

By Senator Rodriguez

40-00471A-23

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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;
10 authorizing local governmental entities to adopt bid
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
14 "greenhouse gas"; prohibiting the adoption or
15 enforcement of certain state and regional programs to
16 regulate greenhouse gas emissions without specific
17 legislative authorization; providing an effective
18 date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 377.708, Florida Statutes, is created to
23 read:

24 377.708 Energy efficiency policies.—

25 (1) As used in this section, the term "federal phase-out
26 mandate" means a federal law or regulation that:

27 (a) Is established after April 20, 2021, by the United
28 States Congress, a federal agency, or an executive order; and

29 (b) Requires the phasing out or discontinuance of a

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30 particular type of energy generating facility, technology, or
31 fuel source.

32 (2) All of the following factors must be taken into
33 consideration before making determinations on building energy
34 generating facilities:

35 (a) An application for a certificate of public convenience
36 and necessity for a new energy generating facility.

37 (b) Integrated resource planning and the impact of federal
38 phase-out mandates on the estimated useful life of certain
39 energy generating facilities on an electric utility, including
40 on depreciation expenses associated with such facilities.

41 (3) (a) Except for purposes of compliance with specified
42 building and firesafety laws, a local governmental entity may
43 not do any of the following:

44 1. Require that a particular component, design, or type of
45 material be used in the construction of a building because of
46 the energy saving or energy producing qualities of the
47 component, design, or material.

48 2. Prohibit the use of a particular component, design, or
49 type of material in the construction of a building because the
50 component, design, or material does not meet an energy saving
51 standard.

52 3. Require a building or structure to be retrofitted with a
53 particular device or type of material because of the energy-
54 saving or energy-producing qualities of the device or material.

55 4. Prohibit or restrict the purchase or use of vehicles
56 based upon the type of energy used.

57 5. Prohibit the sale, installation, or use of:

58 a. Natural gas-powered home heating equipment; home

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59 appliances; or outdoor heating appliances, torches, lamps, or
60 other decorative features; or

61 b. Outdoor grills and stoves.

62 (b) This prohibition does not apply to any requirement
63 included in a procurement document used to procure goods and
64 services, including the construction or design of buildings, to
65 be owned or used by the local governmental entity.

66 (c) A local governmental entity may adopt bid
67 specifications for a public works project that includes energy
68 savings or energy production provisions with respect to the
69 components, design, or materials for the specific project.

70 Section 2. Section 403.08723, Florida Statutes, is created
71 to read:

72 403.08723 Regulation of greenhouse gas emissions.—

73 (1) As used in this section, the term "greenhouse gas"
74 means carbon dioxide, methane, nitrous oxides, sulfur
75 hexafluoride, hydrofluorocarbon, and perfluorocarbon.

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, s.
82 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

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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.