

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; amending s. 366.04, F.S.;
41 revising the jurisdiction of the Florida Public
42 Service Commission; amending s. 366.94, F.S.; removing
43 terminology; conforming provisions to changes made by
44 the act; authorizing the commission upon a specified
45 date to approve voluntary public utility programs for
46 electric vehicle charging if certain requirements are
47 met; requiring that all revenues received from such
48 program be credited to the public utility's general
49 body of ratepayers; providing applicability; creating
50 s. 366.99, F.S.; providing definitions; authorizing

51 public utilities to submit to the commission a
52 petition for a proposed cost recovery for certain
53 natural gas facilities relocation costs; requiring the
54 commission to conduct annual proceedings to determine
55 each utility's prudently incurred natural gas
56 facilities relocation costs and to allow for the
57 recovery of such costs; providing requirements for the
58 commission's review; providing requirements for the
59 allocation of such recovered costs; requiring the
60 commission to adopt rules; providing a timeframe for
61 such rulemaking; amending s. 377.601, F.S.; revising
62 legislative intent; amending s. 377.6015, F.S.;
63 revising the powers and duties of the department;
64 conforming provisions to changes made by the act;
65 amending s. 377.703, F.S.; revising additional
66 functions of the department relating to energy
67 resources; conforming provisions to changes made by
68 the act; repealing s. 377.801, F.S., relating to the
69 Florida Energy and Climate Protection Act; repealing
70 s. 377.802, F.S., relating to the purpose of the act;
71 repealing s. 377.803, F.S., relating to definitions
72 under the act; repealing s. 377.804, F.S., relating to
73 the Renewable Energy and Energy-Efficient Technologies
74 Grants Program; repealing s. 377.808, F.S., relating
75 to the Florida Green Government Grants Act; repealing

76 s. 377.809, F.S., relating to the Energy Economic Zone
77 Pilot Program; repealing s. 377.816, F.S., relating to
78 the Qualified Energy Conservation Bond Allocation
79 Program; prohibiting the approval of new or additional
80 applications, certifications, or allocations under
81 such programs; prohibiting new contracts, agreements,
82 and awards under such programs; rescinding all
83 certifications or allocations issued under such
84 programs; providing an exception; providing
85 application relating to existing contracts or
86 agreements under such programs; amending ss. 220.193,
87 288.9606, and 380.0651, F.S.; conforming provisions to
88 changes made by the act; amending s. 403.9405, F.S.;
89 revising the applicability of the Natural Gas
90 Transmission Pipeline Siting Act; amending s.
91 720.3075, F.S.; prohibiting certain homeowners'
92 association documents from precluding certain types or
93 fuel sources of energy production and the use of
94 certain appliances; requiring the commission to
95 conduct an assessment of the security and resiliency
96 of the state's electric grid and natural gas
97 facilities against physical threats and cyber threats;
98 requiring the commission to consult with the Division
99 of Emergency Management and the Florida Digital
100 Service; requiring cooperation from all operating

101 facilities in the state relating to such assessment;
102 requiring the commission to submit by a specified date
103 a report of such assessment to the Governor and the
104 Legislature; providing additional content requirements
105 for such report; requiring the commission to study and
106 evaluate the technical and economic feasibility of
107 using advanced nuclear power technologies to meet the
108 electrical power needs of the state; requiring the
109 commission to research means to encourage and foster
110 the installation and use of such technologies at
111 military installations in partnership with public
112 utilities; requiring the commission to consult with
113 the Department of Environmental Protection and the
114 Division of Emergency Management; requiring the
115 commission to submit by a specified date a report to
116 the Governor and the Legislature that contains its
117 findings and any additional recommendations for
118 potential legislative or administrative actions;
119 requiring the Department of Transportation, in
120 consultation with the Office of Energy within the
121 Department of Agriculture and Consumer Services, to
122 study and evaluate the potential development of
123 hydrogen fueling infrastructure to support hydrogen-
124 powered vehicles; requiring the department to submit
125 by a specified date a report to the Governor and the

126 Legislature that contains its findings and
 127 recommendations for specified actions that may
 128 accommodate the future development of hydrogen fueling
 129 infrastructure; providing effective dates.

130

131 Be It Enacted by the Legislature of the State of Florida:

132

133 Section 1. Section 163.3210, Florida Statutes, is created
 134 to read:

135 163.3210 Natural gas resiliency and reliability
 136 infrastructure.-

137 (1) It is the intent of the Legislature to maintain,
 138 encourage, and ensure adequate and reliable fuel sources for
 139 public utilities. The resiliency and reliability of fuel sources
 140 for public utilities is critical to the state's economy; the
 141 ability of the state to recover from natural disasters; and the
 142 health, safety, welfare, and quality of life of the residents of
 143 the state.

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

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

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

151 (c) "Public utility" has the same meaning as defined in s.
152 366.02.

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

157 (3) A resiliency facility is a permitted use in all
158 commercial, industrial, and manufacturing land use categories in
159 a local government comprehensive plan and all commercial,
160 industrial, and manufacturing districts. A resiliency facility
161 must comply with the setback and landscape criteria for other
162 similar uses. A local government may adopt an ordinance
163 specifying buffer and landscaping requirements for resiliency
164 facilities, provided such requirements do not exceed the
165 requirements for similar uses involving the construction of
166 other facilities that are permitted uses in commercial,
167 industrial, and manufacturing land use categories and zoning
168 districts.

169 (4) After July 1, 2024, a local government may not amend
170 its comprehensive plan, land use map, zoning districts, or land
171 development regulations in a manner that would conflict with a
172 resiliency facility's classification as a permitted and
173 allowable use, including, but not limited to, an amendment that
174 causes a resiliency facility to be a nonconforming use,
175 structure, or development.

176 Section 2. Section 286.29, Florida Statutes, is amended to
177 read:

178 286.29 Energy guidelines for Climate-friendly public
179 business. ~~The Legislature recognizes the importance of~~
180 ~~leadership by state government in the area of energy efficiency~~
181 ~~and in reducing the greenhouse gas emissions of state government~~
182 ~~operations. The following shall pertain to all state agencies~~
183 ~~when conducting public business:~~

184 (1) ~~The Department of Management Services shall develop~~
185 ~~the "Florida Climate-Friendly Preferred Products List." In~~
186 ~~maintaining that list, the department, in consultation with the~~
187 ~~Department of Environmental Protection, shall continually assess~~
188 ~~products currently available for purchase under state term~~
189 ~~contracts to identify specific products and vendors that offer~~
190 ~~clear energy efficiency or other environmental benefits over~~
191 ~~competing products. When procuring products from state term~~
192 ~~contracts, state agencies shall first consult the Florida~~
193 ~~Climate-Friendly Preferred Products List and procure such~~
194 ~~products if the price is comparable.~~

195 (2) ~~State agencies shall contract for meeting and~~
196 ~~conference space only with hotels or conference facilities that~~
197 ~~have received the "Green Lodging" designation from the~~
198 ~~Department of Environmental Protection for best practices in~~
199 ~~water, energy, and waste efficiency standards, unless the~~
200 ~~responsible state agency head makes a determination that no~~

201 ~~other viable alternative exists.~~

202 (1)~~(3)~~ Each state agency shall ensure that all maintained
 203 vehicles meet minimum maintenance schedules shown to reduce fuel
 204 consumption, which include:

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

206 (b) Replacing fuel filters and emission filters at
 207 recommended intervals~~.~~

208 (c) Using proper motor oils~~.~~ and

209 (d) Performing timely motor maintenance.

210

211 Each state agency shall measure and report compliance to the
 212 Department of Management Services through the Equipment
 213 Management Information System database.

214 ~~(4) When procuring new vehicles, all state agencies, state
 215 universities, community colleges, and local governments that
 216 purchase vehicles under a state purchasing plan shall first
 217 define the intended purpose for the vehicle and determine which
 218 of the following use classes for which the vehicle is being
 219 procured:~~

220 ~~(a) State business travel, designated operator;~~

221 ~~(b) State business travel, pool operators;~~

222 ~~(c) Construction, agricultural, or maintenance work;~~

223 ~~(d) Conveyance of passengers;~~

224 ~~(e) Conveyance of building or maintenance materials and
 225 supplies;~~

226 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~
227 ~~(g) Emergency response; or~~
228 ~~(h) Other.~~

229
230 ~~Vehicles described in paragraphs (a) through (h), when being~~
231 ~~processed for purchase or leasing agreements, must be selected~~
232 ~~for the greatest fuel efficiency available for a given use class~~
233 ~~when fuel economy data are available. Exceptions may be made for~~
234 ~~individual vehicles in paragraph (g) when accompanied, during~~
235 ~~the procurement process, by documentation indicating that the~~
236 ~~operator or operators will exclusively be emergency first~~
237 ~~responders or have special documented need for exceptional~~
238 ~~vehicle performance characteristics. Any request for an~~
239 ~~exception must be approved by the purchasing agency head and any~~
240 ~~exceptional performance characteristics denoted as a part of the~~
241 ~~procurement process prior to purchase.~~

242 (2)(5) All state agencies shall use ethanol and biodiesel
243 blended fuels when available. State agencies administering
244 central fueling operations for state-owned vehicles shall
245 procure biofuels for fleet needs to the greatest extent
246 practicable.

247 (3)(a) The Department of Management Services shall, in
248 consultation with the Department of Commerce and the Department
249 of Agriculture and Consumer Services, develop a Florida Humane
250 Preferred Energy Products List. In developing the list, the

251 department must assess products currently available for purchase
252 under state term contracts that contain or consist of an energy
253 storage device with a capacity of greater than one kilowatt-hour
254 or that contain or consist of an energy generation device with a
255 capacity of greater than 500 watts and identify specific
256 products that appear to be largely made free from forced labor,
257 irrespective of the age of the worker. For purposes of this
258 subsection, the term "forced labor" means any work performed or
259 service rendered that is:

260 1. Obtained by intimidation, fraud, or coercion, including
261 by threat of serious bodily harm to, or physical restraint
262 against, a person, by means of a scheme intended to cause the
263 person to believe that if he or she does not perform such labor
264 or render such service, the person will suffer serious bodily
265 harm or physical restraint, or by means of the abuse or
266 threatened abuse of law or the legal process;

267 2. Imposed on the basis of a characteristic that has been
268 held by the United States Supreme Court or the Florida Supreme
269 Court to be protected against discrimination under the
270 Fourteenth Amendment to the United States Constitution or under
271 s. 2, Art. I of the State Constitution, including race, color,
272 national origin, religion, gender, or physical disability;

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

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

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

281 Section 3. Subsections (1), (2), and (5) of section
 282 366.032, Florida Statutes, are amended to read:

283 366.032 Preemption over utility service restrictions.—

284 (1) A municipality, county, special district, development
 285 district, or other political subdivision of the state may not
 286 enact or enforce a resolution, ordinance, rule, code, or policy
 287 or take any action that restricts or prohibits or has the effect
 288 of restricting or prohibiting the types or fuel sources of
 289 energy production which may be used, delivered, converted, or
 290 supplied by the following entities to serve customers that such
 291 entities are authorized to serve:

292 (a) A public utility or an electric utility as defined in
 293 this chapter;

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

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

297 (d) A natural gas transmission company as defined in s.
 298 368.103; or

299 (e) A Category I liquefied petroleum gas dealer or
 300 Category II liquefied petroleum gas dispenser or Category III

301 liquefied petroleum gas cylinder exchange operator as defined in
 302 s. 527.01.

303 (2) Except to the extent necessary to enforce the Florida
 304 Building Code adopted pursuant to s. 553.73 or the Florida Fire
 305 Prevention Code adopted pursuant to s. 633.202, a municipality,
 306 county, special district, development district, or other
 307 political subdivision of the state may not enact or enforce a
 308 resolution, an ordinance, a rule, a code, or a policy or take
 309 any action that restricts or prohibits or has the effect of
 310 restricting or prohibiting the use of an appliance, including a
 311 stove or grill, which uses the types or fuel sources of energy
 312 production which may be used, delivered, converted, or supplied
 313 by the entities listed in subsection (1). As used in this
 314 subsection, the term "appliance" means a device or apparatus
 315 manufactured and designed to use energy and for which the
 316 Florida Building Code or the Florida Fire Prevention Code
 317 provides specific requirements.

318 (5) Any municipality, county, special district,
 319 development district, or political subdivision charter,
 320 resolution, ordinance, rule, code, policy, or action that is
 321 preempted by this act that existed before or on July 1, 2021, is
 322 void.

323 Section 4. Subsection (10) is added to section 366.04,
 324 Florida Statutes, to read:

325 366.04 Jurisdiction of commission.—

326 (10) In the exercise of its jurisdiction, the commission,
 327 without specific legislative authority, may not authorize a
 328 public utility to expand the scope of its regulated business
 329 activity to include direct sales of energy to a consumer solely
 330 for the consumer's use in powering means of transportation owned
 331 by the consumer. This provision does not apply to limited or
 332 pilot programs approved by the commission before January 1,
 333 2024.

334 Section 5. Section 366.94, Florida Statutes, is amended to
 335 read:

336 366.94 Electric vehicle charging ~~stations~~.—

337 (1) The provision of electric vehicle charging to the
 338 public by a nonutility is not the retail sale of electricity for
 339 the purposes of this chapter. The rates, terms, and conditions
 340 of electric vehicle charging services by a nonutility are not
 341 subject to regulation under this chapter. This section does not
 342 affect the ability of individuals, businesses, or governmental
 343 entities to acquire, install, or use an electric vehicle charger
 344 for their own vehicles.

345 (2) The Department of Agriculture and Consumer Services
 346 shall adopt rules to provide definitions, methods of sale,
 347 labeling requirements, and price-posting requirements for
 348 electric vehicle charging ~~stations~~ to allow for consistency for
 349 consumers and the industry.

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

351 a vehicle that is not capable of using an electrical recharging
 352 station within any parking space specifically designated for
 353 charging an electric vehicle.

354 (b) If a law enforcement officer finds a motor vehicle in
 355 violation of this subsection, the officer or specialist shall
 356 charge the operator or other person in charge of the vehicle in
 357 violation with a noncriminal traffic infraction, punishable as
 358 provided in s. 316.008(4) or s. 318.18.

359 (4) The commission may approve voluntary public utility
 360 programs to become effective on or after January 1, 2025, for
 361 residential, customer-specific electric vehicle charging if the
 362 commission determines that the rates and rate structure of the
 363 program will not adversely impact the public utility's general
 364 body of ratepayers. All revenues received from the program must
 365 be credited to the public utility's retail ratepayers. This
 366 provision does not preclude cost recovery for electric vehicle
 367 charging programs approved by the commission before January 1,
 368 2024.

369 Section 6. Section 366.99, Florida Statutes, is created to
 370 read:

371 366.99 Natural gas facilities relocation costs.-

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

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

374 337.401(1)(a).

375 (b) "Facilities relocation" means the physical moving,

376 modification, or reconstruction of public utility facilities to
 377 accommodate the requirements imposed by an authority.

378 (c) "Natural gas facilities" or "facilities" means gas
 379 mains, laterals, and service lines used to distribute natural
 380 gas to customers. The term includes all ancillary equipment
 381 needed for safe operations, including, but not limited to,
 382 regulating stations, meters, other measuring devices,
 383 regulators, and pressure monitoring equipment.

384 (d) "Natural gas facilities relocation costs" means the
 385 costs to relocate or reconstruct facilities as required by a
 386 mandate, a statute, a law, an ordinance, or an agreement between
 387 the utility and an authority, including, but not limited to,
 388 costs associated with reviewing plans provided by an authority.
 389 The term does not include any costs recovered through the public
 390 utility's base rates.

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

394 (2) A utility may submit to the commission, pursuant to
 395 commission rule, a petition describing the utility's projected
 396 natural gas facilities relocation costs for the next calendar
 397 year, actual natural gas facilities relocation costs for the
 398 prior calendar year, and proposed cost-recovery factors designed
 399 to recover such costs. A utility's decision to proceed with
 400 implementing a plan before filing such a petition does not

401 constitute imprudence.

402 (3) The commission shall conduct an annual proceeding to
403 determine each utility's prudently incurred natural gas
404 facilities relocation costs and to allow each utility to recover
405 such costs through a charge separate and apart from base rates,
406 to be referred to as the natural gas facilities relocation cost
407 recovery clause. The commission's review in the proceeding is
408 limited to determining the prudence of the utility's actual
409 incurred natural gas facilities relocation costs and the
410 reasonableness of the utility's projected natural gas facilities
411 relocation costs for the following calendar year; and providing
412 for a true-up of the costs with the projections on which past
413 factors were set. The commission shall require that any refund
414 or collection made as a part of the true-up process includes
415 interest.

416 (4) All costs approved for recovery through the natural
417 gas facilities relocation cost recovery clause must be allocated
418 to customer classes pursuant to the rate design most recently
419 approved by the commission.

420 (5) If a capital expenditure is recoverable as a natural
421 gas facilities relocation cost, the public utility may recover
422 the annual depreciation on the cost, calculated at the public
423 utility's current approved depreciation rates, and a return on
424 the undepreciated balance of the costs at the public utility's
425 weighted average cost of capital using the last approved return

426 on equity.

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

430 Section 7. Section 377.601, Florida Statutes, is amended
 431 to read:

432 377.601 Legislative intent.—

433 (1) The purpose of the state's energy policy is to ensure
 434 an adequate, reliable, and cost-effective supply of energy for
 435 the state in a manner that promotes the health and welfare of
 436 the public and economic growth. The Legislature intends that
 437 governance of the state's energy policy be efficiently directed
 438 toward achieving this purpose. ~~The Legislature finds that the~~
 439 ~~state's energy security can be increased by lessening dependence~~
 440 ~~on foreign oil; that the impacts of global climate change can be~~
 441 ~~reduced through the reduction of greenhouse gas emissions; and~~
 442 ~~that the implementation of alternative energy technologies can~~
 443 ~~be a source of new jobs and employment opportunities for many~~
 444 ~~Floridians. The Legislature further finds that the state is~~
 445 ~~positioned at the front line against potential impacts of global~~
 446 ~~climate change. Human and economic costs of those impacts can be~~
 447 ~~averted by global actions and, where necessary, adapted to by a~~
 448 ~~concerted effort to make Florida's communities more resilient~~
 449 ~~and less vulnerable to these impacts. In focusing the~~
 450 ~~government's policy and efforts to benefit and protect our~~

451 ~~state, its citizens, and its resources, the Legislature believes~~
452 ~~that a single government entity with a specific focus on energy~~
453 ~~and climate change is both desirable and advantageous. Further,~~
454 ~~the Legislature finds that energy infrastructure provides the~~
455 ~~foundation for secure and reliable access to the energy supplies~~
456 ~~and services on which Florida depends. Therefore, there is~~
457 ~~significant value to Florida consumers that comes from~~
458 ~~investment in Florida's energy infrastructure that increases~~
459 ~~system reliability, enhances energy independence and~~
460 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
461 ~~gas emissions.~~

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

464 (a) Ensuring a cost-effective and affordable energy
465 supply.

466 (b) Ensuring adequate supply and capacity.

467 (c) Ensuring a secure, resilient, and reliable energy
468 supply, with an emphasis on a diverse supply of domestic energy
469 resources.

470 (d) Protecting public safety.

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

473 (f) Supporting economic growth.

474 (3)-(2) In furtherance of the goals in subsection (2), it
475 is the policy of the state of Florida to:

476 (a) ~~Develop and~~ Promote the cost-effective development and
 477 effective use of a diverse supply of domestic energy resources
 478 in the state ~~and,~~ discourage all forms of energy waste, ~~and~~
 479 ~~recognize and address the potential of global climate change~~
 480 ~~wherever possible.~~

481 (b) Promote the cost-effective development and maintenance
 482 of energy infrastructure that is resilient to natural and
 483 manmade threats to the security and reliability of the state's
 484 energy supply. ~~Play a leading role in developing and instituting~~
 485 ~~energy management programs aimed at promoting energy~~
 486 ~~conservation, energy security, and the reduction of greenhouse~~
 487 ~~gas emissions.~~

488 (c) Reduce reliance on foreign energy resources.

489 (d)~~(e)~~ Include energy reliability and security
 490 considerations in all state, regional, and local planning.

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

493 (f)~~(e)~~ Encourage local governments to include energy
 494 considerations in all planning and to support their work in
 495 promoting energy management programs.

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

498 (h)~~(g)~~ Consider in its decisions the energy needs of each
 499 economic sector, including residential, industrial, commercial,
 500 agricultural, and governmental uses, and reduce those needs

501 whenever possible.

502 (i)~~(h)~~ Promote energy education and the public
 503 dissemination of information on energy and its impacts in
 504 relation to the goals in subsection (2) ~~environmental, economic,~~
 505 ~~and social impact.~~

506 (j)~~(i)~~ Encourage the research, development, demonstration,
 507 and application of domestic energy resources, including the use
 508 of alternative energy resources, particularly renewable energy
 509 resources.

510 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of
 511 energy-related activities on the goals in subsection (2) ~~social,~~
 512 ~~economic, and environmental impacts of energy-related~~
 513 ~~activities,~~ including the whole-life-cycle impacts of any
 514 potential energy use choices, so that detrimental effects of
 515 these activities are understood and minimized.

516 (l)~~(k)~~ Develop and maintain energy emergency preparedness
 517 plans to minimize the effects of an energy shortage within this
 518 state Florida.

519 Section 8. Subsection (2) of section 377.6015, Florida
 520 Statutes, is amended to read:

521 377.6015 Department of Agriculture and Consumer Services;
 522 powers and duties.—

523 (2) The department shall:

524 ~~(a) Administer the Florida Renewable Energy and Energy-~~
 525 ~~Efficient Technologies Grants Program pursuant to s. 377.804 to~~

526 | ~~assure a robust grant portfolio.~~

527 | ~~(a)~~(b) Develop policy for requiring grantees to provide
528 | royalty-sharing or licensing agreements with state government
529 | for commercialized products developed under a state grant.

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

532 | ~~(b)~~(d) Administer the information gathering and reporting
533 | functions pursuant to ss. 377.601-377.608.

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

536 | ~~(c)~~(f) Advocate for energy and climate change issues
537 | consistent with the goals in s. 377.601(2) and provide
538 | educational outreach and technical assistance in cooperation
539 | with the state's academic institutions.

540 | ~~(d)~~(g) Be a party in the proceedings to adopt goals and
541 | submit comments to the Public Service Commission pursuant to s.
542 | 366.82.

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

545 | Section 9. Subsection (1) and paragraphs (e), (f), and (m)
546 | of subsection (2) of section 377.703, Florida Statutes, are
547 | amended to read:

548 | 377.703 Additional functions of the Department of
549 | Agriculture and Consumer Services.—

550 | (1) LEGISLATIVE INTENT.—Recognizing that energy supply and

551 demand questions have become a major area of concern to the
552 state which must be dealt with by effective and well-coordinated
553 state action, it is the intent of the Legislature to promote the
554 efficient, effective, and economical management of energy
555 problems, centralize energy coordination responsibilities,
556 pinpoint responsibility for conducting energy programs, and
557 ensure the accountability of state agencies for the
558 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
559 policy. It is the specific intent of the Legislature that
560 nothing in this act shall in any way change the powers, duties,
561 and responsibilities assigned by the Florida Electrical Power
562 Plant Siting Act, part II of chapter 403, or the powers, duties,
563 and responsibilities of the Florida Public Service Commission.

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

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

572 1. An analysis of the relationship of state economic
573 growth and development to energy supply and demand, including
574 the constraints to economic growth resulting from energy supply
575 constraints.

576 2. ~~Plans for the development of renewable energy resources~~
577 ~~and reduction in dependence on depletable energy resources,~~
578 ~~particularly oil and natural gas, and~~ An analysis of the extent
579 to which domestic energy resources, including renewable energy
580 sources, are being utilized in this ~~the~~ state.

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

586 4. An assessment of the state's energy resources,
587 including examination of the availability of commercially
588 developable and imported fuels, and an analysis of anticipated
589 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~
590 ~~state's environment and social services~~ resulting from energy
591 resource development activities or from energy supply
592 constraints, or both.

593 (f) The department shall submit an annual report to the
594 Governor and the Legislature reflecting its activities and
595 making recommendations for policies for improvement of the
596 state's response to energy supply and demand and its effect on
597 the health, safety, and welfare of the residents of this state.
598 The report must include a report from the Florida Public Service
599 Commission on electricity and natural gas and information on
600 energy conservation programs conducted and underway in the past

601 year and include recommendations for energy efficiency and
 602 conservation programs for the state, including:

603 1. Formulation of specific recommendations for improvement
 604 in the efficiency of energy utilization in governmental,
 605 residential, commercial, industrial, and transportation sectors.

606 2. Collection and dissemination of information relating to
 607 energy efficiency and conservation.

608 3. Development and conduct of educational and training
 609 programs relating to energy efficiency and conservation.

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

613 (m) In recognition of the devastation to the economy of
 614 this state and the dangers to the health and welfare of
 615 residents of this state caused by severe hurricanes, and the
 616 potential for such impacts caused by other natural disasters,
 617 the Division of Emergency Management shall include in its energy
 618 emergency contingency plan and provide to the Florida Building
 619 Commission for inclusion in the Florida Energy Efficiency Code
 620 for Building Construction specific provisions to facilitate the
 621 use of cost-effective ~~solar~~ energy technologies as emergency
 622 remedial and preventive measures for providing electric power,
 623 street lighting, and water heating service in the event of
 624 electric power outages.

625 Section 10. Sections 377.801, 377.802, 377.803, 377.804,

626 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

627 Section 11. (1) For programs established pursuant to s.
 628 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida
 629 Statutes, there may not be:

630 (a) New or additional applications, certifications, or
 631 allocations approved.

632 (b) New letters of certification issued.

633 (c) New contracts or agreements executed.

634 (d) New awards made.

635 (2) All certifications or allocations issued under such
 636 programs are rescinded except for the certifications of, or
 637 allocations to, those certified applicants or projects that
 638 continue to meet the applicable criteria in effect before July
 639 1, 2024. Any existing contract or agreement authorized under any
 640 of these programs shall continue in full force and effect in
 641 accordance with the statutory requirements in effect when the
 642 contract or agreement was executed or last modified. However,
 643 further modifications, extensions, or waivers may not be made or
 644 granted relating to such contracts or agreements, except
 645 computations by the Department of Revenue of the income
 646 generated by or arising out of the qualifying project.

647 Section 12. Paragraph (d) of subsection (2) of section
 648 220.193, Florida Statutes, is amended to read:

649 220.193 Florida renewable energy production credit.—

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

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

654 Section 13. Subsection (7) of section 288.9606, Florida
 655 Statutes, is amended to read:

656 288.9606 Issue of revenue bonds.—

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

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

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

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

669 (d) Finance the costs of acquisition or construction of a
 670 transportation facility by a private entity or consortium of
 671 private entities under a public-private partnership agreement
 672 authorized by s. 334.30.

673 Section 14. Paragraph (w) of subsection (2) of section
 674 380.0651, Florida Statutes, is amended to read:

675 380.0651 Statewide guidelines, standards, and exemptions.—

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

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

681
 682 If a use is exempt from review pursuant to paragraphs (a)-(u),
 683 but will be part of a larger project that is subject to review
 684 pursuant to s. 380.06(12), the impact of the exempt use must be
 685 included in the review of the larger project, unless such exempt
 686 use involves a development that includes a landowner, tenant, or
 687 user that has entered into a funding agreement with the state
 688 land planning agency under the Innovation Incentive Program and
 689 the agreement contemplates a state award of at least \$50
 690 million.

691 Section 15. Subsection (2) of section 403.9405, Florida
 692 Statutes, is amended to read:

693 403.9405 Applicability; certification; exemption; notice
 694 of intent.—

695 (2) ~~No construction of~~ A natural gas transmission pipeline
 696 may not be constructed ~~be undertaken after October 1, 1992,~~
 697 without first obtaining certification under ss. 403.9401-
 698 403.9425, but these sections do not apply to:

699 (a) Natural gas transmission pipelines which are less than
 700 100 ~~15~~ miles in length or which do not cross a county line,

701 unless the applicant has elected to apply for certification
 702 under ss. 403.9401-403.9425.

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

711 (c) Natural gas transmission pipelines that are owned or
 712 operated by a municipality or any agency thereof, by any person
 713 primarily for the local distribution of natural gas, or by a
 714 special district created by special act to distribute natural
 715 gas, unless the applicant elects to apply for certification of
 716 that pipeline under ss. 403.9401-403.9425.

717 Section 16. Subsection (3) of section 720.3075, Florida
 718 Statutes, is amended to read:

719 720.3075 Prohibited clauses in association documents.—

720 (3) Homeowners' association documents, including
 721 declarations of covenants, articles of incorporation, or bylaws,
 722 may not preclude:

723 (a) The display of up to two portable, removable flags as
 724 described in s. 720.304(2)(a) by property owners. However, all
 725 flags must be displayed in a respectful manner consistent with

726 the requirements for the United States flag under 36 U.S.C.
 727 chapter 10.

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

732 1. A public utility or an electric utility as defined in
 733 this chapter;

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

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

737 4. A natural gas transmission company as defined in s.
 738 368.103; or

739 5. A Category I liquefied petroleum gas dealer, a Category
 740 II liquefied petroleum gas dispenser, or a Category III
 741 liquefied petroleum gas cylinder exchange operator as defined in
 742 s. 527.01.

743 (c) The use of an appliance, including a stove or grill,
 744 which uses the types or fuel sources of energy production which
 745 may be used, delivered, converted, or supplied by the entities
 746 listed in paragraph (b). As used in this paragraph, the term
 747 "appliance" means a device or apparatus manufactured and
 748 designed to use energy and for which the Florida Building Code
 749 or the Florida Fire Prevention Code provides specific
 750 requirements.

751 Section 17. (1) The Public Service Commission shall
752 conduct an assessment of the security and resiliency of the
753 state's electric grid and natural gas facilities against both
754 physical threats and cyber threats. In conducting this
755 assessment, the commission shall consult with the Division of
756 Emergency Management and, in its assessment of cyber threats,
757 shall consult with the Florida Digital Service. All electric
758 utilities, natural gas utilities, and natural gas pipelines
759 operating in this state, regardless of ownership structure,
760 shall cooperate with the commission to provide access to all
761 information necessary to conduct the assessment.

762 (2) By July 1, 2025, the commission shall submit a report
763 of its assessment to the Governor, the President of the Senate,
764 and the Speaker of the House of Representatives. The report must
765 also contain any recommendations for potential legislative or
766 administrative actions that may enhance the physical security or
767 cyber security of the state's electric grid or natural gas
768 facilities.

769 Section 18. (1) Recognizing the evolution and advances
770 that have occurred and continue to occur in nuclear power
771 technologies, the Public Service Commission shall study and
772 evaluate the technical and economic feasibility of using
773 advanced nuclear power technologies, including small modular
774 reactors, to meet the electrical power needs of the state, and
775 research means to encourage and foster the installation and use

776 of such technologies at military installations in the state in
777 partnership with public utilities. In conducting this study, the
778 commission shall consult with the Department of Environmental
779 Protection and the Division of Emergency Management.

780 (2) By April 1, 2025, the commission shall prepare and
781 submit a report to the Governor, the President of the Senate,
782 and the Speaker of the House of Representatives, containing its
783 findings and any recommendations for potential legislative or
784 administrative actions that may enhance the use of advanced
785 nuclear technologies in a manner consistent with the energy
786 policy goals in s. 377.601(2), Florida Statutes.

787 Section 19. (1) Recognizing the continued development of
788 technologies that support the use of hydrogen as a
789 transportation fuel and the potential for such use to help meet
790 the state's energy policy goals in s. 377.601(2), Florida
791 Statutes, the Department of Transportation, in consultation with
792 the Office of Energy within the Department of Agriculture and
793 Consumer Services, shall study and evaluate the potential
794 development of hydrogen fueling infrastructure, including
795 fueling stations, to support hydrogen-powered vehicles that use
796 the state highway system.

797 (2) By April 1, 2025, the Department of Transportation
798 shall prepare and submit a report to the Governor, the President
799 of the Senate, and the Speaker of the House of Representatives,
800 containing its findings and any recommendations for potential

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801 legislative or administrative actions that may accommodate the
802 future development of hydrogen fueling infrastructure in a
803 manner consistent with the energy policy goals in s. 377.601(2),
804 Florida Statutes.

805 Section 20. This act shall take effect July 1, 2024.