

**By** Senator Collins

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1                   A bill to be entitled

2                   An act relating to energy resources; creating s.  
3                   163.3210, F.S.; providing legislative intent;  
4                   providing definitions; allowing resiliency facilities  
5                   in certain land use categories in local government  
6                   comprehensive plans and specified districts if certain  
7                   criteria are met; allowing local governments to adopt  
8                   ordinances for resiliency facilities if certain  
9                   requirements are met; prohibiting amendments to a  
10                  local government's comprehensive plan, land use map,  
11                  zoning districts, or land development regulations in a  
12                  manner that would conflict with resiliency facility  
13                  classification after a specified date; amending s.  
14                  286.29, F.S.; revising energy guidelines for public  
15                  businesses; eliminating the requirement that the  
16                  Department of Management Services develop and maintain  
17                  the Florida Climate-Friendly Preferred Products List;  
18                  eliminating the requirement that state agencies  
19                  contract for meeting and conference space only with  
20                  facilities that have a Green Lodging designations;  
21                  eliminating the requirement that state agencies, state  
22                  universities, community colleges, and local  
23                  governments that procure new vehicles under a state  
24                  purchasing plan select certain vehicles under a  
25                  specified circumstance; requiring the Department of  
26                  Management Services to develop a Florida Humane  
27                  Preferred Energy Products List in consultation with  
28                  the Department of Commerce and the Department of  
29                  Agriculture and Consumer Services; providing for

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30 assessment considerations in developing the list;  
31 defining the term "forced labor"; requiring state  
32 agencies and political subdivisions that procure  
33 energy products from state term contracts to consult  
34 the list and purchase or procure such products;  
35 prohibiting state agencies and political subdivisions  
36 from purchasing or procuring products not included in  
37 the list; creating 320.97, F.S.; providing legislative  
38 findings; creating the Electric Vehicle Battery  
39 Deposit Program within the Department of Highway  
40 Safety and Motor Vehicles; providing the requirements  
41 of the program; allowing the department to adopt  
42 rules; providing definitions; requiring the Department  
43 of Highway Safety and Motor Vehicles to prepare and  
44 submit a report to the Governor and the Legislature as  
45 it relates to the Electric Vehicle Battery Deposit  
46 Program by a specified date; amending s. 338.234,  
47 F.S.; requiring the Department of Highway Safety and  
48 Motor Vehicles to offer access to vendors of certain  
49 fuels or services access to the turnpike system in  
50 certain instances; amending s. 366.032, F.S.;  
51 including development districts as a type of political  
52 subdivision for purposes of preemption over utility  
53 service restrictions; creating s. 366.057, F.S.;  
54 defining the term "electrical power plant"; requiring  
55 a public utility to petition the Public Service  
56 Commission within a specified time before retiring an  
57 electrical power plant; requiring the commission to  
58 enter a final order in response to the petition within

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59       a specified time; setting forth what the commission  
60       must take into consideration in entering its final  
61       order; requiring the commission to notify the Attorney  
62       General of the retirement of an electrical power plant  
63       in specified circumstances; amending s. 366.94, F.S.;  
64       removing terminology; conforming provisions to changes  
65       made by the act; authorizing the commission upon a  
66       specified date to approve voluntary public utility  
67       programs for electric vehicle charging if certain  
68       requirements are met; requiring that all revenues  
69       received from such program be credited to the public  
70       utility's general body of ratepayers; providing  
71       applicability; amending s. 377.601, F.S.; revising  
72       legislative intent; amending s. 377.6015, F.S.;  
73       revising the powers and duties of the department;  
74       conforming provisions to changes made by the act;  
75       amending s. 377.703, F.S.; revising additional  
76       functions of the department relating to energy  
77       resources; conforming provisions to changes made by  
78       the act; repealing s. 377.801, F.S., relating to the  
79       Florida Energy and Climate Protection Act; repealing  
80       s. 377.802, F.S., relating to the purpose of the act;  
81       repealing s. 377.803, F.S., relating to definitions  
82       under the act; repealing s. 377.804, F.S., relating to  
83       the Renewable Energy and Energy-Efficient Technologies  
84       Grants Program; repealing s. 377.808, F.S., relating  
85       to the Florida Green Government Grants Act; repealing  
86       s. 377.809, F.S., relating to the Energy Economic Zone  
87       Pilot Program; repealing s. 377.816, F.S., relating to

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88       the Qualified Energy Conservation Bond Allocation  
89       Program; prohibiting the approval of new or additional  
90       applications, certifications, or allocations under  
91       such programs; prohibiting new contracts, agreements,  
92       and awards under such programs; rescinding all  
93       certifications or allocations issued under such  
94       programs; providing an exception; providing  
95       application relating to existing contracts or  
96       agreements under such programs; amending ss. 288.9606  
97       and 380.0651, F.S.; conforming provisions to changes  
98       made by the act; amending s. 403.9405, F.S.; revising  
99       the applicability of the Natural Gas Transmission  
100      Pipeline Siting Act; amending s. 720.3075, F.S.;  
101      prohibiting certain homeowners' association documents  
102      from precluding certain types or fuel sources of  
103      energy production and the use of certain appliances;  
104      directing the commission to ensure that electrical  
105      energy technologies are used in a specified manner  
106      through market-based policies and electric grid  
107      improvements; requiring the commission to develop  
108      specified policies for smart energy; requiring that  
109      such policies also address the modernization of the  
110      state's electric grid and ensure that equipment used  
111      is manufactured in the United States or countries  
112      engaged in commerce within the United States pursuant  
113      to free trade agreements; requiring the commission by  
114      a specified date to submit a report to the Legislature  
115      that contains such established policies; requiring the  
116      commission to conduct an assessment of the security

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117 and resiliency of the state's electric grid and  
118 natural gas facilities against physical threats and  
119 cyber threats; requiring the commission to consult  
120 with the Florida Digital Service; requiring  
121 cooperation from all operating facilities in the state  
122 relating to such assessment; requiring the commission  
123 to submit by a specified date a report of such  
124 assessment to the Governor and the Legislature;  
125 providing additional content requirements for such  
126 report; requiring the commission to study and evaluate  
127 the technical and economic feasibility of using  
128 advanced nuclear power technologies to meet the  
129 electrical power needs of the state; requiring the  
130 commission to submit by a specified date a report to  
131 the Governor and the Legislature that contains its  
132 findings and any additional recommendations for  
133 potential legislative or administrative actions;  
134 requiring the Department of Transportation, in  
135 consultation with the Office of Energy within the  
136 Department of Agriculture and Consumer Services, to  
137 study and evaluate the potential development of  
138 hydrogen fueling infrastructure to support hydrogen-  
139 powered vehicles; requiring the department to submit  
140 by a specified date a report to the Governor and the  
141 Legislature that contains its findings and  
142 recommendations for specified actions that may  
143 accommodate the future development of hydrogen fueling  
144 infrastructure; providing effective dates.  
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146 Be It Enacted by the Legislature of the State of Florida:

147  
148       Section 1. Section 163.3210, Florida Statutes, is created  
149 to read:

150       163.3210 Natural gas resiliency and reliability  
151 infrastructure.—

152       (1) It is the intent of the Legislature to maintain,  
153 encourage, and ensure adequate and reliable fuel sources for  
154 public utilities. The resiliency and reliability of fuel sources  
155 for public utilities is critical to the state's economy; the  
156 ability of the state to recover from natural disasters; and to  
157 the health, safety, welfare, and quality of life of the  
158 residents of the state.

159       (2) As used in this section, the term:

160       (a) "Natural gas" means all forms of fuel commonly or  
161 commercially known or sold as natural gas, including compressed  
162 natural gas and liquefied natural gas.

163       (b) "Natural gas reserve" means a facility that is capable  
164 of storing and transporting and, when operational, actively  
165 stores and transports a supply of natural gas.

166       (c) "Public utility" has the same meaning as defined in s.  
167 366.02.

168       (d) "Resiliency facility" means a facility owned and  
169 operated by a public utility for the purposes of assembling,  
170 creating, holding, securing, or deploying natural gas reserves  
171 for temporary use during a system outage or natural disaster.

172       (3) A resiliency facility is a permitted use in all  
173 commercial, industrial, and manufacturing land use categories in  
174 a local government comprehensive plan and all commercial,

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175       industrial, and manufacturing districts. A resiliency facility  
176       must comply with the setback and landscape criteria for other  
177       similar uses. A local government may adopt an ordinance  
178       specifying buffer and landscaping requirements for resiliency  
179       facilities, provided such requirements do not exceed the  
180       requirements for similar uses involving the construction of  
181       other facilities that are permitted uses in commercial,  
182       industrial, and manufacturing land use categories and zoning  
183       districts.

184       (4) After July 1, 2024, a local government may not amend  
185       its comprehensive plan, land use map, zoning districts, or land  
186       development regulations in a manner that would conflict with a  
187       resiliency facility's classification as a permitted and  
188       allowable use, including, but not limited to, an amendment that  
189       causes a resiliency facility to be a nonconforming use,  
190       structure, or development.

191       Section 2. Section 286.29, Florida Statutes, is amended to  
192       read:

193       286.29 Energy guidelines for Climate-friendly public  
194       business. ~~The Legislature recognizes the importance of~~  
195       leadership by state government in the area of energy efficiency  
196       and in reducing the greenhouse gas emissions of state government  
197       operations. The following shall pertain to all state agencies  
198       when conducting public business:

199       (1) ~~The Department of Management Services shall develop the~~  
200       ~~"Florida Climate-Friendly Preferred Products List."~~ In  
201       maintaining that list, the department, in consultation with the  
202       Department of Environmental Protection, shall continually assess  
203       products currently available for purchase under state term

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204 contracts to identify specific products and vendors that offer  
205 clear energy efficiency or other environmental benefits over  
206 competing products. When procuring products from state term  
207 contracts, state agencies shall first consult the Florida  
208 Climate Friendly Preferred Products List and procure such  
209 products if the price is comparable.

210 (2) State agencies shall contract for meeting and  
211 conference space only with hotels or conference facilities that  
212 have received the "Green Lodging" designation from the  
213 Department of Environmental Protection for best practices in  
214 water, energy, and waste efficiency standards, unless the  
215 responsible state agency head makes a determination that no  
216 other viable alternative exists.

217 (1)-(3) Each state agency shall ensure that all maintained  
218 vehicles meet minimum maintenance schedules shown to reduce fuel  
219 consumption, which include:

- 220 (a) Ensuring appropriate tire pressures and tread depth.~~;~~
- 221 (b) Replacing fuel filters and emission filters at  
222 recommended intervals.~~;~~
- 223 (c) Using proper motor oils.~~;~~ and
- 224 (d) Performing timely motor maintenance.

225  
226 Each state agency shall measure and report compliance to the  
227 Department of Management Services through the Equipment  
228 Management Information System database.

229 (4) When procuring new vehicles, all state agencies, state  
230 universities, community colleges, and local governments that  
231 purchase vehicles under a state purchasing plan shall first  
232 define the intended purpose for the vehicle and determine which

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233 of the following use classes for which the vehicle is being  
234 procured:

235 (a) State business travel, designated operator;  
236 (b) State business travel, pool operators;  
237 (c) Construction, agricultural, or maintenance work;  
238 (d) Conveyance of passengers;  
239 (e) Conveyance of building or maintenance materials and  
240 supplies;  
241 (f) Off-road vehicle, motorcycle, or all-terrain vehicle;  
242 (g) Emergency response; or  
243 (h) Other.

244

245 Vehicles described in paragraphs (a) through (h), when being  
246 processed for purchase or leasing agreements, must be selected  
247 for the greatest fuel efficiency available for a given use class  
248 when fuel economy data are available. Exceptions may be made for  
249 individual vehicles in paragraph (g) when accompanied, during  
250 the procurement process, by documentation indicating that the  
251 operator or operators will exclusively be emergency first  
252 responders or have special documented need for exceptional  
253 vehicle performance characteristics. Any request for an  
254 exception must be approved by the purchasing agency head and any  
255 exceptional performance characteristics denoted as a part of the  
256 procurement process prior to purchase.

257 (2) (5) All state agencies shall use ethanol and biodiesel  
258 blended fuels when available. State agencies administering  
259 central fueling operations for state-owned vehicles shall  
260 procure biofuels for fleet needs to the greatest extent  
261 practicable.

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262        (3) (a) The Department of Management Services shall, in  
263 consultation with the Department of Commerce and the Department  
264 of Agriculture and Consumer Services, develop a Florida Humane  
265 Preferred Energy Products List. In developing the list, the  
266 department must assess products currently available for purchase  
267 under state term contracts that contain or consist of an energy  
268 storage device with a capacity of greater than one kilowatt or  
269 that contain or consist of an energy generation device with a  
270 capacity of greater than 500 kilowatts and identify specific  
271 products that appear to be largely made free from forced labor,  
272 irrespective of the age of the worker. For purposes of this  
273 subsection, the term "forced labor" means any work performed or  
274 service rendered that is:

275        1. Obtained by intimidation, fraud, or coercion, including  
276 by threat of serious bodily harm to, or physical restraint  
277 against, a person, by means of a scheme intended to cause the  
278 person to believe that if he or she does not perform such labor  
279 or render such service, the person will suffer serious bodily  
280 harm or physical restraint, or by means of the abuse or  
281 threatened abuse of law or the legal process;

282        2. Imposed on the basis of a characteristic that has been  
283 held by the United States Supreme Court or the Florida Supreme  
284 Court to be protected against discrimination under the  
285 Fourteenth Amendment to the United States Constitution or under  
286 s. 2, Art. I of the State Constitution, including race, color,  
287 national origin, religion, gender, or physical disability;

288        3. Not performed or rendered voluntarily by a person; or  
289        4. In violation of the Child Labor Law or otherwise  
290 performed or rendered through oppressive child labor.

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291       (b) When procuring the types of energy products described  
292       in paragraph (a) from state term contracts, state agencies and  
293       political subdivisions shall first consult the Florida Humane  
294       Preferred Energy Products List and may not purchase or procure  
295       products not included in the list.

296       Section 3. Effective July 1, 2025, section 320.97, Florida  
297       Statutes, is created to read:

298       320.97 Electric vehicle battery deposit program.—

299       (1) The Legislature finds that the state has a compelling  
300       interest in facilitating the proper disposal and recycling of  
301       electric vehicle batteries at the end of their useful lives.

302       (2) The Electric Vehicle Battery Deposit Program is created  
303       within the department.

304       (a) The department, in consultation with industry experts,  
305       shall develop and implement the program to provide for the  
306       collection of a deposit on electric vehicle batteries by a:

307       1. Motor vehicle dealer, as defined in s. 320.27(1)(c),  
308       which sells at retail an electric vehicle not previously  
309       registered in the state; or

310       2. Motor vehicle repair shop, as defined in s. 559.903,  
311       which sells an electric vehicle battery at retail in the state,

313       based on the electric vehicle battery's gross capacity as  
314       measured in kilowatt hours (kWh).

315       (b) For purposes of paragraph (a), the deposit amount is:

316       1. For an electric vehicle battery with a gross capacity  
317       less than or equal to 50 kWh: \$500.

318       2. For an electric vehicle battery with a gross capacity  
319       greater than 50 kWh but less than or equal to 100 kWh: \$750.

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320       3. For an electric vehicle battery with a capacity greater  
321       than 100 kWh: \$1,000.

322       (c) For purposes of paragraph (a), the department must  
323       designate the means by which the deposit must be held until it  
324       can be refunded to the titleholder of an electric vehicle in  
325       which the battery is installed upon proof of the relinquishment  
326       or sale of the electric vehicle or electric vehicle battery to a  
327       motor vehicle dealer or motor vehicle repair shop.

328       (d) The program shall allow a fire department which handles  
329       an electric vehicle battery fire to claim the deposit that the  
330       titleholder of the electric vehicle in which the battery fire  
331       occurred would otherwise be entitled to receive under the  
332       program in order to assist with additional costs associated with  
333       extinguishing electric vehicle battery fires.

334       (e) The program shall provide a means by which the  
335       titleholder of the electric vehicle may recover the deposit  
336       under the program upon providing proof of relocation to another  
337       state, sale of the electric vehicle to an out-of-state resident,  
338       or theft of the electric vehicle or electric vehicle battery.

339       (3) The department may adopt rules to implement this  
340       section.

341       (4) For the purposes of this section, the term:

342       (a) "Electric vehicle" has the same meaning as provided in  
343       s. 320.01(36).

344       (b) "Electric vehicle battery" means a rechargeable storage  
345       battery which is the exclusive source of power to an electric  
346       motor in an electric vehicle.

347       (c) "Motor vehicle" has the same meaning as provided in s.  
348       320.01(1).

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349       Section 4. (a) By December 1, 2024, the Department of  
350 Highway Safety and Motor Vehicles shall prepare and submit a  
351 report to the Governor, the President of the Senate, and the  
352 Speaker of the House of Representatives which:

353       1. Specifies the terms of the Electric Vehicle Battery  
354 Deposit Program consistent with s. 320.97, Florida Statutes.  
355       2. Identifies any implementation issues.  
356       3. Makes recommendations on any further legislation that  
357 may be necessary.

358       (b) The report shall contain recommendations on how the  
359 state may further facilitate proper electric vehicle battery  
360 disposal and recycling.

361       Section 5. Subsection (2) of section 338.234, Florida  
362 Statutes, is renumbered as subsection (3) and a new subsection  
363 (2) is added to that section, to read:

364       338.234 Granting concessions or selling along the turnpike  
365 system; immunity from taxation.—

366       (2) If the department enters or has entered into a contract  
367 or license with a vendor to allow for the sale of motor fuel or  
368 charging services along the turnpike system, the department must  
369 offer access to potential vendors of other motor vehicle fuels  
370 or repowering services along the turnpike system, including, but  
371 not limited to, hydrogen, compressed natural gas, and liquefied  
372 natural gas.

373       Section 6. Subsections (1), (2), and (5) of section  
374 366.032, Florida Statutes, are amended to read:

375       366.032 Preemption over utility service restrictions.—

376       (1) A municipality, county, special district, development  
377 district, or other political subdivision of the state may not

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378       enact or enforce a resolution, ordinance, rule, code, or policy  
379       or take any action that restricts or prohibits or has the effect  
380       of restricting or prohibiting the types or fuel sources of  
381       energy production which may be used, delivered, converted, or  
382       supplied by the following entities to serve customers that such  
383       entities are authorized to serve:

384             (a) A public utility or an electric utility as defined in  
385       this chapter;

386             (b) An entity formed under s. 163.01 that generates, sells,  
387       or transmits electrical energy;

388             (c) A natural gas utility as defined in s. 366.04(3)(c);

389             (d) A natural gas transmission company as defined in s.  
390       368.103; or

391             (e) A Category I liquefied petroleum gas dealer or Category  
392       II liquefied petroleum gas dispenser or Category III liquefied  
393       petroleum gas cylinder exchange operator as defined in s.  
394       527.01.

395             (2) Except to the extent necessary to enforce the Florida  
396       Building Code adopted pursuant to s. 553.73 or the Florida Fire  
397       Prevention Code adopted pursuant to s. 633.202, a municipality,  
398       county, special district, development district, or other  
399       political subdivision of the state may not enact or enforce a  
400       resolution, an ordinance, a rule, a code, or a policy or take  
401       any action that restricts or prohibits or has the effect of  
402       restricting or prohibiting the use of an appliance, including a  
403       stove or grill, which uses the types or fuel sources of energy  
404       production which may be used, delivered, converted, or supplied  
405       by the entities listed in subsection (1). As used in this  
406       subsection, the term "appliance" means a device or apparatus

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407 manufactured and designed to use energy and for which the  
408 Florida Building Code or the Florida Fire Prevention Code  
409 provides specific requirements.

410 (5) Any municipality, county, special district, development  
411 district, or political subdivision charter, resolution,  
412 ordinance, rule, code, policy, or action that is preempted by  
413 this act that existed before or on July 1, 2021, is void.

414 Section 7. Section 366.057, Florida Statutes, is created to  
415 read:

416 366.057 Retirement of electrical power plant.-

417 (1) For purposes of this section, the term "electrical  
418 power plant" means any steam or solar electrical generating  
419 facility that uses any process or fuel, including nuclear  
420 materials, with a capacity of 75 megawatts or more. The term  
421 also includes all associated facilities necessary for the  
422 continued operation of the electrical power plant, such as  
423 facilities that are physically connected to the electrical power  
424 plant and facilities that are used to connect the electrical  
425 power plant to an existing transmission network.

426 (2) Before retiring an electrical power plant, a public  
427 utility must petition the commission for approval to retire the  
428 plant, giving not less than 30 days' notice thereof.

429 (3) The commission shall enter a final order approving,  
430 approving with conditions, or denying a petition within 180 days  
431 after receiving the petition. In making its determination, the  
432 commission must take into account the impact of the proposed  
433 electrical power plant retirement on:

- 434 (a) Electric system reliability, resilience, and integrity.  
435 (b) The ability to provide adequate electricity at a

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436 reasonable cost, including potential rate impacts.

437 (c) Fuel diversity and supply reliability.

438 (d) The use of domestic energy resources, including

439 renewable energy resources.

440 (e) The state's energy policy goals in s. 377.601(2).

441 (4) If the commission determines that the basis for  
442 retirement of an electrical power plant is a requirement or  
443 inducement provided in a proposed or actual federal regulation  
444 and that such retirement is inconsistent with the state's energy  
445 policy goals in s. 377.601(2), the commission shall inform the  
446 Attorney General and provide technical support to the Attorney  
447 General, as needed, to address the inconsistency.

448 Section 8. Section 366.94, Florida Statutes, is amended to  
449 read:

450 366.94 Electric vehicle charging stations.—

451 (1) The provision of electric vehicle charging to the  
452 public by a nonutility is not the retail sale of electricity for  
453 the purposes of this chapter. The rates, terms, and conditions  
454 of electric vehicle charging services by a nonutility are not  
455 subject to regulation under this chapter. This section does not  
456 affect the ability of individuals, businesses, or governmental  
457 entities to acquire, install, or use an electric vehicle charger  
458 for their own vehicles.

459 (2) The Department of Agriculture and Consumer Services  
460 shall adopt rules to provide definitions, methods of sale,  
461 labeling requirements, and price-posting requirements for  
462 electric vehicle charging stations to allow for consistency for  
463 consumers and the industry.

464 (3) (a) It is unlawful for a person to stop, stand, or park

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465       a vehicle that is not capable of using an electrical recharging  
466       station within any parking space specifically designated for  
467       charging an electric vehicle.

468       (b) If a law enforcement officer finds a motor vehicle in  
469       violation of this subsection, the officer or specialist shall  
470       charge the operator or other person in charge of the vehicle in  
471       violation with a noncriminal traffic infraction, punishable as  
472       provided in s. 316.008(4) or s. 318.18.

473       (4) The commission may approve voluntary public utility  
474       programs to become effective on or after January 1, 2025, for  
475       residential, customer-specific electric vehicle charging if the  
476       commission determines that the rates and rate structure of the  
477       program will not adversely impact the public utility's general  
478       body of ratepayers. All revenues received from the program must  
479       be credited to the public utility's retail ratepayers. This  
480       provision does not preclude cost recovery for electric vehicle  
481       charging programs approved by the commission before January 1,  
482       2025.

483       Section 9. Section 377.601, Florida Statutes, is amended to  
484       read:

485       377.601 Legislative intent.—

486       (1) The purpose of the state's energy policy is to ensure  
487       an adequate and reliable supply of energy for the state in a  
488       manner that promotes the health and welfare of the public and  
489       economic growth. The Legislature intends that governance of the  
490       state's energy policy be efficiently directed toward achieving  
491       this purpose. The Legislature finds that the state's energy  
492       security can be increased by lessening dependence on foreign  
493       oil; that the impacts of global climate change can be reduced

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494 through the reduction of greenhouse gas emissions; and that the  
495 implementation of alternative energy technologies can be a  
496 source of new jobs and employment opportunities for many  
497 Floridians. The Legislature further finds that the state is  
498 positioned at the front line against potential impacts of global  
499 climate change. Human and economic costs of those impacts can be  
500 averted by global actions and, where necessary, adapted to by a  
501 concerted effort to make Florida's communities more resilient  
502 and less vulnerable to these impacts. In focusing the  
503 government's policy and efforts to benefit and protect our  
504 state, its citizens, and its resources, the Legislature believes  
505 that a single government entity with a specific focus on energy  
506 and climate change is both desirable and advantageous. Further,  
507 the Legislature finds that energy infrastructure provides the  
508 foundation for secure and reliable access to the energy supplies  
509 and services on which Florida depends. Therefore, there is  
510 significant value to Florida consumers that comes from  
511 investment in Florida's energy infrastructure that increases  
512 system reliability, enhances energy independence and  
513 diversification, stabilizes energy costs, and reduces greenhouse  
514 gas emissions.

515 (2) For the purposes of subsection (1), the state's energy  
516 policy must be guided by the following goals:

- 517 (a) Ensuring a cost-effective and affordable energy supply.
- 518 (b) Ensuring adequate supply and capacity.
- 519 (c) Ensuring a secure, resilient, and reliable energy  
520 supply, with an emphasis on a diverse supply of domestic energy  
521 resources.
- 522 (d) Protecting public safety.

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523           (e) Ensuring consumer choice.

524           (f) Protecting the state's natural resources, including its  
525 coastlines, tributaries, and waterways.

526           (g) Supporting economic growth.

527           (3) ~~(2)~~ In furtherance of the goals in subsection (2), it is  
528 the policy of the State of Florida to:

529           (a) ~~Develop and Promote the cost-effective development and~~  
530 ~~effective use of a diverse supply of domestic energy resources~~  
531 ~~in the state and,~~ discourage all forms of energy waste, and  
532 ~~recognize and address the potential of global climate change~~  
533 ~~wherever possible.~~

534           (b) ~~Promote the cost-effective development and maintenance~~  
535 ~~of energy infrastructure that is resilient to natural and~~  
536 ~~manmade threats to the security and reliability of the state's~~  
537 ~~energy supply. Play a leading role in developing and instituting~~  
538 ~~energy management programs aimed at promoting energy~~  
539 ~~conservation, energy security, and the reduction of greenhouse~~  
540 ~~gas emissions.~~

541           (c) Reduce reliance on foreign energy resources.

542           (d) ~~(e)~~ Include energy considerations in all state,  
543 regional, and local planning.

544           (e) ~~(d)~~ Utilize and manage effectively energy resources used  
545 within state agencies.

546           (f) ~~(e)~~ Encourage local governments to include energy  
547 considerations in all planning and to support their work in  
548 promoting energy management programs.

549           (g) ~~(f)~~ Include the full participation of citizens in the  
550 development and implementation of energy programs.

551           (h) ~~(g)~~ Consider in its decisions the energy needs of each

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552 economic sector, including residential, industrial, commercial,  
553 agricultural, and governmental uses, and reduce those needs  
554 whenever possible.

555 (i)-(h) Promote energy education and the public  
556 dissemination of information on energy and its impacts in  
557 relation to the goals in subsection (2) environmental, economic,  
558 and social impact.

559 (j)-(i) Encourage the research, development, demonstration,  
560 and application of domestic energy resources, including the use  
561 of alternative energy resources, particularly renewable energy  
562 resources.

563 (k)-(j) Consider, in its decisionmaking, the impacts of  
564 energy-related activities on the goals in subsection (2) social,  
565 economic, and environmental impacts of energy related  
566 activities, including the whole-life-cycle impacts of any  
567 potential energy use choices, so that detrimental effects of  
568 these activities are understood and minimized.

569 (l)-(k) Develop and maintain energy emergency preparedness  
570 plans to minimize the effects of an energy shortage within the  
571 state Florida.

572 Section 10. Subsection (2) of section 377.6015, Florida  
573 Statutes, is amended to read:

574 377.6015 Department of Agriculture and Consumer Services;  
575 powers and duties.—

576 (2) The department shall:

577 ~~(a) Administer the Florida Renewable Energy and Energy-~~  
578 ~~Efficient Technologies Grants Program pursuant to s. 377.804 to~~  
579 ~~assure a robust grant portfolio.~~

580 (a)-(b) Develop policy for requiring grantees to provide

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581 royalty-sharing or licensing agreements with state government  
582 for commercialized products developed under a state grant.

583 ~~(e) Administer the Florida Green Government Grants Act~~  
584 ~~pursuant to s. 377.808 and set annual priorities for grants.~~

585 ~~(b) (d) Administer the information gathering and reporting~~  
586 functions pursuant to ss. 377.601-377.608.

587 ~~(e) Administer the provisions of the Florida Energy and~~  
588 ~~Climate Protection Act pursuant to ss. 377.801-377.804.~~

589 ~~(c) (f) Advocate for energy and climate change issues~~  
590 ~~consistent with the goals in s. 377.601(2)~~ and provide  
591 educational outreach and technical assistance in cooperation  
592 with the state's academic institutions.

593 ~~(d) (g) Be a party in the proceedings to adopt goals and~~  
594 submit comments to the Public Service Commission pursuant to s.  
595 366.82.

596 ~~(e) (h) Adopt rules pursuant to chapter 120 in order to~~  
597 implement all powers and duties described in this section.

598 Section 11. Subsection (1) and paragraphs (e), (f), and (m)  
599 of subsection (2) of section 377.703, Florida Statutes, are  
600 amended to read:

601 377.703 Additional functions of the Department of  
602 Agriculture and Consumer Services.—

603 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and  
604 demand questions have become a major area of concern to the  
605 state which must be dealt with by effective and well-coordinated  
606 state action, it is the intent of the Legislature to promote the  
607 efficient, effective, and economical management of energy  
608 problems, centralize energy coordination responsibilities,  
609 pinpoint responsibility for conducting energy programs, and

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610 ensure the accountability of state agencies for the  
611 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy  
612 policy. It is the specific intent of the Legislature that  
613 nothing in this act shall in any way change the powers, duties,  
614 and responsibilities assigned by the Florida Electrical Power  
615 Plant Siting Act, part II of chapter 403, or the powers, duties,  
616 and responsibilities of the Florida Public Service Commission.

617 (2) DUTIES.—The department shall perform the following  
618 functions, unless as otherwise provided, consistent with the  
619 development of a state energy policy:

620 (e) The department shall analyze energy data collected and  
621 prepare long-range forecasts of energy supply and demand in  
622 coordination with the Florida Public Service Commission, which  
623 is responsible for electricity and natural gas forecasts. To  
624 this end, the forecasts shall contain:

625 1. An analysis of the relationship of state economic growth  
626 and development to energy supply and demand, including the  
627 constraints to economic growth resulting from energy supply  
628 constraints.

629 2. ~~Plans for the development of renewable energy resources~~  
630 ~~and reduction in dependence on depletable energy resources,~~  
631 ~~particularly oil and natural gas,~~ and An analysis of the extent  
632 to which domestic energy resources, including renewable energy  
633 sources, are being utilized in the state.

634 3. Consideration of alternative scenarios of statewide  
635 energy supply and demand for 5, 10, and 20 years to identify  
636 strategies for long-range action, including identification of  
637 potential impacts in relation to the goals in s. 377.601(2)  
638 ~~social, economic, and environmental effects.~~

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639       4. An assessment of the state's energy resources, including  
640 examination of the availability of commercially developable and  
641 imported fuels, and an analysis of anticipated impacts in  
642 relation to the goals in s. 377.601(2) ~~effects on the state's~~  
643 ~~environment and social services~~ resulting from energy resource  
644 development activities or from energy supply constraints, or  
645 both.

646       (f) The department shall submit an annual report to the  
647 Governor and the Legislature reflecting its activities and  
648 making recommendations for policies for improvement of the  
649 state's response to energy supply and demand and its effect on  
650 the health, safety, and welfare of the residents of this state.  
651 The report must include a report from the Florida Public Service  
652 Commission on electricity and natural gas and information on  
653 energy conservation programs conducted and underway in the past  
654 year and include recommendations for energy efficiency and  
655 conservation programs for the state, including:

656       1. Formulation of specific recommendations for improvement  
657 in the efficiency of energy utilization in governmental,  
658 residential, commercial, industrial, and transportation sectors.

659       2. Collection and dissemination of information relating to  
660 energy efficiency and conservation.

661       3. Development and conduct of educational and training  
662 programs relating to energy efficiency and conservation.

663       4. An analysis of the ways in which state agencies are  
664 seeking to implement s. 377.601 ~~s. 377.601(2)~~, the state energy  
665 policy, and recommendations for better fulfilling this policy.

666       (m) In recognition of the devastation to the economy of  
667 this state and the dangers to the health and welfare of

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668 residents of this state caused by severe hurricanes, and the  
669 potential for such impacts caused by other natural disasters,  
670 the Division of Emergency Management shall include in its energy  
671 emergency contingency plan and provide to the Florida Building  
672 Commission for inclusion in the Florida Energy Efficiency Code  
673 for Building Construction specific provisions to facilitate the  
674 use of cost-effective ~~solar~~ energy technologies as emergency  
675 remedial and preventive measures for providing electric power,  
676 street lighting, and water heating service in the event of  
677 electric power outages.

678       Section 12. Sections 377.801, 377.802, 377.803, 377.804,  
679 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

680       Section 13. (1) For programs established pursuant to s.  
681 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida  
682 Statutes, there may not be:

683       (a) New or additional applications, certifications, or  
684 allocations approved.

685       (b) New letters of certification issued.

686       (c) New contracts or agreements executed.

687       (d) New awards made.

688       (2) All certifications or allocations issued under such  
689 programs are rescinded except for the certifications of, or  
690 allocations to, those certified applicants or projects that  
691 continue to meet the applicable criteria in effect before July  
692 1, 2024. Any existing contract or agreement authorized under any  
693 of these programs shall continue in full force and effect in  
694 accordance with the statutory requirements in effect when the  
695 contract or agreement was executed or last modified. However,  
696 further modifications, extensions, or waivers may not be made or

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697       granted relating to such contracts or agreements, except  
698       computations by the Department of Revenue of the income  
699       generated by or arising out of the qualifying project.

700       Section 14. Subsection (7) of section 288.9606, Florida  
701       Statutes, is amended to read:

702       288.9606 Issue of revenue bonds.—

703       (7) Notwithstanding any provision of this section, the  
704       corporation in its corporate capacity may, without authorization  
705       from a public agency under s. 163.01(7), issue revenue bonds or  
706       other evidence of indebtedness under this section to:

707       (a) Finance the undertaking of any project within the state  
708       that promotes renewable energy as defined in s. 366.91 ~~or~~s.  
709       377.803;

710       (b) Finance the undertaking of any project within the state  
711       that is a project contemplated or allowed under s. 406 of the  
712       American Recovery and Reinvestment Act of 2009; ~~or~~

713       (c) If permitted by federal law, finance qualifying  
714       improvement projects within the state under s. 163.08; or—

715       (d) Finance the costs of acquisition or construction of a  
716       transportation facility by a private entity or consortium of  
717       private entities under a public-private partnership agreement  
718       authorized by s. 334.30.

719       Section 15. Paragraph (w) of subsection (2) of section  
720       380.0651, Florida Statutes, is amended to read:

721       380.0651 Statewide guidelines, standards, and exemptions.—

722       (2) STATUTORY EXEMPTIONS.—The following developments are  
723       exempt from s. 380.06:

724       (w) Any development in an energy economic zone designated  
725       pursuant to s. 377.809 upon approval by its local governing

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726 body.

727  
728 If a use is exempt from review pursuant to paragraphs (a)-(u),  
729 but will be part of a larger project that is subject to review  
730 pursuant to s. 380.06(12), the impact of the exempt use must be  
731 included in the review of the larger project, unless such exempt  
732 use involves a development that includes a landowner, tenant, or  
733 user that has entered into a funding agreement with the state  
734 land planning agency under the Innovation Incentive Program and  
735 the agreement contemplates a state award of at least \$50  
736 million.

737       Section 16. Subsection (2) of section 403.9405, Florida  
738 Statutes, is amended to read:

739       403.9405 Applicability; certification; exemption; notice of  
740 intent.—

741       (2) ~~No construction of~~ A natural gas transmission pipeline  
742 may not be constructed ~~be undertaken after October 1, 1992,~~  
743 without first obtaining certification under ss. 403.9401-  
744 403.9425, but these sections do not apply to:

745       (a) Natural gas transmission pipelines which are less than  
746 100 ~~15~~ miles in length or which do not cross a county line,  
747 unless the applicant has elected to apply for certification  
748 under ss. 403.9401-403.9425.

749       (b) Natural gas transmission pipelines for which a  
750 certificate of public convenience and necessity has been issued  
751 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a  
752 natural gas transmission pipeline certified as an associated  
753 facility to an electrical power plant pursuant to the Florida  
754 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless

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755 the applicant elects to apply for certification of that pipeline  
756 under ss. 403.9401-403.9425.

757 (c) Natural gas transmission pipelines that are owned or  
758 operated by a municipality or any agency thereof, by any person  
759 primarily for the local distribution of natural gas, or by a  
760 special district created by special act to distribute natural  
761 gas, unless the applicant elects to apply for certification of  
762 that pipeline under ss. 403.9401-403.9425.

763 Section 17. Subsection (3) of section 720.3075, Florida  
764 Statutes, is amended to read:

765 720.3075 Prohibited clauses in association documents.—

766 (3) Homeowners' association documents, including  
767 declarations of covenants, articles of incorporation, or bylaws,  
768 may not preclude:

769 (a) The display of up to two portable, removable flags as  
770 described in s. 720.304(2)(a) by property owners. However, all  
771 flags must be displayed in a respectful manner consistent with  
772 the requirements for the United States flag under 36 U.S.C.  
773 chapter 10.

774 (b) Types or fuel sources of energy production which may be  
775 used, delivered, converted, or supplied by the following  
776 entities to serve customers within the association that such  
777 entities are authorized to serve:

778 1. A public utility or an electric utility as defined in  
779 this chapter;

780 2. An entity formed under s. 163.01 that generates, sells,  
781 or transmits electrical energy;

782 3. A natural gas utility as defined in s. 366.04(3)(c);  
783 4. A natural gas transmission company as defined in s.

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784       368.103; or

785       5. A Category I liquefied petroleum gas dealer, a Category  
786       II liquefied petroleum gas dispenser, or a Category III  
787       liquefied petroleum gas cylinder exchange operator as defined in  
788       s. 527.01.

789       (c) The use of an appliance, including a stove or grill,  
790       which uses the types or fuel sources of energy production which  
791       may be used, delivered, converted, or supplied by the entities  
792       listed in paragraph (b). As used in this paragraph, the term  
793       "appliance" means a device or apparatus manufactured and  
794       designed to use energy and for which the Florida Building Code  
795       or the Florida Fire Prevention Code provides specific  
796       requirements.

797       Section 18. (1) Recognizing the continued development and  
798       growth of markets for technologies that allow businesses and  
799       consumers to generate, store, and manage electrical energy for  
800       their own use, and recognizing that the use of these  
801       technologies has the potential to significantly impact the  
802       electric grid and consumer choice, the Legislature directs the  
803       Public Service Commission to ensure that these technologies are  
804       used in a manner that best maintains the integrity of the state  
805       electricity grid through market-based policies for consumers and  
806       public utilities and through electric grid improvements that  
807       ensure the safe, reliable, and cost-effective use of electrical  
808       power from these technologies. Specifically, the commission  
809       shall develop policies that establish programs and rate  
810       mechanisms for smart energy demand response and for customer-  
811       owned generation and energy storage exported to the grid or used  
812       to enhance grid stability or resilience and reduce costs, such

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813 that financial benefits are shared among users of these  
814 technologies, public utilities, and their general body of  
815 ratepayers based on the value provided by and to each party. The  
816 policies shall also address the modernization of the state's  
817 electric grid to ensure that the necessary infrastructure is in  
818 place to implement these programs and rate mechanisms. The  
819 policies must ensure that equipment used by utilities and  
820 consumers to implement and participate in these programs and  
821 rate mechanisms is manufactured in the United States or in  
822 countries engaged in commerce with the United States pursuant to  
823 free trade agreements.

824 (2) By January 1, 2025, the commission shall submit a  
825 report to the Legislature that contains the policies developed  
826 pursuant to this section, including the basis for each policy  
827 and any matters that the commission deems relevant for the  
828 Legislature's consideration in evaluating these policies. Such  
829 policies may not be implemented until approved by the  
830 Legislature, with the exception of limited pilot projects and  
831 programs.

832 Section 19. (1) The Public Service Commission shall conduct  
833 an assessment of the security and resiliency of the state's  
834 electric grid and natural gas facilities against both physical  
835 threats and cyber threats. The commission shall consult with the  
836 Florida Digital Service in assessing cyber threats. All electric  
837 utilities, natural gas utilities, and natural gas pipelines  
838 operating in this state, regardless of ownership structure,  
839 shall cooperate with the commission to provide access to all  
840 information necessary to conduct the assessment.

841 (2) By January 1, 2025, the commission shall submit a

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842 report of its assessment to the Governor, the President of the  
843 Senate, and the Speaker of the House of Representatives. The  
844 report must also contain any recommendations for potential  
845 legislative or administrative actions that may enhance the  
846 physical security or cyber security of the state's electric grid  
847 or natural gas facilities.

848 Section 20. (1) Recognizing the evolution and advances that  
849 have occurred and continue to occur in nuclear power  
850 technologies, the Public Service Commission shall study and  
851 evaluate the technical and economic feasibility of using  
852 advanced nuclear power technologies, including small modular  
853 reactors, to meet the electrical power needs of the state, and  
854 research means to encourage and foster the installation and use  
855 of such technologies at military installations in the state.

856 (2) By January 1, 2025, the commission shall prepare and  
857 submit a report to the Governor, the President of the Senate,  
858 and the Speaker of the House of Representatives, containing its  
859 findings and any recommendations for potential legislative or  
860 administrative actions that may enhance the use of advanced  
861 nuclear technologies in a manner consistent with the energy  
862 policy goals in s. 377.601(2), Florida Statutes.

863 Section 21. (1) Recognizing the continued development of  
864 technologies that support the use of hydrogen as a  
865 transportation fuel and the potential for such use to help meet  
866 the state's energy policy goals in s. 377.601(2), Florida  
867 Statutes, the Department of Transportation, in consultation with  
868 the Office of Energy within the Department of Agriculture and  
869 Consumer Services, shall study and evaluate the potential  
870 development of hydrogen fueling infrastructure, including

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871 fueling stations, to support hydrogen-powered vehicles that use  
872 the state highway system.

873 (2) By January 1, 2025, the department shall prepare and  
874 submit a report to the Governor, the President of the Senate,  
875 and the Speaker of the House of Representatives, containing its  
876 findings and any recommendations for potential legislative or  
877 administrative actions that may accommodate the future  
878 development of hydrogen fueling infrastructure in a manner  
879 consistent with the energy policy goals in s. 377.601(2),  
880 Florida Statutes.

881 Section 22. Except as otherwise expressly provided in this  
882 act, this act shall take effect July 1, 2024.