

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 or expansion of certain wind energy
92 facilities and wind turbines in the state; requiring
93 the Department of Environmental Protection to review
94 applications for federal wind energy leases in
95 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 coordinate, develop, and recommend a plan under which
127 an assessment of the security and resiliency of the
128 state's electric grid and natural gas facilities
129 against physical threats and cyber threats may be
130 conducted; requiring the commission to consult with
131 the Division of Emergency Management and the Florida
132 Digital Service; requiring cooperation from all
133 operating facilities in the state relating to such
134 plan; providing additional content requirements for
135 such plan; requiring the commission to submit by a
136 recommended plan by a specified date to the Governor
137 and the Legislature; providing additional content
138 requirements for such plan; requiring the commission
139 to study and evaluate the technical and economic
140 feasibility of using advanced nuclear power
141 technologies to meet the electrical power needs of the
142 state; requiring the commission to research means to
143 encourage and foster the installation and use of such
144 technologies at military installations in partnership
145 with public utilities; requiring the commission to
146 consult with the Department of Environmental
147 Protection and the Division of Emergency Management;
148 requiring the commission to submit by a specified date
149 a report to the Governor and the Legislature that
150 contains its findings and any additional

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

164
 165 Be It Enacted by the Legislature of the State of Florida:

166
 167 Section 1. Section 163.3210, Florida Statutes, is created
 168 to read:

169 163.3210 Natural gas resiliency and reliability
 170 infrastructure.-

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

176 health, safety, welfare, and quality of life of the residents of
177 the state.

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

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

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

185 (c) "Public utility" has the same meaning as defined in s.
186 366.02.

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

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

201 industrial, and manufacturing land use categories and zoning
202 districts.

203 (4) After July 1, 2024, a local government may not amend
204 its comprehensive plan, land use map, zoning districts, or land
205 development regulations in a manner that would conflict with a
206 resiliency facility's classification as a permitted and
207 allowable use, including, but not limited to, an amendment that
208 causes a resiliency facility to be a nonconforming use,
209 structure, or development.

210 Section 2. Section 286.29, Florida Statutes, is amended to
211 read:

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

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

226 ~~contracts, state agencies shall first consult the Florida~~
 227 ~~Climate-Friendly Preferred Products List and procure such~~
 228 ~~products if the price is comparable.~~

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

236 ~~(1)-(3)~~ Each state agency shall ensure that all maintained
 237 vehicles meet minimum maintenance schedules shown to reduce fuel
 238 consumption, which include:

239 (a) Ensuring appropriate tire pressures and tread depth.~~;~~

240 (b) Replacing fuel filters and emission filters at
 241 recommended intervals.~~;~~

242 (c) Using proper motor oils.~~;~~ and

243 (d) Performing timely motor maintenance.

244
 245 Each state agency shall measure and report compliance to the
 246 Department of Management Services through the Equipment
 247 Management Information System database.

248 ~~(4) When procuring new vehicles, all state agencies, state~~
 249 ~~universities, community colleges, and local governments that~~
 250 ~~purchase vehicles under a state purchasing plan shall first~~

251 ~~define the intended purpose for the vehicle and determine which~~
252 ~~of the following use classes for which the vehicle is being~~
253 ~~procured:~~

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

263
264 ~~Vehicles described in paragraphs (a) through (h), when being~~
265 ~~processed for purchase or leasing agreements, must be selected~~
266 ~~for the greatest fuel efficiency available for a given use class~~
267 ~~when fuel economy data are available. Exceptions may be made for~~
268 ~~individual vehicles in paragraph (g) when accompanied, during~~
269 ~~the procurement process, by documentation indicating that the~~
270 ~~operator or operators will exclusively be emergency first~~
271 ~~responders or have special documented need for exceptional~~
272 ~~vehicle performance characteristics. Any request for an~~
273 ~~exception must be approved by the purchasing agency head and any~~
274 ~~exceptional performance characteristics denoted as a part of the~~
275 ~~procurement process prior to purchase.~~

276 ~~(2)-(5)~~ All state agencies shall use ethanol and biodiesel
277 blended fuels when available. State agencies administering
278 central fueling operations for state-owned vehicles shall
279 procure biofuels for fleet needs to the greatest extent
280 practicable.

281 (3) (a) The Department of Management Services shall, in
282 consultation with the Department of Commerce and the Department
283 of Agriculture and Consumer Services, develop a Florida Humane
284 Preferred Energy Products List. In developing the list, the
285 department must assess products currently available for purchase
286 under state term contracts that contain or consist of an energy
287 storage device with a capacity of greater than one kilowatt-hour
288 or that contain or consist of an energy generation device with a
289 capacity of greater than 500 watts and identify specific
290 products that are made free from forced labor. For purposes of
291 this subsection, the term "forced labor" means work or service
292 exacted from any person, including a minor, under the menace of
293 a penalty for nonperformance and for which the worker does not
294 offer himself or herself voluntarily or an activity that
295 violates s. 787.06.

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

301 Section 3. Subsections (1), (2), and (5) of section
 302 366.032, Florida Statutes, are amended to read:
 303 366.032 Preemption over utility service restrictions.—
 304 (1) A municipality, county, special district, development
 305 district, or other political subdivision of the state may not
 306 enact or enforce a resolution, ordinance, rule, code, or policy
 307 or take any action that restricts or prohibits or has the effect
 308 of restricting or prohibiting the types or fuel sources of
 309 energy production which may be used, delivered, converted, or
 310 supplied by the following entities to serve customers that such
 311 entities are authorized to serve:
 312 (a) A public utility or an electric utility as defined in
 313 this chapter;
 314 (b) An entity formed under s. 163.01 that generates,
 315 sells, or transmits electrical energy;
 316 (c) A natural gas utility as defined in s. 366.04(3)(c);
 317 (d) A natural gas transmission company as defined in s.
 318 368.103; or
 319 (e) A Category I liquefied petroleum gas dealer or
 320 Category II liquefied petroleum gas dispenser or Category III
 321 liquefied petroleum gas cylinder exchange operator as defined in
 322 s. 527.01.
 323 (2) Except to the extent necessary to enforce the Florida
 324 Building Code adopted pursuant to s. 553.73 or the Florida Fire
 325 Prevention Code adopted pursuant to s. 633.202, a municipality,

326 county, special district, development district, or other
327 political subdivision of the state may not enact or enforce a
328 resolution, an ordinance, a rule, a code, or a policy or take
329 any action that restricts or prohibits or has the effect of
330 restricting or prohibiting the use of an appliance, including a
331 stove or grill, which uses the types or fuel sources of energy
332 production which may be used, delivered, converted, or supplied
333 by the entities listed in subsection (1). As used in this
334 subsection, the term "appliance" means a device or apparatus
335 manufactured and designed to use energy and for which the
336 Florida Building Code or the Florida Fire Prevention Code
337 provides specific requirements.

338 (5) Any municipality, county, special district,
339 development district, or political subdivision charter,
340 resolution, ordinance, rule, code, policy, or action that is
341 preempted by this act that existed before or on July 1, 2021, is
342 void.

343 Section 4. Section 366.042, Florida Statutes, is created
344 to read:

345 366.042 Mutual aid agreements of electric cooperatives and
346 municipal electric utilities.-

347 (1) For the purposes of restoring power following a
348 natural disaster that is subject to a state of emergency
349 declared by the Governor, all electric cooperatives and
350 municipal electric utilities shall enter into and maintain, at a

351 minimum, one of the following:

352 (a) A mutual aid agreement with a municipal electric
 353 utility;

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

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

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

357 (2) All electric cooperatives and municipal electric

358 utilities operating in this state shall annually submit to the

359 commission an attestation, in conformity with s. 92.525, stating

360 that the organization has complied with the requirements of this

361 section on or before May 15. Nothing in this section shall be

362 construed to give the commission jurisdiction over the terms and

363 conditions of a mutual aid agreement or agreement with a private

364 contractor entered into by an electric cooperative or a

365 municipal electric utility.

366 (3) The commission shall compile the attestations and

367 annually submit a copy to the Division of Emergency Management

368 no later than May 30.

369 (4) An electric cooperative or municipal electric utility

370 that submits the attestation required by this section is

371 eligible to receive state financial assistance, if such funding

372 is available, for power restoration efforts following a natural

373 disaster that is subject to a state of emergency declared by the

374 Governor.

375 (5) An electric cooperative or municipal electric utility

376 that does not submit an attestation required by this section is
377 ineligible to receive state financial assistance for power
378 restoration efforts following a natural disaster that is subject
379 to a state of emergency declared by the Governor, until such
380 time as the attestation is submitted.

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

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

388 Section 5. Section 366.057, Florida Statutes, is created
389 to read:

390 366.057 Retirement of electrical power plants.-A public
391 utility shall provide notice to the commission at least 90 days
392 before the full retirement of an electrical power plant if the
393 date of such retirement does not coincide with the retirement
394 date in the public utility's most recently approved depreciation
395 study. No later than 90 days after such notice, the commission
396 may schedule a hearing to determine whether retirement of the
397 plant is prudent and consistent with the state's energy policy
398 goals in s. 377.601(2). At a hearing scheduled under this
399 section, the utility shall present its proposed retirement date
400 for the plant, remaining depreciation expense on the plant, any

401 other costs to be recovered in relation to the plant, and any
 402 planned replacement capacity.

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

405 366.94 Electric vehicle charging ~~stations~~.—

406 (4) Upon petition of a public utility, the commission may
 407 approve voluntary electric vehicle charging programs to become
 408 effective on or after January 1, 2025, to include, but not be
 409 limited to, residential, fleet, and public electric vehicle
 410 charging, upon a determination by the commission that the
 411 utility's general body of ratepayers, as a whole, will not pay
 412 to support recovery of its electric vehicle charging investment
 413 by the end of the useful life of the assets dedicated to the
 414 electric vehicle charging service. This provision does not
 415 preclude cost recovery for electric vehicle charging programs
 416 approved by the commission before January 1, 2024.

417 Section 7. Section 366.99, Florida Statutes, is created to
 418 read:

419 366.99 Natural gas facilities relocation costs.—

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

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

422 337.401(1)(a).

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

426 (c) "Natural gas facilities" or "facilities" means gas
427 mains, laterals, and service lines used to distribute natural
428 gas to customers. The term includes all ancillary equipment
429 needed for safe operations, including, but not limited to,
430 regulating stations, meters, other measuring devices,
431 regulators, and pressure monitoring equipment.

432 (d) "Natural gas facilities relocation costs" means the
433 costs to relocate or reconstruct facilities as required by a
434 mandate, a statute, a law, an ordinance, or an agreement between
435 the utility and an authority, including, but not limited to,
436 costs associated with reviewing plans provided by an authority.
437 The term does not include any costs recovered through the public
438 utility's base rates.

439 (e) "Public utility" or "utility" has the same meaning as
440 in s. 366.02, except that the term does not include an electric
441 utility.

442 (2) A utility may submit to the commission, pursuant to
443 commission rule, a petition describing the utility's projected
444 natural gas facilities relocation costs for the next calendar
445 year, actual natural gas facilities relocation costs for the
446 prior calendar year, and proposed cost-recovery factors designed
447 to recover such costs. A utility's decision to proceed with
448 implementing a plan before filing such a petition does not
449 constitute imprudence.

450 (3) The commission shall conduct an annual proceeding to
451 determine each utility's prudently incurred natural gas
452 facilities relocation costs and to allow each utility to recover
453 such costs through a charge separate and apart from base rates,
454 to be referred to as the natural gas facilities relocation cost
455 recovery clause. The commission's review in the proceeding is
456 limited to determining the prudence of the utility's actual
457 incurred natural gas facilities relocation costs and the
458 reasonableness of the utility's projected natural gas facilities
459 relocation costs for the following calendar year; and providing
460 for a true-up of the costs with the projections on which past
461 factors were set. The commission shall require that any refund
462 or collection made as a part of the true-up process includes
463 interest.

464 (4) All costs approved for recovery through the natural
465 gas facilities relocation cost recovery clause must be allocated
466 to customer classes pursuant to the rate design most recently
467 approved by the commission.

468 (5) If a capital expenditure is recoverable as a natural
469 gas facilities relocation cost, the public utility may recover
470 the annual depreciation on the cost, calculated at the public
471 utility's current approved depreciation rates, and a return on
472 the undepreciated balance of the costs at the public utility's
473 weighted average cost of capital using the last approved return
474 on equity.

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

478 Section 8. Section 377.601, Florida Statutes, is amended
479 to read:

480 377.601 Legislative intent.—

481 (1) The purpose of the state's energy policy is to ensure
482 an adequate, reliable, and cost-effective supply of energy for
483 the state in a manner that promotes the health and welfare of
484 the public and economic growth. The Legislature intends that
485 governance of the state's energy policy be efficiently directed
486 toward achieving this purpose. The Legislature finds that the
487 ~~state's energy security can be increased by lessening dependence~~
488 ~~on foreign oil; that the impacts of global climate change can be~~
489 ~~reduced through the reduction of greenhouse gas emissions; and~~
490 ~~that the implementation of alternative energy technologies can~~
491 ~~be a source of new jobs and employment opportunities for many~~
492 ~~Floridians. The Legislature further finds that the state is~~
493 ~~positioned at the front line against potential impacts of global~~
494 ~~climate change. Human and economic costs of those impacts can be~~
495 ~~averted by global actions and, where necessary, adapted to by a~~
496 ~~concerted effort to make Florida's communities more resilient~~
497 ~~and less vulnerable to these impacts. In focusing the~~
498 ~~government's policy and efforts to benefit and protect our~~
499 ~~state, its citizens, and its resources, the Legislature believes~~

500 ~~that a single government entity with a specific focus on energy~~
 501 ~~and climate change is both desirable and advantageous. Further,~~
 502 ~~the Legislature finds that energy infrastructure provides the~~
 503 ~~foundation for secure and reliable access to the energy supplies~~
 504 ~~and services on which Florida depends. Therefore, there is~~
 505 ~~significant value to Florida consumers that comes from~~
 506 ~~investment in Florida's energy infrastructure that increases~~
 507 ~~system reliability, enhances energy independence and~~
 508 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
 509 ~~gas emissions.~~

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

512 (a) Ensuring a cost-effective and affordable energy
 513 supply.

514 (b) Ensuring adequate supply and capacity.

515 (c) Ensuring a secure, resilient, and reliable energy
 516 supply, with an emphasis on a diverse supply of domestic energy
 517 resources.

518 (d) Protecting public safety.

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

521 (f) Supporting economic growth.

522 (3)-(2) In furtherance of the goals in subsection (2), it
 523 is the policy of the state of Florida to:

524 (a) Develop and Promote the cost-effective development and

525 ~~effective use of a diverse supply of domestic energy resources~~
526 ~~in the state and, discourage all forms of energy waste, and~~
527 ~~recognize and address the potential of global climate change~~
528 ~~wherever possible.~~

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

536 (c) Reduce reliance on foreign energy resources.

537 (d)-(e) Include energy reliability and security
538 ~~considerations in all state, regional, and local planning.~~

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

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

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

546 (h)-(g) Consider in its decisions the energy needs of each
547 ~~economic sector, including residential, industrial, commercial,~~
548 ~~agricultural, and governmental uses, and reduce those needs~~
549 ~~whenever possible.~~

550 ~~(i)-(h)~~ Promote energy education and the public
 551 dissemination of information on energy and its impacts in
 552 relation to the goals in subsection (2) ~~environmental, economic,~~
 553 ~~and social impact.~~

554 ~~(j)-(i)~~ Encourage the research, development, demonstration,
 555 and application of domestic energy resources, including the use
 556 of alternative energy resources, particularly renewable energy
 557 resources.

558 ~~(k)-(j)~~ Consider, in its decisionmaking, the impacts of
 559 energy-related activities on the goals in subsection (2) ~~social,~~
 560 ~~economic, and environmental impacts of energy-related~~
 561 ~~activities,~~ including the whole-life-cycle impacts of any
 562 potential energy use choices, so that detrimental effects of
 563 these activities are understood and minimized.

564 ~~(l)-(k)~~ Develop and maintain energy emergency preparedness
 565 plans to minimize the effects of an energy shortage within this
 566 state Florida.

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

569 377.6015 Department of Agriculture and Consumer Services;
 570 powers and duties.—

571 (2) The department shall:

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

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

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

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

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

584 (c)~~(f)~~ Advocate for energy and climate change issues
 585 consistent with the goals in s. 377.601(2) and provide
 586 educational outreach and technical assistance in cooperation
 587 with the state's academic institutions.

588 (d)~~(g)~~ Be a party in the proceedings to adopt goals and
 589 submit comments to the Public Service Commission pursuant to s.
 590 366.82.

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

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

596 377.703 Additional functions of the Department of
 597 Agriculture and Consumer Services.—

598 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
 599 demand questions have become a major area of concern to the

600 state which must be dealt with by effective and well-coordinated
601 state action, it is the intent of the Legislature to promote the
602 efficient, effective, and economical management of energy
603 problems, centralize energy coordination responsibilities,
604 pinpoint responsibility for conducting energy programs, and
605 ensure the accountability of state agencies for the
606 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
607 policy. It is the specific intent of the Legislature that
608 nothing in this act shall in any way change the powers, duties,
609 and responsibilities assigned by the Florida Electrical Power
610 Plant Siting Act, part II of chapter 403, or the powers, duties,
611 and responsibilities of the Florida Public Service Commission.

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

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

620 1. An analysis of the relationship of state economic
621 growth and development to energy supply and demand, including
622 the constraints to economic growth resulting from energy supply
623 constraints.

624 2. ~~Plans for the development of renewable energy resources~~

625 ~~and reduction in dependence on depletable energy resources,~~
626 ~~particularly oil and natural gas, and~~ An analysis of the extent
627 to which domestic energy resources, including renewable energy
628 sources, are being utilized in this ~~the~~ state.

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

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

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

650 conservation programs for the state, including:

651 1. Formulation of specific recommendations for improvement
 652 in the efficiency of energy utilization in governmental,
 653 residential, commercial, industrial, and transportation sectors.

654 2. Collection and dissemination of information relating to
 655 energy efficiency and conservation.

656 3. Development and conduct of educational and training
 657 programs relating to energy efficiency and conservation.

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

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

664 ~~1. Establishing goals and strategies for increasing the
 665 use of renewable energy in this state.~~

666 ~~1.2.~~ Aiding and promoting the commercialization of
 667 renewable energy resources, in cooperation with the Florida
 668 Energy Systems Consortium; the Florida Solar Energy Center; and
 669 any other federal, state, or local governmental agency that may
 670 seek to promote research, development, and the demonstration of
 671 renewable energy equipment and technology.

672 ~~2.3.~~ Identifying barriers to greater use of renewable
 673 energy resources in this state, and developing specific
 674 recommendations for overcoming identified barriers, with

675 findings and recommendations to be submitted annually in the
676 report to the Governor and Legislature required under paragraph
677 (f).

678 ~~3.4.~~ In cooperation with the Department of Environmental
679 Protection, the Department of Transportation, the Department of
680 Commerce, the Florida Energy Systems Consortium, the Florida
681 Solar Energy Center, and the Florida Solar Energy Industries
682 Association, investigating opportunities, pursuant to the
683 national Energy Policy Act of 1992, the Housing and Community
684 Development Act of 1992, and any subsequent federal legislation,
685 for renewable energy resources, electric vehicles, and other
686 renewable energy manufacturing, distribution, installation, and
687 financing efforts that enhance this state's position as the
688 leader in renewable energy research, development, and use.

689 ~~4.5.~~ Undertaking other initiatives to advance the
690 development and use of renewable energy resources in this state.

691
692 In the exercise of its responsibilities under this paragraph,
693 the department shall seek the assistance of the renewable energy
694 industry in this state and other interested parties and may
695 enter into contracts, retain professional consulting services,
696 and expend funds appropriated by the Legislature for such
697 purposes.

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

700 residents of this state caused by severe hurricanes, and the
 701 potential for such impacts caused by other natural disasters,
 702 the Division of Emergency Management shall include in its energy
 703 emergency contingency plan and provide to the Florida Building
 704 Commission for inclusion in the Florida Energy Efficiency Code
 705 for Building Construction specific provisions to facilitate the
 706 use of cost-effective ~~solar~~ energy technologies as emergency
 707 remedial and preventive measures for providing electric power,
 708 street lighting, and water heating service in the event of
 709 electric power outages.

710 Section 11. Section 377.708, Florida Statutes, is created
 711 to read:

712 377.708 Wind energy.-

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

714 (a) "Coastline" means the established line of mean high
 715 water.

716 (b) "Department" means the Department of Environmental
 717 Protection.

718 (c) "Offshore wind energy facility" means any wind energy
 719 facility located on waters of this state, including other
 720 buildings, structures, vessels, or electrical transmission
 721 cabling to be sited on waters of this state, or connected to
 722 corresponding onshore substations that are used to support the
 723 operation of one or more wind turbines sited or constructed on
 724 waters of this state and any submerged lands or territorial

725 waters that are not under the jurisdiction of the state.

726 (d) "Real property" has the same meaning as provided in s.
727 192.001(12).

728 (e) "Vessel" has the same meaning as provided in s.
729 327.02.

730 (f) "Waters of this state" has the same meaning as
731 provided in s. 327.02, except the term also includes all state
732 submerged lands.

733 (g) "Wind energy facility" means an electrical wind
734 generation facility or expansion thereof comprised of one or
735 more wind turbines and including substations; meteorological
736 data towers; aboveground, underground, and electrical
737 transmission lines; and transformers, control systems, and other
738 buildings or structures under common ownership or operating
739 control used to support the operation of the facility the
740 primary purpose of which is to offer electricity supply for
741 sale.

742 (h) "Wind turbine" means a device or apparatus that has
743 the capability to convert kinetic wind energy into rotational
744 energy that drives an electrical generator, consisting of a
745 tower body and rotator with two or more blades and capable of
746 producing more than 10 kilowatts of electrical power. The term
747 includes both horizontal and vertical axis turbines. The term
748 does not include devices used to measure wind speed and
749 direction, such as an anemometer.

750 (2) PROHIBITED ACTIVITIES.-
 751 (a) Construction or expansion of the following is
 752 prohibited:
 753 1. An offshore wind energy facility.
 754 2. A wind turbine or wind energy facility on real property
 755 within 1 mile of coastline in this state.
 756 3. A wind turbine or wind energy facility on real property
 757 within 1 mile of the Atlantic Intracoastal Waterway or Gulf
 758 Intracoastal Waterway.
 759 4. A wind turbine or wind energy facility on waters of
 760 this state and any submerged lands.
 761 (b) This subsection does not prohibit:
 762 1. Affixation of a wind turbine directly to a vessel
 763 solely for the purpose of providing power to electronic
 764 equipment located onboard the vessel.
 765 2. Operation of a wind turbine installed before July 1,
 766 2024.
 767 (3) REVIEW.-The department shall review all applications
 768 for federal wind energy leases in the territorial waters of the
 769 United States adjacent to waters of this state and shall signify
 770 its approval of or objection to each application.
 771 (4) INJUNCTIVE RELIEF.-The department may bring an action
 772 for injunctive relief against any person who constructs or
 773 expands an offshore wind energy facility or a wind turbine in
 774 this state in violation of this section.

775 Section 12. Sections 377.801, 377.802, 377.803, 377.804,
 776 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

777 Section 13. (1) For programs established pursuant to s.
 778 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida
 779 Statutes, there may not be:

780 (a) New or additional applications, certifications, or
 781 allocations approved.

782 (b) New letters of certification issued.

783 (c) New contracts or agreements executed.

784 (d) New awards made.

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

797 Section 14. Paragraph (d) of subsection (2) of section
 798 220.193, Florida Statutes, is amended to read:

799 220.193 Florida renewable energy production credit.—

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

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

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

806 288.9606 Issue of revenue bonds.—

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

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

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

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

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

823 Section 16. Paragraph (w) of subsection (2) of section
 824 380.0651, Florida Statutes, is amended to read:

825 380.0651 Statewide guidelines, standards, and exemptions.—

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

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

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

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

843 403.9405 Applicability; certification; exemption; notice
 844 of intent.—

845 (2) ~~No construction of~~ A natural gas transmission pipeline
 846 may not be constructed ~~be undertaken after October 1, 1992,~~
 847 without first obtaining certification under ss. 403.9401–
 848 403.9425, but these sections do not apply to:

849 (a) Natural gas transmission pipelines which are less than

850 | 100 ~~15~~ miles in length or which do not cross a county line,
851 | unless the applicant has elected to apply for certification
852 | under ss. 403.9401-403.9425.

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

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

867 | Section 18. Subsection (3) of section 720.3075, Florida
868 | Statutes, is amended to read:

869 | 720.3075 Prohibited clauses in association documents.—

870 | (3) Homeowners' association documents, including
871 | declarations of covenants, articles of incorporation, or bylaws,
872 | may not preclude:

873 | (a) The display of up to two portable, removable flags as
874 | described in s. 720.304(2)(a) by property owners. However, all

875 flags must be displayed in a respectful manner consistent with
 876 the requirements for the United States flag under 36 U.S.C.
 877 chapter 10.

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

882 1. A public utility or an electric utility as defined in
 883 this chapter;

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

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

887 4. A natural gas transmission company as defined in s.
 888 368.103; or

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

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

900 requirements.

901 Section 19. (1) The Public Service Commission shall
902 coordinate, develop, and recommend a plan under which an
903 assessment of the security and resiliency of the state's
904 electric grid and natural gas facilities against both physical
905 threats and cyber threats may be conducted. In developing this
906 plan, the commission shall consult with the Division of
907 Emergency Management and, in its assessment of cyber threats,
908 shall consult with the Florida Digital Service. All electric
909 utilities, natural gas utilities, and natural gas pipelines
910 operating in this state shall cooperate with the commission in
911 developing the plan. The plan must address the manner in which
912 information needed to conduct a security and resiliency
913 assessment may be communicated, collected, shared, stored, and
914 adequately protected from disclosure to avoid adverse impacts on
915 the safe and reliable operation of the state's electric grid and
916 natural gas facilities.

917 (2) By January 31, 2025, the commission shall submit its
918 recommended plan to the Governor, the President of the Senate,
919 and the Speaker of the House of Representatives. The plan must
920 include any recommendations for legislation and may include
921 other recommendations as determined by the commission.

922 Section 20. (1) Recognizing the evolution and advances
923 that have occurred and continue to occur in nuclear power
924 technologies, the Public Service Commission shall study and

925 evaluate the technical and economic feasibility of using
926 advanced nuclear power technologies, including small modular
927 reactors, to meet the electrical power needs of the state, and
928 research means to encourage and foster the installation and use
929 of such technologies at military installations in the state in
930 partnership with public utilities. In conducting this study, the
931 commission shall consult with the Department of Environmental
932 Protection and the Division of Emergency Management.

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

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

950 (2) By April 1, 2025, the Department of Transportation
951 shall prepare and submit a report to the Governor, the President
952 of the Senate, and the Speaker of the House of Representatives,
953 containing its findings and any recommendations for potential
954 legislative or administrative actions that may accommodate the
955 future development of hydrogen fueling infrastructure in a
956 manner consistent with the energy policy goals in s. 377.601(2),
957 Florida Statutes.

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