

By Senator Polsky

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1 A bill to be entitled
2 An act relating to energy; amending s. 252.385, F.S.;
3 requiring the Division of Emergency Management's
4 statewide emergency shelter plan to identify the
5 capacity of backup power generation systems and fuel
6 types available at each shelter; amending s. 255.255,
7 F.S.; requiring each life-cycle cost analysis of
8 alternative architectural and engineering designs and
9 major equipment retrofits for certain state-owned
10 facilities to include or contemplate alternative
11 designs that meet certain requirements; creating s.
12 377.817, F.S.; providing legislative findings and
13 intent; defining terms; requiring the Office of
14 Energy, in consultation with certain state entities
15 and officers, to develop rules that meet certain
16 requirements for reducing greenhouse gas emissions;
17 providing that such rulemaking is exempt from certain
18 procedures; requiring the office to submit a report to
19 the Governor and the Legislature at specified
20 intervals; specifying requirements for the report;
21 creating s. 377.818, F.S.; providing legislative
22 findings; requiring the Department of Agriculture and
23 Consumer Services, in coordination with the Department
24 of Management Services and the Department of
25 Environmental Protection, to develop and maintain a
26 greenhouse gas registry and inventory; requiring state
27 and local governmental entities, state universities,
28 Florida College System institutions, utilities, and
29 certain businesses to track and report greenhouse gas

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30 emissions data to the department beginning on
31 specified dates; requiring an annual report to the
32 Governor and the Legislature by a specified date;
33 specifying requirements for the report; requiring the
34 department to adopt rules; creating s. 377.819, F.S.;
35 providing legislative findings; creating the Resilient
36 Farms Pilot Program within the Department of
37 Agriculture and Consumer Services for a specified
38 purpose; requiring the department to adopt rules to
39 establish eligibility requirements, application and
40 funding guidelines, and qualifying practices for the
41 pilot program; specifying requirements and funding
42 guidelines for the pilot program; providing for future
43 legislative review and repeal of the pilot program;
44 creating s. 377.820, F.S.; defining terms;
45 establishing the Farm Renewable and Efficiency
46 Demonstrations Program within the department for a
47 specified purpose; requiring the department to conduct
48 onsite evaluations to determine certain energy
49 efficiency upgrades at individual farms and
50 agricultural producers in this state; requiring the
51 department to provide financial incentives for the
52 implementation of its recommendations; authorizing the
53 department to give priority consideration to
54 historically underserved producers or projects that
55 serve certain areas; prohibiting awarded grants from
56 exceeding the appropriated funds per fiscal year for
57 the program; providing for an application process;
58 requiring the department to submit an annual

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59 assessment to the Governor and the Legislature by a
60 specified date; providing requirements for the
61 assessment; authorizing the department to adopt rules;
62 providing appropriations; providing a directive to the
63 Division of Law Revision; providing an effective date.
64

65 Be It Enacted by the Legislature of the State of Florida:
66

67 Section 1. Paragraph (b) of subsection (2) of section
68 252.385, Florida Statutes, is amended to read:

69 252.385 Public shelter space.—

70 (2)

71 (b) By January 31 of each even-numbered year, the division
72 shall prepare and submit a statewide emergency shelter plan to
73 the Governor and Cabinet for approval, subject to the
74 requirements for approval in s. 1013.37(2). The plan must ~~shall~~
75 identify the general location and square footage of special
76 needs shelters, by regional planning council region, during the
77 next 5 years. The plan must ~~shall~~ also include information on
78 the availability of shelters that accept pets. The Department of
79 Health shall assist the division in determining the estimated
80 need for special needs shelter space and the adequacy of
81 facilities to meet the needs of persons with special needs based
82 on information from the registries of persons with special needs
83 and other information. The plan must also identify the capacity
84 of all backup power generation systems and fuel types available
85 at each shelter.

86 Section 2. Subsection (5) is added to section 255.255,
87 Florida Statutes, to read:

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88 255.255 Life-cycle costs.—

89 (5) For state-owned facilities with an energy performance
90 index rating that exceeds the state's overall average energy
91 performance index, as reported in the division's most recently
92 published State Energy Management Plan, each life-cycle cost
93 analysis of alternative architectural and engineering designs
94 and alternative major items of energy-consuming equipment to be
95 retrofitted in existing state-owned facilities must include or
96 contemplate at least one alternative design that incorporates
97 the use of a renewable energy technology as defined in s.
98 377.803.

99 Section 3. Section 377.817, Florida Statutes, is created to
100 read:

101 377.817 Greenhouse gas reduction goals.—

102 (1) LEGISLATIVE FINDINGS AND INTENT.—

103 (a) The Legislature finds that:

104 1. Climate change adversely affects this state's economy,
105 air quality and public health, ecosystems, natural resources,
106 and quality of life, and this state is already experiencing
107 harmful climate impacts, including increased frequency and
108 intensity of hurricanes, prolonged drought, more extreme heat,
109 elevated wildfire risk and risk to first responders, increased
110 risk of vector-borne diseases, more frequent and severe
111 flooding, more severe ground-level ozone pollution causing
112 respiratory illness and loss of life, and decreased economic
113 activity from outdoor recreation and agriculture.

114 2. Many of these impacts disproportionately affect rural
115 communities, communities of color, youth and the elderly, and
116 working families. Reducing statewide greenhouse gas pollution

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117 will help protect these communities, first responders, and all
118 residents from these and other climate impacts.

119 3. Residents of this state must work together to reduce
120 statewide greenhouse gas pollution in order to limit the
121 increase in the global average temperature to 1.5 degrees
122 Celsius, which scientists agree would provide a more stable and
123 hospitable climate for current and future generations and
124 mitigate the risk of catastrophic climate impacts in this state.

125 4. The reduction of greenhouse gas pollution in this state
126 will also reduce other harmful air pollutants, which will, in
127 turn, improve public health, reduce health care costs, improve
128 air quality, and help sustain the environment. Reducing
129 greenhouse gas pollution will create new markets, spur
130 innovation, drive investments in low-carbon technologies, and
131 put this state squarely on the path to a modern, resilient, 100
132 percent clean economy.

133 5. To delay pursuing and securing greenhouse gas reductions
134 would prevent communities in this state from capturing the
135 benefits of these new jobs and markets, in addition to
136 exacerbating the climate impacts that harm residents of this
137 state.

138 6. Modern technology in the food and fiber production
139 sector contributes to reductions in greenhouse gas emissions by
140 sequestering carbon in the soil and enhancing sustainability
141 through techniques that reduce methane emissions and produce
142 renewable energy. Continuing to encourage these types of
143 achievements is beneficial to this state.

144 (b) The Legislature intends to increase renewable energy
145 generation and set goals to reduce greenhouse gas pollution, and

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146 by the middle of this century, eliminate greenhouse gas
147 pollution statewide.

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

149 (a) "Disproportionately impacted communities" means
150 communities identified by the office to include minority, low-
151 income, tribal, or indigenous populations in this state which
152 potentially experience disproportionate environmental harms and
153 risks as a result of increased vulnerability to environmental
154 degradation, lack of opportunity for public participation,
155 environmental and socio-economic stressors, or other factors
156 identified by the office which may act cumulatively to
157 contribute to persistent environmental health disparities for
158 residents of these communities.

159 (b) "Office" means the Office of Energy within the
160 Department of Agriculture and Consumer Services.

161 (c) "Statewide greenhouse gas pollution" means the total
162 net statewide anthropogenic emissions of carbon dioxide,
163 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
164 nitrogen trifluoride, and sulfur hexafluoride, expressed as
165 carbon dioxide equivalents and calculated using a methodology
166 and data on radiative forcing and atmospheric persistence
167 determined by the office.

168 (3) POWERS AND DUTIES FOR STATEWIDE GREENHOUSE GAS
169 POLLUTION ABATEMENT.—

170 (a) The office, in consultation with the Public Service
171 Commission, the Department of Environmental Protection, the
172 Chief Resiliency Officer, and the Chief Science Officer, shall
173 develop rules to reduce greenhouse gas emissions. In developing
174 the rules, the office:

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175 1. Shall solicit input from stakeholders and the public on
176 the advantages of different statewide greenhouse gas pollution
177 mitigation measures. In doing so, the office shall identify and
178 solicit input from communities most impacted by climate change,
179 including disproportionately impacted communities; large
180 emissions sources; workers in relevant industries, including
181 advanced energy and fuel delivery; and communities that are
182 currently economically dependent upon industries with high
183 levels of greenhouse gas emissions.

184 2. May consider other relevant laws and rules, as well as
185 voluntary actions taken by local communities and the private
186 sector, to enhance efficiency and cost-effectiveness.

187 3. Shall revise the rules as necessary to ensure timely
188 progress toward, at a minimum, the following statewide
189 greenhouse gas reduction goals, measured relative to 2005
190 statewide greenhouse gas pollution levels:

191 a. By 2030, a 55 percent reduction.

192 b. By 2045, a 90 percent reduction.

193 c. By 2050, a 100 percent reduction.

194 4. Shall provide for ongoing tracking of emissions sources
195 that adversely affect disproportionately impacted communities.

196 5. Shall consider rules, policies, and regulatory
197 strategies that have been deployed by other jurisdictions to
198 reduce multi-sector greenhouse gas emissions and facilitate
199 adoption of technologies that have very low or zero emissions,
200 are cost-effective, and offer flexibility in compliance.

201 6. May account for reductions in net greenhouse gas
202 emissions that occur under coordinated jurisdictions' programs
203 if the office finds that the implementing regulations of each

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204 coordinated jurisdiction are of sufficient rigor to ensure the
205 integrity of reductions in greenhouse gas emissions in this
206 state and may account for emissions from electricity consumption
207 in this state which are emitted elsewhere.

208 (b) In carrying out its duties under this section, the
209 office shall consider the benefits of compliance, including
210 improved public health, environmental protection, and enhanced
211 air quality; the costs of compliance; economic and job impacts
212 and opportunities; the time necessary for compliance; the
213 relative contribution of each emissions source or source
214 category to statewide greenhouse gas pollution based on current
215 data updated at reasonable intervals as determined by the
216 office; harmonizing emissions reporting requirements with
217 existing federal requirements as the office deems appropriate;
218 the importance of striving to equitably distribute the benefits
219 of compliance; opportunities to incentivize renewable energy
220 resources and pollution abatement opportunities in
221 disproportionately impacted communities; opportunities to
222 encourage clean energy in transitioning communities; issues
223 related to the beneficial use of electricity to reduce
224 greenhouse gas emissions; whether program design could enhance
225 the reliability of electric service; the potential to enhance
226 the resilience of communities and natural resources in this
227 state with regard to climate impacts; and whether greater or
228 more cost-effective emissions reductions are available through
229 program design.

230 (c) The rulemaking required by this section is exempt from
231 s. 120.541.

232 (4) REPORTING.—The office shall submit a report to the

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233 Governor, the President of the Senate, and the Speaker of the
234 House of Representatives every odd-numbered year after the
235 effective date of this act. The report must include information
236 on the progress toward attaining the goals set forth; any newly
237 available cost-benefit or regulatory analysis for rules adopted
238 to attain the goals; and any recommendations on future
239 legislative action to address climate change, such as
240 implementation of climate adaptation policies or accelerating
241 deployment of cleaner technologies.

242 Section 4. Section 377.818, Florida Statutes, is created to
243 read:

244 377.818 Greenhouse gas registry and inventory.-

245 (1) The Legislature supports sound policies and efforts
246 based on scientific evidence to benefit and protect the state,
247 its residents, and its resources and, therefore, finds it
248 prudent to develop and manage a greenhouse gas reporting system
249 with high integrity which will provide a basis for various
250 greenhouse gas emissions reporting and reduction polices to
251 safeguard this state's financial and environmental well-being.
252 The Legislature further finds that a greenhouse gas reporting
253 system must provide an accurate, transparent, and verified set
254 of greenhouse gas emissions data from reporting entities,
255 supported by a robust accounting and verification
256 infrastructure.

257 (2) The Department of Agriculture and Consumer Services, in
258 coordination with the Department of Management Services and the
259 Department of Environmental Protection, shall develop and
260 maintain a greenhouse gas registry and inventory.

261 (a) The following state and local entities shall track and

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262 report their greenhouse gas emissions data to the department:

263 1. Beginning January 1, 2022, all state government
264 entities.

265 2. Beginning January 1, 2024, all local governmental
266 entities, state universities, and Florida College System
267 institutions.

268 3. Beginning January 1, 2025, all electric utilities,
269 natural gas utilities, businesses operating in this state with
270 automotive fleets of more than 1,000 vehicles, and businesses
271 operating in this state with more than 500,000 square feet of
272 heated and cooled building space.

273 (b) The department shall seek ways to assist local
274 governmental entities, state universities, Florida College
275 System institutions, and businesses participating in the
276 department's greenhouse gas registry and inventory.

277 (3) By August 31, 2023, and annually thereafter, the
278 department shall submit a report to the Governor, the President
279 of the Senate, and the Speaker of the House of Representatives
280 which includes all of the following:

281 (a) An annual inventory that details the greenhouse gases
282 emitted by each reporting entity.

283 (b) An assessment of current policy tools available to
284 address greenhouse gas emissions, including carbon pricing, and
285 how this state may use those policy tools to reduce greenhouse
286 gas emissions.

287 (c) Recommendations to lower greenhouse gas emissions in
288 each participating group.

289 (d) Recommended greenhouse gas reduction targets for this
290 state.

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291 (4) The department shall adopt rules and may implement
292 methodologies for the recording and monitoring of greenhouse gas
293 emissions and for maintaining a ledger to record emissions
294 reductions.

295 Section 5. Section 377.819, Florida Statutes, is created to
296 read:

297 377.819 Resilient Farms Pilot Program.-

298 (1) LEGISLATIVE INTENT.-The Legislature finds that it is
299 necessary to develop programs to promote resilient land
300 management and incentivize integrated agricultural practices to
301 promote soil health, maximize carbon capture, and reduce farm
302 emissions.

303 (2) CREATION AND PURPOSE OF PROGRAM.-There is created
304 within the department a Resilient Farms Pilot Program to
305 establish incentives to promote resiliency practices that
306 support carbon farming in agricultural production.

307 (a) The department shall adopt rules to establish
308 eligibility requirements for farms to qualify for participation
309 in the pilot program, application and funding guidelines, and a
310 list of qualifying practices that may be funded under the
311 program.

312 (b) Eligible practices may be funded at up to 75 percent of
313 the cost of the equipment and materials required to properly
314 implement the practice or at an established per-acre rate based
315 on established industry standards.

316 (c) Program participants must be in compliance with all
317 applicable local, state, and federal environmental requirements.

318 (d) Program participants must be enrolled in the best
319 management practices programs established by the department

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320 pursuant to s. 403.067(7) and must be in compliance with the
321 terms of their enrollment. A site visit to verify the proper
322 implementation of best management practices on the subject
323 property in accordance with s. 403.067(7) must have been
324 performed within 12 months before application to the pilot
325 program.

326 (e) Program participants may not receive funding for the
327 same practice under the pilot program and any other established
328 federal, state, and local cost-share programs. The department
329 shall implement the pilot program in conjunction with financial
330 assistance provided for the proper implementation of best
331 management practices and other measures pursuant to s.
332 403.067(7).

333 (f) Program participants must maintain their resiliency
334 practices funded under the pilot program for at least 5 years.
335 The department shall verify this requirement through site visits
336 conducted at least every 2 years, consistent with those visits
337 required under s. 403.067(7)(c)3.

338 (g) The department may require testing or monitoring during
339 the implementation of resiliency practices as part of a farm's
340 eligibility for funding. The department may partner with the
341 University of Florida Institute of Food and Agricultural
342 Sciences, other state land grant universities, or any state
343 university or Florida College System institution with an
344 agriculture or climate change program to undertake research
345 studies tied to the implementation of resiliency practices.

346 (3) SUNSET.—Unless renewed upon review by the Legislature,
347 the pilot program established by this section shall expire June
348 30, 2025.

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349 Section 6. Section 377.820, Florida Statutes, is created to
350 read:

351 377.820 Farm Renewable and Efficiency Demonstrations
352 Program.—

353 (1) DEFINITIONS.—As used in this section, the term:

354 (a) "Agricultural producer" means a person, legal entity,
355 or joint operation that has an interest in an agricultural
356 operation or that is engaged in agricultural production or
357 forestry management.

358 (b) "Department" means the Department of Agriculture and
359 Consumer Services.

360 (c) "Energy and water evaluation" means a baseline of the
361 agricultural producer's current energy and water usage,
362 including electric and fuel; current energy and water
363 expenditures; an inventory and analysis of energy-consuming
364 devices present; an analysis of other factors affecting energy
365 and water use; an assessment of the potential to use renewable
366 energy generation; and a recommendation of specific,
367 implementable energy efficiency and water conservation measures,
368 renewable energy devices, and their estimated cost and projected
369 savings and payback period.

370 (d) "Historically underserved producers" means an eligible
371 person, joint operation, or legal entity that is a beginning
372 farmer or rancher, socially disadvantaged farmer or rancher, or
373 limited resource farmer or rancher, as defined in 7 C.F.R. s.
374 636.3.

375 (e) "Renewable energy" has the same meaning as in s.
376 366.91(2).

377 (2) CREATION AND PURPOSE OF PROGRAM.—The Farm Renewable and

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378 Efficiency Demonstrations Program is established within the
379 department to promote the adoption of technologies and practices
380 that increase energy efficiency, use of renewable energy, and
381 water conservation in Florida agriculture.

382 (3) FARM RENEWABLE AND EFFICIENCY EVALUATIONS AND
383 DEMONSTRATIONS.—

384 (a) The department shall conduct onsite evaluations to
385 determine the potential for energy efficiency, renewable energy,
386 and water conservation upgrades at individual farms and
387 agricultural producers in this state.

388 (b) The department shall provide grants for the
389 implementation of any recommendations made under paragraph (a).
390 A financial incentive may cover up to 80 percent of the cost to
391 implement some or all of the recommendations from the energy and
392 water evaluation, up to \$25,000.

393 (c) The department may give priority consideration to
394 historically underserved producers or projects that serve
395 communities in counties classified as high poverty.

396 (d) The total for the energy and water evaluations provided
397 and the amount of grants awarded in each fiscal year may not
398 exceed the amount appropriated for the program in that fiscal
399 year.

400 (4) APPLICATION PROCESS.—

401 (a) An applicant seeking to obtain an evaluation and a
402 grant must submit an application to the department by a
403 specified date each year as established by department rule.

404 (b) The department shall allocate financial incentives to
405 eligible applicants on a first-come, first-served basis, as
406 determined by the date the application is received, until all

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407 appropriated funds for the fiscal year are expended or the
408 program ends, whichever comes first. Incomplete applications
409 submitted to the department may not be accepted and do not
410 secure a place in the application process.

411 (c) Applicants shall submit monthly utility data for a
412 period of 1 year before any improvements are made and monthly
413 utility data for a period of 1 year after any improvements are
414 made in order to evaluate energy, water, and monetary savings.

415 (5) ANNUAL ASSESSMENT.—By October 1, 2022, and annually
416 thereafter, the department shall provide an annual assessment of
417 the use of the program during the previous fiscal year to the
418 Governor, the President of the Senate, and the Speaker of the
419 House of Representatives. The assessment must include, at a
420 minimum, all of the following information:

421 (a) The name of each applicant who received an assessment
422 under this section.

423 (b) The name of each applicant who received a financial
424 incentive to implement recommendations from an audit under this
425 section.

426 (c) The amount of the financial incentive awarded to each
427 applicant.

428 (d) A description of each improvement made.

429 (e) Utility data 1 year before any improvements were made.

430 (f) Utility data 1 year after any improvements were made.

431 (g) Energy, water, and monetary savings as a result of an
432 audit and financial incentive under this section.

433 (h) The aggregate amount of funding awarded for all
434 applicants under this section.

435 (6) RULES.—The department may adopt rules pursuant to ss.

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436 120.536(1) and 120.54 to administer this section, including
437 application requirements, ranking of applications, and awarding
438 of financial incentives under this program.

439 Section 7. (1) For the 2021-2022 fiscal year, the sum of
440 \$250,000 in nonrecurring funds is appropriated from the General
441 Revenue Fund to the Office of Energy in the Department of
442 Agriculture and Consumer Services to implement s. 377.817,
443 Florida Statutes, as created by this act.

444 (2) Beginning in the 2022-2023 fiscal year and annually
445 through the 2024-2025 fiscal year, the sum of \$10 million in
446 recurring funds is appropriated from the General Revenue Fund to
447 the Department of Agriculture and Consumer Services to implement
448 the Resilient Farms Pilot Program pursuant to s. 377.819,
449 Florida Statutes, as created by this act.

450 (3) For the 2021-2022 fiscal year, the sum of \$5 million in
451 recurring funds is appropriated from the General Revenue Fund to
452 the Department of Agriculture and Consumer Services to implement
453 the Farm Renewable and Efficiency Demonstrations Program
454 pursuant to s. 377.820, Florida Statutes, as created by this
455 act.

456 Section 8. The Division of Law Revision is directed to
457 replace the phrase "the effective date of this act" wherever it
458 appears in this act with the date the act becomes a law.

459 Section 9. This act shall take effect upon becoming a law.