance with normal billing practices; and electricity delivered to the utility's grid during the customer's regular billing cycle is credited toward the customer's energy consumption for the next month's billing cycle.

The bill provides for phases in which customers with renewable generation who have a net metering application approved will offset their energy consumption by a specified percentage of the amount credited as follows:

- Applications approved between January 1, 2024, and December 31, 2025, will receive a 75 percent energy usage credit;
- Applications approved between January 1, 2026, and December 31, 2026, will receive a 60 percent energy usage credit; and
- Applications approved between January 1, 2027, and December 31, 2028, will receive a 50 percent energy usage credit.

The bill allows customers who own or lease renewable generation systems with an approved net metering application before January 1, 2029, to continue to use the net metering rate design and the rates that applied at the time of the approval. This provision also applies to customers who purchase or lease real property with renewable generation systems installed for all or part of the twenty-year period.

On or after the effective date of the rules, the bill allows public utilities to petition the PSC for approval of fixed charges, base facilities charges, electric grid access fees, or monthly minimum bills, which ensure that the public utility recovers the fixed costs of serving customers and that the general body of ratepayers is not subsidizing customers with renewable generation systems.

The bill requires the PSC to adopt for subsequent rules that must become effective January 1, 2029, establishing a new program design for customer generation with an application approved on or after January 1, 2029. These subsequent rules must ensure that:

- Customers owning or leasing renewable generation systems pay the full cost of electric service and are not subsidized by the general body of ratepayers;
- All energy delivered by the public utility is purchased at the applicable retail rate; and
- All energy delivered by a customer generation system to the public utility is credited to the customer at the public utility's full avoided costs.

The bill requires the PSC to initiate rulemaking to implement the bill's subsequent rule criteria if at any time the generation in a public utility's service territory is reasonably expected to exceed

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6.5 percent within the succeeding 12 months. This may be done at any time, upon petition or on the PSC's own motion, and the rules become effective 60 days after adoption or 60 days after the PSC's determination that actual penetration is 6.5 percent, whichever is later. The bill provides a method for calculating the penetration rate.

The bill allows public utilities to recover lost revenue through their rate's fuel and purchased power cost recovery charge. The lost revenue resulting from additional residential customer generation, added between July 1, 2022, and December 31, 2023, above those estimated during the most recent rate case may be recovered by petitioning the PSC.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 24-15; House 83-31

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CS/CS/SB 1140 — Alarm Systems

by Banking and Insurance Committee; Regulated Industries Committee; and Senator Perry

The bill reduces the initial training and continuing education requirements for fire alarm system agents with certain specialized certifications or training relating to fire alarm systems. Eligible agents need only meet a requirement for two hours of training in false alarms prevention required by s. 489.5185(1)(b), F.S.

The bill amends the definition of a low-voltage alarm system project to include video cameras and closed-circuit television (CCTV) systems used to signal or detect a burglary, fire, robbery, or medical emergency. Such systems use a closed circuit for the signal rather than the typical open transmission used in broadcast television.

The bill establishes an expedited permitting process for fire alarm system alterations of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or cooperative building.

A local enforcement agency:

- May require a contractor to submit a completed application and payment, as a condition of obtaining a permit for an eligible fire alarm system project;
- May not require a contractor to submit plans or specifications as a condition of obtaining a permit for an eligible fire alarm system project;
- Must issue a permit for an eligible fire alarm system project in person or electronically;
- Must require at least one inspection of an eligible fire alarm system project to ensure compliance with applicable codes and standards; if an eligible fire alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

A contractor must keep a copy of the plans and specifications at a fire alarm system project worksite and make them available to the inspector at each inspection.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-0

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CS/CS/HB 1411 — Floating Solar Facilities

by Commerce Committee; Local Administration and Veterans Affairs Subcommittee; and Rep. Avila and others (CS/SB 1338 by Community Affairs Committee and Senator Diaz)

The bill promotes the expanded use of floating solar facilities (FSF) by requiring local governments to amend development regulations. Under the bill, FSFs are required 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. The bill adopts the existing definition for solar facility, under s. 163.3205(2), F.S.

Under the bill, counties and municipalities are authorized to specify buffer and landscaping requirements. Such requirements may not exceed those for similar uses involving solar facility construction permitted in agricultural land use categories and zoning districts.

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.

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.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 112-0

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CS/SB 1764 — Municipal Solid Waste-to-Energy Program

by Appropriations Committee and Senator Albritton

The bill 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. The program is limited to publicly owned MSWE facilities.

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. If funds are insufficient to cover every qualifying kWh, available funds must be prorated on an equitable basis, with specified considerations. The Public Service Commission (PSC) is required to assist the DACS with verifying eligibility and the amount of energy purchased from the facility.

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. To qualify, a facility owner must demonstrate the project is cost-effective, permissible, implementable, and complies with existing review requirements for new waste-to-energy facilities. The Department of Environmental Protection (DEP) must assist the DACS with determining eligibility and establishing requirements ensuring long-term and efficient operation and maintenance of facilities. These funds may not be used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from materials that have recycling potential.

The bill requires the DACS to perform adequate overview of applications and awards. The bill requires termination or repayment of incentive grant funds if the DACS determines that program requirements are not being met. Rules for the financial assistance grant program must be developed by the DACS in consultation with the PSC. Rules for the incentive grant program must be developed by the DACS in consultation with the DEP.

The bill requires appropriated funds to be used first for financial assistance grants and then for incentive grants. Funds may be carried forward for up to five years after the effective date of the original appropriation. Funds are prohibited from being used to support, subsidize, or enable the sale of electric power generated by a MSWE to an electric utility eligible to petition for rate relief using the proposed agency action procedure.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 110-8

THE FLORIDA SENATE
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Committee on Regulated Industries

SB 7036 — Lifeline Telecommunications Service

by Regulated Industries Committee

The bill updates Florida’s Lifeline provisions to be consistent with current federal Lifeline regulation.

The bill clarifies that an eligible telecommunications carrier (ETC) must notify a Lifeline subscriber (subscriber) of impending termination of Lifeline service if there is reason to believe that the subscriber no longer qualifies for the service. It requires a subscriber to provide proof of continued eligibility for Lifeline service upon request of the ETC, the Federal Communications Commission (FCC) or its designee.

The bill removes obsolete provisions relating to income eligibility standards that are inconsistent with current FCC requirements. It clarifies that the only government entities involved in the Lifeline program are the Public Service Commission (PSC) and the Department of Children and Families (DCF). The bill clarifies that the PSC and the DCF may exchange information with ETCs, and the FCC or its designee, in order to enroll eligible customers in Lifeline service. The bill requires any state agency that determines a person is eligible for Lifeline service to coordinate with the FCC or its designee to verify eligibility.

The bill authorizes certain information exempt from public records laws to be released to the FCC or its designee as required to administer the Lifeline program.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 111-0