1 A bill to be entitled 2 An act relating to energy regulation; creating s. 3 377.708, F.S.; defining the term "federal phase-out 4 mandate"; requiring determinations on building new 5 energy generating facilities to take certain factors 6 into consideration; prohibiting local governmental 7 entities from requiring or prohibiting certain 8 building materials, vehicles, or home heating elements 9 under certain circumstances; providing an exception; authorizing local governmental entities to adopt bid 10 11 specifications for public works projects that take 12 energy savings or production into consideration; 13 creating s. 403.08723, F.S.; defining the term "greenhouse gas"; prohibiting the adoption or 14 15 enforcement of certain state and regional programs to 16 regulate greenhouse gas emissions without specific 17 legislative authorization; providing an effective 18 date. 19 20 Be It Enacted by the Legislature of the State of Florida: 21 Section 377.708, Florida Statutes, is created 22 Section 1. 23 to read: 24 377.708 Energy efficiency policies.-25 (1) As used in this section, the term "federal phase-out

Page 1 of 4

CODING: Words stricken are deletions; words underlined are additions.

mandate" means a federal law or regulation that:

- (a) Is established after April 20, 2021, by the United States Congress, a federal agency, or an executive order; and
- (b) Requires the phasing out or discontinuance of a particular type of energy generating facility, technology, or fuel source.
- (2) All of the following factors must be taken into consideration before making determinations on building energy generating facilities:
- (a) An application for a certificate of public convenience and necessity for a new energy generating facility.
- (b) Integrated resource planning and the impact of federal phaseout mandates on the estimated useful life of certain energy generating facilities on an electric utility, including on depreciation expenses associated with such facilities.
- (3) (a) Except for purposes of compliance with specified building and fire safety laws, a local governmental entity may not do any of the following:
- 1. Require that a particular component, design, or type of material be used in the construction of a building because of the energy saving or energy producing qualities of the component, design, or material.
- 2. Prohibit the use of a particular component, design, or type of material in the construction of a building because the component, design, or material does not meet an energy saving

Page 2 of 4

CODING: Words stricken are deletions; words underlined are additions.

- 3. Require a building or structure to be retrofitted with a particular device or type of material because of the energy saving or energy producing qualities of the device or material.
- 4. Prohibit or restrict the purchase or use of vehicles based upon the type of energy used.
 - 5. Prohibit the sale, installation, or use of:
- a. Natural gas-powered home heating equipment; home appliances; or outdoor heating appliances, torches, lamps, or other decorative features; or
 - b. Outdoor grills and stoves.
- (b) This prohibition does not apply to any requirement included in a procurement document used to procure goods and services, including the construction or design of buildings, to be owned or used by the local governmental entity.
- (c) A local governmental entity may adopt bid specifications for a public works project that includes energy savings or energy production provisions with respect to the components, design, or materials for the specific project.
- Section 2. Section 403.08723, Florida Statutes, is created to read:
 - 403.08723 Regulation of greenhouse gas emissions.-
- (1) As used in this section, the term "greenhouse gas" means carbon dioxide, methane, nitrous oxides, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon.

Page 3 of 4

CODING: Words stricken are deletions; words underlined are additions.

76	(2) Notwithstanding any other law, a state agency may not
77	adopt or enforce a state or regional program to regulate
78	greenhouse gas emissions for the purpose of addressing changes
79	in atmospheric temperature without specific legislative
80	authorization, including, but not limited to:
81	(a) State plans developed pursuant to 42 U.S.C. s. 7402,
82	s. 7410, s. 7411, s. 7415, or s. 7545.
83	(b) Low carbon fuel standards.
84	(c) Plans or programs enabling regulation of mobile or
85	stationary sources, greenhouse gas taxes or fees, or greenhouse
86	gas emissions trading.
87	(d) State or regional programs prompted by the
88	participation of the United States in international treaties or
89	executive agreements or interstate compacts or agreements.
90	Section 3. This act shall take effect July 1, 2023.