

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: CS/SB 1678

INTRODUCER: Regulated Industries Committee and Senators Gibson and Powell

SUBJECT: Energy Equity Task Force

DATE: February 2, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sharon _____	Imhof _____	RI _____	<b>Fav/CS</b> _____
2.	_____	_____	AEG _____	_____
3.	_____	_____	AP _____	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 1678 creates the Energy Equity Task Force (Task Force). The Task Force is adjunct to the Florida Department of Agriculture and Consumer Services (DACCS). The bill specifies that the Task Force must provide recommendations for fostering a fair and equitable transition of Florida's energy infrastructure to renewable energy technologies within minority, underserved, rural, and low-income communities.

The Task Force must comply with the requirements of s. 20.052, F.S., which establishes the mandatory provisions for advisory bodies, commissions, and boards adjunct to an executive agency.

The bill requires the Task Force to have at least 11 members, reflecting Florida's ethnic and gender diversity, as follows:

- Four representatives from minority, underserved, rural, or low-income communities from different regions of the state;
- At least one environmental justice experts;
- At least one representative from the electrical workers profession;
- At least two energy industry liaisons;
- At least one representative from a statewide environmentally focused group;
- One member appointed by the President of the Senate; and
- One member appointed by the Speaker of the House of Representatives.

The bill requires the Task Force to recommend appropriate policies, including necessary statutory changes, for the equitable siting of energy infrastructure. This includes siting of utility-scale solar arrays in nonresidential neighborhoods, nonrural residential communities, and rural communities; as well as industrial solar array facility sites in a manner compatible with county or municipal comprehensive plans.

The Task Force must also examine strategies to assist minority, underserved, rural, and low-income communities in transitioning to energy efficiency, including energy-efficient appliances, weatherization, and other methods to benefit from lower energy costs.

The bill requires the DACS to provide the Task Force with staffing and administrative support to perform its duties.

Under the bill, the Task Force must submit a recommendations report to the Governor, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives by September 30, 2023.

The bill's provisions expire upon submission of the report.

The bill is effective July 1, 2022.

## **II. Present Situation:**

### **Advisory Bodies, Commissions, and Boards**

Any advisory body, commission, board of trustees, or collegial body created by statute as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with s. 20.052, F.S. To be created, such a body must be found necessary and beneficial to further a public purpose.<sup>1</sup> The relevant executive agency must advise the Legislature when the body is no longer essential and beneficial to the public purpose and the body must be terminated.<sup>2</sup>

The Legislature and the public must be currently informed of the numbers, purpose, membership, activities, and expenses of such bodies.<sup>3</sup> Such a body may only be created or reestablished if:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform to the definitions in s. 20.03, F.S., relating to terms throughout the structure of the executive branch;
- Its members are appointed for four-year staggered terms, unless otherwise provided in the State Constitution; and
- Its members serve without additional compensation and receive only per diem and reimbursement for travel expenses.<sup>4</sup>

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<sup>1</sup> Section 20.052(1), F.S.

<sup>2</sup> Section 20.052(2), F.S.

<sup>3</sup> Section 20.052(3), F.S.

<sup>4</sup> Section 20.052(4), F.S.

Meetings by such bodies are considered public meetings and minutes, including vote records, must be maintained.<sup>5</sup> If the body is abolished, such records must be appropriately stored within 30 days of abolition.<sup>6</sup>

### **Land Use Implications of Different Forms of Energy Production**

A utility-scale solar generation system requires larger quantities of land per unit of power produced than traditional power plants.<sup>7</sup> Solar generation requires ten times the land per unit of power produced than coal or natural gas plants.<sup>8</sup> As a result of the large scale nature of such projects and the fact that they must be located in a place where the natural resource is most available, such as less industrially-developed areas, siting such facilities can be challenging and viewed as unpopular by those who do not want these large projects near their homes.<sup>9</sup>

In Archer, Florida, a proposed solar power farm was opposed by Alachua County commissioners.<sup>10</sup> In evaluating the project, the commissioners took into consideration health, environmental, and property value concerns of the historically black community.<sup>11</sup>

### **Local Land Development Regulations and Comprehensive Plans**

The Community Planning Act (act) directs the manner in which local governments create and adopt their local comprehensive plans.<sup>12</sup> The act prescribes certain principles, guidelines, standards, and strategies to allow for an orderly and balanced future land development.<sup>13</sup> Section 163.3177, F.S., outlines the required and optional elements of a comprehensive plan and includes provisions which govern agricultural lands and practices.<sup>14</sup> The act does not specifically address how agricultural lands with solar electric generation facilities should be considered for purposes of local government comprehensive plans.

### **Solar Facility Approval Process**

The Legislature enacted s.163.3205, F.S., in 2021, to require solar facilities to be a permitted use in all agricultural land use categories in a local government's comprehensive plan and all agricultural zoning districts within an unincorporated area.<sup>15</sup> Solar facilities must comply with setback and landscape buffer area criteria for similar uses in the agricultural district.<sup>16</sup> A county

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<sup>5</sup> Section 20.052(5)(c), F.S.

<sup>6</sup> Section 20.052(5)(d), F.S.

<sup>7</sup> Samantha Gross, *Renewables, land use, and local opposition in the United States*, <https://www.brookings.edu/research/renewables-land-use-and-local-opposition-in-the-united-states/> (last visited Jan. 31, 2022).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Melissa Hernandez, *County says no to proposed solar power farm near Archer*, <https://www.gainesville.com/story/news/local/2020/10/07/alachua-county-says-no-solar-power-farm-proposed-near-archer/5897167002/> (last visited Jan. 31, 2022).

<sup>11</sup> *Id.*

<sup>12</sup> Section 163.3167(2), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 163.3162, F.S.

<sup>15</sup> See Ch. 2021-178, s. 5, Laws of Fla.

<sup>16</sup> Section 163.3205(3), F.S.

may adopt ordinances specifying buffer and landscaping requirements for solar facilities.<sup>17</sup> Such requirements may not exceed those for similar uses involving construction of other facilities permitted in agricultural land use categories and zoning districts.<sup>18</sup>

### Florida's Demographics

According to the U.S. Census Bureau, Florida has a population of 21,781,128, with the following demographics:<sup>19</sup>

- Age and sex:
  - Persons over the age of 65 - 20.9%
  - Female persons - 51.1%
- Race and Hispanic Origin:
  - Black or African American alone - 16.9%
  - American Indian and Alaska Native alone - 0.5%
  - Asian alone - 3.0%
  - Native Hawaiian and Other Pacific Islander alone - 0.1%
  - Two or More Races - 2.2%
  - Hispanic or Latino - 26.4%
  - White alone, not Hispanic or Latino - 53.2 %
- Median Household Income Average - \$55,660
- Persons in poverty - 12.4%

### Energy Burden

According to the U.S. Energy Information Administration, 31 percent of U.S. households face a challenge in meeting energy needs.<sup>20</sup> The American Council for an Energy-Efficient Economy, reports that low-income households in Florida cities face high energy burdens.<sup>21</sup> The report states that on “average, half of low-income households in Jacksonville, Tampa, Orlando, and Miami have an energy burden greater than 7.2 percent%, and a quarter of them, over 12%.”<sup>22</sup>

An energy burden is the percent of gross household income spent on energy costs.<sup>23</sup> Low-income households face a disproportionately higher energy burden.<sup>24</sup> Factors influencing high energy burden include higher-cost fuels and energy-inefficient homes which lack adequate insulation or

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<sup>17</sup> *Id.*

<sup>18</sup> Section 163.3205(4), F.S.

<sup>19</sup> US Census Bureau, *QuickFacts Florida*, <https://www.census.gov/quickfacts/fact/table/FL/NES010218#NES010218> (last visited Jan. 31, 2022).

<sup>20</sup> U.S. Energy Information Admin., Today in Energy, <https://www.eia.gov/todayinenergy/detail.php?id=37072> (last visited Jan. 31, 2022).

<sup>21</sup> ACEEE, *How energy efficiency can help low-income households in Florida*, <https://www.aceee.org/sites/default/files/pdf/fact-sheet/ses-florida-100917.pdf> (last visited Jan 31, 2022).

<sup>22</sup> *Id.*

<sup>23</sup> U.S. Dept. Energy, Low-Income Community Energy Solutions, <https://www.energy.gov/eere/slsc/low-income-community-energy-solutions#:~:text=Energy%20burden%20is%20defined%20as,income%20spent%20on%20energy%20costs.&text=In%20some%20areas%2C%20depending%20on,are%20defined%20as%20low%2Dincome> (last visited Jan. 31, 2022).

<sup>24</sup> *Id.*

have older appliances.<sup>25</sup> Low-income communities face barriers to energy technologies such as renewable energy which can drive down energy costs.<sup>26</sup>

According to the DACS, the Office of Energy has commissioned an energy equity study, scheduled for publication summer of 2022.<sup>27</sup> The DACS plans to use this information in developing programs and policies to achieve a more equitable economy that is more energy efficient, “reduces energy costs, and promotes the health, safety, and well-being of all.”<sup>28</sup>

### **Rural Economic Development Initiative**

The Legislature has recognized that “rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases.”<sup>29</sup> In response, the Legislature created the Rural Economic Development Initiative (REDI) within the Department of Economic Opportunity (DEO).<sup>30</sup>

Under current law, a rural area of opportunity (RAO) is “a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.”<sup>31</sup> The following are considered rural communities:

- Counties with fewer than 75,000 people;
- Counties with fewer than 125,000 people that are contiguous to a county with fewer than 75,000 people;
- Municipalities within a county with fewer than 75,000 people;
- Municipalities within a county with fewer than 125,000 people that is contiguous to a county with fewer than 75,000 people;
- An unincorporated federal enterprise community or an incorporated rural city with fewer than 25,000 people and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of economic distress factors and verified by the DEO.<sup>32</sup>

Economic distress means conditions affecting the fiscal and economic viability of a rural community.<sup>33</sup> This includes factors such as low per capita income, high unemployment, high underemployment, and low weekly wages.<sup>34</sup>

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Florida Dept. of Agriculture and Consumer Services, *2022 Legislative Bill Analysis for SB 1678*, p. 2 (Jan. 10, 2022) (on file with the Senate Committee on Regulated Industries).

<sup>28</sup> *Id.*

<sup>29</sup> Section 288.0656(1)(a), F.S.

<sup>30</sup> Section 288.0656(1)(b), F.S.

<sup>31</sup> Section 288.0656(2)(d), F.S.

<sup>32</sup> Section 288.0656(2)(e), F.S.

<sup>33</sup> Section 288.0656(2)(C), F.S.

<sup>34</sup> *Id.*

### III. Effect of Proposed Changes:

The bill creates the Task Force, which is adjunct to the DACS. The bill specifies that the Task Force must provide recommendations for fostering a fair and equitable transition of Florida's energy infrastructure to renewable energy technologies within minority, underserved, rural, and low-income communities.

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- At least one representative from the electrical workers profession;
- At least two energy industry liaisons;
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The bill's provisions expire upon submission of the report.

The bill is effective July 1, 2022.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The DACS anticipates one full time employee governmental analyst, \$73,934 in recurring funds, and \$4,492 in non-recurring funds will be needed for Fiscal Year 2022-2023.<sup>35</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>35</sup> DACS, *supra* note 27, at p. 4.

**VIII. Statutes Affected:**

None.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Regulated Industries Committee on February 1, 2022:**

The committee substitute:

- Changes the composition requirements of the Task Force to include:
  - One environmental justice expert, instead of two; and
  - At least one representative from the electrical workers profession;
- Requires a recommendations report to be filed by September 30, 2023, instead of requiring an interim report by that date; and
- Provides that the bill's provisions expire upon submission of the report, instead of July 2025.

- B. **Amendments:**

None.