

1                   A bill to be entitled  
2           An act relating to energy; amending s. 163.04, F.S.;  
3           prohibiting a deed restriction, covenant, declaration,  
4           or other binding agreement from prohibiting or having  
5           the effect of prohibiting the installation of cool  
6           roofs or renewable energy source devices; creating s.  
7           253.453, F.S.; authorizing the Board of Trustees of  
8           the Internal Improvement Trust Fund to lease for  
9           royalties or other compensation the use of certain  
10          manmade stormwater management systems for floating  
11          solar energy systems, under certain circumstances;  
12          providing requirements for the lease; requiring the  
13          Department of Environmental Protection, in  
14          coordination with the Department of Transportation and  
15          the Department of Agriculture and Consumer Services,  
16          to adopt rules by a specified date; creating s.  
17          377.817, F.S.; providing legislative findings and  
18          intent; defining terms; requiring the Department of  
19          Agriculture and Consumer Services, in coordination  
20          with the Department of Management Services and the  
21          Department of Environmental Protection, to develop a  
22          greenhouse gas registry and inventory; requiring the  
23          Department of Agriculture and Consumer Services to  
24          maintain the registry and inventory; requiring all  
25          state agencies to annually submit certain greenhouse

26 | gas emissions data to the department; requiring an  
27 | annual report to the Governor and the Legislature by a  
28 | specified date; providing requirements for the report;  
29 | providing for rulemaking; creating s. 377.818, F.S.;  
30 | establishing the Climate Adaptation Research Grant  
31 | Program within the department for a specified purpose;  
32 | specifying that state universities and Florida College  
33 | System institutions may submit applications to  
34 | participate in the grant program; providing  
35 | application requirements; specifying funding;  
36 | requiring the department to submit a report to the  
37 | Governor and the Legislature by a specified date;  
38 | providing for rulemaking; creating s. 377.819, F.S.;  
39 | providing legislative findings and intent;  
40 | establishing the Clean Energy Research, Development,  
41 | Demonstration, and Deployment Center Program within  
42 | the department for a specified purpose; providing that  
43 | state universities are eligible to participate in the  
44 | program; providing requirements for grants under the  
45 | program; prohibiting grants from being used for  
46 | certain purposes; specifying funding; providing for  
47 | rulemaking; creating s. 377.821, F.S.; establishing  
48 | the Farm Renewable and Efficiency Demonstrations  
49 | Program within the department for a specified purpose;  
50 | defining terms; providing for an application process;

51 requiring the department to submit an annual progress  
52 report to the Governor and the Legislature by a  
53 specified date; providing requirements for the report;  
54 providing for rulemaking; creating s. 377.822, F.S.;  
55 providing legislative findings; establishing the  
56 Agriculture Resiliency Grant Program within the  
57 department for a specified purpose; specifying  
58 entities that are eligible to participate in the  
59 program; providing requirements for the grants;  
60 specifying funding; providing for rulemaking; amending  
61 s. 1004.648, F.S.; specifying funding for the Florida  
62 Energy Systems Consortium; authorizing the department  
63 to establish and manage a competitive grant program  
64 for consortium members for a specified purpose;  
65 requiring the grant program to provide energy-related  
66 research and development funds; providing for  
67 rulemaking; revising the membership of the steering  
68 committee; deleting a requirement that the consortium  
69 work with the Florida College System for the  
70 coordination and design of certain training programs;  
71 authorizing private universities to participate as  
72 guest members in the consortium under certain  
73 circumstances; providing an effective date.

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. Subsections (1) and (2) of section 163.04,  
78 Florida Statutes, are amended to read:

79 163.04 Energy devices based on renewable resources.—

80 (1) Notwithstanding ~~any provision of~~ this chapter or any  
81 other provision of general or special law, the adoption of an  
82 ordinance by a governing body, as those terms are defined in  
83 this chapter, which prohibits or has the effect of prohibiting  
84 the installation of cool roofs ~~solar collectors~~, clotheslines,  
85 or ~~other energy devices based on renewable~~ energy source devices  
86 as defined in s. 193.624(1) resources is expressly prohibited.

87 (2) A deed restriction, covenant, declaration, or similar  
88 binding agreement may not prohibit or have the effect of  
89 prohibiting cool roofs ~~solar collectors~~, clotheslines, or ~~other~~  
90 ~~energy devices based on renewable~~ energy source devices as  
91 defined in s. 193.624(1) resources from being installed on  
92 buildings erected on the lots or parcels covered by the deed  
93 restriction, covenant, declaration, or binding agreement. A  
94 property owner may not be denied permission to install renewable  
95 ~~solar collectors or other~~ energy source devices by any entity  
96 granted the power or right in any deed restriction, covenant,  
97 declaration, or similar binding agreement to approve, forbid,  
98 control, or direct alteration of property with respect to  
99 residential dwellings and within the boundaries of a condominium  
100 unit. Such entity may determine the specific location where

101 solar collectors may be installed on the roof within an  
102 orientation to the south or within 45° east or west of due south  
103 if such determination does not impair the effective operation of  
104 the solar collectors.

105 Section 2. Section 253.453, Florida Statutes, is created  
106 to read:

107 253.453 Lease of state-owned, manmade stormwater  
108 management systems for floating solar energy systems.—The Board  
109 of Trustees of the Internal Improvement Trust Fund may lease for  
110 royalties or for other agreed compensation the use of manmade  
111 stormwater management systems, as defined in s. 403.031(16),  
112 which are owned by the state and regulated under s. 334.044, for  
113 floating solar energy systems; however, such leases do not  
114 confer upon the person acquiring the same the right to enter  
115 upon any private property of another. Leases made pursuant to  
116 this section must convey to the lessee the right of ingress and  
117 egress to, from, and over the bottoms leased for the purposes of  
118 constructing and maintaining floating solar energy systems on  
119 and over such leased bottoms. A lease made pursuant to this  
120 section may not convey to the lessee the right to enter or  
121 traverse the private property of another. The Department of  
122 Environmental Protection, in coordination with the Department of  
123 Transportation and the Department of Agriculture and Consumer  
124 Services, shall adopt rules to implement and administer this  
125 section by July 1, 2021.

126 Section 3. Section 377.817, Florida Statutes, is created  
 127 to read:

128 377.817 Greenhouse gas registry and inventory.-

129 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
 130 that sound policies and efforts based on evidence benefit and  
 131 protect this state, its residents, and its resources. The  
 132 Legislature also finds it prudent for this state to develop and  
 133 manage a greenhouse gas reporting system that provides a basis  
 134 for the reporting of various greenhouse gas emissions and  
 135 reduction polices in order to safeguard this state's financial  
 136 and environmental well-being. Therefore, it is the Legislature's  
 137 intent to create a greenhouse gas reporting system to provide  
 138 accurate, transparent, and verified greenhouse gas emission data  
 139 from reporting entities which is supported by a robust  
 140 accounting and verification infrastructure.

141 (2) DEFINITIONS.-As used in this section, the term:

142 (a) "Department" means the Department of Agriculture and  
 143 Consumer Services.

144 (b) "Florida College System institution" has the same  
 145 meaning as in s. 1000.21(3).

146 (c) "Greenhouse gas" means one or more compounds regulated  
 147 under 40 C.F.R. part 1036 based primarily on their impact on  
 148 climate, including carbon dioxide, methane, and nitrous oxide.

149 (d) "Local governments" means a county or municipality as  
 150 those terms are defined in s. 165.031(1) and (3), respectively,

151 including any department, agency, board, or political  
152 subdivision of a county or municipality.

153 (e) "State agency" means an agency as defined in s.  
154 120.52(1)(a).

155 (f) "State university" has the same meaning as in s.  
156 1000.21(6).

157 (3) CREATION.—The department shall develop a greenhouse  
158 gas registry and inventory, in coordination with the Department  
159 of Management Services and the Department of Environmental  
160 Protection. The department shall maintain the registry and  
161 inventory.

162 (4) REPORTING.—

163 (a) All state agencies shall annually report to the  
164 department greenhouse gas emissions data, set out by building  
165 and vehicle categories.

166 (b) Local governments, state universities, Florida College  
167 System institutions, and all private sector businesses may  
168 choose to submit greenhouse gas emission data to the department.  
169 The department shall encourage such entities to voluntarily  
170 participate in the state's registry and inventory.

171 (c) By each August 31, the department shall submit a  
172 report to the Governor, the President of the Senate, and the  
173 Speaker of the House of Representatives detailing the greenhouse  
174 gases emitted by each state agency by building and vehicle  
175 categories. The report must also include recommendations for

176 lowering the greenhouse gas emissions.

177 (5) RULES.—The department may adopt rules to implement and  
178 administer this section, including, but not limited to,  
179 methodologies for the inventorying, recording, and monitoring of  
180 greenhouse gas emissions and for recording reductions in such  
181 emissions.

182 Section 4. Section 377.818, Florida Statutes, is created  
183 to read:

184 377.818 Climate Adaptation Research Grant Program.—

185 (1) CREATION.—The Climate Adaptation Research Grant  
186 Program is established within the Department of Agriculture and  
187 Consumer Services to provide grants for research pertaining to  
188 the effects of climate change on this state and strategies for  
189 adapting to and mitigating the effects of climate change on this  
190 state.

191 (2) PURPOSE.—The purpose of the program is to fulfill the  
192 legislative intent of s. 377.601 by providing guidance regarding  
193 the effects of climate change on this state, and to provide  
194 sound scientific information to guide the state's future policy  
195 discussions relating to climate change, including, but not  
196 limited to, guidance as to how this state may best adapt to and  
197 mitigate the effects of climate change.

198 (3) APPLICATIONS.—

199 (a) A state university, as defined in s. 1000.21(6), and a  
200 Florida College System institution, as defined in s. 1000.21(3),

201 may participate in the grant program.

202 (b) An applicant shall include in each grant application  
203 it submits an affidavit attesting to the accuracy of the  
204 statements contained in the application.

205 (c) The department may solicit the expertise of state  
206 agencies, state universities, and Florida College System  
207 institutions, as well as other public and private entities the  
208 department deems appropriate, in evaluating project proposals.  
209 If requested to do so by the department, a state agency must  
210 cooperate with the department in evaluating project proposals.

211 (4) FUNDING.—Funding for projects under the program is  
212 based on availability.

213 (5) REPORT.—By January 1, 2022, the department shall  
214 submit a report on the research findings and recommendations for  
215 mitigation strategies to the Governor, the President of the  
216 Senate, and the Speaker of the House of Representatives.

217 (6) RULES.—The department may adopt rules to implement and  
218 administer this section, including, but not limited to,  
219 application requirements, ranking of applications, and awarding  
220 grants under the program.

221 Section 5. Section 377.819, Florida Statutes, is created  
222 to read:

223 377.819 Clean Energy Research, Development, Demonstration,  
224 and Deployment Center Program.—

225 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds

226 it imperative that this state play a leading role in promoting,  
227 developing, and instituting sustainable clean energy policies  
228 and technologies that may reduce greenhouse gas emissions,  
229 decrease the state's dependence on fossil fuels, and provide  
230 economic benefits and opportunities to Floridians. Therefore,  
231 the Legislature intends to create a clean energy research center  
232 within the Department of Agriculture and Consumer Services to  
233 provide funding to state universities within the State  
234 University System for the purpose of researching, developing,  
235 demonstrating, and deploying advanced, sustainable clean energy  
236 technologies, with the goal of becoming a nationally recognized  
237 center that provides industry support through collaboration.

238 (2) CREATION.—The Clean Energy Research, Development,  
239 Demonstration, and Deployment Center Program is established  
240 within the Department of Agriculture and Consumer Services to  
241 provide grants for the development of a clean energy center  
242 focused on conducting research, development, demonstration, and  
243 deployment of advanced and sustainable clean energy technology  
244 and supporting industry research, development, demonstration,  
245 and deployment through collaboration. The program must be  
246 designed to conduct state- and federally funded research that  
247 relies on an easily established system for industry  
248 collaboration and the use of the center's equipment and  
249 expertise.

250 (3) APPLICATIONS.—

251 (a) A state university, as defined in s. 1000.21(6), may  
252 participate in the program and receive grants for projects that  
253 meet the requirements of this section.

254 (b) The department may solicit the expertise of state  
255 agencies, state universities, and Florida College System  
256 institutions, as well as other public and private entities the  
257 department deems appropriate, in evaluating project proposals.  
258 If requested to do so by the department, a state agency must  
259 cooperate with the department in evaluating project proposals.

260 (c) An applicant shall include in each grant application  
261 that it submits an affidavit attesting to the accuracy of the  
262 statements contained in the application.

263 (4) ELIGIBLE PROJECTS.—

264 (a) A project that is eligible for a grant under this  
265 section must be completed within 5 years after the date the  
266 grant agreement is executed.

267 (b) A grant recipient may not use grant funds for any of  
268 the following:

269 1. New construction, major construction, or repairs of  
270 buildings, structures, or facilities, as defined by department  
271 rule.

272 2. The refinancing of existing debt.

273 3. The costs or expenses of preparing or submitting the  
274 grant application.

275 4. Routine maintenance or other routine operating costs of

276 the applicant's facilities.

277 5. Building improvements that are not directly associated  
278 with the applicant's facilities.

279 (5) FUNDING.—Funding for projects under the program is  
280 based on availability.

281 (6) RULES.—The department may adopt rules to implement and  
282 administer this section, including, but not limited to,  
283 application requirements, ranking applications, and awarding  
284 grants under this program.

285 Section 6. Section 377.821, Florida Statutes, is created  
286 to read:

287 377.821 Farm Renewable and Efficiency Demonstrations  
288 Program.—

289 (1) CREATION AND PURPOSE.—The Farm Renewable and  
290 Efficiency Demonstrations Program is established within the  
291 department to promote the adoption of technologies and practices  
292 that increase energy efficiency, renewable energy, and water  
293 conservation use in agriculture in this state.

294 (2) DEFINITIONS.—For purposes of this section, the term:

295 (a) "Agricultural producer" means a grower of agricultural  
296 products that are produced in the state.

297 (b) "Agricultural products" has the same meaning as in s.  
298 604.15.

299 (c) "Department" means the Department of Agriculture and  
300 Consumer Services.

- 301        (d) "Energy and water evaluation" means:
- 302            1. The baseline of an agricultural producer's current
- 303 energy and water expenditures and current energy and water
- 304 usage, including electric and other fuel sources.
- 305            2. An inventory and analysis of the agricultural
- 306 producer's existing energy consuming devices.
- 307            3. An analysis of other factors affecting the agricultural
- 308 producer's energy and water use.
- 309            4. An assessment of the potential to use renewable energy
- 310 generation.
- 311            5. A recommendation of specific and implementable energy
- 312 efficiency and water conservation measures and renewable energy
- 313 devices, and their estimated cost and projected savings and
- 314 payback period.
- 315        (e) "Farm" has the same meaning as in s. 823.14(3)(a).
- 316        (f) "High poverty" means poverty at a rate that is
- 317 determined to be at least 25 percent of the total population of
- 318 a census tract or a set of contiguous census tracts using the
- 319 most recent United States Census Bureau American Community
- 320 Survey 5-Year Estimates.
- 321        (g) "Historically underserved producers" means an eligible
- 322 person, joint operation, or legal entity that is a beginning
- 323 farmer or rancher, a socially disadvantaged farmer or rancher,
- 324 or a limited resource farmer or rancher.
- 325        (h) "Renewable energy" has the same meaning as in s.

326 366.91(2)(d).

327 (3) FARM RENEWABLE AND EFFICIENCY EVALUATIONS AND  
328 DEMONSTRATIONS.—

329 (a) The department shall conduct energy and water  
330 evaluations on site at the individual farms of agricultural  
331 producers who submit an application to and are accepted into the  
332 program to determine the producer's potential for energy  
333 efficiency, renewable energy, and water conservation  
334 improvements.

335 (b) The department may provide a financial incentive of up  
336 to \$25,000 to cover 80 percent of the cost to implement some or  
337 all of the recommendations from the energy and water evaluation.

338 (4) APPLICATION PROCESS.—

339 (a) An applicant seeking to obtain an energy and water  
340 evaluation, including financial incentives for implementing the  
341 recommendations of the evaluation, shall submit an application  
342 to the department by a specified date each year, as established  
343 by department rule.

344 (b) In order for the department to evaluate energy, water,  
345 and monetary savings to an applicant, the applicant shall submit  
346 to the department the applicant's utility usage and cost data  
347 for the 12 months before the implementation of any recommended  
348 improvements and for 12 months after the implementation of the  
349 recommended improvements.

350 (c) The department may allocate financial incentives to

351 applicants who meet all statutory and rule criteria on a first-  
352 come, first-served basis, as determined by the date the  
353 application is received, until all appropriated funds for the  
354 fiscal year are expended or the program ends, whichever comes  
355 first. Incomplete applications submitted to the department may  
356 not be accepted and such applicants are not secured a place in  
357 the first-come, first-served application process.

358 (d) The department may give priority consideration to  
359 historically underserved producers or projects that serve  
360 communities in counties classified as high poverty.

361 (e) The total of the energy and water evaluations provided  
362 and the amount of grants awarded in each fiscal year may not  
363 exceed the amount appropriated for the program in that fiscal  
364 year.

365 (5) ANNUAL ASSESSMENT.—By October 1, 2021, and each year  
366 thereafter that the program is funded, the department shall  
367 provide an annual report containing an assessment of the program  
368 during the previous fiscal year to the Governor, the President  
369 of the Senate, and the Speaker of the House of Representatives.  
370 The report must include, at a minimum, all of the following  
371 information:

372 (a) The name of each applicant that received an evaluation  
373 under this section.

374 (b) The name of each applicant that received a financial  
375 incentive for implementing any recommendations of an evaluation

376 under this section.

377 (c) The amount of the financial incentive awarded to each  
378 applicant.

379 (d) A description of each recommended improvement made by  
380 an applicant.

381 (e) Utility usage and cost data for the 12 months before  
382 the applicant implemented improvements under this section and  
383 the 12 months after the applicant implemented any such  
384 improvements.

385 (f) Energy, water, and monetary savings as a result of  
386 each evaluation and financial incentive funded under this  
387 section.

388 (g) The aggregate amount of funding awarded for all  
389 applicants under this section.

390 (6) RULES.—The department may adopt rules to implement and  
391 administer this section, including, but not limited to,  
392 application requirements, the ranking of applications, and the  
393 awarding financial incentives under the program.

394 Section 7. Section 377.822, Florida Statutes, is created  
395 to read:

396 377.822 Agriculture Resiliency Grant Program.—

397 (1) LEGISLATIVE FINDINGS.—The Legislature finds that  
398 water, food, and energy are some of the most basic human needs,  
399 are vital state resources, and are interconnected; that actions  
400 taken in the water, food, or energy sector may have an impact in

401 one or both of the other sectors; that the demand for fresh  
402 water, energy, and food are expected to increase significantly  
403 over the next decades due to the pressures associated with  
404 population growth and mobility, economic development,  
405 international trade, urbanization, diversifying diets, cultural  
406 and technological changes, and changes in the climate; and that  
407 this state must be prepared to address future demands and  
408 stressors to this state's water, food, and energy sectors and  
409 ensure their sustainability.

410 (2) CREATION AND PURPOSE.—The Agriculture Resiliency Grant  
411 Program is established within the Department of Agriculture and  
412 Consumer Services to provide matching grants for research that  
413 takes a systems approach to the agriculture, energy, and water  
414 sectors for the purpose of developing innovative solutions that  
415 improve system function and management, address system stress,  
416 increase resiliency, and ensure sustainability across all three  
417 sectors.

418 (3) APPLICATIONS.—

419 (a) All of the following entities may participate in the  
420 program:

421 1. State universities and Florida College System  
422 institutions, as defined in s. 1000.21.

423 2. Private universities located in this state.

424 3. Investor-owned, municipal, or cooperative utilities  
425 located and operating in this state.

426 4. Other qualified persons or entities, as determined by  
427 the department.

428 (b) The department may solicit the expertise of state  
429 agencies, water management districts, universities, and Florida  
430 College System institutions, as well as other public and private  
431 entities the department deems appropriate, in evaluating project  
432 proposals. If requested to do so by the department, a state  
433 agency must cooperate with the department in evaluating project  
434 proposals.

435 (c) An applicant must include an affidavit attesting to  
436 the accuracy of the statements contained in the application in  
437 each grant application it submits.

438 (4) FUNDING.—Funding for projects under the program is  
439 based on availability.

440 (5) RULES.—The department may adopt rules to implement and  
441 administer this section, including, but not limited to,  
442 application requirements, the ranking of applications, and the  
443 awarding of grants under the program.

444 Section 8. Present subsections (8) through (13) of section  
445 1004.648, Florida Statutes, are redesignated as subsections (9)  
446 through (14), respectively, a new subsection (8) is added to  
447 that section, and subsection (1) and present subsections (9) and  
448 (12) are amended, to read:

449 1004.648 Florida Energy Systems Consortium.—

450 (1) There is created the Florida Energy Systems Consortium

451 to promote collaboration among experts in the State University  
452 System for the purposes of sharing energy-related expertise and  
453 assisting in the development and implementation of a  
454 comprehensive, long-term, environmentally compatible,  
455 sustainable, and efficient energy strategic plan for the state.  
456 The Department of Agriculture and Consumer Services shall fund  
457 the consortium, as provided in the General Appropriations Act.

458 (8) The Department of Agriculture and Consumer Services  
459 may establish and manage a competitive grant program that is  
460 open to consortium members. The grant program must provide  
461 energy-related research and development funds for the purpose of  
462 implementing and administering this section. The department may  
463 adopt rules to implement and administer this section.

464 ~~(10)~~~~(9)~~ Through collaborative research and development  
465 across the State University System and the industry, the goal of  
466 the consortium is to become a world leader in energy research,  
467 education, technology, and energy systems analysis. In so doing,  
468 the consortium shall:

469 (a) Coordinate and initiate increased collaborative  
470 interdisciplinary energy research among the universities and the  
471 energy industry.

472 (b) Assist in the creation and development of a Florida-  
473 based energy technology industry through efforts that would  
474 expedite commercialization of innovative energy technologies by  
475 taking advantage of the energy expertise within the State

476 University System, high-technology incubators, industrial parks,  
477 and industry-driven research centers.

478 (c) Provide a state resource for objective energy systems  
479 analysis.

480 (d) Develop education and outreach programs to prepare a  
481 qualified energy workforce and informed public. Specifically,  
482 the faculty associated with the consortium shall coordinate a  
483 statewide workforce development initiative focusing on college-  
484 level degrees, technician training, and public and commercial  
485 sectors awareness. The consortium shall develop specific  
486 programs targeted at preparing graduates who have a background  
487 in energy, continuing education courses for technical and  
488 nontechnical professionals, and modules, laboratories, and  
489 courses to be shared among the universities. ~~Additionally, the~~  
490 ~~consortium shall work with the Florida College System using the~~  
491 ~~Florida Advanced Technological Education Center for the~~  
492 ~~coordination and design of industry-specific training programs~~  
493 ~~for technicians.~~

494 ~~(13)(12)~~ The steering committee shall consist of the  
495 university representatives from each state university with  
496 energy research programs, appointed by the vice president for  
497 research, ~~included in the Centers of Excellence proposals for~~  
498 ~~the Florida Energy Systems Consortium and the Center of~~  
499 ~~Excellence in Ocean Energy Technology-Phase II which were~~  
500 ~~reviewed during the 2007-2008 fiscal year by the Florida~~

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501 ~~Technology, Research, and Scholarship Board created in s.~~  
502 ~~1004.226(4), Florida Statutes 2006; a university representative~~  
503 ~~appointed by the President of Florida International University;~~  
504 and a representative of the Department of Agriculture and  
505 Consumer Services. The steering committee is responsible for  
506 establishing and ensuring the success of the consortium's  
507 mission under subsection (10). A private university in this  
508 state may be a guest member of the consortium with the approval  
509 of the consortium steering committee ~~(9)~~.

510 Section 9. This act shall take effect July 1, 2020.