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1  
 2 An act relating to energy resources; creating s.  
 3 163.3210, F.S.; providing legislative intent;  
 4 providing definitions; allowing resiliency facilities  
 5 in certain land use categories in local government  
 6 comprehensive plans and specified districts if certain  
 7 criteria are met; allowing local governments to adopt  
 8 ordinances for resiliency facilities if certain  
 9 requirements are met; prohibiting amendments to a  
 10 local government's comprehensive plan, land use map,  
 11 zoning districts, or land development regulations in a  
 12 manner that would conflict with resiliency facility  
 13 classification after a specified date; amending s.  
 14 286.29, F.S.; revising energy guidelines for public  
 15 businesses; eliminating the requirement that the  
 16 Department of Management Services develop and maintain  
 17 the Florida Climate-Friendly Preferred Products List;  
 18 eliminating the requirement that state agencies  
 19 contract for meeting and conference space only with  
 20 facilities that have a Green Lodging designations;  
 21 eliminating the requirement that state agencies, state  
 22 universities, community colleges, and local  
 23 governments that procure new vehicles under a state  
 24 purchasing plan select certain vehicles under a  
 25 specified circumstance; amending s. 366.032, F.S.;

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26 including community development districts as a type of  
 27 political subdivision for purposes of preemption over  
 28 utility service restrictions; creating s. 366.042,  
 29 F.S.; requiring rural electric cooperatives and  
 30 municipal electric utilities to enter into and  
 31 maintain at least one mutual aid agreement or pre-  
 32 event agreement with certain entities for purposes of  
 33 restoring power after a natural disaster; requiring  
 34 rural electric cooperatives and municipal electric  
 35 utilities to annually submit attestations of  
 36 compliance to the Public Service Commission; providing  
 37 construction; requiring the commission to compile the  
 38 attestations and annually submit a copy of such  
 39 attestations to the Division of Emergency Management;  
 40 providing that the submission of such attestations  
 41 makes rural electric cooperatives and municipal  
 42 electric utilities eligible to receive state financial  
 43 assistance; providing that if such attestations are  
 44 not submitted, rural electric cooperatives and  
 45 municipal electric utilities are not eligible to  
 46 receive state financial assistance; providing  
 47 construction; creating s. 366.057, F.S.; requiring  
 48 public utilities to provide notice to the commission  
 49 of certain power plant retirements within a specified  
 50 timeframe; authorizing the commission to schedule

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51 | hearings within a specified timeframe to make certain  
52 | determinations on such plant retirements; specifying  
53 | information to be provided by public utilities at the  
54 | hearing; amending s. 366.94, F.S.; removing  
55 | terminology; authorizing the commission to approve  
56 | voluntary electric vehicle charging programs upon  
57 | petition of a public utility, to become effective on  
58 | or after a specified date, if certain requirements are  
59 | met; providing applicability; amending s. 403.503,  
60 | F.S.; defining the term "gross capacity"; creating s.  
61 | 366.99, F.S.; providing definitions; authorizing  
62 | public utilities to submit to the commission a  
63 | petition for a proposed cost recovery for certain  
64 | natural gas facilities relocation costs; requiring the  
65 | commission to conduct annual proceedings to determine  
66 | each utility's prudently incurred natural gas  
67 | facilities relocation costs and to allow for the  
68 | recovery of such costs; providing requirements for the  
69 | commission's review; providing requirements for the  
70 | allocation of such recovered costs; requiring the  
71 | commission to adopt rules; providing a timeframe for  
72 | such rulemaking; amending s. 377.601, F.S.; revising  
73 | legislative intent; amending s. 377.6015, F.S.;  
74 | revising the powers and duties of the Department of  
75 | Agriculture and Consumer Services; conforming

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76 provisions to changes made by the act; amending s.  
 77 377.703, F.S.; revising additional functions of the  
 78 department relating to energy resources; conforming  
 79 provisions to changes made by the act; creating s.  
 80 377.708, F.S.; providing definitions; prohibiting the  
 81 construction or expansion of certain wind energy  
 82 facilities and wind turbines in the state; requiring  
 83 the Department of Environmental Protection to review  
 84 applications for federal wind energy leases in  
 85 territorial waters of the United States adjacent to  
 86 water of this state and signify its approval or  
 87 objection to such applications; authorizing the  
 88 department to seek injunctive relief for violations;  
 89 repealing s. 377.801, F.S., relating to the Florida  
 90 Energy and Climate Protection Act; repealing s.  
 91 377.802, F.S., relating to the purpose of the act;  
 92 repealing s. 377.803, F.S., relating to definitions  
 93 under the act; repealing s. 377.804, F.S., relating to  
 94 the Renewable Energy and Energy-Efficient Technologies  
 95 Grants Program; repealing s. 377.808, F.S., relating  
 96 to the Florida Green Government Grants Act; repealing  
 97 s. 377.809, F.S., relating to the Energy Economic Zone  
 98 Pilot Program; repealing s. 377.816, F.S., relating to  
 99 the Qualified Energy Conservation Bond Allocation  
 100 Program; prohibiting the approval of new or additional

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101 applications, certifications, or allocations under  
 102 such programs; prohibiting new contracts, agreements,  
 103 and awards under such programs; rescinding all  
 104 certifications or allocations issued under such  
 105 programs; providing an exception; providing  
 106 application relating to existing contracts or  
 107 agreements under such programs; amending ss. 220.193,  
 108 288.9606, and 380.0651, F.S.; conforming provisions to  
 109 changes made by the act; amending s. 403.9405, F.S.;  
 110 revising the applicability of the Natural Gas  
 111 Transmission Pipeline Siting Act; amending s.  
 112 720.3075, F.S.; prohibiting certain homeowners'  
 113 association documents from precluding certain types or  
 114 fuel sources of energy production and the use of  
 115 certain appliances; requiring the commission to  
 116 coordinate, develop, and recommend a plan under which  
 117 an assessment of the security and resiliency of the  
 118 state's electric grid and natural gas facilities  
 119 against physical threats and cyber threats may be  
 120 conducted; requiring the commission to consult with  
 121 the Division of Emergency Management and the Florida  
 122 Digital Service; requiring cooperation from all  
 123 operating facilities in the state relating to such  
 124 plan; providing additional content requirements for  
 125 such plan; requiring the commission to submit by a

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126 recommended plan by a specified date to the Governor  
127 and the Legislature; providing additional content  
128 requirements for such plan; requiring the commission  
129 to study and evaluate the technical and economic  
130 feasibility of using advanced nuclear power  
131 technologies to meet the electrical power needs of the  
132 state; requiring the commission to research means to  
133 encourage and foster the installation and use of such  
134 technologies at military installations in partnership  
135 with public utilities; requiring the commission to  
136 consult with the Department of Environmental  
137 Protection and the Division of Emergency Management;  
138 requiring the commission to submit by a specified date  
139 a report to the Governor and the Legislature that  
140 contains its findings and any additional  
141 recommendations for potential legislative or  
142 administrative actions; requiring the Department of  
143 Transportation, in consultation with the Office of  
144 Energy within the Department of Agriculture and  
145 Consumer Services, to study and evaluate the potential  
146 development of hydrogen fueling infrastructure to  
147 support hydrogen-powered vehicles; requiring the  
148 department to submit by a specified date a report to  
149 the Governor and the Legislature that contains its  
150 findings and recommendations for specified actions

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151 that may accommodate the future development of  
 152 hydrogen fueling infrastructure; providing effective  
 153 dates.

154  
 155 Be It Enacted by the Legislature of the State of Florida:

156  
 157 Section 1. Section 163.3210, Florida Statutes, is created  
 158 to read:

159 163.3210 Natural gas resiliency and reliability  
 160 infrastructure.-

161 (1) It is the intent of the Legislature to maintain,  
 162 encourage, and ensure adequate and reliable fuel sources for  
 163 public utilities. The resiliency and reliability of fuel sources  
 164 for public utilities is critical to the state's economy; the  
 165 ability of the state to recover from natural disasters; and the  
 166 health, safety, welfare, and quality of life of the residents of  
 167 the state.

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

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

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

175 (c) "Public utility" has the same meaning as defined in s.

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176 366.02.

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

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

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

200 Section 2. Section 286.29, Florida Statutes, is amended to



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201 read:

202       286.29 Energy guidelines for Climate-friendly public  
 203 business.~~The Legislature recognizes the importance of~~  
 204 leadership by state government in the area of energy efficiency  
 205 and in reducing the greenhouse gas emissions of state government  
 206 operations. The following shall pertain to all state agencies  
 207 when conducting public business:

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

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

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226 (1)~~(3)~~ Each state agency shall ensure that all maintained  
 227 vehicles meet minimum maintenance schedules shown to reduce fuel  
 228 consumption, which include:

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

230 (b) Replacing fuel filters and emission filters at  
 231 recommended intervals.~~;~~

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

233 (d) Performing timely motor maintenance.

234

235 Each state agency shall measure and report compliance to the  
 236 Department of Management Services through the Equipment  
 237 Management Information System database.

238 ~~(4) When procuring new vehicles, all state agencies, state~~  
 239 ~~universities, community colleges, and local governments that~~  
 240 ~~purchase vehicles under a state purchasing plan shall first~~  
 241 ~~define the intended purpose for the vehicle and determine which~~  
 242 ~~of the following use classes for which the vehicle is being~~  
 243 ~~procured:~~

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

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

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

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

248 ~~(e) Conveyance of building or maintenance materials and~~  
 249 ~~supplies;~~

250 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~

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251 ~~(g) Emergency response; or~~  
 252 ~~(h) Other.~~

253  
 254 ~~Vehicles described in paragraphs (a) through (h), when being~~  
 255 ~~processed for purchase or leasing agreements, must be selected~~  
 256 ~~for the greatest fuel efficiency available for a given use class~~  
 257 ~~when fuel economy data are available. Exceptions may be made for~~  
 258 ~~individual vehicles in paragraph (g) when accompanied, during~~  
 259 ~~the procurement process, by documentation indicating that the~~  
 260 ~~operator or operators will exclusively be emergency first~~  
 261 ~~responders or have special documented need for exceptional~~  
 262 ~~vehicle performance characteristics. Any request for an~~  
 263 ~~exception must be approved by the purchasing agency head and any~~  
 264 ~~exceptional performance characteristics denoted as a part of the~~  
 265 ~~procurement process prior to purchase.~~

266 (2)~~(5)~~ All state agencies shall use ethanol and biodiesel  
 267 blended fuels when available. State agencies administering  
 268 central fueling operations for state-owned vehicles shall  
 269 procure biofuels for fleet needs to the greatest extent  
 270 practicable.

271 Section 3. Subsections (1), (2), and (5) of section  
 272 366.032, Florida Statutes, are amended to read:

273 366.032 Preemption over utility service restrictions.—

274 (1) A municipality, county, special district, community  
 275 development district created pursuant to chapter 190, or other

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276 political subdivision of the state may not enact or enforce a  
 277 resolution, ordinance, rule, code, or policy or take any action  
 278 that restricts or prohibits or has the effect of restricting or  
 279 prohibiting the types or fuel sources of energy production which  
 280 may be used, delivered, converted, or supplied by the following  
 281 entities to serve customers that such entities are authorized to  
 282 serve:

283 (a) A public utility or an electric utility as defined in  
 284 this chapter;

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

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

288 (d) A natural gas transmission company as defined in s.  
 289 368.103; or

290 (e) A Category I liquefied petroleum gas dealer or  
 291 Category II liquefied petroleum gas dispenser or Category III  
 292 liquefied petroleum gas cylinder exchange operator as defined in  
 293 s. 527.01.

294 (2) Except to the extent necessary to enforce the Florida  
 295 Building Code adopted pursuant to s. 553.73 or the Florida Fire  
 296 Prevention Code adopted pursuant to s. 633.202, a municipality,  
 297 county, special district, community development district created  
 298 pursuant to chapter 190, or other political subdivision of the  
 299 state may not enact or enforce a resolution, an ordinance, a  
 300 rule, a code, or a policy or take any action that restricts or

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301 prohibits or has the effect of restricting or prohibiting the  
 302 use of an appliance, including a stove or grill, which uses the  
 303 types or fuel sources of energy production which may be used,  
 304 delivered, converted, or supplied by the entities listed in  
 305 subsection (1). As used in this subsection, the term "appliance"  
 306 means a device or apparatus manufactured and designed to use  
 307 energy and for which the Florida Building Code or the Florida  
 308 Fire Prevention Code provides specific requirements.

309 (5) Any municipality, county, special district, community  
 310 development district created pursuant to chapter 190, or  
 311 political subdivision charter, resolution, ordinance, rule,  
 312 code, policy, or action that is preempted by this act that  
 313 existed before or on July 1, 2021, is void.

314 Section 4. Section 366.042, Florida Statutes, is created  
 315 to read:

316 366.042 Mutual aid agreements of rural electric  
 317 cooperatives and municipal electric utilities.-

318 (1) For the purposes of restoring power following a  
 319 natural disaster that is subject to a state of emergency  
 320 declared by the Governor, all rural electric cooperatives and  
 321 municipal electric utilities shall enter into and maintain, at a  
 322 minimum, one of the following:

323 (a) A mutual aid agreement with a municipal electric  
 324 utility;

325 (b) A mutual aid agreement with a rural electric

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326 cooperative;  
327 (c) A mutual aid agreement with a public utility; or  
328 (d) A pre-event agreement with a private contractor.  
329 (2) All rural electric cooperatives and municipal electric  
330 utilities operating in this state shall annually submit to the  
331 commission an attestation, in conformity with s. 92.525, stating  
332 that the organization has complied with the requirements of this  
333 section on or before May 15. Nothing in this section shall be  
334 construed to give the commission jurisdiction over the terms and  
335 conditions of a mutual aid agreement or agreement with a private  
336 contractor entered into by a rural electric cooperative or a  
337 municipal electric utility.  
338 (3) The commission shall compile the attestations and  
339 annually submit a copy to the Division of Emergency Management  
340 no later than May 30.  
341 (4) A rural electric cooperative or municipal electric  
342 utility that submits the attestation required by this section is  
343 eligible to receive state financial assistance, if such funding  
344 is available, for power restoration efforts following a natural  
345 disaster that is subject to a state of emergency declared by the  
346 Governor.  
347 (5) A rural electric cooperative or municipal electric  
348 utility that does not submit an attestation required by this  
349 section is ineligible to receive state financial assistance for  
350 power restoration efforts following a natural disaster that is

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351 subject to a state of emergency declared by the Governor, until  
 352 such time as the attestation is submitted.

353 (6) Nothing in this section shall be construed to  
 354 prohibit, limit, or disqualify a rural electric cooperative or  
 355 municipal electric utility from receiving funding under The  
 356 Stafford Act, 42 U.S.C. 5121 et seq., or any other federal  
 357 program, including programs administered by the state.

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

360 Section 5. Section 366.057, Florida Statutes, is created  
 361 to read:

362 366.057 Retirement of electrical power plants.—A public  
 363 utility shall provide notice to the commission at least 90 days  
 364 before the full retirement of an electrical power plant if the  
 365 date of such retirement does not coincide with the retirement  
 366 date in the public utility's most recently approved depreciation  
 367 study. No later than 90 days after such notice, the commission  
 368 may schedule a hearing to determine whether retirement of the  
 369 plant is prudent and consistent with the state's energy policy  
 370 goals in s. 377.601(2). At a hearing scheduled under this  
 371 section, the utility shall present its proposed retirement date  
 372 for the plant, remaining depreciation expense on the plant, any  
 373 other costs to be recovered in relation to the plant, and any  
 374 planned replacement capacity.

375 Section 6. Subsection (4) is added to Section 366.94,

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376 Florida Statutes, to read:

377 366.94 Electric vehicle charging ~~stations~~.—

378 (4) Upon petition of a public utility, the commission may  
 379 approve voluntary electric vehicle charging programs to become  
 380 effective on or after January 1, 2025, to include, but not be  
 381 limited to, residential, fleet, and public electric vehicle  
 382 charging, upon a determination by the commission that the  
 383 utility's general body of ratepayers, as a whole, will not pay  
 384 to support recovery of its electric vehicle charging investment  
 385 by the end of the useful life of the assets dedicated to the  
 386 electric vehicle charging service. This provision does not  
 387 preclude cost recovery for electric vehicle charging programs  
 388 approved by the commission before January 1, 2024.

389 Section 7. Present subsections (17) through (31) of  
 390 section 403.503, Florida Statutes, are redesignated as  
 391 subsections (18) through (32), respectively, and a new  
 392 subsection (17) is added to that section, to read:

393 403.503 Definitions relating to Florida Electrical Power  
 394 Plant Siting Act.—As used in this act:

395 (17) "Gross capacity" means, for a steam facility, the  
 396 maximum generating capacity based on nameplate generator rating,  
 397 and for a solar electrical generating facility, the capacity  
 398 measured as alternating current which is independently metered  
 399 prior to the point of interconnection to the transmission grid.

400 Section 8. Section 366.99, Florida Statutes, is created to



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401 read:

402 366.99 Natural gas facilities relocation costs.—

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

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

405 337.401(1)(a).

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

409 (c) "Natural gas facilities" or "facilities" means gas  
 410 mains, laterals, and service lines used to distribute natural  
 411 gas to customers. The term includes all ancillary equipment  
 412 needed for safe operations, including, but not limited to,  
 413 regulating stations, meters, other measuring devices,  
 414 regulators, and pressure monitoring equipment.

415 (d) "Natural gas facilities relocation costs" means the  
 416 costs to relocate or reconstruct facilities as required by a  
 417 mandate, a statute, a law, an ordinance, or an agreement between  
 418 the utility and an authority, including, but not limited to,  
 419 costs associated with reviewing plans provided by an authority.  
 420 The term does not include any costs recovered through the public  
 421 utility's base rates.

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

425 (2) A utility may submit to the commission, pursuant to

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426 commission rule, a petition describing the utility's projected  
427 natural gas facilities relocation costs for the next calendar  
428 year, actual natural gas facilities relocation costs for the  
429 prior calendar year, and proposed cost-recovery factors designed  
430 to recover such costs. A utility's decision to proceed with  
431 implementing a plan before filing such a petition does not  
432 constitute imprudence.

433 (3) The commission shall conduct an annual proceeding to  
434 determine each utility's prudently incurred natural gas  
435 facilities relocation costs and to allow each utility to recover  
436 such costs through a charge separate and apart from base rates,  
437 to be referred to as the natural gas facilities relocation cost  
438 recovery clause. The commission's review in the proceeding is  
439 limited to determining the prudence of the utility's actual  
440 incurred natural gas facilities relocation costs and the  
441 reasonableness of the utility's projected natural gas facilities  
442 relocation costs for the following calendar year; and providing  
443 for a true-up of the costs with the projections on which past  
444 factors were set. The commission shall require that any refund  
445 or collection made as a part of the true-up process includes  
446 interest.

447 (4) All costs approved for recovery through the natural  
448 gas facilities relocation cost recovery clause must be allocated  
449 to customer classes pursuant to the rate design most recently  
450 approved by the commission.

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451 (5) If a capital expenditure is recoverable as a natural  
 452 gas facilities relocation cost, the public utility may recover  
 453 the annual depreciation on the cost, calculated at the public  
 454 utility's current approved depreciation rates, and a return on  
 455 the undepreciated balance of the costs at the public utility's  
 456 weighted average cost of capital using the last approved return  
 457 on equity.

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

461 Section 9. Section 377.601, Florida Statutes, is amended  
 462 to read:

463 377.601 Legislative intent.—

464 (1) The purpose of the state's energy policy is to ensure  
 465 an adequate, reliable, and cost-effective supply of energy for  
 466 the state in a manner that promotes the health and welfare of  
 467 the public and economic growth. The Legislature intends that  
 468 governance of the state's energy policy be efficiently directed  
 469 toward achieving this purpose. ~~The Legislature finds that the~~  
 470 state's energy security can be increased by lessening dependence  
 471 on foreign oil; that the impacts of global climate change can be  
 472 reduced through the reduction of greenhouse gas emissions; and  
 473 that the implementation of alternative energy technologies can  
 474 be a source of new jobs and employment opportunities for many  
 475 Floridians. ~~The Legislature further finds that the state is~~

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476 ~~positioned at the front line against potential impacts of global~~  
477 ~~climate change. Human and economic costs of those impacts can be~~  
478 ~~averted by global actions and, where necessary, adapted to by a~~  
479 ~~concerted effort to make Florida's communities more resilient~~  
480 ~~and less vulnerable to these impacts. In focusing the~~  
481 ~~government's policy and efforts to benefit and protect our~~  
482 ~~state, its citizens, and its resources, the Legislature believes~~  
483 ~~that a single government entity with a specific focus on energy~~  
484 ~~and climate change is both desirable and advantageous. Further,~~  
485 ~~the Legislature finds that energy infrastructure provides the~~  
486 ~~foundation for secure and reliable access to the energy supplies~~  
487 ~~and services on which Florida depends. Therefore, there is~~  
488 ~~significant value to Florida consumers that comes from~~  
489 ~~investment in Florida's energy infrastructure that increases~~  
490 ~~system reliability, enhances energy independence and~~  
491 ~~diversification, stabilizes energy costs, and reduces greenhouse~~  
492 ~~gas emissions.~~

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

495 (a) Ensuring a cost-effective and affordable energy  
496 supply.

497 (b) Ensuring adequate supply and capacity.

498 (c) Ensuring a secure, resilient, and reliable energy  
499 supply, with an emphasis on a diverse supply of domestic energy  
500 resources.

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501           (d) Protecting public safety.

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

504           (f) Supporting economic growth.

505           ~~(3)-(2)~~ In furtherance of the goals in subsection (2), it  
 506 is the policy of the state ~~of Florida~~ to:

507           (a) ~~Develop and Promote the~~ cost-effective development and  
 508 ~~effective use of a diverse supply of domestic energy resources~~  
 509 in the state ~~and,~~ discourage all forms of energy waste, ~~and~~  
 510 ~~recognize and address the potential of global climate change~~  
 511 ~~wherever possible.~~

512           (b) Promote the cost-effective development and maintenance  
 513 of energy infrastructure that is resilient to natural and  
 514 manmade threats to the security and reliability of the state's  
 515 energy supply ~~Play a leading role in developing and instituting~~  
 516 ~~energy management programs aimed at promoting energy~~  
 517 ~~conservation, energy security, and the reduction of greenhouse~~  
 518 ~~gas emissions.~~

519           (c) Reduce reliance on foreign energy resources.

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

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

524           ~~(f)-(e)~~ Encourage local governments to include energy  
 525 considerations in all planning and to support their work in

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526 promoting energy management programs.

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

529 (h)~~(g)~~ Consider in its decisions the energy needs of each  
530 economic sector, including residential, industrial, commercial,  
531 agricultural, and governmental uses, and reduce those needs  
532 whenever possible.

533 (i)~~(h)~~ Promote energy education and the public  
534 dissemination of information on energy and its impacts in  
535 relation to the goals in subsection (2) ~~environmental, economic,~~  
536 ~~and social impact.~~

537 (j)~~(i)~~ Encourage the research, development, demonstration,  
538 and application of domestic energy resources, including the use  
539 of alternative energy resources, particularly renewable energy  
540 resources.

541 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of  
542 energy-related activities on the goals in subsection (2) ~~social,~~  
543 ~~economic, and environmental impacts of energy-related~~  
544 ~~activities,~~ including the whole-life-cycle impacts of any  
545 potential energy use choices, so that detrimental effects of  
546 these activities are understood and minimized.

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

550 Section 10. Subsection (2) of section 377.6015, Florida

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551 Statutes, is amended to read:

552 377.6015 Department of Agriculture and Consumer Services;  
553 powers and duties.—

554 (2) The department shall:

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

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

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

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

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

567 (c)-(f) Advocate for energy and climate change issues  
568 consistent with the goals in s. 377.601(2) and provide  
569 educational outreach and technical assistance in cooperation  
570 with the state's academic institutions.

571 (d)-(g) Be a party in the proceedings to adopt goals and  
572 submit comments to the Public Service Commission pursuant to s.  
573 366.82.

574 (e)-(h) Adopt rules pursuant to chapter 120 in order to  
575 implement all powers and duties described in this section.

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576 Section 11. Subsection (1) and paragraphs (e), (f), (h),  
 577 and (m) of subsection (2) of section 377.703, Florida Statutes,  
 578 are amended to read:

579 377.703 Additional functions of the Department of  
 580 Agriculture and Consumer Services.—

581 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and  
 582 demand questions have become a major area of concern to the  
 583 state which must be dealt with by effective and well-coordinated  
 584 state action, it is the intent of the Legislature to promote the  
 585 efficient, effective, and economical management of energy  
 586 problems, centralize energy coordination responsibilities,  
 587 pinpoint responsibility for conducting energy programs, and  
 588 ensure the accountability of state agencies for the  
 589 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy  
 590 policy. It is the specific intent of the Legislature that  
 591 nothing in this act shall in any way change the powers, duties,  
 592 and responsibilities assigned by the Florida Electrical Power  
 593 Plant Siting Act, part II of chapter 403, or the powers, duties,  
 594 and responsibilities of the Florida Public Service Commission.

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

598 (e) The department shall analyze energy data collected and  
 599 prepare long-range forecasts of energy supply and demand in  
 600 coordination with the Florida Public Service Commission, which



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601 is responsible for electricity and natural gas forecasts. To  
602 this end, the forecasts shall contain:

603 1. An analysis of the relationship of state economic  
604 growth and development to energy supply and demand, including  
605 the constraints to economic growth resulting from energy supply  
606 constraints.

607 ~~2. Plans for the development of renewable energy resources~~  
608 ~~and reduction in dependence on depletable energy resources,~~  
609 ~~particularly oil and natural gas, and~~ An analysis of the extent  
610 to which domestic energy resources, including renewable energy  
611 sources, are being utilized in this ~~the~~ state.

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

617 4. An assessment of the state's energy resources,  
618 including examination of the availability of commercially  
619 developable and imported fuels, and an analysis of anticipated  
620 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~  
621 ~~state's environment and social services~~ resulting from energy  
622 resource development activities or from energy supply  
623 constraints, or both.

624 (f) The department shall submit an annual report to the  
625 Governor and the Legislature reflecting its activities and

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626 making recommendations for policies for improvement of the  
 627 state's response to energy supply and demand and its effect on  
 628 the health, safety, and welfare of the residents of this state.  
 629 The report must include a report from the Florida Public Service  
 630 Commission on electricity and natural gas and information on  
 631 energy conservation programs conducted and underway in the past  
 632 year and include recommendations for energy efficiency and  
 633 conservation programs for the state, including:

634 1. Formulation of specific recommendations for improvement  
 635 in the efficiency of energy utilization in governmental,  
 636 residential, commercial, industrial, and transportation sectors.

637 2. Collection and dissemination of information relating to  
 638 energy efficiency and conservation.

639 3. Development and conduct of educational and training  
 640 programs relating to energy efficiency and conservation.

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

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

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

649 ~~1.2.~~ Aiding and promoting the commercialization of  
 650 renewable energy resources, in cooperation with the Florida

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651 Energy Systems Consortium; the Florida Solar Energy Center; and  
 652 any other federal, state, or local governmental agency that may  
 653 seek to promote research, development, and the demonstration of  
 654 renewable energy equipment and technology.

655 ~~2.3.~~ Identifying barriers to greater use of renewable  
 656 energy resources in this state, and developing specific  
 657 recommendations for overcoming identified barriers, with  
 658 findings and recommendations to be submitted annually in the  
 659 report to the Governor and Legislature required under paragraph  
 660 (f).

661 ~~3.4.~~ In cooperation with the Department of Environmental  
 662 Protection, the Department of Transportation, the Department of  
 663 Commerce, the Florida Energy Systems Consortium, the Florida  
 664 Solar Energy Center, and the Florida Solar Energy Industries  
 665 Association, investigating opportunities, pursuant to the  
 666 national Energy Policy Act of 1992, the Housing and Community  
 667 Development Act of 1992, and any subsequent federal legislation,  
 668 for renewable energy resources, electric vehicles, and other  
 669 renewable energy manufacturing, distribution, installation, and  
 670 financing efforts that enhance this state's position as the  
 671 leader in renewable energy research, development, and use.

672 ~~4.5.~~ Undertaking other initiatives to advance the  
 673 development and use of renewable energy resources in this state.

674  
 675 In the exercise of its responsibilities under this paragraph,

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676 | the department shall seek the assistance of the renewable energy  
 677 | industry in this state and other interested parties and may  
 678 | enter into contracts, retain professional consulting services,  
 679 | and expend funds appropriated by the Legislature for such  
 680 | purposes.

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

693 |         Section 12. Section 377.708, Florida Statutes, is created  
 694 | to read:

695 |         377.708 Wind energy.-

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

697 |         (a) "Coastline" means the established line of mean high  
 698 | water.

699 |         (b) "Department" means the Department of Environmental  
 700 | Protection.

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701        (c) "Offshore wind energy facility" means any wind energy  
702 facility located on waters of this state, including other  
703 buildings, structures, vessels, or electrical transmission  
704 cabling to be sited on waters of this state, or connected to  
705 corresponding onshore substations that are used to support the  
706 operation of one or more wind turbines sited or constructed on  
707 waters of this state and any submerged lands or territorial  
708 waters that are not under the jurisdiction of the state.

709        (d) "Real property" has the same meaning as provided in s.  
710 192.001(12).

711        (e) "Vessel" has the same meaning as provided in s.  
712 327.02.

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

716        (g) "Wind energy facility" means an electrical wind  
717 generation facility or expansion thereof comprised of one or  
718 more wind turbines and including substations; meteorological  
719 data towers; aboveground, underground, and electrical  
720 transmission lines; and transformers, control systems, and other  
721 buildings or structures under common ownership or operating  
722 control used to support the operation of the facility the  
723 primary purpose of which is to offer electricity supply for  
724 sale.

725        (h) "Wind turbine" means a device or apparatus that has

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726 the capability to convert kinetic wind energy into rotational  
727 energy that drives an electrical generator, consisting of a  
728 tower body and rotator with two or more blades and capable of  
729 producing more than 10 kilowatts of electrical power. The term  
730 includes both horizontal and vertical axis turbines. The term  
731 does not include devices used to measure wind speed and  
732 direction, such as an anemometer.

733 (2) PROHIBITED ACTIVITIES.—

734 (a) Construction or expansion of the following is  
735 prohibited:

736 1. An offshore wind energy facility.

737 2. A wind turbine or wind energy facility on real property  
738 within 1 mile of coastline in this state.

739 3. A wind turbine or wind energy facility on real property  
740 within 1 mile of the Atlantic Intracoastal Waterway or Gulf  
741 Intracoastal Waterway.

742 4. A wind turbine or wind energy facility on waters of  
743 this state and any submerged lands.

744 (b) This subsection does not prohibit:

745 1. Affixation of a wind turbine directly to a vessel  
746 solely for the purpose of providing power to electronic  
747 equipment located onboard the vessel.

748 2. Operation of a wind turbine installed before July 1,  
749 2024.

750 (3) REVIEW.—The department shall review all applications

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751 for federal wind energy leases in the territorial waters of the  
 752 United States adjacent to waters of this state and shall signify  
 753 its approval of or objection to each application.

754 (4) INJUNCTIVE RELIEF.—The department may bring an action  
 755 for injunctive relief against any person who constructs or  
 756 expands an offshore wind energy facility or a wind turbine in  
 757 this state in violation of this section.

758 Section 13. Sections 377.801, 377.802, 377.803, 377.804,  
 759 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

760 Section 14. (1) For programs established pursuant to s.  
 761 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida  
 762 Statutes, there may not be:

763 (a) New or additional applications, certifications, or  
 764 allocations approved.

765 (b) New letters of certification issued.

766 (c) New contracts or agreements executed.

767 (d) New awards made.

768 (2) All certifications or allocations issued under such  
 769 programs are rescinded except for the certifications of, or  
 770 allocations to, those certified applicants or projects that  
 771 continue to meet the applicable criteria in effect before July  
 772 1, 2024. Any existing contract or agreement authorized under any  
 773 of these programs shall continue in full force and effect in  
 774 accordance with the statutory requirements in effect when the  
 775 contract or agreement was executed or last modified. However,

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776 further modifications, extensions, or waivers may not be made or  
 777 granted relating to such contracts or agreements, except  
 778 computations by the Department of Revenue of the income  
 779 generated by or arising out of the qualifying project.

780 Section 15. Paragraph (d) of subsection (2) of section  
 781 220.193, Florida Statutes, is amended to read:

782 220.193 Florida renewable energy production credit.—

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

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

787 Section 16. Subsection (7) of section 288.9606, Florida  
 788 Statutes, is amended to read:

789 288.9606 Issue of revenue bonds.—

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

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

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

800 (c) If permitted by federal law, finance qualifying



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801 improvement projects within the state under s. 163.08; or-

802 (d) Finance the costs of acquisition or construction of a  
 803 transportation facility by a private entity or consortium of  
 804 private entities under a public-private partnership agreement  
 805 authorized by s. 334.30.

806 Section 17. Paragraph (w) of subsection (2) of section  
 807 380.0651, Florida Statutes, is amended to read:

808 380.0651 Statewide guidelines, standards, and exemptions.—

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

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

814  
 815 If a use is exempt from review pursuant to paragraphs (a)-(u),  
 816 but will be part of a larger project that is subject to review  
 817 pursuant to s. 380.06(12), the impact of the exempt use must be  
 818 included in the review of the larger project, unless such exempt  
 819 use involves a development that includes a landowner, tenant, or  
 820 user that has entered into a funding agreement with the state  
 821 land planning agency under the Innovation Incentive Program and  
 822 the agreement contemplates a state award of at least \$50  
 823 million.

824 Section 18. Subsection (2) of section 403.9405, Florida  
 825 Statutes, is amended to read:

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826           403.9405   Applicability; certification; exemption; notice  
827   of intent.—

828           (2)   ~~No construction of~~ A natural gas transmission pipeline  
829   may not be constructed ~~be undertaken after October 1, 1992,~~  
830   without first obtaining certification under ss. 403.9401-  
831   403.9425, but these sections do not apply to:

832           (a)   Natural gas transmission pipelines which are less than  
833   100 ~~15~~ miles in length or which do not cross a county line,  
834   unless the applicant has elected to apply for certification  
835   under ss. 403.9401-403.9425.

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

844           (c)   Natural gas transmission pipelines that are owned or  
845   operated by a municipality or any agency thereof, by any person  
846   primarily for the local distribution of natural gas, or by a  
847   special district created by special act to distribute natural  
848   gas, unless the applicant elects to apply for certification of  
849   that pipeline under ss. 403.9401-403.9425.

850           Section 19. Subsection (3) of section 720.3075, Florida

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851 Statutes, is amended to read:

852 720.3075 Prohibited clauses in association documents.—

853 (3) Homeowners' association documents, including  
 854 declarations of covenants, articles of incorporation, or bylaws,  
 855 may not preclude:

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

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

865 1. A public utility or an electric utility as defined in  
 866 s. 366.02;

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

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

870 4. A natural gas transmission company as defined in s.  
 871 368.103; or

872 5. A Category I liquefied petroleum gas dealer, a Category  
 873 II liquefied petroleum gas dispenser, or a Category III  
 874 liquefied petroleum gas cylinder exchange operator as defined in  
 875 s. 527.01.

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876        (c) The use of an appliance, including a stove or grill,  
877 which uses the types or fuel sources of energy production which  
878 may be used, delivered, converted, or supplied by the entities  
879 listed in paragraph (b). As used in this paragraph, the term  
880 "appliance" means a device or apparatus manufactured and  
881 designed to use energy and for which the Florida Building Code  
882 or the Florida Fire Prevention Code provides specific  
883 requirements.

884        Section 20. (1) The Public Service Commission shall  
885 coordinate, develop, and recommend a plan under which an  
886 assessment of the security and resiliency of the state's  
887 electric grid and natural gas facilities against both physical  
888 threats and cyber threats may be conducted. In developing this  
889 plan, the commission shall consult with the Division of  
890 Emergency Management and, in its assessment of cyber threats,  
891 shall consult with the Florida Digital Service. All electric  
892 utilities, natural gas utilities, and natural gas pipelines  
893 operating in this state shall cooperate with the commission in  
894 developing the plan. The plan must address the manner in which  
895 information needed to conduct a security and resiliency  
896 assessment may be communicated, collected, shared, stored, and  
897 adequately protected from disclosure to avoid adverse impacts on  
898 the safe and reliable operation of the state's electric grid and  
899 natural gas facilities.

900        (2) By January 31, 2025, the commission shall submit its

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901 recommended plan to the Governor, the President of the Senate,  
902 and the Speaker of the House of Representatives. The plan must  
903 include any recommendations for legislation and may include  
904 other recommendations as determined by the commission.

905       Section 21. (1) Recognizing the evolution and advances  
906 that have occurred and continue to occur in nuclear power  
907 technologies, the Public Service Commission shall study and  
908 evaluate the technical and economic feasibility of using  
909 advanced nuclear power technologies, including small modular  
910 reactors, to meet the electrical power needs of the state, and  
911 research means to encourage and foster the installation and use  
912 of such technologies at military installations in the state in  
913 partnership with public utilities. In conducting this study, the  
914 commission shall consult with the Department of Environmental  
915 Protection and the Division of Emergency Management.

916       (2) By April 1, 2025, the commission shall prepare and  
917 submit a report to the Governor, the President of the Senate,  
918 and the Speaker of the House of Representatives, containing its  
919 findings and any recommendations for potential legislative or  
920 administrative actions that may enhance the use of advanced  
921 nuclear technologies in a manner consistent with the energy  
922 policy goals in s. 377.601(2), Florida Statutes.

923       Section 22. (1) Recognizing the continued development of  
924 technologies that support the use of hydrogen as a  
925 transportation fuel and the potential for such use to help meet

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926 the state's energy policy goals in s. 377.601(2), Florida  
927 Statutes, the Department of Transportation, in consultation with  
928 the Office of Energy within the Department of Agriculture and  
929 Consumer Services, shall study and evaluate the potential  
930 development of hydrogen fueling infrastructure, including  
931 fueling stations, to support hydrogen-powered vehicles that use  
932 the state highway system.

933 (2) By April 1, 2025, the Department of Transportation  
934 shall prepare and submit a report to the Governor, the President  
935 of the Senate, and the Speaker of the House of Representatives,  
936 containing its findings and any recommendations for potential  
937 legislative or administrative actions that may accommodate the  
938 future development of hydrogen fueling infrastructure in a  
939 manner consistent with the energy policy goals in s. 377.601(2),  
940 Florida Statutes.

941 Section 23. This act shall take effect July 1, 2024.