

By Senator Rader

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1 A bill to be entitled
2 An act relating to energy; amending s. 163.04, F.S.;
3 prohibiting a deed restriction, covenant, declaration,
4 or other binding agreement from prohibiting or having
5 the effect of prohibiting the installation of cool
6 roofs or renewable energy source devices; creating s.
7 253.453, F.S.; authorizing the Board of Trustees of
8 the Internal Improvement Trust Fund to lease for
9 royalties or other compensation the use of certain
10 manmade stormwater management systems for floating
11 solar energy systems, under certain circumstances;
12 providing requirements for the lease; requiring the
13 Department of Environmental Protection, in
14 coordination with the Department of Transportation and
15 the Department of Agriculture and Consumer Services,
16 to adopt rules by a specified date; creating s.
17 377.817, F.S.; providing legislative findings and
18 intent; defining terms; requiring the Department of
19 Agriculture and Consumer Services, in coordination
20 with the Department of Management Services and the
21 Department of Environmental Protection, to develop a
22 greenhouse gas registry and inventory; requiring the
23 Department of Agriculture and Consumer Services to
24 maintain the registry and inventory; requiring all
25 state agencies to annually submit certain greenhouse
26 gas emissions data to the department; requiring an
27 annual report to the Governor and the Legislature by a
28 specified date; providing requirements for the report;
29 providing for rulemaking; creating s. 377.818, F.S.;

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30 establishing the Climate Adaptation Research Grant
31 Program within the department for a specified purpose;
32 specifying that state universities and Florida College
33 System institutions may submit applications to
34 participate in the grant program; providing
35 application requirements; specifying funding;
36 requiring the department to submit a report to the
37 Governor and the Legislature by a specified date;
38 providing for rulemaking; creating s. 377.819, F.S.;
39 providing legislative findings and intent;
40 establishing the Clean Energy Research, Development,
41 Demonstration, and Deployment Center Program within
42 the department for a specified purpose; providing that
43 state universities are eligible to participate in the
44 program; providing requirements for grants under the
45 program; prohibiting grants from being used for
46 certain purposes; specifying funding; providing for
47 rulemaking; creating s. 377.821, F.S.; establishing
48 the Farm Renewable and Efficiency Demonstrations
49 Program within the department for a specified purpose;
50 defining terms; providing for an application process;
51 requiring the department to submit an annual progress
52 report to the Governor and the Legislature by a
53 specified date; providing requirements for the report;
54 providing for rulemaking; creating s. 377.822, F.S.;
55 providing legislative findings; establishing the
56 Agriculture Resiliency Grant Program within the
57 department for a specified purpose; specifying
58 entities that are eligible to participate in the

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59 program; providing requirements for the grants;
60 specifying funding; providing for rulemaking; amending
61 s. 1004.648, F.S.; specifying funding for the Florida
62 Energy Systems Consortium; authorizing the department
63 to establish and manage a competitive grant program
64 for consortium members for a specified purpose;
65 requiring the grant program to provide energy-related
66 research and development funds; providing for
67 rulemaking; revising the membership of the steering
68 committee; deleting a requirement that the consortium
69 work with the Florida College System for the
70 coordination and design of certain training programs;
71 authorizing private universities to participate as
72 guest members in the consortium under certain
73 circumstances; providing an effective date.

74

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

76

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

79 163.04 Energy devices based on renewable resources.—

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

87 (2) A deed restriction, covenant, declaration, or similar

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88 binding agreement may not prohibit or have the effect of
89 prohibiting cool roofs ~~solar collectors~~, clotheslines, or ~~other~~
90 ~~energy devices based on~~ renewable energy source devices as
91 defined in s. 193.624(1) ~~resources~~ from being installed on
92 buildings erected on the lots or parcels covered by the deed
93 restriction, covenant, declaration, or binding agreement. A
94 property owner may not be denied permission to install renewable
95 ~~solar collectors or other~~ energy source devices by any entity
96 granted the power or right in any deed restriction, covenant,
97 declaration, or similar binding agreement to approve, forbid,
98 control, or direct alteration of property with respect to
99 residential dwellings and within the boundaries of a condominium
100 unit. Such entity may determine the specific location where
101 solar collectors may be installed on the roof within an
102 orientation to the south or within 45° east or west of due south
103 if such determination does not impair the effective operation of
104 the solar collectors.

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

107 253.453 Lease of state-owned, manmade stormwater management
108 systems for floating solar energy systems.—The Board of Trustees
109 of the Internal Improvement Trust Fund may lease for royalties
110 or for other agreed compensation the use of manmade stormwater
111 management systems, as defined in s. 403.031(16), which are
112 owned by the state and regulated under s. 334.044, for floating
113 solar energy systems; however, such leases do not confer upon
114 the person acquiring the same the right to enter upon any
115 private property of another. Leases made pursuant to this
116 section must convey to the lessee the right of ingress and

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117 egress to, from, and over the bottoms leased for the purposes of
118 constructing and maintaining floating solar energy systems on
119 and over such leased bottoms. A lease made pursuant to this
120 section may not convey to the lessee the right to enter or
121 traverse the private property of another. The Department of
122 Environmental Protection, in coordination with the Department of
123 Transportation and the Department of Agriculture and Consumer
124 Services, shall adopt rules to implement and administer this
125 section by July 1, 2021.

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

128 377.817 Greenhouse gas registry and inventory.—

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

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

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

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

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

149 (d) "Local governments" means a county or municipality as
150 those terms are defined in s. 165.031(1) and (3), respectively,
151 including any department, agency, board, or political
152 subdivision of a county or municipality.

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

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

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

162 (4) REPORTING.—

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

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

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

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175 The report must also include recommendations for lowering the
176 greenhouse gas emissions.

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

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

184 377.818 Climate Adaptation Research Grant Program.—

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

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

198 (3) APPLICATIONS.—

199 (a) A state university, as defined in s. 1000.21(6), and a
200 Florida College System institution, as defined in s. 1000.21(3),
201 may participate in the grant program.

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

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204 contained in the application.

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

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

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

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

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

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

225 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
226 it imperative that this state play a leading role in promoting,
227 developing, and instituting sustainable clean energy policies
228 and technologies that may reduce greenhouse gas emissions,
229 decrease the state's dependence on fossil fuels, and provide
230 economic benefits and opportunities to Floridians. Therefore,
231 the Legislature intends to create a clean energy research center
232 within the Department of Agriculture and Consumer Services to

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233 provide funding to state universities within the State
234 University System for the purpose of researching, developing,
235 demonstrating, and deploying advanced, sustainable clean energy
236 technologies, with the goal of becoming a nationally recognized
237 center that provides industry support through collaboration.

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

250 (3) APPLICATIONS.—

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

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

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

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262 statements contained in the application.

263 (4) ELIGIBLE PROJECTS.—

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

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

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

272 2. The refinancing of existing debt.

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

275 4. Routine maintenance or other routine operating costs of
276 the applicant's facilities.

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

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

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

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

287 377.821 Farm Renewable and Efficiency Demonstrations
288 Program.—

289 (1) CREATION AND PURPOSE.—The Farm Renewable and Efficiency
290 Demonstrations Program is established within the department to

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291 promote the adoption of technologies and practices that increase
292 energy efficiency, renewable energy, and water conservation use
293 in agriculture in this state.

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

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

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

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

301 (d) "Energy and water evaluation" means:

302 1. The baseline of an agricultural producer's current
303 energy and water expenditures and current energy and water
304 usage, including electric and other fuel sources.

305 2. An inventory and analysis of the agricultural producer's
306 existing energy consuming devices.

307 3. An analysis of other factors affecting the agricultural
308 producer's energy and water use.

309 4. An assessment of the potential to use renewable energy
310 generation.

311 5. A recommendation of specific and implementable energy
312 efficiency and water conservation measures and renewable energy
313 devices, and their estimated cost and projected savings and
314 payback period.

315 (e) "Farm" has the same meaning as in s. 823.14(3)(a).

316 (f) "High poverty" means poverty at a rate that is
317 determined to be at least 25 percent of the total population of
318 a census tract or a set of contiguous census tracts using the
319 most recent United States Census Bureau American Community

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320 Survey 5-Year Estimates.

321 (g) "Historically underserved producers" means an eligible
322 person, joint operation, or legal entity that is a beginning
323 farmer or rancher, a socially disadvantaged farmer or rancher,
324 or a limited resource farmer or rancher.

325 (h) "Renewable energy" has the same meaning as in s.
326 366.91(2)(d).

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

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

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

338 (4) APPLICATION PROCESS.—

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

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

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349 recommended improvements.

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

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

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

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

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

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

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

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378 applicant.

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

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

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

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

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

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

395 377.822 Agriculture Resiliency Grant Program.—

396 (1) LEGISLATIVE FINDINGS.—The Legislature finds that water,
397 food, and energy are some of the most basic human needs, are
398 vital state resources, and are interconnected; that actions
399 taken in the water, food, or energy sector may have an impact in
400 one or both of the other sectors; that the demand for fresh
401 water, energy, and food are expected to increase significantly
402 over the next decades due to the pressures associated with
403 population growth and mobility, economic development,
404 international trade, urbanization, diversifying diets, cultural
405 and technological changes, and changes in the climate; and that
406 this state must be prepared to address future demands and

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407 stressors to this state's water, food, and energy sectors and
408 ensure their sustainability.

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

417 (3) APPLICATIONS.—

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

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

422 2. Private universities located in this state.

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

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

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

434 (c) An applicant must include an affidavit attesting to the
435 accuracy of the statements contained in the application in each

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436 grant application it submits.

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

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

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

448 1004.648 Florida Energy Systems Consortium.—

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

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

463 (10) ~~(9)~~ Through collaborative research and development
464 across the State University System and the industry, the goal of

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465 the consortium is to become a world leader in energy research,
466 education, technology, and energy systems analysis. In so doing,
467 the consortium shall:

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

471 (b) Assist in the creation and development of a Florida-
472 based energy technology industry through efforts that would
473 expedite commercialization of innovative energy technologies by
474 taking advantage of the energy expertise within the State
475 University System, high-technology incubators, industrial parks,
476 and industry-driven research centers.

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

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

493 (13) ~~(12)~~ The steering committee shall consist of the

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494 university representatives from each state university with
495 energy research programs, appointed by the vice president for
496 research, included in the Centers of Excellence proposals for
497 the Florida Energy Systems Consortium and the Center of
498 Excellence in Ocean Energy Technology Phase II which were
499 reviewed during the 2007-2008 fiscal year by the Florida
500 Technology, Research, and Scholarship Board created in s.
501 1004.226(4), Florida Statutes 2006; a university representative
502 appointed by the President of Florida International University;
503 and a representative of the Department of Agriculture and
504 Consumer Services. The steering committee is responsible for
505 establishing and ensuring the success of the consortium's
506 mission under subsection (10). A private university in this
507 state may be a guest member of the consortium with the approval
508 of the consortium steering committee (9).

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