

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Kristin Melton

Date: January 12, 2015

RE: 2015 Legislation – SEFLUC Update

The following is a summary of legislation which may be of interest to the Southeast Florida Utility Council (“SEFLUC”). A summary of proposed changes and an analysis of impacts to SEFLUC are presented for each bill. In some cases, because of the length of the bill, the analysis may be limited to only those provisions impacting SEFLUC. In the event a more extensive summary and analysis is required, a separate memo addressing the specific legislation can be prepared upon request.

List of Bills Contained in Memo:

1. HB 65 – Public Records and Public Meetings
2. HB 81 – Public Utilities

1. HB 65– Public Records and Public Meetings

Summary –

Similar to 2014 HB 1051/SB 1318, the bill creates an exemption from public record and public meeting requirements for unsolicited proposals for P3 projects for public facilities and infrastructure.

The bill provides that an unsolicited proposal is exempt from public record requirements until such time that the responsible public entity provides notice of its intended decision. If the responsible public entity rejects all proposals and concurrently provides notice of its intent to seek additional proposals, the unsolicited proposal remains exempt for a specified period of time; however, it does not remain exempt for more than 90 days after the responsible public entity rejects all proposals received for the project described in the unsolicited proposal.

If the responsible public entity does not issue a competitive solicitation, the unsolicited proposal is not exempt for more than 180 days.

The bill creates a public meeting exemption for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting. The recording, and any records generated during the closed meeting, are exempt

from public record requirements until such time as the underlying public record exemption expires.

The public record exemptions and public meeting exemption are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

Impact on SEFLUC – Monitor as this could impact public utilities engaging in P3 Projects.

2. HB 81/SB 230 – Public Utilities

Summary:

Applies to electric and gas utilities. Requires a proposed change in public utility's billing cycle to be approved by the Florida Public Service Commission at least 1 month before change becomes effective. It also requires the commission to consider impact of the proposed change and prohibits the commission from approving more than a 7-day extension of a billing cycle or any change that may cause a consumer or user to be charged a higher rate due to the increased energy usage.

Impact on SEFLUC:

While this legislation only applies to electric and gas utilities, it will be interesting for SEFLUC to monitor as it expands the PSC's authority to control utility billing cycles and rates. In 2014, the legislature proposed bills requiring PSC approval for water and wastewater rate changes. These bills are consistent with the intent to expand the PSC's control.