

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
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; amending s. 366.04, F.S.;
54 revising the jurisdiction of the Florida Public
55 Service Commission; creating s. 366.057, F.S.;
56 defining the term "electrical power plant"; requiring
57 a public utility to petition the Florida Public
58 Service Commission within a specified time before
59 retiring an electrical power plant; requiring the
60 commission to enter a final order in response to the
61 petition within a specified time; setting forth what
62 the commission must take into consideration in
63 entering its final order; requiring the commission to
64 notify the Attorney General of the retirement of an
65 electrical power plant in specified circumstances;
66 amending s. 366.94, F.S.; removing terminology;
67 conforming provisions to changes made by the act;
68 authorizing the commission upon a specified date to
69 approve voluntary public utility programs for electric
70 vehicle charging if certain requirements are met;
71 requiring that all revenues received from such program
72 be credited to the public utility's general body of
73 ratepayers; providing applicability; amending s.
74 377.601, F.S.; revising legislative intent; amending
75 s. 377.6015, F.S.; revising the powers and duties of

76 | the department; conforming provisions to changes made
 77 | by the act; amending s. 377.703, F.S.; revising
 78 | additional functions of the department relating to
 79 | energy resources; conforming provisions to changes
 80 | made by the act; repealing s. 377.801, F.S., relating
 81 | to the Florida Energy and Climate Protection Act;
 82 | repealing s. 377.802, F.S., relating to the purpose of
 83 | the act; repealing s. 377.803, F.S., relating to
 84 | definitions under the act; repealing s. 377.804, F.S.,
 85 | relating to the Renewable Energy and Energy-Efficient
 86 | Technologies Grants Program; repealing s. 377.808,
 87 | F.S., relating to the Florida Green Government Grants
 88 | Act; repealing s. 377.809, F.S., relating to the
 89 | Energy Economic Zone Pilot Program; repealing s.
 90 | 377.816, F.S., relating to the Qualified Energy
 91 | Conservation Bond Allocation Program; prohibiting the
 92 | approval of new or additional applications,
 93 | certifications, or allocations under such programs;
 94 | prohibiting new contracts, agreements, and awards
 95 | under such programs; rescinding all certifications or
 96 | allocations issued under such programs; providing an
 97 | exception; providing application relating to existing
 98 | contracts or agreements under such programs; amending
 99 | ss. 288.9606 and 380.0651, F.S.; conforming provisions
 100 | to changes made by the act; amending s. 403.9405,

101 F.S.; revising the applicability of the Natural Gas
 102 Transmission Pipeline Siting Act; amending s.
 103 720.3075, F.S.; prohibiting certain homeowners'
 104 association documents from precluding certain types or
 105 fuel sources of energy production and the use of
 106 certain appliances; directing the commission to ensure
 107 that electrical energy technologies are used in a
 108 specified manner through market-based policies and
 109 electric grid improvements; requiring the commission
 110 to develop specified policies for smart energy;
 111 requiring that such policies also address the
 112 modernization of the state's electric grid and ensure
 113 that equipment used is manufactured in the United
 114 States or countries engaged in commerce within the
 115 United States pursuant to free trade agreements;
 116 requiring the commission by a specified date to submit
 117 a report to the Legislature that contains such
 118 established policies; requiring the commission to
 119 conduct an assessment of the security and resiliency
 120 of the state's electric grid and natural gas
 121 facilities against physical threats and cyber threats;
 122 requiring the commission to consult with the Florida
 123 Digital Service; requiring cooperation from all
 124 operating facilities in the state relating to such
 125 assessment; requiring the commission to submit by a

126 | specified date a report of such assessment to the
 127 | Governor and the Legislature; providing additional
 128 | content requirements for such report; requiring the
 129 | commission to study and evaluate the technical and
 130 | economic feasibility of using advanced nuclear power
 131 | technologies to meet the electrical power needs of the
 132 | state; requiring the commission to submit by a
 133 | specified date a report to the Governor and the
 134 | Legislature that contains its findings and any
 135 | additional recommendations for potential legislative
 136 | or administrative actions; requiring the Department of
 137 | Transportation, in consultation with the Office of
 138 | Energy within the Department of Agriculture and
 139 | Consumer Services, to study and evaluate the potential
 140 | development of hydrogen fueling infrastructure to
 141 | support hydrogen-powered vehicles; requiring the
 142 | department to submit by a specified date a report to
 143 | the Governor and the Legislature that contains its
 144 | findings and recommendations for specified actions
 145 | that may accommodate the future development of
 146 | hydrogen fueling infrastructure; providing effective
 147 | dates.

148 |
 149 | Be It Enacted by the Legislature of the State of Florida:
 150 |

151 Section 1. Section 163.3210, Florida Statutes, is created
 152 to read:

153 163.3210 Natural gas resiliency and reliability
 154 infrastructure.-

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

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

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

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

169 (c) "Public utility" has the same meaning as defined in s.
 170 366.02.

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

175 (3) A resiliency facility is a permitted use in all

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

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

194 Section 2. Section 286.29, Florida Statutes, is amended to
 195 read:

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

201 ~~when conducting public business:~~

202 ~~(1) The Department of Management Services shall develop~~
 203 ~~the "Florida Climate-Friendly Preferred Products List." In~~
 204 ~~maintaining that list, the department, in consultation with the~~
 205 ~~Department of Environmental Protection, shall continually assess~~
 206 ~~products currently available for purchase under state term~~
 207 ~~contracts to identify specific products and vendors that offer~~
 208 ~~clear energy efficiency or other environmental benefits over~~
 209 ~~competing products. When procuring products from state term~~
 210 ~~contracts, state agencies shall first consult the Florida~~
 211 ~~Climate-Friendly Preferred Products List and procure such~~
 212 ~~products if the price is comparable.~~

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

220 (1)~~(3)~~ Each state agency shall ensure that all maintained
 221 vehicles meet minimum maintenance schedules shown to reduce fuel
 222 consumption, which include:

223 (a) Ensuring appropriate tire pressures and tread depth.~~†~~

224 (b) Replacing fuel filters and emission filters at
 225 recommended intervals.~~†~~

- 226 (c) Using proper motor oils .; ~~and~~
- 227 (d) Performing timely motor maintenance.

228

229 Each state agency shall measure and report compliance to the

230 Department of Management Services through the Equipment

231 Management Information System database.

232 ~~(4) When procuring new vehicles, all state agencies, state~~

233 ~~universities, community colleges, and local governments that~~

234 ~~purchase vehicles under a state purchasing plan shall first~~

235 ~~define the intended purpose for the vehicle and determine which~~

236 ~~of the following use classes for which the vehicle is being~~

237 ~~procured:~~

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

247

248 ~~Vehicles described in paragraphs (a) through (h), when being~~

249 ~~processed for purchase or leasing agreements, must be selected~~

250 ~~for the greatest fuel efficiency available for a given use class~~

251 ~~when fuel economy data are available. Exceptions may be made for~~
252 ~~individual vehicles in paragraph (g) when accompanied, during~~
253 ~~the procurement process, by documentation indicating that the~~
254 ~~operator or operators will exclusively be emergency first~~
255 ~~responders or have special documented need for exceptional~~
256 ~~vehicle performance characteristics. Any request for an~~
257 ~~exception must be approved by the purchasing agency head and any~~
258 ~~exceptional performance characteristics denoted as a part of the~~
259 ~~procurement process prior to purchase.~~

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

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

276 subsection, the term "forced labor" means any work performed or
 277 service rendered that is:

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

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

291 3. Not performed or rendered voluntarily by a person; or

292 4. In violation of the Child Labor Law or otherwise
 293 performed or rendered through oppressive child labor.

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

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

301 320.97 Electric vehicle battery deposit program.—
 302 (1) The Legislature finds that the state has a compelling
 303 interest in facilitating the proper disposal and recycling of
 304 electric vehicle batteries at the end of their useful lives.
 305 (2) The Electric Vehicle Battery Deposit Program is
 306 created within the department.
 307 (a) The department, in consultation with industry experts,
 308 shall develop and implement the program to provide for the
 309 collection of a deposit on electric vehicle batteries by a:
 310 1. Motor vehicle dealer, as defined in s. 320.27(1)(c),
 311 which sells at retail an electric vehicle not previously
 312 registered in the state; or
 313 2. Motor vehicle repair shop, as defined in s. 559.903,
 314 which sells an electric vehicle battery at retail in the state,
 315
 316 based on the electric vehicle battery's gross capacity as
 317 measured in kilowatt hours (kWh).
 318 (b) For purposes of paragraph (a), the deposit amount is:
 319 1. For an electric vehicle battery with a gross capacity
 320 less than or equal to 50 kWh: \$500.
 321 2. For an electric vehicle battery with a gross capacity
 322 greater than 50 kWh but less than or equal to 100 kWh: \$750.
 323 3. For an electric vehicle battery with a capacity greater
 324 than 100 kWh: \$1,000.
 325 (c) For purposes of paragraph (a), the department must

326 designate the means by which the deposit must be held until it
327 can be refunded to the titleholder of an electric vehicle in
328 which the battery is installed upon proof of the relinquishment
329 or sale of the electric vehicle or electric vehicle battery to a
330 motor vehicle dealer or motor vehicle repair shop.

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

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

342 (3) The department may adopt rules to implement this
343 section.

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

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

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

350 (c) "Motor vehicle" has the same meaning as provided in s.

351 320.01(1).

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

356 1. Specifies the terms of the Electric Vehicle Battery
 357 Deposit Program consistent with s. 320.97, Florida Statutes.

358 2. Identifies any implementation issues.

359 3. Makes recommendations on any further legislation that
 360 may be necessary.

361 (b) The report shall contain recommendations on how the
 362 state may further facilitate proper electric vehicle battery
 363 disposal and recycling.

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

367 338.234 Granting concessions or selling along the turnpike
 368 system; immunity from taxation.-

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

376 Section 6. Subsections (1), (2), and (5) of section
 377 366.032, Florida Statutes, are amended to read:
 378 366.032 Preemption over utility service restrictions.—
 379 (1) A municipality, county, special district, development
 380 district, or other political subdivision of the state may not
 381 enact or enforce a resolution, ordinance, rule, code, or policy
 382 or take any action that restricts or prohibits or has the effect
 383 of restricting or prohibiting the types or fuel sources of
 384 energy production which may be used, delivered, converted, or
 385 supplied by the following entities to serve customers that such
 386 entities are authorized to serve:
 387 (a) A public utility or an electric utility as defined in
 388 this chapter;
 389 (b) An entity formed under s. 163.01 that generates,
 390 sells, or transmits electrical energy;
 391 (c) A natural gas utility as defined in s. 366.04(3)(c);
 392 (d) A natural gas transmission company as defined in s.
 393 368.103; or
 394 (e) A Category I liquefied petroleum gas dealer or
 395 Category II liquefied petroleum gas dispenser or Category III
 396 liquefied petroleum gas cylinder exchange operator as defined in
 397 s. 527.01.
 398 (2) Except to the extent necessary to enforce the Florida
 399 Building Code adopted pursuant to s. 553.73 or the Florida Fire
 400 Prevention Code adopted pursuant to s. 633.202, a municipality,

HB 1645

2024

401 county, special district, development district, or other
402 political subdivision of the state may not enact or enforce a
403 resolution, an ordinance, a rule, a code, or a policy or take
404 any action that restricts or prohibits or has the effect of
405 restricting or prohibiting the use of an appliance, including a
406 stove or grill, which uses the types or fuel sources of energy
407 production which may be used, delivered, converted, or supplied
408 by the entities listed in subsection (1). As used in this
409 subsection, the term "appliance" means a device or apparatus
410 manufactured and designed to use energy and for which the
411 Florida Building Code or the Florida Fire Prevention Code
412 provides specific requirements.

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

418 Section 7. Subsection (10) is added to section 366.04,
419 Florida Statutes, to read:

420 366.04 Jurisdiction of commission.—

421 (10) In the exercise of its jurisdiction, the commission,
422 without specific legislative authority, may not authorize a
423 public utility to expand the scope of its regulated business
424 activity to include direct sales of energy to a consumer solely
425 for the consumer's use in powering means of transportation owned

426 by the consumer. This provision does not apply to limited or
 427 pilot programs approved by the commission before January 1,
 428 2024.

429 Section 8. Section 366.057, Florida Statutes, is created
 430 to read:

431 366.057 Retirement of electrical power plant.-

432 (1) For purposes of this section, the term "electrical
 433 power plant" means any steam or solar electrical generating
 434 facility that uses any process or fuel, including nuclear
 435 materials, with a capacity of 75 megawatts or more. The term
 436 also includes all associated facilities necessary for the
 437 continued operation of the electrical power plant, such as
 438 facilities that are physically connected to the electrical power
 439 plant and facilities that are used to connect the electrical
 440 power plant to an existing transmission network.

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

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

449 (a) Electric system reliability, resilience, and
 450 integrity.

451 (b) The ability to provide adequate electricity at a
 452 reasonable cost, including potential rate impacts.

453 (c) Fuel diversity and supply reliability.

454 (d) The use of domestic energy resources, including
 455 renewable energy resources.

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

457 (4) If the commission determines that the basis for
 458 retirement of an electrical power plant is a requirement or
 459 inducement provided in a proposed or actual federal regulation
 460 and that such retirement is inconsistent with the state's energy
 461 policy goals in s. 377.601(2), the commission shall inform the
 462 Attorney General and provide technical support to the Attorney
 463 General, as needed, to address the inconsistency.

464 Section 9. Section 366.94, Florida Statutes, is amended to
 465 read:

466 366.94 Electric vehicle charging ~~stations~~.—

467 (1) The provision of electric vehicle charging to the
 468 public by a nonutility is not the retail sale of electricity for
 469 the purposes of this chapter. The rates, terms, and conditions
 470 of electric vehicle charging services by a nonutility are not
 471 subject to regulation under this chapter. This section does not
 472 affect the ability of individuals, businesses, or governmental
 473 entities to acquire, install, or use an electric vehicle charger
 474 for their own vehicles.

475 (2) The Department of Agriculture and Consumer Services

HB 1645

2024

476 shall adopt rules to provide definitions, methods of sale,
477 labeling requirements, and price-posting requirements for
478 electric vehicle charging ~~stations~~ to allow for consistency for
479 consumers and the industry.

480 (3)(a) It is unlawful for a person to stop, stand, or park
481 a vehicle that is not capable of using an electrical recharging
482 station within any parking space specifically designated for
483 charging an electric vehicle.

484 (b) If a law enforcement officer finds a motor vehicle in
485 violation of this subsection, the officer or specialist shall
486 charge the operator or other person in charge of the vehicle in
487 violation with a noncriminal traffic infraction, punishable as
488 provided in s. 316.008(4) or s. 318.18.

489 (4) The commission may approve voluntary public utility
490 programs to become effective on or after January 1, 2025, for
491 residential, customer-specific electric vehicle charging if the
492 commission determines that the rates and rate structure of the
493 program will not adversely impact the public utility's general
494 body of ratepayers. All revenues received from the program must
495 be credited to the public utility's retail ratepayers. This
496 provision does not preclude cost recovery for electric vehicle
497 charging programs approved by the commission before January 1,
498 2024.

499 Section 10. Section 377.601, Florida Statutes, is amended
500 to read:

501 377.601 Legislative intent.—

502 (1) The purpose of the state's energy policy is to ensure

503 an adequate and reliable supply of energy for the state in a

504 manner that promotes the health and welfare of the public and

505 economic growth. The Legislature intends that governance of the

506 state's energy policy be efficiently directed toward achieving

507 this purpose. ~~The Legislature finds that the state's energy~~

508 ~~security can be increased by lessening dependence on foreign~~

509 ~~oil; that the impacts of global climate change can be reduced~~

510 ~~through the reduction of greenhouse gas emissions; and that the~~

511 ~~implementation of alternative energy technologies can be a~~

512 ~~source of new jobs and employment opportunities for many~~

513 ~~Floridians. The Legislature further finds that the state is~~

514 ~~positioned at the front line against potential impacts of global~~

515 ~~climate change. Human and economic costs of those impacts can be~~

516 ~~averted by global actions and, where necessary, adapted to by a~~

517 ~~concerted effort to make Florida's communities more resilient~~

518 ~~and less vulnerable to these impacts. In focusing the~~

519 ~~government's policy and efforts to benefit and protect our~~

520 ~~state, its citizens, and its resources, the Legislature believes~~

521 ~~that a single government entity with a specific focus on energy~~

522 ~~and climate change is both desirable and advantageous. Further,~~

523 ~~the Legislature finds that energy infrastructure provides the~~

524 ~~foundation for secure and reliable access to the energy supplies~~

525 ~~and services on which Florida depends. Therefore, there is~~

526 ~~significant value to Florida consumers that comes from~~
527 ~~investment in Florida's energy infrastructure that increases~~
528 ~~system reliability, enhances energy independence and~~
529 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
530 ~~gas emissions.~~

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

533 (a) Ensuring a cost-effective and affordable energy
534 supply.

535 (b) Ensuring adequate supply and capacity.

536 (c) Ensuring a secure, resilient, and reliable energy
537 supply, with an emphasis on a diverse supply of domestic energy
538 resources.

539 (d) Protecting public safety.

540 (e) Ensuring consumer choice.

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

543 (g) Supporting economic growth.

544 ~~(3)~~ (2) In furtherance of the goals in subsection (2), it
545 is the policy of the State of Florida to:

546 ~~Develop and Promote the~~ cost-effective development and
547 effective use of a diverse supply of domestic energy resources
548 in the state and, ~~discourage all forms of energy waste, and~~
549 ~~recognize and address the potential of global climate change~~
550 ~~wherever possible.~~

551 (b) Promote the cost-effective development and maintenance
 552 of energy infrastructure that is resilient to natural and
 553 manmade threats to the security and reliability of the state's
 554 energy supply. ~~Play a leading role in developing and instituting~~
 555 ~~energy management programs aimed at promoting energy~~
 556 ~~conservation, energy security, and the reduction of greenhouse~~
 557 ~~gas emissions.~~

558 (c) Reduce reliance on foreign energy resources.

559 ~~(d)-(e)~~ Include energy considerations in all state,
 560 regional, and local planning.

561 ~~(e)-(d)~~ Utilize and manage effectively energy resources
 562 used within state agencies.

563 ~~(f)-(e)~~ Encourage local governments to include energy
 564 considerations in all planning and to support their work in
 565 promoting energy management programs.

566 ~~(g)-(f)~~ Include the full participation of citizens in the
 567 development and implementation of energy programs.

568 ~~(h)-(g)~~ Consider in its decisions the energy needs of each
 569 economic sector, including residential, industrial, commercial,
 570 agricultural, and governmental uses, and reduce those needs
 571 whenever possible.

572 ~~(i)-(h)~~ Promote energy education and the public
 573 dissemination of information on energy and its impacts in
 574 relation to the goals in subsection (2) ~~environmental, economic,~~
 575 ~~and social impact.~~

576 ~~(j)-(i)~~ Encourage the research, development, demonstration,
 577 and application of domestic energy resources, including the use
 578 ~~of alternative energy resources, particularly~~ renewable energy
 579 resources.

580 ~~(k)-(j)~~ Consider, in its decisionmaking, the impacts of
 581 energy-related activities on the goals in subsection (2) ~~social,~~
 582 ~~economic, and environmental impacts of energy-related~~
 583 ~~activities,~~ including the whole-life-cycle impacts of any
 584 potential energy use choices, so that detrimental effects of
 585 these activities are understood and minimized.

586 ~~(l)-(k)~~ Develop and maintain energy emergency preparedness
 587 plans to minimize the effects of an energy shortage within the
 588 state Florida.

589 Section 11. Subsections (2) of section 377.6015, Florida
 590 Statutes, is amended to read:

591 377.6015 Department of Agriculture and Consumer Services;
 592 powers and duties.—

593 (2) The department shall:

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

597 ~~(a)-(b)~~ Develop policy for requiring grantees to provide
 598 royalty-sharing or licensing agreements with state government
 599 for commercialized products developed under a state grant.

600 ~~(c) Administer the Florida Green Government Grants Act~~

601 ~~pursuant to s. 377.808 and set annual priorities for grants.~~

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

604 ~~(c) Administer the provisions of the Florida Energy and
605 Climate Protection Act pursuant to ss. 377.801-377.804.~~

606 (c)~~(f)~~ Advocate for energy and climate change issues
607 consistent with the goals in s. 377.601(2) and provide
608 educational outreach and technical assistance in cooperation
609 with the state's academic institutions.

610 (d)~~(g)~~ Be a party in the proceedings to adopt goals and
611 submit comments to the Public Service Commission pursuant to s.
612 366.82.

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

615 Section 12. Subsection (1) and paragraphs (e), (f), and
616 (m) of subsection (2) of section 377.703, Florida Statutes, are
617 amended to read:

618 377.703 Additional functions of the Department of
619 Agriculture and Consumer Services.—

620 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
621 demand questions have become a major area of concern to the
622 state which must be dealt with by effective and well-coordinated
623 state action, it is the intent of the Legislature to promote the
624 efficient, effective, and economical management of energy
625 problems, centralize energy coordination responsibilities,

626 pinpoint responsibility for conducting energy programs, and
627 ensure the accountability of state agencies for the
628 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
629 policy. It is the specific intent of the Legislature that
630 nothing in this act shall in any way change the powers, duties,
631 and responsibilities assigned by the Florida Electrical Power
632 Plant Siting Act, part II of chapter 403, or the powers, duties,
633 and responsibilities of the Florida Public Service Commission.

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

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

642 1. An analysis of the relationship of state economic
643 growth and development to energy supply and demand, including
644 the constraints to economic growth resulting from energy supply
645 constraints.

646 2. ~~Plans for the development of renewable energy resources~~
647 ~~and reduction in dependence on depletable energy resources,~~
648 ~~particularly oil and natural gas, and~~ An analysis of the extent
649 to which domestic energy resources, including renewable energy
650 sources, are being utilized in the state.

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

656 4. An assessment of the state's energy resources,
 657 including examination of the availability of commercially
 658 developable and imported fuels, and an analysis of anticipated
 659 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~
 660 ~~state's environment and social services~~ resulting from energy
 661 resource development activities or from energy supply
 662 constraints, or both.

663 (f) The department shall submit an annual report to the
 664 Governor and the Legislature reflecting its activities and
 665 making recommendations for policies for improvement of the
 666 state's response to energy supply and demand and its effect on
 667 the health, safety, and welfare of the residents of this state.
 668 The report must include a report from the Florida Public Service
 669 Commission on electricity and natural gas and information on
 670 energy conservation programs conducted and underway in the past
 671 year and include recommendations for energy efficiency and
 672 conservation programs for the state, including:

673 1. Formulation of specific recommendations for improvement
 674 in the efficiency of energy utilization in governmental,
 675 residential, commercial, industrial, and transportation sectors.

676 2. Collection and dissemination of information relating to
677 energy efficiency and conservation.

678 3. Development and conduct of educational and training
679 programs relating to energy efficiency and conservation.

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

683 (m) In recognition of the devastation to the economy of
684 this state and the dangers to the health and welfare of
685 residents of this state caused by severe hurricanes, and the
686 potential for such impacts caused by other natural disasters,
687 the Division of Emergency Management shall include in its energy
688 emergency contingency plan and provide to the Florida Building
689 Commission for inclusion in the Florida Energy Efficiency Code
690 for Building Construction specific provisions to facilitate the
691 use of cost-effective ~~solar~~ energy technologies as emergency
692 remedial and preventive measures for providing electric power,
693 street lighting, and water heating service in the event of
694 electric power outages.

695 Section 13. Sections 377.801, 377.802, 377.803, 377.804,
696 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

697 Section 14. (1) For programs established pursuant to ss.
698 377.804, 377.808, 377.809, or s. 377.816, Florida Statutes,
699 there may not be:

700 (a) New or additional applications, certifications, or

701 allocations approved.
 702 (b) New letters of certification issued.
 703 (c) New contracts or agreements executed.
 704 (d) New awards made.
 705 (2) All certifications or allocations issued under such
 706 programs are rescinded except for the certifications of, or
 707 allocations to, those certified applicants or projects that
 708 continue to meet the applicable criteria in effect before July
 709 1, 2024. Any existing contract or agreement authorized under any
 710 of these programs shall continue in full force and effect in
 711 accordance with the statutory requirements in effect when the
 712 contract or agreement was executed or last modified. However,
 713 further modifications, extensions, or waivers may not be made or
 714 granted relating to such contracts or agreements, except
 715 computations by the Department of Revenue of the income
 716 generated by or arising out of the qualifying project.

717 Section 15. Subsection (7) of section 288.9606, Florida
 718 Statutes, is amended to read:

719 288.9606 Issue of revenue bonds.—

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

724 (a) Finance the undertaking of any project within the
 725 state that promotes renewable energy as defined in s. 366.91 ~~or~~

726 ~~s. 377.803;~~

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

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

732 (d) Finance the costs of acquisition or construction of a
 733 transportation facility by a private entity or consortium of
 734 private entities under a public-private partnership agreement
 735 authorized by s. 334.30.

736 Section 16. Paragraph (w) of subsection (2) of section
 737 380.0651, Florida Statutes, is amended to read:

738 380.0651 Statewide guidelines, standards, and exemptions.—

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

741 ~~(w) Any development in an energy economic zone designated~~
 742 ~~pursuant to s. 377.809 upon approval by its local governing~~
 743 ~~body.~~

744
 745 If a use is exempt from review pursuant to paragraphs (a)-(u),
 746 but will be part of a larger project that is subject to review
 747 pursuant to s. 380.06(12), the impact of the exempt use must be
 748 included in the review of the larger project, unless such exempt
 749 use involves a development that includes a landowner, tenant, or
 750 user that has entered into a funding agreement with the state

751 land planning agency under the Innovation Incentive Program and
 752 the agreement contemplates a state award of at least \$50
 753 million.

754 Section 17. Subsection (2) of section 403.9405, Florida
 755 Statutes, is amended to read:

756 403.9405 Applicability; certification; exemption; notice
 757 of intent.—

758 (2) ~~No construction of~~ A natural gas transmission pipeline
 759 may not be constructed ~~be undertaken after October 1, 1992,~~
 760 without first obtaining certification under ss. 403.9401-
 761 403.9425, but these sections do not apply to:

762 (a) Natural gas transmission pipelines which are less than
 763 100 ~~15~~ miles in length or which do not cross a county line,
 764 unless the applicant has elected to apply for certification
 765 under ss. 403.9401-403.9425.

766 (b) Natural gas transmission pipelines for which a
 767 certificate of public convenience and necessity has been issued
 768 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a
 769 natural gas transmission pipeline certified as an associated
 770 facility to an electrical power plant pursuant to the Florida
 771 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless
 772 the applicant elects to apply for certification of that pipeline
 773 under ss. 403.9401-403.9425.

774 (c) Natural gas transmission pipelines that are owned or
 775 operated by a municipality or any agency thereof, by any person

776 primarily for the local distribution of natural gas, or by a
 777 special district created by special act to distribute natural
 778 gas, unless the applicant elects to apply for certification of
 779 that pipeline under ss. 403.9401-403.9425.

780 Section 18. Subsection (3) of section 720.3075, Florida
 781 Statutes, is amended to read:

782 720.3075 Prohibited clauses in association documents.—

783 (3) Homeowners' association documents, including
 784 declarations of covenants, articles of incorporation, or bylaws,
 785 may not preclude:

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

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

795 1. A public utility or an electric utility as defined in
 796 this chapter;

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

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

800 4. A natural gas transmission company as defined in s.

801 368.103; or

802 5. A Category I liquefied petroleum gas dealer, a Category
 803 II liquefied petroleum gas dispenser, or a Category III
 804 liquefied petroleum gas cylinder exchange operator as defined in
 805 s. 527.01.

806 (c) The use of an appliance, including a stove or grill,
 807 which uses the types or fuel sources of energy production which
 808 may be used, delivered, converted, or supplied by the entities
 809 listed in paragraph (b). As used in this paragraph, the term
 810 "appliance" means a device or apparatus manufactured and
 811 designed to use energy and for which the Florida Building Code
 812 or the Florida Fire Prevention Code provides specific
 813 requirements.

814 Section 19. (1) Recognizing the continued development and
 815 growth of markets for technologies that allow businesses and
 816 consumers to generate, store, and manage electrical energy for
 817 their own use, and recognizing that the use of these
 818 technologies has the potential to significantly impact the
 819 electric grid and consumer choice, the Legislature directs the
 820 Public Service Commission to ensure that these technologies are
 821 used in a manner that best maintains the integrity of the state
 822 electricity grid through market-based policies for consumers and
 823 public utilities and through electric grid improvements that
 824 ensure the safe, reliable, and cost-effective use of electrical
 825 power from these technologies. Specifically, the commission

HB 1645

2024

826 shall develop policies that establish programs and rate
827 mechanisms for smart energy demand response and for customer-
828 owned generation and energy storage exported to the grid or used
829 to enhance grid stability or resilience and reduce costs, such
830 that financial benefits are shared among users of these
831 technologies, public utilities, and their general body of
832 ratepayers based on the value provided by and to each party. The
833 policies shall also address the modernization of the state's
834 electric grid to ensure that the necessary infrastructure is in
835 place to implement these programs and rate mechanisms. The
836 policies must ensure that equipment used by utilities and
837 consumers to implement and participate in these programs and
838 rate mechanisms is manufactured in the United States or in
839 countries engaged in commerce with the United States pursuant to
840 free trade agreements.

841 (2) By January 1, 2024, the commission shall submit a
842 report to the Legislature that contains the policies developed
843 pursuant to this section, including the basis for each policy
844 and any matters that the commission deems relevant for the
845 Legislature's consideration in evaluating these policies. Such
846 policies may not be implemented until approved by the
847 Legislature, with the exception of limited pilot projects and
848 programs.

849 Section 20. (1) The Public Service Commission shall
850 conduct an assessment of the security and resiliency of the

851 state's electric grid and natural gas facilities against both
852 physical threats and cyber threats. The commission shall consult
853 with the Florida Digital Service in assessing cyber threats. All
854 electric utilities, natural gas utilities, and natural gas
855 pipelines operating in this state, regardless of ownership
856 structure, shall cooperate with the commission to provide access
857 to all information necessary to conduct the assessment.

858 (2) By January 1, 2025, the commission shall submit a
859 report of its assessment to the Governor, the President of the
860 Senate, and the Speaker of the House of Representatives. The
861 report must also contain any recommendations for potential
862 legislative or administrative actions that may enhance the
863 physical security or cyber security of the state's electric grid
864 or natural gas facilities.

865 Section 21. (1) Recognizing the evolution and advances
866 that have occurred and continue to occur in nuclear power
867 technologies, the Public Service Commission shall study and
868 evaluate the technical and economic feasibility of using
869 advanced nuclear power technologies, including small modular
870 reactors, to meet the electrical power needs of the state, and
871 research means to encourage and foster the installation and use
872 of such technologies at military installations in the state.

873 (2) By January 1, 2025, the commission 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 enhance the use of advanced
878 nuclear technologies in a manner consistent with the energy
879 policy goals in s. 377.601(2), Florida Statutes.

880 Section 22. (1) Recognizing the continued development of
881 technologies that support the use of hydrogen as a
882 transportation fuel and the potential for such use to help meet
883 the state's energy policy goals in s. 377.601(2), Florida
884 Statutes, the Department of Transportation, in consultation with
885 the Office of Energy within the Department of Agriculture and
886 Consumer Services, shall study and evaluate the potential
887 development of hydrogen fueling infrastructure, including
888 fueling stations, to support hydrogen-powered vehicles that use
889 the state highway system.

890 (2) By January 1, 2025, the department shall prepare and
891 submit a report to the Governor, the President of the Senate,
892 and the Speaker of the House of Representatives, containing its
893 findings and any recommendations for potential legislative or
894 administrative actions that may accommodate the future
895 development of hydrogen fueling infrastructure in a manner
896 consistent with the energy policy goals in s. 377.601(2),
897 Florida Statutes.

898 Section 23. Except as otherwise provided in this act, this
899 act shall take effect July 1, 2024.