

*Resilient Environment Department
for the Broward County Climate Change Task Force Meeting
May 20, 2022*

LEGISLATIVE AND POLICY UPDATE



FOCUS: 2022 FLORIDA LEGISLATIVE SESSION

01

Net
Metering

02

Super-
Preemption

03

C&SF
Study

04

Statewide
Resiliency

HB 741

NET METERING



Passed House (83-31)
Passed Senate (24-15)
Vetoed by Governor



How Broward legislators voted:

YES:

- Borrero
- Fabricio
- Geller
- Gottlieb
- LaMarca
- Omphroy

NO:

- Bartleman
- Book (Sen.)
- Campbell
- Daley
- Farmer (Sen.)
- Hunschofsky
- Jenne
- Jones (Sen.)
- Polsky (Sen.)
- Robinson (F)
- Williams
- Woodson



Expect to see a similar bill in
2023

HB 741

NET METERING

FINAL BILL PROVISIONS



For customers with net metering in place prior to 2029, applicable credit will apply for 20 more years



Customers online:

- Before 2024: 100% amt. credited
- In 2024-2025: 75%
- In 2026: 60%
- In 2027: 50%



Starting 2024, utilities can petition PSC to recover lost revenue

HB 741

NET METERING

FINAL BILL PROVISIONS



PSC must design new net metering program design by 2029



Design must ensure that:

- net metering customers are not cross-subsidized by general body of ratepayers
- net metering customers pay full retail rate for utility power
- net metering customers receive avoided cost rate from utility for excess generation

HB 741

NET METERING

FINAL BILL PROVISIONS



If net-metered generation reaches 6.5% in any utility service area, new program design rulemaking begins immediately



Utilities can offer more if they want to!



Between 7/1/2022 and 12/31/2023, if net-metered generation exceeds estimated level in service area, utility may petition PSC to recover lost revenue

HB 741

NET METERING

VETO MESSAGE

The Legislature passed CS/CS/HB 741, which, in part, authorizes public utilities to impose additional charges to recover lost revenues resulting from residential solar generation that exceeds the public utility's estimate. The amount that may be recovered under this provision is speculative and would be borne by all customers.

Given that the United States is experiencing its worst inflation in 40 years and that consumers have seen steep increases in the price of gas and groceries, as well as escalating bills, the state of Florida should not contribute to the financial crunch that our citizens are experiencing.

SUPER-PREEMPTION BILLS

SB 620 - LOCAL BUSINESS PROTECTION ACT

Passed Senate 22-14, House 69-45 - not yet sent to Governor

- Businesses can sue for damages if local gov't charter amendments or ordinances reduced or will reduce profit by 15%+
- No more than 7 years' lost revenue
- Exemptions: compliance w/state or federal law, emergency ordinances, planning/building code/fire code, contracts/agreements, debt, budget
- Business sends letter outlining damages and offering settlement
- Local gov't has 120 days to respond, may repeal to avoid liability
- Local gov't must pay plaintiff's attorney fees

SUPER-PREEMPTION BILLS

SB 280 - LOCAL ORDINANCES

Passed Senate 28-8, died in House (as did companion H bill)

- Local gov'ts must produce business impact statement on proposed ordinances
- Summary of ordinance, naming public purpose to be served
- Estimate of direct economic impact of the proposed ordinance on private for-profit businesses in jurisdiction, including:
 - Direct compliance costs for businesses
 - identification of new charges/fees
 - Estimate of local gov't's regulatory costs
- Good faith estimate of # businesses likely impacted

SUPER-PREEMPTION BILLS

SB 280 - LOCAL ORDINANCES

- Exemptions
 - Compliance w/state or federal law, emergency ordinances, planning/building code/fire code, contracts/agreements, debt, budget
- But not required to hire accountants or economists!
- Sets conditions for lawsuits against local gov't ordinances, incl. ordering courts to prioritize such suits above all others
- Exemptions same as in business impact statement section
- \$50,000 to be awarded to successful side for attorney fees

C&SF RESILIENCY STUDY BILLS

HB 513 - COMPREHENSIVE REVIEW STUDY OF THE CENTRAL AND SOUTHERN FLORIDA PROJECT

Passed House 114-1, Senate 73-0, signed by Governor




- Requires SFWMD to produce and submit annual status report on Section 216 C&SF Project Infrastructure Resiliency Study
 - Summary of findings in SFWMD annual SLR and flood resiliency plan
 - List of structures expected to fall below expected service level within 5 years
 - Initial recs for refurbishment/replacement of structures identified, including:
 - Est. costs/timelines for refurbishment/replacement of the most vuln. structures
 - Estimate of project costs and current funds available to implement recs for each vulnerable structure over next 10 years
 - Summary of the state and fed funds expended toward implementation of Section 216 recs and other directly related flood control infrastructure resiliency

C&SF RESILIENCY STUDY BILLS

HB 3103 - CENTRAL AND SOUTHERN FLORIDA RESILIENCY STUDY

- \$2 million member appropriations request from Rep. Bartleman
- To jumpstart Section 216 C&SF Resiliency Study via annual report process in HB 513
- Included in HB 5001 - General Appropriations Act: Line 1635A
- Appropriation bills have not yet been sent to Governor

HB 7053 STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE FINAL BILL PROVISIONS

-  Creates Statewide Office of Resilience
-  Creates position of Chief Resilience Officer
-  DEP and CRO must submit report re: flood resilience and mitigation efforts in state by Dec. 15, 2022

HB 7053 STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE FINAL BILL PROVISIONS



DOT must create resilience action plan for State Highway System, both current conditions and forecasted future events



Adds Resilient Florida Grant Program eligibility:

- Vulnerability assessments of inland flooding
- Preconstruction activities for small local gov'ts

HB 7053 STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE FINAL BILL PROVISIONS







Vuln assessments for rainfall-induced flooding must include 100-year storm and 500-year storm, and future rainfall conditions if available



Inland communities must perform rainfall-induced flooding assessment

HB 7053 STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE FINAL BILL PROVISIONS

-  All eligible submitted projects must be ranked in Resilience Plan
-  Lists required Resilience Plan elements
-  Expands list of entities eligible to submit projects
-  Requires Florida Flood Hub to provide tidal, storm surge, rainfall, compound flooding data to local gov't's

QUESTIONS?



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