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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2024	.	
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	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

163.3210 Natural gas resiliency and reliability
infrastructure.—

(1) It is the intent of the Legislature to maintain,
encourage, and ensure adequate and reliable fuel sources for



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11 public utilities. The resiliency and reliability of fuel sources
12 for public utilities is critical to the state's economy; the
13 ability of the state to recover from natural disasters; and the
14 health, safety, welfare, and quality of life of the residents of
15 the state.

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

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

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

23 (c) "Public utility" has the same meaning as defined in s.
24 366.02.

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

29 (3) A resiliency facility is a permitted use in all
30 commercial, industrial, and manufacturing land use categories in
31 a local government comprehensive plan and all commercial,
32 industrial, and manufacturing districts. A resiliency facility
33 must comply with the setback and landscape criteria for other
34 similar uses. A local government may adopt an ordinance
35 specifying buffer and landscaping requirements for resiliency
36 facilities, provided such requirements do not exceed the
37 requirements for similar uses involving the construction of
38 other facilities that are permitted uses in commercial,
39 industrial, and manufacturing land use categories and zoning



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40 districts.

41 (4) After July 1, 2024, a local government may not amend
42 its comprehensive plan, land use map, zoning districts, or land
43 development regulations in a manner that would conflict with a
44 resiliency facility's classification as a permitted and
45 allowable use, including, but not limited to, an amendment that
46 causes a resiliency facility to be a nonconforming use,
47 structure, or development.

48 Section 2. Section 286.29, Florida Statutes, is amended to
49 read:

50 286.29 Energy guidelines for Climate-friendly public
51 business. The Legislature recognizes the importance of
52 leadership by state government in the area of energy efficiency
53 and in reducing the greenhouse gas emissions of state government
54 operations. The following shall pertain to all state agencies
55 when conducting public business:

56 ~~(1) The Department of Management Services shall develop the~~
57 ~~"Florida Climate-Friendly Preferred Products List." In~~
58 ~~maintaining that list, the department, in consultation with the~~
59 ~~Department of Environmental Protection, shall continually assess~~
60 ~~products currently available for purchase under state term~~
61 ~~contracts to identify specific products and vendors that offer~~
62 ~~clear energy efficiency or other environmental benefits over~~
63 ~~competing products. When procuring products from state term~~
64 ~~contracts, state agencies shall first consult the Florida~~
65 ~~Climate-Friendly Preferred Products List and procure such~~
66 ~~products if the price is comparable.~~

67 ~~(2) State agencies shall contract for meeting and~~
68 ~~conference space only with hotels or conference facilities that~~



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69 ~~have received the "Green Lodging" designation from the~~
70 ~~Department of Environmental Protection for best practices in~~
71 ~~water, energy, and waste efficiency standards, unless the~~
72 ~~responsible state agency head makes a determination that no~~
73 ~~other viable alternative exists.~~

74 ~~(1)~~ (3) Each state agency shall ensure that all maintained
75 vehicles meet minimum maintenance schedules shown to reduce fuel
76 consumption, which include:

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

78 (b) Replacing fuel filters and emission filters at
79 recommended intervals. ~~;~~

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

81 (d) Performing timely motor maintenance.

82
83 Each state agency shall measure and report compliance to the
84 Department of Management Services through the Equipment
85 Management Information System database.

86 ~~(4) When procuring new vehicles, all state agencies, state~~
87 ~~universities, community colleges, and local governments that~~
88 ~~purchase vehicles under a state purchasing plan shall first~~
89 ~~define the intended purpose for the vehicle and determine which~~
90 ~~of the following use classes for which the vehicle is being~~
91 ~~procured:~~

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

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

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

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

96 ~~(e) Conveyance of building or maintenance materials and~~
97 ~~supplies;~~



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- 98 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~
99 ~~(g) Emergency response; or~~
100 ~~(h) Other.~~

101
102 ~~Vehicles described in paragraphs (a) through (h), when being~~
103 ~~processed for purchase or leasing agreements, must be selected~~
104 ~~for the greatest fuel efficiency available for a given use class~~
105 ~~when fuel economy data are available. Exceptions may be made for~~
106 ~~individual vehicles in paragraph (g) when accompanied, during~~
107 ~~the procurement process, by documentation indicating that the~~
108 ~~operator or operators will exclusively be emergency first~~
109 ~~responders or have special documented need for exceptional~~
110 ~~vehicle performance characteristics. Any request for an~~
111 ~~exception must be approved by the purchasing agency head and any~~
112 ~~exceptional performance characteristics denoted as a part of the~~
113 ~~procurement process prior to purchase.~~

114 ~~(2)(5)~~ All state agencies shall use ethanol and biodiesel
115 blended fuels when available. State agencies administering
116 central fueling operations for state-owned vehicles shall
117 procure biofuels for fleet needs to the greatest extent
118 practicable.

119 (3) (a) The Department of Management Services shall, in
120 consultation with the Department of Commerce and the Department
121 of Agriculture and Consumer Services, develop a Florida Humane
122 Preferred Energy Products List. In developing the list, the
123 department must assess products currently available for purchase
124 under state term contracts that contain or consist of an energy
125 storage device with a capacity of greater than one kilowatt-hour
126 or that contain or consist of an energy generation device with a



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127 capacity of greater than 500 watts and identify specific
128 products that appear to be largely made free from forced labor,
129 irrespective of the age of the worker. For purposes of this
130 subsection, the term "forced labor" means any work performed or
131 service rendered that is:

132 1. Obtained by intimidation, fraud, or coercion, including
133 by threat of serious bodily harm to, or physical restraint
134 against, a person, by means of a scheme intended to cause the
135 person to believe that if he or she does not perform such labor
136 or render such service, the person will suffer serious bodily
137 harm or physical restraint, or by means of the abuse or
138 threatened abuse of law or the legal process;

139 2. Imposed on the basis of a characteristic that has been
140 held by the United States Supreme Court or the Florida Supreme
141 Court to be protected against discrimination under the
142 Fourteenth Amendment to the United States Constitution or under
143 s. 2, Art. I of the State Constitution, including race, color,
144 national origin, religion, gender, or physical disability;

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

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

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

153 Section 3. Subsections (1), (2), and (5) of section
154 366.032, Florida Statutes, are amended to read:

155 366.032 Preemption over utility service restrictions.-



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156 (1) A municipality, county, special district, development
157 district, or other political subdivision of the state may not
158 enact or enforce a resolution, ordinance, rule, code, or policy
159 or take any action that restricts or prohibits or has the effect
160 of restricting or prohibiting the types or fuel sources of
161 energy production which may be used, delivered, converted, or
162 supplied by the following entities to serve customers that such
163 entities are authorized to serve:

164 (a) A public utility or an electric utility as defined in
165 this chapter;

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

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

169 (d) A natural gas transmission company as defined in s.
170 368.103; or

171 (e) A Category I liquefied petroleum gas dealer or Category
172 II liquefied petroleum gas dispenser or Category III liquefied
173 petroleum gas cylinder exchange operator as defined in s.
174 527.01.

175 (2) Except to the extent necessary to enforce the Florida
176 Building Code adopted pursuant to s. 553.73 or the Florida Fire
177 Prevention Code adopted pursuant to s. 633.202, a municipality,
178 county, special district, development district, or other
179 political subdivision of the state may not enact or enforce a
180 resolution, an ordinance, a rule, a code, or a policy or take
181 any action that restricts or prohibits or has the effect of
182 restricting or prohibiting the use of an appliance, including a
183 stove or grill, which uses the types or fuel sources of energy
184 production which may be used, delivered, converted, or supplied



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185 by the entities listed in subsection (1). As used in this
186 subsection, the term "appliance" means a device or apparatus
187 manufactured and designed to use energy and for which the
188 Florida Building Code or the Florida Fire Prevention Code
189 provides specific requirements.

190 (5) Any municipality, county, special district, development
191 district, or political subdivision charter, resolution,
192 ordinance, rule, code, policy, or action that is preempted by
193 this act that existed before or on July 1, 2021, is void.

194 Section 4. Section 366.042, Florida Statutes, is created to
195 read:

196 366.042 Mutual aid agreements of electric cooperatives and
197 municipal electric utilities.-

198 (1) For the purposes of restoring power following a natural
199 disaster that is subject to a state of emergency declared by the
200 Governor, all electric cooperatives and municipal electric
201 utilities shall enter into and maintain, at a minimum, one of
202 the following:

203 (a) A mutual aid agreement with a municipal electric
204 utility;

205 (b) A mutual aid agreement with an electric cooperative;

206 (c) A mutual aid agreement with a public utility; or

207 (d) A pre-event agreement with a private contractor.

208 (2) All electric cooperatives and municipal electric
209 utilities operating in this state shall annually submit to the
210 commission an attestation, in conformity with s. 92.525, stating
211 that the organization has complied with the requirements of this
212 section on or before May 15. Nothing in this section shall be
213 construed to give the commission jurisdiction over the terms and



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214 conditions of a mutual aid agreement or agreement with a private
215 contractor entered into by an electric cooperative or a
216 municipal electric utility.

217 (3) The commission shall compile the attestations and
218 annually submit a copy to the Division of Emergency Management
219 no later than May 30.

220 (4) An electric cooperative or municipal electric utility
221 that submits the attestation required by this section is
222 eligible to receive state financial assistance, if such funding
223 is available, for power restoration efforts following a natural
224 disaster that is subject to a state of emergency declared by the
225 Governor.

226 (5) An electric cooperative or municipal electric utility
227 that does not submit an attestation required by this section is
228 ineligible to receive state financial assistance for power
229 restoration efforts following a natural disaster that is subject
230 to a state of emergency declared by the Governor, until such
231 time as the attestation is submitted.

232 (6) Nothing in this section shall be construed to prohibit,
233 limit, or disqualify an electric cooperative or municipal
234 electric utility from receiving funding under The Stafford Act,
235 42 U.S.C. 5121 et seq., or any other federal program, including
236 programs administered by the state.

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

239 Section 5. Subsection (4) is added to section 366.94,
240 Florida Statutes, to read:

241 366.94 Electric vehicle charging ~~stations.~~-

242 (4) Upon petition of a public utility, the commission may



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243 approve voluntary electric vehicle charging programs to become
244 effective on or after January 1, 2025, to include, but not be
245 limited to, residential, fleet, and public electric vehicle
246 charging, upon a determination by the commission that the
247 utility's general body of ratepayers, as a whole, will not pay
248 to support recovery of its electric vehicle charging investment
249 by the end of the useful life of the assets dedicated to the
250 electric vehicle charging service. This provision does not
251 preclude cost recovery for electric vehicle charging programs
252 approved by the commission before January 1, 2024.

253 Section 6. Section 366.99, Florida Statutes, is created to
254 read:

255 366.99 Natural gas facilities relocation costs.-

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

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

258 337.401(1) (a).

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

262 (c) "Natural gas facilities" or "facilities" means gas
263 mains, laterals, and service lines used to distribute natural
264 gas to customers. The term includes all ancillary equipment
265 needed for safe operations, including, but not limited to,
266 regulating stations, meters, other measuring devices,
267 regulators, and pressure monitoring equipment.

268 (d) "Natural gas facilities relocation costs" means the
269 costs to relocate or reconstruct facilities as required by a
270 mandate, a statute, a law, an ordinance, or an agreement between
271 the utility and an authority, including, but not limited to,



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272 costs associated with reviewing plans provided by an authority.
273 The term does not include any costs recovered through the public
274 utility's base rates.

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

278 (2) A utility may submit to the commission, pursuant to
279 commission rule, a petition describing the utility's projected
280 natural gas facilities relocation costs for the next calendar
281 year, actual natural gas facilities relocation costs for the
282 prior calendar year, and proposed cost-recovery factors designed
283 to recover such costs. A utility's decision to proceed with
284 implementing a plan before filing such a petition does not
285 constitute imprudence.

286 (3) The commission shall conduct an annual proceeding to
287 determine each utility's prudently incurred natural gas
288 facilities relocation costs and to allow each utility to recover
289 such costs through a charge separate and apart from base rates,
290 to be referred to as the natural gas facilities relocation cost
291 recovery clause. The commission's review in the proceeding is
292 limited to determining the prudence of the utility's actual
293 incurred natural gas facilities relocation costs and the
294 reasonableness of the utility's projected natural gas facilities
295 relocation costs for the following calendar year; and providing
296 for a true-up of the costs with the projections on which past
297 factors were set. The commission shall require that any refund
298 or collection made as a part of the true-up process includes
299 interest.

300 (4) All costs approved for recovery through the natural gas



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301 facilities relocation cost recovery clause must be allocated to
302 customer classes pursuant to the rate design most recently
303 approved by the commission.

304 (5) If a capital expenditure is recoverable as a natural
305 gas facilities relocation cost, the public utility may recover
306 the annual depreciation on the cost, calculated at the public
307 utility's current approved depreciation rates, and a return on
308 the undepreciated balance of the costs at the public utility's
309 weighted average cost of capital using the last approved return
310 on equity.

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

314 Section 7. Section 377.601, Florida Statutes, is amended to
315 read:

316 377.601 Legislative intent.—

317 (1) The purpose of the state's energy policy is to ensure
318 an adequate, reliable, and cost-effective supply of energy for
319 the state in a manner that promotes the health and welfare of
320 the public and economic growth. The Legislature intends that
321 governance of the state's energy policy be efficiently directed
322 toward achieving this purpose ~~The Legislature finds that the~~
323 ~~state's energy security can be increased by lessening dependence~~
324 ~~on foreign oil; that the impacts of global climate change can be~~
325 ~~reduced through the reduction of greenhouse gas emissions; and~~
326 ~~that the implementation of alternative energy technologies can~~
327 ~~be a source of new jobs and employment opportunities for many~~
328 ~~Floridians. The Legislature further finds that the state is~~
329 ~~positioned at the front line against potential impacts of global~~



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330 ~~climate change. Human and economic costs of these impacts can be~~
331 ~~averted by global actions and, where necessary, adapted to by a~~
332 ~~concerted effort to make Florida's communities more resilient~~
333 ~~and less vulnerable to these impacts. In focusing the~~
334 ~~government's policy and efforts to benefit and protect our~~
335 ~~state, its citizens, and its resources, the Legislature believes~~
336 ~~that a single government entity with a specific focus on energy~~
337 ~~and climate change is both desirable and advantageous. Further,~~
338 ~~the Legislature finds that energy infrastructure provides the~~
339 ~~foundation for secure and reliable access to the energy supplies~~
340 ~~and services on which Florida depends. Therefore, there is~~
341 ~~significant value to Florida consumers that comes from~~
342 ~~investment in Florida's energy infrastructure that increases~~
343 ~~system reliability, enhances energy independence and~~
344 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
345 ~~gas emissions.~~

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

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

349 (b) Ensuring adequate supply and capacity.

350 (c) Ensuring a secure, resilient, and reliable energy
351 supply, with an emphasis on a diverse supply of domestic energy
352 resources.

353 (d) Protecting public safety.

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

356 (f) Supporting economic growth.

357 (3)(2) In furtherance of the goals in subsection (2), it is
358 the policy of the state of Florida to:



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359 (a) ~~Develop and~~ Promote the cost-effective development and
360 ~~effective~~ use of a diverse supply of domestic energy resources
361 in the state ~~and,~~ discourage all forms of energy waste, ~~and~~
362 ~~recognize and address the potential of global climate change~~
363 ~~wherever possible.~~

364 (b) Promote the cost-effective development and maintenance
365 of energy infrastructure that is resilient to natural and
366 manmade threats to the security and reliability of the state's
367 energy supply ~~Play a leading role in developing and instituting~~
368 ~~energy management programs aimed at promoting energy~~
369 ~~conservation, energy security, and the reduction of greenhouse~~
370 ~~gas emissions.~~

371 (c) Reduce reliance on foreign energy resources.

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

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

376 (f) ~~(e)~~ Encourage local governments to include energy
377 considerations in all planning and to support their work in
378 promoting energy management programs.

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

381 (h) ~~(g)~~ Consider in its decisions the energy needs of each
382 economic sector, including residential, industrial, commercial,
383 agricultural, and governmental uses, and reduce those needs
384 whenever possible.

385 (i) ~~(h)~~ Promote energy education and the public
386 dissemination of information on energy and its impacts in
387 relation to the goals in subsection (2) ~~environmental, economic,~~



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388 ~~and social impact.~~

389 (j)~~(i)~~ Encourage the research, development, demonstration,
390 and application of domestic energy resources, including the use
391 of alternative energy resources, particularly renewable energy
392 resources.

393 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of
394 energy-related activities on the goals in subsection (2) ~~social,~~
395 economic, and environmental impacts of energy-related
396 activities, including the whole-life-cycle impacts of any
397 potential energy use choices, so that detrimental effects of
398 these activities are understood and minimized.

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

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

404 377.6015 Department of Agriculture and Consumer Services;
405 powers and duties.—

406 (2) The department shall:

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

410 (a)~~(b)~~ Develop policy for requiring grantees to provide
411 royalty-sharing or licensing agreements with state government
412 for commercialized products developed under a state grant.

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

415 (b)~~(d)~~ Administer the information gathering and reporting
416 functions pursuant to ss. 377.601-377.608.



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

419 ~~(c)(f)~~ Advocate for energy and climate change issues
420 consistent with the goals in s. 377.601(2) and provide
421 educational outreach and technical assistance in cooperation
422 with the state's academic institutions.

423 ~~(d)(g)~~ Be a party in the proceedings to adopt goals and
424 submit comments to the Public Service Commission pursuant to s.
425 366.82.

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

428 Section 9. Subsection (1) and paragraphs (e), (f), (h), and
429 (m) of subsection (2) of section 377.703, Florida Statutes, are
430 amended to read:

431 377.703 Additional functions of the Department of
432 Agriculture and Consumer Services.—

433 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
434 demand questions have become a major area of concern to the
435 state which must be dealt with by effective and well-coordinated
436 state action, it is the intent of the Legislature to promote the
437 efficient, effective, and economical management of energy
438 problems, centralize energy coordination responsibilities,
439 pinpoint responsibility for conducting energy programs, and
440 ensure the accountability of state agencies for the
441 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
442 policy. It is the specific intent of the Legislature that
443 nothing in this act shall in any way change the powers, duties,
444 and responsibilities assigned by the Florida Electrical Power
445 Plant Siting Act, part II of chapter 403, or the powers, duties,



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446 and responsibilities of the Florida Public Service Commission.

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

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

455 1. An analysis of the relationship of state economic growth
456 and development to energy supply and demand, including the
457 constraints to economic growth resulting from energy supply
458 constraints.

459 2. ~~Plans for the development of renewable energy resources~~
460 ~~and reduction in dependence on depletable energy resources,~~
461 ~~particularly oil and natural gas, and~~ An analysis of the extent
462 to which domestic energy resources, including renewable energy
463 sources, are being utilized in this ~~the~~ state.

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

469 4. An assessment of the state's energy resources, including
470 examination of the availability of commercially developable and
471 imported fuels, and an analysis of anticipated impacts in
472 relation to the goals in s. 377.601(2) ~~effects on the state's~~
473 ~~environment and social services~~ resulting from energy resource
474 development activities or from energy supply constraints, or



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475 both.

476 (f) The department shall submit an annual report to the
477 Governor and the Legislature reflecting its activities and
478 making recommendations for policies for improvement of the
479 state's response to energy supply and demand and its effect on
480 the health, safety, and welfare of the residents of this state.
481 The report must include a report from the Florida Public Service
482 Commission on electricity and natural gas and information on
483 energy conservation programs conducted and underway in the past
484 year and include recommendations for energy efficiency and
485 conservation programs for the state, including:

486 1. Formulation of specific recommendations for improvement
487 in the efficiency of energy utilization in governmental,
488 residential, commercial, industrial, and transportation sectors.

489 2. Collection and dissemination of information relating to
490 energy efficiency and conservation.

491 3. Development and conduct of educational and training
492 programs relating to energy efficiency and conservation.

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

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

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

501 ~~1.2.~~ Aiding and promoting the commercialization of
502 renewable energy resources, in cooperation with the Florida
503 Energy Systems Consortium; the Florida Solar Energy Center; and



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504 any other federal, state, or local governmental agency that may
505 seek to promote research, development, and the demonstration of
506 renewable energy equipment and technology.

507 ~~2.3.~~ Identifying barriers to greater use of renewable
508 energy resources in this state, and developing specific
509 recommendations for overcoming identified barriers, with
510 findings and recommendations to be submitted annually in the
511 report to the Governor and Legislature required under paragraph
512 (f).

513 ~~3.4.~~ In cooperation with the Department of Environmental
514 Protection, the Department of Transportation, the Department of
515 Commerce, the Florida Energy Systems Consortium, the Florida
516 Solar Energy Center, and the Florida Solar Energy Industries
517 Association, investigating opportunities, pursuant to the
518 national Energy Policy Act of 1992, the Housing and Community
519 Development Act of 1992, and any subsequent federal legislation,
520 for renewable energy resources, electric vehicles, and other
521 renewable energy manufacturing, distribution, installation, and
522 financing efforts that enhance this state's position as the
523 leader in renewable energy research, development, and use.

524 ~~4.5.~~ Undertaking other initiatives to advance the
525 development and use of renewable energy resources in this state.

526

527 In the exercise of its responsibilities under this paragraph,
528 the department shall seek the assistance of the renewable energy
529 industry in this state and other interested parties and may
530 enter into contracts, retain professional consulting services,
531 and expend funds appropriated by the Legislature for such
532 purposes.



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533 (m) In recognition of the devastation to the economy of
534 this state and the dangers to the health and welfare of
535 residents of this state caused by severe hurricanes, and the
536 potential for such impacts caused by other natural disasters,
537 the Division of Emergency Management shall include in its energy
538 emergency contingency plan and provide to the Florida Building
539 Commission for inclusion in the Florida Energy Efficiency Code
540 for Building Construction specific provisions to facilitate the
541 use of cost-effective ~~solar~~ energy technologies as emergency
542 remedial and preventive measures for providing electric power,
543 street lighting, and water heating service in the event of
544 electric power outages.

545 Section 10. Section 377.708, Florida Statutes, is created
546 to read:

547 377.708 Wind energy.—

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

549 (a) "Coastline" means the established line of mean high
550 water.

551 (b) "Department" means the Department of Environmental
552 Protection.

553 (c) "Offshore wind energy facility" means any wind energy
554 facility located on waters of this state, including other
555 buildings, structures, vessels, or electrical transmission
556 cabling to be sited on waters of this state, or connected to
557 corresponding onshore substations that are used to support the
558 operation of one or more wind turbines sited or constructed on
559 waters of this state and any submerged lands or territorial
560 waters that are not under the jurisdiction of the state.

561 (d) "Real property" has the same meaning as provided in s.



562 192.001(12).

563 (e) "Waters of this state" has the same meaning as in s.
564 327.02, except the term also includes all state submerged lands.

565 (f) "Wind energy facility" means an electrical wind
566 generation facility or expansion thereof having at least a 400-
567 watt rated capacity, including substations; meteorological data
568 towers; aboveground, underground, and electrical transmission
569 lines; and transformers, control systems, and other buildings or
570 structures under common ownership or operating control used to
571 support the operation of the facility the primary purpose of
572 which is to offer electricity supply for sale.

573 (g) "Wind turbine" means a device or apparatus that has the
574 capability to convert kinetic wind energy into rotational energy
575 that drives an electrical generator consisting of a tower body
576 and rotator with two or more blades. The term includes both
577 horizontal and vertical axis turbines. The term does not include
578 devices used to measure wind speed and direction, such as an
579 anemometer.

580 (2) PROHIBITED ACTIVITIES.-

581 (a) The construction, operation, or expansion of an
582 offshore wind energy facility in this state is prohibited.

583 (b) The construction or operation of a wind turbine on real
584 property within 1 mile of coastline in this state is prohibited.

585 (c) The construction or operation of a wind turbine on
586 waters of this state and any submerged lands is prohibited.

587 (3) REVIEW.-The department shall review all applications
588 for federal wind energy leases in the territorial waters of the
589 United States adjacent to waters of this state and shall signify
590 its approval of or objection to each application.



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591 (4) INJUNCTIVE RELIEF.—The department may bring an action
592 for injunctive relief against any person who owns, constructs,
593 or operates an offshore wind energy facility or a wind turbine
594 in this state in violation of this section.

595 Section 11. Sections 377.801, 377.802, 377.803, 377.804,
596 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

597 Section 12. (1) For programs established pursuant to s.
598 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida
599 Statutes, there may not be:

600 (a) New or additional applications, certifications, or
601 allocations approved.

602 (b) New letters of certification issued.

603 (c) New contracts or agreements executed.

604 (d) New awards made.

605 (2) All certifications or allocations issued under such
606 programs are rescinded except for the certifications of, or
607 allocations to, those certified applicants or projects that
608 continue to meet the applicable criteria in effect before July
609 1, 2024. Any existing contract or agreement authorized under any
610 of these programs shall continue in full force and effect in
611 accordance with the statutory requirements in effect when the
612 contract or agreement was executed or last modified. However,
613 further modifications, extensions, or waivers may not be made or
614 granted relating to such contracts or agreements, except
615 computations by the Department of Revenue of the income
616 generated by or arising out of the qualifying project.

617 Section 13. Paragraph (d) of subsection (2) of section
618 220.193, Florida Statutes, is amended to read:

619 220.193 Florida renewable energy production credit.—



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

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

624 Section 14. Subsection (7) of section 288.9606, Florida
625 Statutes, is amended to read:

626 288.9606 Issue of revenue bonds.—

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

631 (a) Finance the undertaking of any project within the state
632 that promotes renewable energy as defined in s. 366.91 ~~or s.~~
633 ~~377.803;~~

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

637 (c) If permitted by federal law, finance qualifying
638 improvement projects within the state under s. 163.08; ~~or~~

639 (d) Finance the costs of acquisition or construction of a
640 transportation facility by a private entity or consortium of
641 private entities under a public-private partnership agreement
642 authorized by s. 334.30.

643 Section 15. Paragraph (w) of subsection (2) of section
644 380.0651, Florida Statutes, is amended to read:

645 380.0651 Statewide guidelines, standards, and exemptions.—

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

648 ~~(w) Any development in an energy economic zone designated~~



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649 ~~pursuant to s. 377.809 upon approval by its local governing~~
650 ~~body.~~

651
652 If a use is exempt from review pursuant to paragraphs (a)-(u),
653 but will be part of a larger project that is subject to review
654 pursuant to s. 380.06(12), the impact of the exempt use must be
655 included in the review of the larger project, unless such exempt
656 use involves a development that includes a landowner, tenant, or
657 user that has entered into a funding agreement with the state
658 land planning agency under the Innovation Incentive Program and
659 the agreement contemplates a state award of at least \$50
660 million.

661 Section 16. Subsection (2) of section 403.9405, Florida
662 Statutes, is amended to read:

663 403.9405 Applicability; certification; exemption; notice of
664 intent.—

665 (2) ~~No construction of~~ A natural gas transmission pipeline
666 ~~may not be constructed be undertaken after October 1, 1992,~~
667 without first obtaining certification under ss. 403.9401-
668 403.9425, but these sections do not apply to:

669 (a) Natural gas transmission pipelines which are less than
670 100 ~~15~~ miles in length or which do not cross a county line,
671 unless the applicant has elected to apply for certification
672 under ss. 403.9401-403.9425.

673 (b) Natural gas transmission pipelines for which a
674 certificate of public convenience and necessity has been issued
675 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a
676 natural gas transmission pipeline certified as an associated
677 facility to an electrical power plant pursuant to the Florida



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678 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless
679 the applicant elects to apply for certification of that pipeline
680 under ss. 403.9401-403.9425.

681 (c) Natural gas transmission pipelines that are owned or
682 operated by a municipality or any agency thereof, by any person
683 primarily for the local distribution of natural gas, or by a
684 special district created by special act to distribute natural
685 gas, unless the applicant elects to apply for certification of
686 that pipeline under ss. 403.9401-403.9425.

687 Section 17. Subsection (3) of section 720.3075, Florida
688 Statutes, is amended to read:

689 720.3075 Prohibited clauses in association documents.—

690 (3) Homeowners' association documents, including
691 declarations of covenants, articles of incorporation, or bylaws,
692 may not preclude:

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

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

702 1. A public utility or an electric utility as defined in
703 chapter 366;

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

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



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707 4. A natural gas transmission company as defined in s.
708 368.103; or

709 5. A Category I liquefied petroleum gas dealer, a Category
710 II liquefied petroleum gas dispenser, or a Category III
711 liquefied petroleum gas cylinder exchange operator as defined in
712 s. 527.01.

713 (c) The use of an appliance, including a stove or grill,
714 which uses the types or fuel sources of energy production which
715 may be used, delivered, converted, or supplied by the entities
716 listed in paragraph (b). As used in this paragraph, the term
717 "appliance" means a device or apparatus manufactured and
718 designed to use energy and for which the Florida Building Code
719 or the Florida Fire Prevention Code provides specific
720 requirements.

721 Section 18. (1) The Public Service Commission shall conduct
722 an assessment of the security and resiliency of the state's
723 electric grid and natural gas facilities against both physical
724 threats and cyber threats. In conducting this assessment, the
725 commission shall consult with the Division of Emergency
726 Management and, in its assessment of cyber threats, shall
727 consult with the Florida Digital Service. All electric
728 utilities, natural gas utilities, and natural gas pipelines
729 operating in this state, regardless of ownership structure,
730 shall cooperate with the commission to provide access to all
731 information necessary to conduct the assessment.

732 (2) By July 1, 2025, the commission shall submit a report
733 of its assessment to the Governor, the President of the Senate,
734 and the Speaker of the House of Representatives. The report must
735 also contain any recommendations for potential legislative or



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736 administrative actions that may enhance the physical security or
737 cyber security of the state's electric grid or natural gas
738 facilities.

739 Section 19. (1) Recognizing the evolution and advances that
740 have occurred and continue to occur in nuclear power
741 technologies, the Public Service Commission shall study and
742 evaluate the technical and economic feasibility of using
743 advanced nuclear power technologies, including small modular
744 reactors, to meet the electrical power needs of the state, and
745 research means to encourage and foster the installation and use
746 of such technologies at military installations in the state in
747 partnership with public utilities. In conducting this study, the
748 commission shall consult with the Department of Environmental
749 Protection and the Division of Emergency Management.

750 (2) By April 1, 2025, the commission shall prepare and
751 submit a report to the Governor, the President of the Senate,
752 and the Speaker of the House of Representatives, containing its
753 findings and any recommendations for potential legislative or
754 administrative actions that may enhance the use of advanced
755 nuclear technologies in a manner consistent with the energy
756 policy goals in s. 377.601(2), Florida Statutes.

757 Section 20. (1) Recognizing the continued development of
758 technologies that support the use of hydrogen as a
759 transportation fuel and the potential for such use to help meet
760 the state's energy policy goals in s. 377.601(2), Florida
761 Statutes, the Department of Transportation, in consultation with
762 the Office of Energy within the Department of Agriculture and
763 Consumer Services, shall study and evaluate the potential
764 development of hydrogen fueling infrastructure, including



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765 fueling stations, to support hydrogen-powered vehicles that use
766 the State Highway System.

767 (2) By April 1, 2025, the Department of Transportation
768 shall prepare and submit a report to the Governor, the President
769 of the Senate, and the Speaker of the House of Representatives,
770 containing its findings and any recommendations for potential
771 legislative or administrative actions that may accommodate the
772 future development of hydrogen fueling infrastructure in a
773 manner consistent with the energy policy goals in s. 377.601(2),
774 Florida Statutes.

775 Section 21. This act shall take effect July 1, 2024.

776

777 ===== T I T L E A M E N D M E N T =====

778 And the title is amended as follows:

779 Delete everything before the enacting clause
780 and insert:

781 A bill to be entitled
782 An act relating to energy resources; creating s.
783 163.3210, F.S.; providing legislative intent; defining
784 terms; providing that resilience facilities are a
785 permitted use in certain land use categories in local
786 government comprehensive plans and specified districts
787 if certain criteria are met; authorizing local
788 governments to adopt ordinances specifying certain
789 requirements for resiliency facilities if such
790 ordinances meet certain requirements; prohibiting
791 amendments after a specified date to a local
792 government's comprehensive plan, land use map, zoning
793 districts, or land development regulations if such



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794 amendments would conflict with resiliency facility
795 classification; amending s. 286.29, F.S.; revising
796 energy guidelines for public businesses; eliminating
797 the requirement that the Department of Management
798 Services develop and maintain the Florida Climate-
799 Friendly Preferred Products List; deleting the
800 requirement that state agencies contract for meeting
801 and conference space only with facilities that have a
802 Green Lodging designations; deleting the requirement
803 that state agencies, state universities, community
804 colleges, and local governments that procure new
805 vehicles under a state purchasing plan select certain
806 vehicles under a specified circumstance; requiring the
807 Department of Management Services to develop a Florida
808 Humane Preferred Energy Products List in consultation
809 with the Department of Commerce and the Department of
810 Agriculture and Consumer Services; providing
811 assessment requirements developing the list; defining
812 the term "forced labor"; requiring state agencies and
813 political subdivisions that procure energy products
814 from state term contracts to consult the list and
815 purchase or procure such products; prohibiting state
816 agencies and political subdivisions from purchasing or
817 procuring products not included on the list; amending
818 s. 366.032, F.S.; including development districts as a
819 type of political subdivision for purposes of
820 preemption over utility service restrictions; creating
821 s. 366.042, F.S.; requiring electric cooperatives and
822 municipal electric utilities to enter into and



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823 maintain at least one mutual aid agreement or pre-
824 event agreement with certain entities for purposes of
825 restoring power after a natural disaster; requiring
826 electric cooperatives and municipal electric utilities
827 to annually submit attestations of compliance to the
828 Public Service Commission; requiring the commission to
829 compile the attestations and annually submit a copy of
830 such attestations to the Division of Emergency
831 Management; providing that the submission of such
832 attestations makes electric cooperatives and municipal
833 electric utilities eligible to receive state financial
834 assistance; providing that electric cooperatives and
835 municipal electric utilities that do not submit such
836 attestations are not eligible to receive state
837 financial assistance until such attestations are
838 submitted; providing construction; amending s. 366.94,
839 F.S.; removing terminology; authorizing the commission
840 to approve voluntary electric vehicle charging
841 programs upon petition of a public utility, to become
842 effective on or after a specified date, if certain
843 requirements are met; providing applicability;
844 creating s. 366.99, F.S.; defining terms; authorizing
845 public utilities to submit to the commission a
846 petition for a proposed cost recovery for certain
847 natural gas facilities relocation costs; requiring the
848 commission to conduct annual proceedings to determine
849 each utility's prudently incurred natural gas
850 facilities relocation costs and to allow for the
851 recovery of such costs; providing requirements for the



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852 commission's review; providing requirements for the
853 allocation of such recovered costs; requiring the
854 commission to adopt rules; providing a timeframe for
855 such rulemaking; amending s. 377.601, F.S.; revising
856 legislative intent; amending s. 377.6015, F.S.;

857 revising the powers and duties of the Department of
858 Agriculture and Consumer Services; conforming
859 provisions to changes made by the act; amending s.
860 377.703, F.S.; revising additional functions of the
861 department relating to energy resources; conforming
862 provisions to changes made by the act; creating s.
863 377.708, F.S.; defining terms; prohibiting the
864 construction, operation, or expansion of certain wind
865 energy facilities and wind turbines in this state;
866 requiring the Department of Environmental Protection
867 to review applications for federal wind energy leases
868 in territorial waters of the United States adjacent to
869 waters of this state and signify its approval or
870 objection to such applications; authorizing the
871 department to seek injunctive relief for violations;
872 repealing ss. 377.801, 377.802, 377.803, 377.804,
873 377.808, 377.809, and 377.816, F.S., relating to the
874 Florida Energy and Climate Protection Act, the purpose
875 of the act, definitions under the act, the Renewable
876 Energy and Energy-Efficient Technologies Grants
877 Program, the Florida Green Government Grants Act, the
878 Energy Economic Zone Pilot Program, and the Qualified
879 Energy Conservation Bond Allocation Program,
880 respectively; prohibiting the approval of new or



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881 additional applications, certifications, or
882 allocations under such programs; prohibiting new
883 contracts, agreements, and awards under such programs;
884 rescinding all certifications or allocations issued
885 under such programs; providing an exception; providing
886 applicability relating to existing contracts or
887 agreements under such programs; amending ss. 220.193,
888 288.9606, and 380.0651, F.S.; conforming provisions to
889 changes made by the act; amending s. 403.9405, F.S.;
890 revising the applicability of the Natural Gas
891 Transmission Pipeline Siting Act; amending s.
892 720.3075, F.S.; prohibiting certain homeowners'
893 association documents from precluding certain types or
894 fuel sources of energy production and the use of
895 certain appliances; defining the term "appliance";
896 requiring the commission to conduct an assessment of
897 the security and resiliency of the state's electric
898 grid and natural gas facilities against physical
899 threats and cyber threats; requiring the commission to
900 consult with the Division of Emergency Management and
901 the Florida Digital Service; requiring cooperation
902 from all operating facilities in the state relating to
903 such assessment; requiring the commission to submit by
904 a specified date a report of such assessment to the
905 Governor and the Legislature; providing additional
906 content requirements for such report; requiring the
907 commission to study and evaluate the technical and
908 economic feasibility of using advanced nuclear power
909 technologies to meet the electrical power needs of



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910 this state; requiring the commission to research means
911 to encourage and foster the installation and use of
912 such technologies at military installations in
913 partnership with public utilities; requiring the
914 commission to consult with the Department of
915 Environmental Protection and the Division of Emergency
916 Management; requiring the commission to submit by a
917 specified date a report to the Governor and the
918 Legislature which contains its findings and any
919 additional recommendations for potential legislative
920 or administrative actions; requiring the Department of
921 Transportation, in consultation with the Office of
922 Energy within the Department of Agriculture and
923 Consumer Services, to study and evaluate the potential
924 development of hydrogen fueling infrastructure to
925 support hydrogen-powered vehicles; requiring the
926 Department of Transportation to submit by a specified
927 date a report to the Governor and the Legislature
928 which contains its findings and recommendations for
929 legislative or administrative actions that may
930 accommodate the future development of hydrogen fueling
931 infrastructure; providing an effective date.