

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; amending s. 366.032, F.S.; including
38 development districts as a type of political
39 subdivision for purposes of preemption over utility
40 service restrictions; creating s. 366.042, F.S.;

41 requiring electric cooperatives and municipal electric
42 utilities to enter into and maintain at least one
43 mutual aid agreement or pre-event agreement with
44 certain entities for purposes of restoring power after
45 a natural disaster; requiring electric cooperatives
46 and municipal electric utilities to annually submit
47 attestations of compliance to the Public Service
48 Commission; providing construction; requiring the
49 commission to compile the attestations and annually
50 submit a copy of such attestations to the Division of

51 Emergency Management; providing that the submission of
52 such attestations makes electric cooperatives and
53 municipal electric utilities eligible to receive state
54 financial assistance; providing that if such
55 attestations are not submitted, electric cooperatives
56 and municipal electric utilities are not eligible to
57 receive state financial assistance; providing
58 construction; creating s. 366.057, F.S.; requiring
59 public utilities to provide notice to the commission
60 of certain power plant retirements within a specified
61 timeframe; authorizing the commission to schedule
62 hearings within a specified timeframe to make certain
63 determinations on such plant retirements; specifying
64 information to be provided by public utilities at the
65 hearing; amending s. 366.94, F.S.; removing
66 terminology; authorizing the commission to approve
67 voluntary electric vehicle charging programs upon
68 petition of a public utility, to become effective on
69 or after a specified date, if certain requirements are
70 met; providing applicability; creating s. 366.99,
71 F.S.; providing definitions; authorizing public
72 utilities to submit to the commission a petition for a
73 proposed cost recovery for certain natural gas
74 facilities relocation costs; requiring the commission
75 to conduct annual proceedings to determine each

76 utility's prudently incurred natural gas facilities
77 relocation costs and to allow for the recovery of such
78 costs; providing requirements for the commission's
79 review; providing requirements for the allocation of
80 such recovered costs; requiring the commission to
81 adopt rules; providing a timeframe for such
82 rulemaking; amending s. 377.601, F.S.; revising
83 legislative intent; amending s. 377.6015, F.S.;
84 revising the powers and duties of the Department of
85 Agriculture and Consumer Services; conforming
86 provisions to changes made by the act; amending s.
87 377.703, F.S.; revising additional functions of the
88 department relating to energy resources; conforming
89 provisions to changes made by the act; creating s.
90 377.708, F.S.; providing definitions; prohibiting the
91 construction, operation, or expansion of certain wind
92 energy facilities and wind turbines in the state;
93 requiring the Department of Environmental Protection
94 to review applications for federal wind energy leases
95 in territorial waters of the United States adjacent to
96 water of this state and signify its approval or
97 objection to such applications; authorizing the
98 department to seek injunctive relief for violations;
99 repealing s. 377.801, F.S., relating to the Florida
100 Energy and Climate Protection Act; repealing s.

101 377.802, F.S., relating to the purpose of the act;
 102 repealing s. 377.803, F.S., relating to definitions
 103 under the act; repealing s. 377.804, F.S., relating to
 104 the Renewable Energy and Energy-Efficient Technologies
 105 Grants Program; repealing s. 377.808, F.S., relating
 106 to the Florida Green Government Grants Act; repealing
 107 s. 377.809, F.S., relating to the Energy Economic Zone
 108 Pilot Program; repealing s. 377.816, F.S., relating to
 109 the Qualified Energy Conservation Bond Allocation
 110 Program; prohibiting the approval of new or additional
 111 applications, certifications, or allocations under
 112 such programs; prohibiting new contracts, agreements,
 113 and awards under such programs; rescinding all
 114 certifications or allocations issued under such
 115 programs; providing an exception; providing
 116 application relating to existing contracts or
 117 agreements under such programs; amending ss. 220.193,
 118 288.9606, and 380.0651, F.S.; conforming provisions to
 119 changes made by the act; amending s. 403.9405, F.S.;
 120 revising the applicability of the Natural Gas
 121 Transmission Pipeline Siting Act; amending s.
 122 720.3075, F.S.; prohibiting certain homeowners'
 123 association documents from precluding certain types or
 124 fuel sources of energy production and the use of
 125 certain appliances; requiring the commission to

126 | conduct an assessment of the security and resiliency
127 | of the state's electric grid and natural gas
128 | facilities against physical threats and cyber threats;
129 | requiring the commission to consult with the Division
130 | of Emergency Management and the Florida Digital
131 | Service; requiring cooperation from all operating
132 | facilities in the state relating to such assessment;
133 | requiring the commission to submit by a specified date
134 | a report of such assessment to the Governor and the
135 | Legislature; providing additional content requirements
136 | for such report; requiring the commission to study and
137 | evaluate the technical and economic feasibility of
138 | using advanced nuclear power technologies to meet the
139 | electrical power needs of the state; requiring the
140 | commission to research means to encourage and foster
141 | the installation and use of such technologies at
142 | military installations in partnership with public
143 | utilities; requiring the commission to consult with
144 | the Department of Environmental Protection and the
145 | Division of Emergency Management; requiring the
146 | commission to submit by a specified date a report to
147 | the Governor and the Legislature that contains its
148 | findings and any additional recommendations for
149 | potential legislative or administrative actions;
150 | requiring the Department of Transportation, in

151 consultation with the Office of Energy within the
 152 Department of Agriculture and Consumer Services, to
 153 study and evaluate the potential development of
 154 hydrogen fueling infrastructure to support hydrogen-
 155 powered vehicles; requiring the department to submit
 156 by a specified date a report to the Governor and the
 157 Legislature that contains its findings and
 158 recommendations for specified actions that may
 159 accommodate the future development of hydrogen fueling
 160 infrastructure; providing effective dates.

161
 162 Be It Enacted by the Legislature of the State of Florida:

163
 164 Section 1. Section 163.3210, Florida Statutes, is created
 165 to read:

166 163.3210 Natural gas resiliency and reliability
 167 infrastructure.-

168 (1) It is the intent of the Legislature to maintain,
 169 encourage, and ensure adequate and reliable fuel sources for
 170 public utilities. The resiliency and reliability of fuel sources
 171 for public utilities is critical to the state's economy; the
 172 ability of the state to recover from natural disasters; and the
 173 health, safety, welfare, and quality of life of the residents of
 174 the state.

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

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

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

182 (c) "Public utility" has the same meaning as defined in s.
183 366.02.

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

188 (3) A resiliency facility is a permitted use in all
189 commercial, industrial, and manufacturing land use categories in
190 a local government comprehensive plan and all commercial,
191 industrial, and manufacturing districts. A resiliency facility
192 must comply with the setback and landscape criteria for other
193 similar uses. A local government may adopt an ordinance
194 specifying buffer and landscaping requirements for resiliency
195 facilities, provided such requirements do not exceed the
196 requirements for similar uses involving the construction of
197 other facilities that are permitted uses in commercial,
198 industrial, and manufacturing land use categories and zoning
199 districts.

200 (4) After July 1, 2024, a local government may not amend

201 its comprehensive plan, land use map, zoning districts, or land
202 development regulations in a manner that would conflict with a
203 resiliency facility's classification as a permitted and
204 allowable use, including, but not limited to, an amendment that
205 causes a resiliency facility to be a nonconforming use,
206 structure, or development.

207 Section 2. Section 286.29, Florida Statutes, is amended to
208 read:

209 286.29 Energy guidelines for ~~Climate-friendly public~~
210 ~~business. The Legislature recognizes the importance of~~
211 ~~leadership by state government in the area of energy efficiency~~
212 ~~and in reducing the greenhouse gas emissions of state government~~
213 ~~operations. The following shall pertain to all state agencies~~
214 ~~when conducting public business:~~

215 ~~(1) The Department of Management Services shall develop~~
216 ~~the "Florida Climate-Friendly Preferred Products List." In~~
217 ~~maintaining that list, the department, in consultation with the~~
218 ~~Department of Environmental Protection, shall continually assess~~
219 ~~products currently available for purchase under state term~~
220 ~~contracts to identify specific products and vendors that offer~~
221 ~~clear energy efficiency or other environmental benefits over~~
222 ~~competing products. When procuring products from state term~~
223 ~~contracts, state agencies shall first consult the Florida~~
224 ~~Climate-Friendly Preferred Products List and procure such~~
225 ~~products if the price is comparable.~~

226 ~~(2) State agencies shall contract for meeting and~~
 227 ~~conference space only with hotels or conference facilities that~~
 228 ~~have received the "Green Lodging" designation from the~~
 229 ~~Department of Environmental Protection for best practices in~~
 230 ~~water, energy, and waste efficiency standards, unless the~~
 231 ~~responsible state agency head makes a determination that no~~
 232 ~~other viable alternative exists.~~

233 (1)~~(3)~~ Each state agency shall ensure that all maintained
 234 vehicles meet minimum maintenance schedules shown to reduce fuel
 235 consumption, which include:

- 236 (a) Ensuring appropriate tire pressures and tread depth.~~;~~
- 237 (b) Replacing fuel filters and emission filters at
 238 recommended intervals.~~;~~
- 239 (c) Using proper motor oils.~~;~~ ~~and~~
- 240 (d) Performing timely motor maintenance.

241
 242 Each state agency shall measure and report compliance to the
 243 Department of Management Services through the Equipment
 244 Management Information System database.

245 ~~(4) When procuring new vehicles, all state agencies, state~~
 246 ~~universities, community colleges, and local governments that~~
 247 ~~purchase vehicles under a state purchasing plan shall first~~
 248 ~~define the intended purpose for the vehicle and determine which~~
 249 ~~of the following use classes for which the vehicle is being~~
 250 ~~procured:~~

- 251 ~~(a) State business travel, designated operator;~~
- 252 ~~(b) State business travel, pool operators;~~
- 253 ~~(c) Construction, agricultural, or maintenance work;~~
- 254 ~~(d) Conveyance of passengers;~~
- 255 ~~(e) Conveyance of building or maintenance materials and~~
- 256 ~~supplies;~~
- 257 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~
- 258 ~~(g) Emergency response; or~~
- 259 ~~(h) Other.~~

260

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

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

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

264 ~~when fuel economy data are available. Exceptions may be made for~~

265 ~~individual vehicles in paragraph (g) when accompanied, during~~

266 ~~the procurement process, by documentation indicating that the~~

267 ~~operator or operators will exclusively be emergency first~~

268 ~~responders or have special documented need for exceptional~~

269 ~~vehicle performance characteristics. Any request for an~~

270 ~~exception must be approved by the purchasing agency head and any~~

271 ~~exceptional performance characteristics denoted as a part of the~~

272 ~~procurement process prior to purchase.~~

273 (2)~~(5)~~ All state agencies shall use ethanol and biodiesel

274 blended fuels when available. State agencies administering

275 central fueling operations for state-owned vehicles shall

276 procure biofuels for fleet needs to the greatest extent
277 practicable.

278 (3) (a) The Department of Management Services shall, in
279 consultation with the Department of Commerce and the Department
280 of Agriculture and Consumer Services, develop a Florida Humane
281 Preferred Energy Products List. In developing the list, the
282 department must assess products currently available for purchase
283 under state term contracts that contain or consist of an energy
284 storage device with a capacity of greater than one kilowatt-hour
285 or that contain or consist of an energy generation device with a
286 capacity of greater than 500 watts and identify specific
287 products that appear to be largely made free from forced labor,
288 irrespective of the age of the worker. For purposes of this
289 subsection, the term "forced labor" means any work performed or
290 service rendered that is:

291 1. Obtained by intimidation, fraud, or coercion, including
292 by threat of serious bodily harm to, or physical restraint
293 against, a person, by means of a scheme intended to cause the
294 person to believe that if he or she does not perform such labor
295 or render such service, the person will suffer serious bodily
296 harm or physical restraint, or by means of the abuse or
297 threatened abuse of law or the legal process;

298 2. Imposed on the basis of a characteristic that has been
299 held by the United States Supreme Court or the Florida Supreme
300 Court to be protected against discrimination under the

301 Fourteenth Amendment to the United States Constitution or under
 302 s. 2, Art. I of the State Constitution, including race, color,
 303 national origin, religion, gender, or physical disability;

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

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

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

312 Section 3. Subsections (1), (2), and (5) of section
 313 366.032, Florida Statutes, are amended to read:

314 366.032 Preemption over utility service restrictions.—

315 (1) A municipality, county, special district, development
 316 district, or other political subdivision of the state may not
 317 enact or enforce a resolution, ordinance, rule, code, or policy
 318 or take any action that restricts or prohibits or has the effect
 319 of restricting or prohibiting the types or fuel sources of
 320 energy production which may be used, delivered, converted, or
 321 supplied by the following entities to serve customers that such
 322 entities are authorized to serve:

323 (a) A public utility or an electric utility as defined in
 324 this chapter;

325 (b) An entity formed under s. 163.01 that generates,

326 | sells, or transmits electrical energy;
 327 | (c) A natural gas utility as defined in s. 366.04(3)(c);
 328 | (d) A natural gas transmission company as defined in s.
 329 | 368.103; or
 330 | (e) A Category I liquefied petroleum gas dealer or
 331 | Category II liquefied petroleum gas dispenser or Category III
 332 | liquefied petroleum gas cylinder exchange operator as defined in
 333 | s. 527.01.

334 | (2) Except to the extent necessary to enforce the Florida
 335 | Building Code adopted pursuant to s. 553.73 or the Florida Fire
 336 | Prevention Code adopted pursuant to s. 633.202, a municipality,
 337 | county, special district, development district, or other
 338 | political subdivision of the state may not enact or enforce a
 339 | resolution, an ordinance, a rule, a code, or a policy or take
 340 | any action that restricts or prohibits or has the effect of
 341 | restricting or prohibiting the use of an appliance, including a
 342 | stove or grill, which uses the types or fuel sources of energy
 343 | production which may be used, delivered, converted, or supplied
 344 | by the entities listed in subsection (1). As used in this
 345 | subsection, the term "appliance" means a device or apparatus
 346 | manufactured and designed to use energy and for which the
 347 | Florida Building Code or the Florida Fire Prevention Code
 348 | provides specific requirements.

349 | (5) Any municipality, county, special district,
 350 | development district, or political subdivision charter,

351 resolution, ordinance, rule, code, policy, or action that is
 352 preempted by this act that existed before or on July 1, 2021, is
 353 void.

354 Section 4. Section 366.042, Florida Statutes, is created
 355 to read:

356 366.042 Mutual aid agreements of electric cooperatives and
 357 municipal electric utilities.-

358 (1) For the purposes of restoring power following a
 359 natural disaster that is subject to a state of emergency
 360 declared by the Governor, all electric cooperatives and
 361 municipal electric utilities shall enter into and maintain, at a
 362 minimum, one of the following:

363 (a) A mutual aid agreement with a municipal electric
 364 utility;

365 (b) A mutual aid agreement with an electric cooperative;

366 (c) A mutual aid agreement with a public utility; or

367 (d) A pre-event agreement with a private contractor.

368 (2) All electric cooperatives and municipal electric
 369 utilities operating in this state shall annually submit to the
 370 commission an attestation, in conformity with s. 92.525, stating
 371 that the organization has complied with the requirements of this
 372 section on or before May 15. Nothing in this section shall be
 373 construed to give the commission jurisdiction over the terms and
 374 conditions of a mutual aid agreement or agreement with a private
 375 contractor entered into by an electric cooperative or a

376 municipal electric utility.

377 (3) The commission shall compile the attestations and
 378 annually submit a copy to the Division of Emergency Management
 379 no later than May 30.

380 (4) An electric cooperative or municipal electric utility
 381 that submits the attestation required by this section is
 382 eligible to receive state financial assistance, if such funding
 383 is available, for power restoration efforts following a natural
 384 disaster that is subject to a state of emergency declared by the
 385 Governor.

386 (5) An electric cooperative or municipal electric utility
 387 that does not submit an attestation required by this section is
 388 ineligible to receive state financial assistance for power
 389 restoration efforts following a natural disaster that is subject
 390 to a state of emergency declared by the Governor, until such
 391 time as the attestation is submitted.

392 (6) Nothing in this section shall be construed to
 393 prohibit, limit, or disqualify an electric cooperative or
 394 municipal electric utility from receiving funding under The
 395 Stafford Act, 42 U.S.C. 5121 et seq., or any other federal
 396 program, including programs administered by the state.

397 (7) This section does not expand or alter the jurisdiction
 398 of the commission over public utilities or electric utilities.

399 Section 5. Section 366.057, Florida Statutes, is created
 400 to read:

401 366.057 Retirement of electrical power plants.-A public
 402 utility shall provide notice to the commission at least 90 days
 403 before the full retirement of an electrical power plant if the
 404 date of such retirement does not coincide with the retirement
 405 date in the public utility's most recently approved depreciation
 406 study. No later than 90 days after such notice, the commission
 407 may schedule a hearing to determine whether retirement of the
 408 plant is prudent and consistent with the state's energy policy
 409 goals in s. 377.601(2). At a hearing scheduled under this
 410 section, the utility shall present its proposed retirement date
 411 for the plant, remaining depreciation expense on the plant, any
 412 other costs to be recovered in relation to the plant, and any
 413 planned replacement capacity.

414 Section 6. Subsection (4) is added to Section 366.94,
 415 Florida Statutes, to read:

416 366.94 Electric vehicle charging ~~stations~~.-

417 (4) Upon petition of a public utility, the commission may
 418 approve voluntary electric vehicle charging programs to become
 419 effective on or after January 1, 2025, to include, but not be
 420 limited to, residential, fleet, and public electric vehicle
 421 charging, upon a determination by the commission that the
 422 utility's general body of ratepayers, as a whole, will not pay
 423 to support recovery of its electric vehicle charging investment
 424 by the end of the useful life of the assets dedicated to the
 425 electric vehicle charging service. This provision does not

426 preclude cost recovery for electric vehicle charging programs
 427 approved by the commission before January 1, 2024.

428 Section 7. Section 366.99, Florida Statutes, is created to
 429 read:

430 366.99 Natural gas facilities relocation costs.-

431 (1) As used in this section, the term:

432 (a) "Authority" has the same meaning as in s.

433 337.401(1)(a).

434 (b) "Facilities relocation" means the physical moving,
 435 modification, or reconstruction of public utility facilities to
 436 accommodate the requirements imposed by an authority.

437 (c) "Natural gas facilities" or "facilities" means gas
 438 mains, laterals, and service lines used to distribute natural
 439 gas to customers. The term includes all ancillary equipment
 440 needed for safe operations, including, but not limited to,
 441 regulating stations, meters, other measuring devices,
 442 regulators, and pressure monitoring equipment.

443 (d) "Natural gas facilities relocation costs" means the
 444 costs to relocate or reconstruct facilities as required by a
 445 mandate, a statute, a law, an ordinance, or an agreement between
 446 the utility and an authority, including, but not limited to,
 447 costs associated with reviewing plans provided by an authority.
 448 The term does not include any costs recovered through the public
 449 utility's base rates.

450 (e) "Public utility" or "utility" has the same meaning as

451 in s. 366.02, except that the term does not include an electric
452 utility.

453 (2) A utility may submit to the commission, pursuant to
454 commission rule, a petition describing the utility's projected
455 natural gas facilities relocation costs for the next calendar
456 year, actual natural gas facilities relocation costs for the
457 prior calendar year, and proposed cost-recovery factors designed
458 to recover such costs. A utility's decision to proceed with
459 implementing a plan before filing such a petition does not
460 constitute imprudence.

461 (3) The commission shall conduct an annual proceeding to
462 determine each utility's prudently incurred natural gas
463 facilities relocation costs and to allow each utility to recover
464 such costs through a charge separate and apart from base rates,
465 to be referred to as the natural gas facilities relocation cost
466 recovery clause. The commission's review in the proceeding is
467 limited to determining the prudence of the utility's actual
468 incurred natural gas facilities relocation costs and the
469 reasonableness of the utility's projected natural gas facilities
470 relocation costs for the following calendar year; and providing
471 for a true-up of the costs with the projections on which past
472 factors were set. The commission shall require that any refund
473 or collection made as a part of the true-up process includes
474 interest.

475 (4) All costs approved for recovery through the natural

476 gas facilities relocation cost recovery clause must be allocated
477 to customer classes pursuant to the rate design most recently
478 approved by the commission.

479 (5) If a capital expenditure is recoverable as a natural
480 gas facilities relocation cost, the public utility may recover
481 the annual depreciation on the cost, calculated at the public
482 utility's current approved depreciation rates, and a return on
483 the undepreciated balance of the costs at the public utility's
484 weighted average cost of capital using the last approved return
485 on equity.

486 (6) The commission shall adopt rules to implement and
487 administer this section and shall propose a rule for adoption as
488 soon as practicable after July 1, 2024.

489 Section 8. Section 377.601, Florida Statutes, is amended
490 to read:

491 377.601 Legislative intent.—

492 (1) The purpose of the state's energy policy is to ensure
493 an adequate, reliable, and cost-effective supply of energy for
494 the state in a manner that promotes the health and welfare of
495 the public and economic growth. The Legislature intends that
496 governance of the state's energy policy be efficiently directed
497 toward achieving this purpose. The Legislature finds that the
498 ~~state's energy security can be increased by lessening dependence~~
499 ~~on foreign oil; that the impacts of global climate change can be~~
500 ~~reduced through the reduction of greenhouse gas emissions; and~~

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

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

523 (a) Ensuring a cost-effective and affordable energy
524 supply.

525 (b) Ensuring adequate supply and capacity.

526 (c) Ensuring a secure, resilient, and reliable energy
 527 supply, with an emphasis on a diverse supply of domestic energy
 528 resources.

529 (d) Protecting public safety.

530 (e) Protecting the state's natural resources, including
 531 its coastlines, tributaries, and waterways.

532 (f) Supporting economic growth.

533 (3)-(2) In furtherance of the goals in subsection (2), it
 534 is the policy of the state of Florida to:

535 (a) Develop and Promote the cost-effective development and
 536 effective use of a diverse supply of domestic energy resources
 537 in the state and, discourage all forms of energy waste, and
 538 recognize and address the potential of global climate change
 539 wherever possible.

540 (b) Promote the cost-effective development and maintenance
 541 of energy infrastructure that is resilient to natural and
 542 manmade threats to the security and reliability of the state's
 543 energy supply. Play a leading role in developing and instituting
 544 energy management programs aimed at promoting energy
 545 conservation, energy security, and the reduction of greenhouse
 546 gas emissions.

547 (c) Reduce reliance on foreign energy resources.

548 (d)-(e) Include energy reliability and security
 549 considerations in all state, regional, and local planning.

550 (e)-(d) Utilize and manage effectively energy resources

551 used within state agencies.

552 (f)~~(e)~~ Encourage local governments to include energy
553 considerations in all planning and to support their work in
554 promoting energy management programs.

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

557 (h)~~(g)~~ Consider in its decisions the energy needs of each
558 economic sector, including residential, industrial, commercial,
559 agricultural, and governmental uses, and reduce those needs
560 whenever possible.

561 (i)~~(h)~~ Promote energy education and the public
562 dissemination of information on energy and its impacts in
563 relation to the goals in subsection (2) ~~environmental, economic,~~
564 ~~and social impact.~~

565 (j)~~(i)~~ Encourage the research, development, demonstration,
566 and application of domestic energy resources, including the use
567 of alternative energy resources, particularly renewable energy
568 resources.

569 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of
570 energy-related activities on the goals in subsection (2) ~~social,~~
571 ~~economic, and environmental impacts of energy-related~~
572 ~~activities,~~ including the whole-life-cycle impacts of any
573 potential energy use choices, so that detrimental effects of
574 these activities are understood and minimized.

575 (l)~~(k)~~ Develop and maintain energy emergency preparedness

576 plans to minimize the effects of an energy shortage within this
 577 state Florida.

578 Section 9. Subsection (2) of section 377.6015, Florida
 579 Statutes, is amended to read:

580 377.6015 Department of Agriculture and Consumer Services;
 581 powers and duties.—

582 (2) The department shall:

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

586 (a)-(b) Develop policy for requiring grantees to provide
 587 royalty-sharing or licensing agreements with state government
 588 for commercialized products developed under a state grant.

589 ~~(c) Administer the Florida Green Government Grants Act~~
 590 ~~pursuant to s. 377.808 and set annual priorities for grants.~~

591 (b)-(d) Administer the information gathering and reporting
 592 functions pursuant to ss. 377.601-377.608.

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

595 (c)-(f) Advocate for energy and climate change issues
 596 consistent with the goals in s. 377.601(2) and provide
 597 educational outreach and technical assistance in cooperation
 598 with the state's academic institutions.

599 (d)-(g) Be a party in the proceedings to adopt goals and
 600 submit comments to the Public Service Commission pursuant to s.

601 366.82.

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

604 Section 10. Subsection (1) and paragraphs (e), (f), (h),
 605 and (m) of subsection (2) of section 377.703, Florida Statutes,
 606 are amended to read:

607 377.703 Additional functions of the Department of
 608 Agriculture and Consumer Services.—

609 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
 610 demand questions have become a major area of concern to the
 611 state which must be dealt with by effective and well-coordinated
 612 state action, it is the intent of the Legislature to promote the
 613 efficient, effective, and economical management of energy
 614 problems, centralize energy coordination responsibilities,
 615 pinpoint responsibility for conducting energy programs, and
 616 ensure the accountability of state agencies for the
 617 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
 618 policy. It is the specific intent of the Legislature that
 619 nothing in this act shall in any way change the powers, duties,
 620 and responsibilities assigned by the Florida Electrical Power
 621 Plant Siting Act, part II of chapter 403, or the powers, duties,
 622 and responsibilities of the Florida Public Service Commission.

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

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

631 1. An analysis of the relationship of state economic
632 growth and development to energy supply and demand, including
633 the constraints to economic growth resulting from energy supply
634 constraints.

635 ~~2. Plans for the development of renewable energy resources~~
636 ~~and reduction in dependence on depletable energy resources,~~
637 ~~particularly oil and natural gas, and~~ An analysis of the extent
638 to which domestic energy resources, including renewable energy
639 sources, are being utilized in this ~~the~~ state.

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

645 4. An assessment of the state's energy resources,
646 including examination of the availability of commercially
647 developable and imported fuels, and an analysis of anticipated
648 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~
649 ~~state's environment and social services~~ resulting from energy
650 resource development activities or from energy supply

651 constraints, or both.

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

662 1. Formulation of specific recommendations for improvement
 663 in the efficiency of energy utilization in governmental,
 664 residential, commercial, industrial, and transportation sectors.

665 2. Collection and dissemination of information relating to
 666 energy efficiency and conservation.

667 3. Development and conduct of educational and training
 668 programs relating to energy efficiency and conservation.

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

672 (h) The department shall promote the development and use
 673 of renewable energy resources, in conformance with chapter 187
 674 and s. 377.601, by:

675 ~~1. Establishing goals and strategies for increasing the~~

676 ~~use of renewable energy in this state.~~

677 ~~1.2.~~ Aiding and promoting the commercialization of
678 renewable energy resources, in cooperation with the Florida
679 Energy Systems Consortium; the Florida Solar Energy Center; and
680 any other federal, state, or local governmental agency that may
681 seek to promote research, development, and the demonstration of
682 renewable energy equipment and technology.

683 ~~2.3.~~ Identifying barriers to greater use of renewable
684 energy resources in this state, and developing specific
685 recommendations for overcoming identified barriers, with
686 findings and recommendations to be submitted annually in the
687 report to the Governor and Legislature required under paragraph
688 (f).

689 ~~3.4.~~ In cooperation with the Department of Environmental
690 Protection, the Department of Transportation, the Department of
691 Commerce, the Florida Energy Systems Consortium, the Florida
692 Solar Energy Center, and the Florida Solar Energy Industries
693 Association, investigating opportunities, pursuant to the
694 national Energy Policy Act of 1992, the Housing and Community
695 Development Act of 1992, and any subsequent federal legislation,
696 for renewable energy resources, electric vehicles, and other
697 renewable energy manufacturing, distribution, installation, and
698 financing efforts that enhance this state's position as the
699 leader in renewable energy research, development, and use.

700 ~~4.5.~~ Undertaking other initiatives to advance the

701 development and use of renewable energy resources in this state.

702

703 In the exercise of its responsibilities under this paragraph,
 704 the department shall seek the assistance of the renewable energy
 705 industry in this state and other interested parties and may
 706 enter into contracts, retain professional consulting services,
 707 and expend funds appropriated by the Legislature for such
 708 purposes.

709 (m) In recognition of the devastation to the economy of
 710 this state and the dangers to the health and welfare of
 711 residents of this state caused by severe hurricanes, and the
 712 potential for such impacts caused by other natural disasters,
 713 the Division of Emergency Management shall include in its energy
 714 emergency contingency plan and provide to the Florida Building
 715 Commission for inclusion in the Florida Energy Efficiency Code
 716 for Building Construction specific provisions to facilitate the
 717 use of cost-effective ~~solar~~ energy technologies as emergency
 718 remedial and preventive measures for providing electric power,
 719 street lighting, and water heating service in the event of
 720 electric power outages.

721 Section 11. Section 377.708, Florida Statutes, is created
 722 to read:

723 377.708 Wind energy.-

724 (1) DEFINITIONS.-As used in this section, the term:

725 (a) "Coastline" means the established line of mean high

726 water.

727 (b) "Department" means the Department of Environmental
728 Protection.

729 (c) "Offshore wind energy facility" means any wind energy
730 facility located on waters of this state, including other
731 buildings, structures, vessels, or electrical transmission
732 cabling to be sited on waters of this state, or connected to
733 corresponding onshore substations that are used to support the
734 operation of one or more wind turbines sited or constructed on
735 waters of this state and any submerged lands or territorial
736 waters that are not under the jurisdiction of the state.

737 (d) "Real property" has the same meaning as provided in s.
738 192.001(12).

739 (e) "Waters of this state" has the same meaning as s.
740 327.02, except the term also includes all state submerged lands.

741 (f) "Wind energy facility" means an electrical wind
742 generation facility or expansion thereof having at least a 400-
743 watt rated capacity, including substations; meteorological data
744 towers; aboveground, underground, and electrical transmission
745 lines; and transformers, control systems, and other buildings or
746 structures under common ownership or operating control used to
747 support the operation of the facility the primary purpose of
748 which is to offer electricity supply for sale.

749 (g) "Wind turbine" means a device or apparatus that has
750 the capability to convert kinetic wind energy into rotational

751 energy that drives an electrical generator consisting of a tower
 752 body and rotator with two or more blades. The term includes both
 753 horizontal and vertical axis turbines. The term does not include
 754 devices used to measure wind speed and direction, such as an
 755 anemometer.

756 (2) PROHIBITED ACTIVITIES.-

757 (a) The construction, operation, or expansion of an
 758 offshore wind energy facility in this state is prohibited.

759 (b) The construction or operation of a wind turbine on
 760 real property within 1 mile of coastline in this state is
 761 prohibited.

762 (c) The construction or operation of a wind turbine on
 763 waters of this state and any submerged lands is prohibited.

764 (3) REVIEW.-The department shall review all applications
 765 for federal wind energy leases in the territorial waters of the
 766 United States adjacent to waters of this state and shall signify
 767 its approval of or objection to each application.

768 (4) INJUNCTIVE RELIEF.-The department may bring an action
 769 for injunctive relief against any person who owns, constructs,
 770 or operates an offshore wind energy facility or a wind turbine
 771 in this state in violation of this section.

772 Section 12. Sections 377.801, 377.802, 377.803, 377.804,
 773 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

774 Section 13. (1) For programs established pursuant to s.
 775 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida

776 Statutes, there may not be:

777 (a) New or additional applications, certifications, or
 778 allocations approved.

779 (b) New letters of certification issued.

780 (c) New contracts or agreements executed.

781 (d) New awards made.

782 (2) All certifications or allocations issued under such
 783 programs are rescinded except for the certifications of, or
 784 allocations to, those certified applicants or projects that
 785 continue to meet the applicable criteria in effect before July
 786 1, 2024. Any existing contract or agreement authorized under any
 787 of these programs shall continue in full force and effect in
 788 accordance with the statutory requirements in effect when the
 789 contract or agreement was executed or last modified. However,
 790 further modifications, extensions, or waivers may not be made or
 791 granted relating to such contracts or agreements, except
 792 computations by the Department of Revenue of the income
 793 generated by or arising out of the qualifying project.

794 Section 14. Paragraph (d) of subsection (2) of section
 795 220.193, Florida Statutes, is amended to read:

796 220.193 Florida renewable energy production credit.—

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

798 (d) "Florida renewable energy facility" means a facility
 799 in the state that produces electricity for sale from renewable
 800 energy, ~~as defined in s. 377.803.~~

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

803 288.9606 Issue of revenue bonds.—

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

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

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

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

816 (d) Finance the costs of acquisition or construction of a
 817 transportation facility by a private entity or consortium of
 818 private entities under a public-private partnership agreement
 819 authorized by s. 334.30.

820 Section 16. Paragraph (w) of subsection (2) of section
 821 380.0651, Florida Statutes, is amended to read:

822 380.0651 Statewide guidelines, standards, and exemptions.—

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

825 ~~(w) Any development in an energy economic zone designated~~

826 ~~pursuant to s. 377.809 upon approval by its local governing~~
 827 ~~body.~~

828
 829 If a use is exempt from review pursuant to paragraphs (a)-(u),
 830 but will be part of a larger project that is subject to review
 831 pursuant to s. 380.06(12), the impact of the exempt use must be
 832 included in the review of the larger project, unless such exempt
 833 use involves a development that includes a landowner, tenant, or
 834 user that has entered into a funding agreement with the state
 835 land planning agency under the Innovation Incentive Program and
 836 the agreement contemplates a state award of at least \$50
 837 million.

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

840 403.9405 Applicability; certification; exemption; notice
 841 of intent.—

842 (2) ~~No construction of~~ A natural gas transmission pipeline
 843 may not be constructed ~~be undertaken after October 1, 1992,~~
 844 without first obtaining certification under ss. 403.9401-
 845 403.9425, but these sections do not apply to:

846 (a) Natural gas transmission pipelines which are less than
 847 100 ~~15~~ miles in length or which do not cross a county line,
 848 unless the applicant has elected to apply for certification
 849 under ss. 403.9401-403.9425.

850 (b) Natural gas transmission pipelines for which a

851 certificate of public convenience and necessity has been issued
852 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a
853 natural gas transmission pipeline certified as an associated
854 facility to an electrical power plant pursuant to the Florida
855 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless
856 the applicant elects to apply for certification of that pipeline
857 under ss. 403.9401-403.9425.

858 (c) Natural gas transmission pipelines that are owned or
859 operated by a municipality or any agency thereof, by any person
860 primarily for the local distribution of natural gas, or by a
861 special district created by special act to distribute natural
862 gas, unless the applicant elects to apply for certification of
863 that pipeline under ss. 403.9401-403.9425.

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

866 720.3075 Prohibited clauses in association documents.—

867 (3) Homeowners' association documents, including
868 declarations of covenants, articles of incorporation, or bylaws,
869 may not preclude:

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

875 (b) Types or fuel sources of energy production which may

876 be used, delivered, converted, or supplied by the following
877 entities to serve customers within the association that such
878 entities are authorized to serve:

879 1. A public utility or an electric utility as defined in
880 this chapter;

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

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

884 4. A natural gas transmission company as defined in s.
885 368.103; or

886 5. A Category I liquefied petroleum gas dealer, a Category
887 II liquefied petroleum gas dispenser, or a Category III
888 liquefied petroleum gas cylinder exchange operator as defined in
889 s. 527.01.

890 (c) The use of an appliance, including a stove or grill,
891 which uses the types or fuel sources of energy production which
892 may be used, delivered, converted, or supplied by the entities
893 listed in paragraph (b). As used in this paragraph, the term
894 "appliance" means a device or apparatus manufactured and
895 designed to use energy and for which the Florida Building Code
896 or the Florida Fire Prevention Code provides specific
897 requirements.

898 Section 19. (1) The Public Service Commission shall
899 conduct an assessment of the security and resiliency of the
900 state's electric grid and natural gas facilities against both

901 physical threats and cyber threats. In conducting this
902 assessment, the commission shall consult with the Division of
903 Emergency Management and, in its assessment of cyber threats,
904 shall consult with the Florida Digital Service. All electric
905 utilities, natural gas utilities, and natural gas pipelines
906 operating in this state, regardless of ownership structure,
907 shall cooperate with the commission to provide access to all
908 information necessary to conduct the assessment.

909 (2) By July 1, 2025, the commission shall submit a report
910 of its assessment to the Governor, the President of the Senate,
911 and the Speaker of the House of Representatives. The report must
912 also contain any recommendations for potential legislative or
913 administrative actions that may enhance the physical security or
914 cyber security of the state's electric grid or natural gas
915 facilities.

916 Section 20. (1) Recognizing the evolution and advances
917 that have occurred and continue to occur in nuclear power
918 technologies, the Public Service Commission shall study and
919 evaluate the technical and economic feasibility of using
920 advanced nuclear power technologies, including small modular
921 reactors, to meet the electrical power needs of the state, and
922 research means to encourage and foster the installation and use
923 of such technologies at military installations in the state in
924 partnership with public utilities. In conducting this study, the
925 commission shall consult with the Department of Environmental

926 Protection and the Division of Emergency Management.

927 (2) By April 1, 2025, the commission shall prepare and
928 submit a report to the Governor, the President of the Senate,
929 and the Speaker of the House of Representatives, containing its
930 findings and any recommendations for potential legislative or
931 administrative actions that may enhance the use of advanced
932 nuclear technologies in a manner consistent with the energy
933 policy goals in s. 377.601(2), Florida Statutes.

934 Section 21. (1) Recognizing the continued development of
935 technologies that support the use of hydrogen as a
936 transportation fuel and the potential for such use to help meet
937 the state's energy policy goals in s. 377.601(2), Florida
938 Statutes, the Department of Transportation, in consultation with
939 the Office of Energy within the Department of Agriculture and
940 Consumer Services, shall study and evaluate the potential
941 development of hydrogen fueling infrastructure, including
942 fueling stations, to support hydrogen-powered vehicles that use
943 the state highway system.

944 (2) By April 1, 2025, the Department of Transportation
945 shall prepare and submit a report to the Governor, the President
946 of the Senate, and the Speaker of the House of Representatives,
947 containing its findings and any recommendations for potential
948 legislative or administrative actions that may accommodate the
949 future development of hydrogen fueling infrastructure in a
950 manner consistent with the energy policy goals in s. 377.601(2),

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951 | Florida Statutes.

952 | Section 22. This act shall take effect July 1, 2024.