

By Senator Collins

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

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30 assessment considerations in developing the list;
31 defining the term "forced labor"; requiring state
32 agencies and political subdivisions that procure
33 energy products from state term contracts to consult
34 the list and purchase or procure such products;
35 prohibiting state agencies and political subdivisions
36 from purchasing or procuring products not included in
37 the list; creating 320.97, F.S.; providing legislative
38 findings; creating the Electric Vehicle Battery
39 Deposit Program within the Department of Highway
40 Safety and Motor Vehicles; providing the requirements
41 of the program; allowing the department to adopt
42 rules; providing definitions; requiring the Department
43 of Highway Safety and Motor Vehicles to prepare and
44 submit a report to the Governor and the Legislature as
45 it relates to the Electric Vehicle Battery Deposit
46 Program by a specified date; amending s. 338.234,
47 F.S.; requiring the Department of Highway Safety and
48 Motor Vehicles to offer access to vendors of certain
49 fuels or services access to the turnpike system in
50 certain instances; amending s. 366.032, F.S.;

51 including development districts as a type of political
52 subdivision for purposes of preemption over utility
53 service restrictions; creating s. 366.057, F.S.;

54 defining the term "electrical power plant"; requiring
55 a public utility to petition the Public Service
56 Commission within a specified time before retiring an
57 electrical power plant; requiring the commission to
58 enter a final order in response to the petition within

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59 a specified time; setting forth what the commission
60 must take into consideration in entering its final
61 order; requiring the commission to notify the Attorney
62 General of the retirement of an electrical power plant
63 in specified circumstances; amending s. 366.94, F.S.;
64 removing terminology; conforming provisions to changes
65 made by the act; authorizing the commission upon a
66 specified date to approve voluntary public utility
67 programs for electric vehicle charging if certain
68 requirements are met; requiring that all revenues
69 received from such program be credited to the public
70 utility's general body of ratepayers; providing
71 applicability; amending s. 377.601, F.S.; revising
72 legislative intent; amending s. 377.6015, F.S.;
73 revising the powers and duties of the department;
74 conforming provisions to changes made by the act;
75 amending s. 377.703, F.S.; revising additional
76 functions of the department relating to energy
77 resources; conforming provisions to changes made by
78 the act; repealing s. 377.801, F.S., relating to the
79 Florida Energy and Climate Protection Act; repealing
80 s. 377.802, F.S., relating to the purpose of the act;
81 repealing s. 377.803, F.S., relating to definitions
82 under the act; repealing s. 377.804, F.S., relating to
83 the Renewable Energy and Energy-Efficient Technologies
84 Grants Program; repealing s. 377.808, F.S., relating
85 to the Florida Green Government Grants Act; repealing
86 s. 377.809, F.S., relating to the Energy Economic Zone
87 Pilot Program; repealing s. 377.816, F.S., relating to

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88 the Qualified Energy Conservation Bond Allocation
89 Program; prohibiting the approval of new or additional
90 applications, certifications, or allocations under
91 such programs; prohibiting new contracts, agreements,
92 and awards under such programs; rescinding all
93 certifications or allocations issued under such
94 programs; providing an exception; providing
95 application relating to existing contracts or
96 agreements under such programs; amending ss. 288.9606
97 and 380.0651, F.S.; conforming provisions to changes
98 made by the act; amending s. 403.9405, F.S.; revising
99 the applicability of the Natural Gas Transmission
100 Pipeline Siting Act; amending s. 720.3075, F.S.;

101 prohibiting certain homeowners' association documents
102 from precluding certain types or fuel sources of
103 energy production and the use of certain appliances;
104 directing the commission to ensure that electrical
105 energy technologies are used in a specified manner
106 through market-based policies and electric grid
107 improvements; requiring the commission to develop
108 specified policies for smart energy; requiring that
109 such policies also address the modernization of the
110 state's electric grid and ensure that equipment used
111 is manufactured in the United States or countries
112 engaged in commerce within the United States pursuant
113 to free trade agreements; requiring the commission by
114 a specified date to submit a report to the Legislature
115 that contains such established policies; requiring the
116 commission to conduct an assessment of the security

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117 and resiliency of the state's electric grid and
118 natural gas facilities against physical threats and
119 cyber threats; requiring the commission to consult
120 with the Florida Digital Service; requiring
121 cooperation from all operating facilities in the state
122 relating to such assessment; requiring the commission
123 to submit by a specified date a report of such
124 assessment to the Governor and the Legislature;
125 providing additional content requirements for such
126 report; requiring the commission to study and evaluate
127 the technical and economic feasibility of using
128 advanced nuclear power technologies to meet the
129 electrical power needs of the state; requiring the
130 commission to submit by a specified date a report to
131 the Governor and the Legislature that contains its
132 findings and any additional recommendations for
133 potential legislative or administrative actions;
134 requiring the Department of Transportation, in
135 consultation with the Office of Energy within the
136 Department of Agriculture and Consumer Services, to
137 study and evaluate the potential development of
138 hydrogen fueling infrastructure to support hydrogen-
139 powered vehicles; requiring the department to submit
140 by a specified date a report to the Governor and the
141 Legislature that contains its findings and
142 recommendations for specified actions that may
143 accommodate the future development of hydrogen fueling
144 infrastructure; providing effective dates.

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

147
148 Section 1. Section 163.3210, Florida Statutes, is created
149 to read:

150 163.3210 Natural gas resiliency and reliability
151 infrastructure.—

152 (1) It is the intent of the Legislature to maintain,
153 encourage, and ensure adequate and reliable fuel sources for
154 public utilities. The resiliency and reliability of fuel sources
155 for public utilities is critical to the state's economy; the
156 ability of the state to recover from natural disasters; and to
157 the health, safety, welfare, and quality of life of the
158 residents of the state.

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

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

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

166 (c) "Public utility" has the same meaning as defined in s.
167 366.02.

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

172 (3) A resiliency facility is a permitted use in all
173 commercial, industrial, and manufacturing land use categories in
174 a local government comprehensive plan and all commercial,

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175 industrial, and manufacturing districts. A resiliency facility
176 must comply with the setback and landscape criteria for other
177 similar uses. A local government may adopt an ordinance
178 specifying buffer and landscaping requirements for resiliency
179 facilities, provided such requirements do not exceed the
180 requirements for similar uses involving the construction of
181 other facilities that are permitted uses in commercial,
182 industrial, and manufacturing land use categories and zoning
183 districts.

184 (4) After July 1, 2024, a local government may not amend
185 its comprehensive plan, land use map, zoning districts, or land
186 development regulations in a manner that would conflict with a
187 resiliency facility's classification as a permitted and
188 allowable use, including, but not limited to, an amendment that
189 causes a resiliency facility to be a nonconforming use,
190 structure, or development.

191 Section 2. Section 286.29, Florida Statutes, is amended to
192 read:

193 286.29 Energy guidelines for ~~Climate-friendly~~ public
194 business. ~~The Legislature recognizes the importance of~~
195 ~~leadership by state government in the area of energy efficiency~~
196 ~~and in reducing the greenhouse gas emissions of state government~~
197 ~~operations. The following shall pertain to all state agencies~~
198 ~~when conducting public business:~~

199 ~~(1) The Department of Management Services shall develop the~~
200 ~~"Florida Climate-Friendly Preferred Products List." In~~
201 ~~maintaining that list, the department, in consultation with the~~
202 ~~Department of Environmental Protection, shall continually assess~~
203 ~~products currently available for purchase under state term~~

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204 ~~contracts to identify specific products and vendors that offer~~
205 ~~clear energy efficiency or other environmental benefits over~~
206 ~~competing products. When procuring products from state term~~
207 ~~contracts, state agencies shall first consult the Florida~~
208 ~~Climate-Friendly Preferred Products List and procure such~~
209 ~~products if the price is comparable.~~

210 ~~(2) State agencies shall contract for meeting and~~
211 ~~conference space only with hotels or conference facilities that~~
212 ~~have received the "Green Lodging" designation from the~~
213 ~~Department of Environmental Protection for best practices in~~
214 ~~water, energy, and waste efficiency standards, unless the~~
215 ~~responsible state agency head makes a determination that no~~
216 ~~other viable alternative exists.~~

217 ~~(1)(3)~~ Each state agency shall ensure that all maintained
218 vehicles meet minimum maintenance schedules shown to reduce fuel
219 consumption, which include:

220 (a) Ensuring appropriate tire pressures and tread depth.†

221 (b) Replacing fuel filters and emission filters at
222 recommended intervals.†

223 (c) Using proper motor oils.† and

224 (d) Performing timely motor maintenance.

225
226 Each state agency shall measure and report compliance to the
227 Department of Management Services through the Equipment
228 Management Information System database.

229 ~~(4) When procuring new vehicles, all state agencies, state~~
230 ~~universities, community colleges, and local governments that~~
231 ~~purchase vehicles under a state purchasing plan shall first~~
232 ~~define the intended purpose for the vehicle and determine which~~

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233 ~~of the following use classes for which the vehicle is being~~
234 ~~procured:~~

- 235 ~~(a) State business travel, designated operator;~~
236 ~~(b) State business travel, pool operators;~~
237 ~~(c) Construction, agricultural, or maintenance work;~~
238 ~~(d) Conveyance of passengers;~~
239 ~~(e) Conveyance of building or maintenance materials and~~
240 ~~supplies;~~
241 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~
242 ~~(g) Emergency response; or~~
243 ~~(h) Other.~~

244
245 ~~Vehicles described in paragraphs (a) through (h), when being~~
246 ~~processed for purchase or leasing agreements, must be selected~~
247 ~~for the greatest fuel efficiency available for a given use class~~
248 ~~when fuel economy data are available. Exceptions may be made for~~
249 ~~individual vehicles in paragraph (g) when accompanied, during~~
250 ~~the procurement process, by documentation indicating that the~~
251 ~~operator or operators will exclusively be emergency first~~
252 ~~responders or have special documented need for exceptional~~
253 ~~vehicle performance characteristics. Any request for an~~
254 ~~exception must be approved by the purchasing agency head and any~~
255 ~~exceptional performance characteristics denoted as a part of the~~
256 ~~procurement process prior to purchase.~~

257 (2)~~(5)~~ All state agencies shall use ethanol and biodiesel
258 blended fuels when available. State agencies administering
259 central fueling operations for state-owned vehicles shall
260 procure biofuels for fleet needs to the greatest extent
261 practicable.

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262 (3) (a) The Department of Management Services shall, in
263 consultation with the Department of Commerce and the Department
264 of Agriculture and Consumer Services, develop a Florida Humane
265 Preferred Energy Products List. In developing the list, the
266 department must assess products currently available for purchase
267 under state term contracts that contain or consist of an energy
268 storage device with a capacity of greater than one kilowatt or
269 that contain or consist of an energy generation device with a
270 capacity of greater than 500 kilowatts and identify specific
271 products that appear to be largely made free from forced labor,
272 irrespective of the age of the worker. For purposes of this
273 subsection, the term "forced labor" means any work performed or
274 service rendered that is:

275 1. Obtained by intimidation, fraud, or coercion, including
276 by threat of serious bodily harm to, or physical restraint
277 against, a person, by means of a scheme intended to cause the
278 person to believe that if he or she does not perform such labor
279 or render such service, the person will suffer serious bodily
280 harm or physical restraint, or by means of the abuse or
281 threatened abuse of law or the legal process;

282 2. Imposed on the basis of a characteristic that has been
283 held by the United States Supreme Court or the Florida Supreme
284 Court to be protected against discrimination under the
285 Fourteenth Amendment to the United States Constitution or under
286 s. 2, Art. I of the State Constitution, including race, color,
287 national origin, religion, gender, or physical disability;

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

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

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

296 Section 3. Effective July 1, 2025, section 320.97, Florida
297 Statutes, is created to read:

298 320.97 Electric vehicle battery deposit program.—

299 (1) The Legislature finds that the state has a compelling
300 interest in facilitating the proper disposal and recycling of
301 electric vehicle batteries at the end of their useful lives.

302 (2) The Electric Vehicle Battery Deposit Program is created
303 within the department.

304 (a) The department, in consultation with industry experts,
305 shall develop and implement the program to provide for the
306 collection of a deposit on electric vehicle batteries by a:

307 1. Motor vehicle dealer, as defined in s. 320.27(1)(c),
308 which sells at retail an electric vehicle not previously
309 registered in the state; or

310 2. Motor vehicle repair shop, as defined in s. 559.903,
311 which sells an electric vehicle battery at retail in the state,

312
313 based on the electric vehicle battery's gross capacity as
314 measured in kilowatt hours (kWh).

315 (b) For purposes of paragraph (a), the deposit amount is:

316 1. For an electric vehicle battery with a gross capacity
317 less than or equal to 50 kWh: \$500.

318 2. For an electric vehicle battery with a gross capacity
319 greater than 50 kWh but less than or equal to 100 kWh: \$750.

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320 3. For an electric vehicle battery with a capacity greater
321 than 100 kWh: \$1,000.

322 (c) For purposes of paragraph (a), the department must
323 designate the means by which the deposit must be held until it
324 can be refunded to the titleholder of an electric vehicle in
325 which the battery is installed upon proof of the relinquishment
326 or sale of the electric vehicle or electric vehicle battery to a
327 motor vehicle dealer or motor vehicle repair shop.

328 (d) The program shall allow a fire department which handles
329 an electric vehicle battery fire to claim the deposit that the
330 titleholder of the electric vehicle in which the battery fire
331 occurred would otherwise be entitled to receive under the
332 program in order to assist with additional costs associated with
333 extinguishing electric vehicle battery fires.

334 (e) The program shall provide a means by which the
335 titleholder of the electric vehicle may recover the deposit
336 under the program upon providing proof of relocation to another
337 state, sale of the electric vehicle to an out-of-state resident,
338 or theft of the electric vehicle or electric vehicle battery.

339 (3) The department may adopt rules to implement this
340 section.

341 (4) For the purposes of this section, the term:

342 (a) "Electric vehicle" has the same meaning as provided in
343 s. 320.01(36).

344 (b) "Electric vehicle battery" means a rechargeable storage
345 battery which is the exclusive source of power to an electric
346 motor in an electric vehicle.

347 (c) "Motor vehicle" has the same meaning as provided in s.
348 320.01(1).

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349 Section 4. (a) By December 1, 2024, the Department of
350 Highway Safety and Motor Vehicles shall prepare and submit a
351 report to the Governor, the President of the Senate, and the
352 Speaker of the House of Representatives which:

353 1. Specifies the terms of the Electric Vehicle Battery
354 Deposit Program consistent with s. 320.97, Florida Statutes.

355 2. Identifies any implementation issues.

356 3. Makes recommendations on any further legislation that
357 may be necessary.

358 (b) The report shall contain recommendations on how the
359 state may further facilitate proper electric vehicle battery
360 disposal and recycling.

361 Section 5. Subsection (2) of section 338.234, Florida
362 Statutes, is renumbered as subsection (3) and a new subsection
363 (2) is added to that section, to read:

364 338.234 Granting concessions or selling along the turnpike
365 system; immunity from taxation.—

366 (2) If the department enters or has entered into a contract
367 or license with a vendor to allow for the sale of motor fuel or
368 charging services along the turnpike system, the department must
369 offer access to potential vendors of other motor vehicle fuels
370 or repowering services along the turnpike system, including, but
371 not limited to, hydrogen, compressed natural gas, and liquefied
372 natural gas.

373 Section 6. Subsections (1), (2), and (5) of section
374 366.032, Florida Statutes, are amended to read:

375 366.032 Preemption over utility service restrictions.—

376 (1) A municipality, county, special district, development
377 district, or other political subdivision of the state may not

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378 enact or enforce a resolution, ordinance, rule, code, or policy
379 or take any action that restricts or prohibits or has the effect
380 of restricting or prohibiting the types or fuel sources of
381 energy production which may be used, delivered, converted, or
382 supplied by the following entities to serve customers that such
383 entities are authorized to serve:

384 (a) A public utility or an electric utility as defined in
385 this chapter;

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

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

389 (d) A natural gas transmission company as defined in s.
390 368.103; or

391 (e) A Category I liquefied petroleum gas dealer or Category
392 II liquefied petroleum gas dispenser or Category III liquefied
393 petroleum gas cylinder exchange operator as defined in s.
394 527.01.

395 (2) Except to the extent necessary to enforce the Florida
396 Building Code adopted pursuant to s. 553.73 or the Florida Fire
397 Prevention Code adopted pursuant to s. 633.202, a municipality,
398 county, special district, development district, or other
399 political subdivision of the state may not enact or enforce a
400 resolution, an ordinance, a rule, a code, or a policy or take
401 any action that restricts or prohibits or has the effect of
402 restricting or prohibiting the use of an appliance, including a
403 stove or grill, which uses the types or fuel sources of energy
404 production which may be used, delivered, converted, or supplied
405 by the entities listed in subsection (1). As used in this
406 subsection, the term "appliance" means a device or apparatus

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407 manufactured and designed to use energy and for which the
408 Florida Building Code or the Florida Fire Prevention Code
409 provides specific requirements.

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

414 Section 7. Section 366.057, Florida Statutes, is created to
415 read:

416 366.057 Retirement of electrical power plant.—

417 (1) For purposes of this section, the term "electrical
418 power plant" means any steam or solar electrical generating
419 facility that uses any process or fuel, including nuclear
420 materials, with a capacity of 75 megawatts or more. The term
421 also includes all associated facilities necessary for the
422 continued operation of the electrical power plant, such as
423 facilities that are physically connected to the electrical power
424 plant and facilities that are used to connect the electrical
425 power plant to an existing transmission network.

426 (2) Before retiring an electrical power plant, a public
427 utility must petition the commission for approval to retire the
428 plant, giving not less than 30 days' notice thereof.

429 (3) The commission shall enter a final order approving,
430 approving with conditions, or denying a petition within 180 days
431 after receiving the petition. In making its determination, the
432 commission must take into account the impact of the proposed
433 electrical power plant retirement on:

434 (a) Electric system reliability, resilience, and integrity.

435 (b) The ability to provide adequate electricity at a

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436 reasonable cost, including potential rate impacts.

437 (c) Fuel diversity and supply reliability.

438 (d) The use of domestic energy resources, including
439 renewable energy resources.

440 (e) The state's energy policy goals in s. 377.601(2).

441 (4) If the commission determines that the basis for
442 retirement of an electrical power plant is a requirement or
443 inducement provided in a proposed or actual federal regulation
444 and that such retirement is inconsistent with the state's energy
445 policy goals in s. 377.601(2), the commission shall inform the
446 Attorney General and provide technical support to the Attorney
447 General, as needed, to address the inconsistency.

448 Section 8. Section 366.94, Florida Statutes, is amended to
449 read:

450 366.94 Electric vehicle charging ~~stations~~.—

451 (1) The provision of electric vehicle charging to the
452 public by a nonutility is not the retail sale of electricity for
453 the purposes of this chapter. The rates, terms, and conditions
454 of electric vehicle charging services by a nonutility are not
455 subject to regulation under this chapter. This section does not
456 affect the ability of individuals, businesses, or governmental
457 entities to acquire, install, or use an electric vehicle charger
458 for their own vehicles.

459 (2) The Department of Agriculture and Consumer Services
460 shall adopt rules to provide definitions, methods of sale,
461 labeling requirements, and price-posting requirements for
462 electric vehicle charging ~~stations~~ to allow for consistency for
463 consumers and the industry.

464 (3) (a) It is unlawful for a person to stop, stand, or park

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465 a vehicle that is not capable of using an electrical recharging
466 station within any parking space specifically designated for
467 charging an electric vehicle.

468 (b) If a law enforcement officer finds a motor vehicle in
469 violation of this subsection, the officer or specialist shall
470 charge the operator or other person in charge of the vehicle in
471 violation with a noncriminal traffic infraction, punishable as
472 provided in s. 316.008(4) or s. 318.18.

473 (4) The commission may approve voluntary public utility
474 programs to become effective on or after January 1, 2025, for
475 residential, customer-specific electric vehicle charging if the
476 commission determines that the rates and rate structure of the
477 program will not adversely impact the public utility's general
478 body of ratepayers. All revenues received from the program must
479 be credited to the public utility's retail ratepayers. This
480 provision does not preclude cost recovery for electric vehicle
481 charging programs approved by the commission before January 1,
482 2025.

483 Section 9. Section 377.601, Florida Statutes, is amended to
484 read:

485 377.601 Legislative intent.—

486 (1) The purpose of the state's energy policy is to ensure
487 an adequate and reliable supply of energy for the state in a
488 manner that promotes the health and welfare of the public and
489 economic growth. The Legislature intends that governance of the
490 state's energy policy be efficiently directed toward achieving
491 this purpose. ~~The Legislature finds that the state's energy~~
492 ~~security can be increased by lessening dependence on foreign~~
493 ~~oil; that the impacts of global climate change can be reduced~~

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494 ~~through the reduction of greenhouse gas emissions; and that the~~
495 ~~implementation of alternative energy technologies can be a~~
496 ~~source of new jobs and employment opportunities for many~~
497 ~~Floridians. The Legislature further finds that the state is~~
498 ~~positioned at the front line against potential impacts of global~~
499 ~~climate change. Human and economic costs of those impacts can be~~
500 ~~averted by global actions and, where necessary, adapted to by a~~
501 ~~concerted effort to make Florida's communities more resilient~~
502 ~~and less vulnerable to these impacts. In focusing the~~
503 ~~government's policy and efforts to benefit and protect our~~
504 ~~state, its citizens, and its resources, the Legislature believes~~
505 ~~that a single government entity with a specific focus on energy~~
506 ~~and climate change is both desirable and advantageous. Further,~~
507 ~~the Legislature finds that energy infrastructure provides the~~
508 ~~foundation for secure and reliable access to the energy supplies~~
509 ~~and services on which Florida depends. Therefore, there is~~
510 ~~significant value to Florida consumers that comes from~~
511 ~~investment in Florida's energy infrastructure that increases~~
512 ~~system reliability, enhances energy independence and~~
513 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
514 ~~gas emissions.~~

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

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

518 (b) Ensuring adequate supply and capacity.

519 (c) Ensuring a secure, resilient, and reliable energy
520 supply, with an emphasis on a diverse supply of domestic energy
521 resources.

522 (d) Protecting public safety.

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- 523 (e) Ensuring consumer choice.
- 524 (f) Protecting the state's natural resources, including its
525 coastlines, tributaries, and waterways.
- 526 (g) Supporting economic growth.
- 527 ~~(3)(2)~~ In furtherance of the goals in subsection (2), it is
528 the policy of the State of Florida to:
- 529 (a) ~~Develop and~~ Promote the cost-effective development and
530 effective use of a diverse supply of domestic energy resources
531 in the state and, discourage all forms of energy waste, and
532 ~~recognize and address the potential of global climate change~~
533 ~~wherever possible.~~
- 534 (b) Promote the cost-effective development and maintenance
535 of energy infrastructure that is resilient to natural and
536 manmade threats to the security and reliability of the state's
537 energy supply. ~~Play a leading role in developing and instituting~~
538 ~~energy management programs aimed at promoting energy~~
539 ~~conservation, energy security, and the reduction of greenhouse~~
540 ~~gas emissions.~~
- 541 (c) Reduce reliance on foreign energy resources.
- 542 ~~(d)(e)~~ Include energy considerations in all state,
543 regional, and local planning.
- 544 ~~(e)(d)~~ Utilize and manage effectively energy resources used
545 within state agencies.
- 546 ~~(f)(e)~~ Encourage local governments to include energy
547 considerations in all planning and to support their work in
548 promoting energy management programs.
- 549 ~~(g)(f)~~ Include the full participation of citizens in the
550 development and implementation of energy programs.
- 551 ~~(h)(g)~~ Consider in its decisions the energy needs of each

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552 economic sector, including residential, industrial, commercial,
553 agricultural, and governmental uses, and reduce those needs
554 whenever possible.

555 (i)~~(h)~~ Promote energy education and the public
556 dissemination of information on energy and its impacts in
557 relation to the goals in subsection (2) ~~environmental, economic,~~
558 ~~and social impact.~~

559 (j)~~(i)~~ Encourage the research, development, demonstration,
560 and application of domestic energy resources, including the use
561 of alternative energy resources, particularly renewable energy
562 resources.

563 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of
564 energy-related activities on the goals in subsection (2) ~~social,~~
565 ~~economic, and environmental impacts of energy-related~~
566 ~~activities,~~ including the whole-life-cycle impacts of any
567 potential energy use choices, so that detrimental effects of
568 these activities are understood and minimized.

569 (l)~~(k)~~ Develop and maintain energy emergency preparedness
570 plans to minimize the effects of an energy shortage within the
571 state Florida.

572 Section 10. Subsection (2) of section 377.6015, Florida
573 Statutes, is amended to read:

574 377.6015 Department of Agriculture and Consumer Services;
575 powers and duties.—

576 (2) The department shall:

577 ~~(a) Administer the Florida Renewable Energy and Energy~~
578 ~~Efficient Technologies Grants Program pursuant to s. 377.804 to~~
579 ~~assure a robust grant portfolio.~~

580 (a)~~(b)~~ Develop policy for requiring grantees to provide

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581 royalty-sharing or licensing agreements with state government
582 for commercialized products developed under a state grant.

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

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

587 ~~(c) Administer the provisions of the Florida Energy and~~
588 ~~Climate Protection Act pursuant to ss. 377.801-377.804.~~

589 (c) ~~(f)~~ Advocate for energy and climate change issues
590 consistent with the goals in s. 377.601(2) and provide
591 educational outreach and technical assistance in cooperation
592 with the state's academic institutions.

593 (d) ~~(g)~~ Be a party in the proceedings to adopt goals and
594 submit comments to the Public Service Commission pursuant to s.
595 366.82.

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

598 Section 11. Subsection (1) and paragraphs (e), (f), and (m)
599 of subsection (2) of section 377.703, Florida Statutes, are
600 amended to read:

601 377.703 Additional functions of the Department of
602 Agriculture and Consumer Services.—

603 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
604 demand questions have become a major area of concern to the
605 state which must be dealt with by effective and well-coordinated
606 state action, it is the intent of the Legislature to promote the
607 efficient, effective, and economical management of energy
608 problems, centralize energy coordination responsibilities,
609 pinpoint responsibility for conducting energy programs, and

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610 ensure the accountability of state agencies for the
611 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy
612 policy. It is the specific intent of the Legislature that
613 nothing in this act shall in any way change the powers, duties,
614 and responsibilities assigned by the Florida Electrical Power
615 Plant Siting Act, part II of chapter 403, or the powers, duties,
616 and responsibilities of the Florida Public Service Commission.

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

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

625 1. An analysis of the relationship of state economic growth
626 and development to energy supply and demand, including the
627 constraints to economic growth resulting from energy supply
628 constraints.

629 ~~2. Plans for the development of renewable energy resources~~
630 ~~and reduction in dependence on depletable energy resources,~~
631 ~~particularly oil and natural gas, and~~ An analysis of the extent
632 to which domestic energy resources, including renewable energy
633 sources, are being utilized in the state.

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

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639 4. An assessment of the state's energy resources, including
640 examination of the availability of commercially developable and
641 imported fuels, and an analysis of anticipated impacts in
642 relation to the goals in s. 377.601(2) ~~effects on the state's~~
643 ~~environment and social services~~ resulting from energy resource
644 development activities or from energy supply constraints, or
645 both.

646 (f) The department shall submit an annual report to the
647 Governor and the Legislature reflecting its activities and
648 making recommendations for policies for improvement of the
649 state's response to energy supply and demand and its effect on
650 the health, safety, and welfare of the residents of this state.
651 The report must include a report from the Florida Public Service
652 Commission on electricity and natural gas and information on
653 energy conservation programs conducted and underway in the past
654 year and include recommendations for energy efficiency and
655 conservation programs for the state, including:

656 1. Formulation of specific recommendations for improvement
657 in the efficiency of energy utilization in governmental,
658 residential, commercial, industrial, and transportation sectors.

659 2. Collection and dissemination of information relating to
660 energy efficiency and conservation.

661 3. Development and conduct of educational and training
662 programs relating to energy efficiency and conservation.

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

666 (m) In recognition of the devastation to the economy of
667 this state and the dangers to the health and welfare of

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668 residents of this state caused by severe hurricanes, and the
669 potential for such impacts caused by other natural disasters,
670 the Division of Emergency Management shall include in its energy
671 emergency contingency plan and provide to the Florida Building
672 Commission for inclusion in the Florida Energy Efficiency Code
673 for Building Construction specific provisions to facilitate the
674 use of cost-effective ~~solar~~ energy technologies as emergency
675 remedial and preventive measures for providing electric power,
676 street lighting, and water heating service in the event of
677 electric power outages.

678 Section 12. Sections 377.801, 377.802, 377.803, 377.804,
679 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

680 Section 13. (1) For programs established pursuant to s.
681 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida
682 Statutes, there may not be:

683 (a) New or additional applications, certifications, or
684 allocations approved.

685 (b) New letters of certification issued.

686 (c) New contracts or agreements executed.

687 (d) New awards made.

688 (2) All certifications or allocations issued under such
689 programs are rescinded except for the certifications of, or
690 allocations to, those certified applicants or projects that
691 continue to meet the applicable criteria in effect before July
692 1, 2024. Any existing contract or agreement authorized under any
693 of these programs shall continue in full force and effect in
694 accordance with the statutory requirements in effect when the
695 contract or agreement was executed or last modified. However,
696 further modifications, extensions, or waivers may not be made or

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697 granted relating to such contracts or agreements, except
 698 computations by the Department of Revenue of the income
 699 generated by or arising out of the qualifying project.

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

702 288.9606 Issue of revenue bonds.—

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

707 (a) Finance the undertaking of any project within the state
 708 that promotes renewable energy as defined in s. 366.91 ~~or s.~~
 709 ~~377.803;~~

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

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

715 (d) Finance the costs of acquisition or construction of a
 716 transportation facility by a private entity or consortium of
 717 private entities under a public-private partnership agreement
 718 authorized by s. 334.30.

719 Section 15. Paragraph (w) of subsection (2) of section
 720 380.0651, Florida Statutes, is amended to read:

721 380.0651 Statewide guidelines, standards, and exemptions.—

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

724 ~~(w) Any development in an energy economic zone designated~~
 725 ~~pursuant to s. 377.809 upon approval by its local governing~~

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726 ~~body.~~

727

728 If a use is exempt from review pursuant to paragraphs (a)-(u),
729 but will be part of a larger project that is subject to review
730 pursuant to s. 380.06(12), the impact of the exempt use must be
731 included in the review of the larger project, unless such exempt
732 use involves a development that includes a landowner, tenant, or
733 user that has entered into a funding agreement with the state
734 land planning agency under the Innovation Incentive Program and
735 the agreement contemplates a state award of at least \$50
736 million.

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

739 403.9405 Applicability; certification; exemption; notice of
740 intent.—

741 (2) ~~No construction of~~ A natural gas transmission pipeline
742 may not be constructed ~~be undertaken after October 1, 1992,~~
743 without first obtaining certification under ss. 403.9401-
744 403.9425, but these sections do not apply to:

745 (a) Natural gas transmission pipelines which are less than
746 100 ~~15~~ miles in length or which do not cross a county line,
747 unless the applicant has elected to apply for certification
748 under ss. 403.9401-403.9425.

749 (b) Natural gas transmission pipelines for which a
750 certificate of public convenience and necessity has been issued
751 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a
752 natural gas transmission pipeline certified as an associated
753 facility to an electrical power plant pursuant to the Florida
754 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless

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755 the applicant elects to apply for certification of that pipeline
756 under ss. 403.9401-403.9425.

757 (c) Natural gas transmission pipelines that are owned or
758 operated by a municipality or any agency thereof, by any person
759 primarily for the local distribution of natural gas, or by a
760 special district created by special act to distribute natural
761 gas, unless the applicant elects to apply for certification of
762 that pipeline under ss. 403.9401-403.9425.

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

765 720.3075 Prohibited clauses in association documents.—

766 (3) Homeowners' association documents, including
767 declarations of covenants, articles of incorporation, or bylaws,
768 may not preclude:

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

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

778 1. A public utility or an electric utility as defined in
779 this chapter;

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

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

783 4. A natural gas transmission company as defined in s.

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784 368.103; or

785 5. A Category I liquefied petroleum gas dealer, a Category
786 II liquefied petroleum gas dispenser, or a Category III
787 liquefied petroleum gas cylinder exchange operator as defined in
788 s. 527.01.

789 (c) The use of an appliance, including a stove or grill,
790 which uses the types or fuel sources of energy production which
791 may be used, delivered, converted, or supplied by the entities
792 listed in paragraph (b). As used in this paragraph, the term
793 "appliance" means a device or apparatus manufactured and
794 designed to use energy and for which the Florida Building Code
795 or the Florida Fire Prevention Code provides specific
796 requirements.

797 Section 18. (1) Recognizing the continued development and
798 growth of markets for technologies that allow businesses and
799 consumers to generate, store, and manage electrical energy for
800 their own use, and recognizing that the use of these
801 technologies has the potential to significantly impact the
802 electric grid and consumer choice, the Legislature directs the
803 Public Service Commission to ensure that these technologies are
804 used in a manner that best maintains the integrity of the state
805 electricity grid through market-based policies for consumers and
806 public utilities and through electric grid improvements that
807 ensure the safe, reliable, and cost-effective use of electrical
808 power from these technologies. Specifically, the commission
809 shall develop policies that establish programs and rate
810 mechanisms for smart energy demand response and for customer-
811 owned generation and energy storage exported to the grid or used
812 to enhance grid stability or resilience and reduce costs, such

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813 that financial benefits are shared among users of these
814 technologies, public utilities, and their general body of
815 ratepayers based on the value provided by and to each party. The
816 policies shall also address the modernization of the state's
817 electric grid to ensure that the necessary infrastructure is in
818 place to implement these programs and rate mechanisms. The
819 policies must ensure that equipment used by utilities and
820 consumers to implement and participate in these programs and
821 rate mechanisms is manufactured in the United States or in
822 countries engaged in commerce with the United States pursuant to
823 free trade agreements.

824 (2) By January 1, 2025, the commission shall submit a
825 report to the Legislature that contains the policies developed
826 pursuant to this section, including the basis for each policy
827 and any matters that the commission deems relevant for the
828 Legislature's consideration in evaluating these policies. Such
829 policies may not be implemented until approved by the
830 Legislature, with the exception of limited pilot projects and
831 programs.

832 Section 19. (1) The Public Service Commission shall conduct
833 an assessment of the security and resiliency of the state's
834 electric grid and natural gas facilities against both physical
835 threats and cyber threats. The commission shall consult with the
836 Florida Digital Service in assessing cyber threats. All electric
837 utilities, natural gas utilities, and natural gas pipelines
838 operating in this state, regardless of ownership structure,
839 shall cooperate with the commission to provide access to all
840 information necessary to conduct the assessment.

841 (2) By January 1, 2025, the commission shall submit a

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842 report of its assessment to the Governor, the President of the
843 Senate, and the Speaker of the House of Representatives. The
844 report must also contain any recommendations for potential
845 legislative or administrative actions that may enhance the
846 physical security or cyber security of the state's electric grid
847 or natural gas facilities.

848 Section 20. (1) Recognizing the evolution and advances that
849 have occurred and continue to occur in nuclear power
850 technologies, the Public Service Commission shall study and
851 evaluate the technical and economic feasibility of using
852 advanced nuclear power technologies, including small modular
853 reactors, to meet the electrical power needs of the state, and
854 research means to encourage and foster the installation and use
855 of such technologies at military installations in the state.

856 (2) By January 1, 2025, the commission shall prepare and
857 submit a report to the Governor, the President of the Senate,
858 and the Speaker of the House of Representatives, containing its
859 findings and any recommendations for potential legislative or
860 administrative actions that may enhance the use of advanced
861 nuclear technologies in a manner consistent with the energy
862 policy goals in s. 377.601(2), Florida Statutes.

863 Section 21. (1) Recognizing the continued development of
864 technologies that support the use of hydrogen as a
865 transportation fuel and the potential for such use to help meet
866 the state's energy policy goals in s. 377.601(2), Florida
867 Statutes, the Department of Transportation, in consultation with
868 the Office of Energy within the Department of Agriculture and
869 Consumer Services, shall study and evaluate the potential
870 development of hydrogen fueling infrastructure, including

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871 fueling stations, to support hydrogen-powered vehicles that use
872 the state highway system.

873 (2) By January 1, 2025, the department shall prepare and
874 submit a report to the Governor, the President of the Senate,
875 and the Speaker of the House of Representatives, containing its
876 findings and any recommendations for potential legislative or
877 administrative actions that may accommodate the future
878 development of hydrogen fueling infrastructure in a manner
879 consistent with the energy policy goals in s. 377.601(2),
880 Florida Statutes.

881 Section 22. Except as otherwise expressly provided in this
882 act, this act shall take effect July 1, 2024.