

**By** the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and 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; defining  
4       terms; providing that resilience facilities are a  
5       permitted use in certain land use categories in local  
6       government comprehensive plans and specified districts  
7       if certain criteria are met; authorizing local  
8       governments to adopt ordinances specifying certain  
9       requirements for resiliency facilities if such  
10      ordinances meet certain requirements; prohibiting  
11      amendments after a specified date to a local  
12      government's comprehensive plan, land use map, zoning  
13      districts, or land development regulations if such  
14      amendments would conflict with resiliency facility  
15      classification; amending s. 286.29, F.S.; revising  
16      energy guidelines for public businesses; eliminating  
17      the requirement that the Department of Management  
18      Services develop and maintain the Florida Climate-  
19      Friendly Preferred Products List; deleting the  
20      requirement that state agencies contract for meeting  
21      and conference space only with facilities that have a  
22      Green Lodging designations; deleting the requirement  
23      that state agencies, state universities, community  
24      colleges, and local governments that procure new  
25      vehicles under a state purchasing plan select certain  
26      vehicles under a specified circumstance; requiring the  
27      Department of Management Services to develop a Florida  
28      Humane Preferred Energy Products List in consultation  
29      with the Department of Commerce and the Department of

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30 Agriculture and Consumer Services; providing  
31 assessment requirements developing the list; defining  
32 the term "forced labor"; requiring state agencies and  
33 political subdivisions that procure energy products  
34 from state term contracts to consult the list and  
35 purchase or procure such products; prohibiting state  
36 agencies and political subdivisions from purchasing or  
37 procuring products not included on the list; amending  
38 s. 366.032, F.S.; including development districts as a  
39 type of political subdivision for purposes of  
40 preemption over utility service restrictions; creating  
41 s. 366.042, F.S.; requiring electric cooperatives and  
42 municipal electric utilities to enter into and  
43 maintain at least one mutual aid agreement or pre-  
44 event agreement with certain entities for purposes of  
45 restoring power after a natural disaster; requiring  
46 electric cooperatives and municipal electric utilities  
47 to annually submit attestations of compliance to the  
48 Public Service Commission; requiring the commission to  
49 compile the attestations and annually submit a copy of  
50 such attestations to the Division of Emergency  
51 Management; providing that the submission of such  
52 attestations makes electric cooperatives and municipal  
53 electric utilities eligible to receive state financial  
54 assistance; providing that electric cooperatives and  
55 municipal electric utilities that do not submit such  
56 attestations are not eligible to receive state  
57 financial assistance until such attestations are  
58 submitted; providing construction; amending s. 366.94,

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59 F.S.; removing terminology; authorizing the commission  
60 to approve voluntary electric vehicle charging  
61 programs upon petition of a public utility, to become  
62 effective on or after a specified date, if certain  
63 requirements are met; providing applicability;  
64 creating s. 366.99, F.S.; defining terms; authorizing  
65 public utilities to submit to the commission a  
66 petition for a proposed cost recovery for certain  
67 natural gas facilities relocation costs; requiring the  
68 commission to conduct annual proceedings to determine  
69 each utility's prudently incurred natural gas  
70 facilities relocation costs and to allow for the  
71 recovery of such costs; providing requirements for the  
72 commission's review; providing requirements for the  
73 allocation of such recovered costs; requiring the  
74 commission to adopt rules; providing a timeframe for  
75 such rulemaking; amending s. 377.601, F.S.; revising  
76 legislative intent; amending s. 377.6015, F.S.;

77 revising the powers and duties of the Department of  
78 Agriculture and Consumer Services; conforming  
79 provisions to changes made by the act; amending s.  
80 377.703, F.S.; revising additional functions of the  
81 department relating to energy resources; conforming  
82 provisions to changes made by the act; creating s.  
83 377.708, F.S.; defining terms; prohibiting the  
84 construction, operation, or expansion of certain wind  
85 energy facilities and wind turbines in this state;  
86 requiring the Department of Environmental Protection  
87 to review applications for federal wind energy leases

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88 in territorial waters of the United States adjacent to  
89 waters of this state and signify its approval or  
90 objection to such applications; authorizing the  
91 department to seek injunctive relief for violations;  
92 repealing ss. 377.801, 377.802, 377.803, 377.804,  
93 377.808, 377.809, and 377.816, F.S., relating to the  
94 Florida Energy and Climate Protection Act, the purpose  
95 of the act, definitions under the act, the Renewable  
96 Energy and Energy-Efficient Technologies Grants  
97 Program, the Florida Green Government Grants Act, the  
98 Energy Economic Zone Pilot Program, and the Qualified  
99 Energy Conservation Bond Allocation Program,  
100 respectively; prohibiting the approval of new or  
101 additional applications, certifications, or  
102 allocations under such programs; prohibiting new  
103 contracts, agreements, and awards under such programs;  
104 rescinding all certifications or allocations issued  
105 under such programs; providing an exception; providing  
106 applicability relating to existing contracts or  
107 agreements under such programs; amending ss. 220.193,  
108 288.9606, and 380.0651, F.S.; conforming provisions to  
109 changes made by the act; amending s. 403.9405, F.S.;  
110 revising the applicability of the Natural Gas  
111 Transmission Pipeline Siting Act; amending s.  
112 720.3075, F.S.; prohibiting certain homeowners'  
113 association documents from precluding certain types or  
114 fuel sources of energy production and the use of  
115 certain appliances; defining the term "appliance";  
116 requiring the commission to conduct an assessment of

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117 the security and resiliency of the state's electric  
118 grid and natural gas facilities against physical  
119 threats and cyber threats; requiring the commission to  
120 consult with the Division of Emergency Management and  
121 the Florida Digital Service; requiring cooperation  
122 from all operating facilities in the state relating to  
123 such assessment; requiring the commission to submit by  
124 a specified date a report of such assessment to the  
125 Governor and the Legislature; providing additional  
126 content requirements for such report; requiring the  
127 commission to study and evaluate the technical and  
128 economic feasibility of using advanced nuclear power  
129 technologies to meet the electrical power needs of  
130 this state; requiring the commission to research means  
131 to encourage and foster the installation and use of  
132 such technologies at military installations in  
133 partnership with public utilities; requiring the  
134 commission to consult with the Department of  
135 Environmental Protection and the Division of Emergency  
136 Management; requiring the commission to submit by a  
137 specified date a report to the Governor and the  
138 Legislature which contains its findings and any  
139 additional recommendations for potential legislative  
140 or administrative actions; requiring the Department of  
141 Transportation, in consultation with the Office of  
142 Energy within the Department of Agriculture and  
143 Consumer Services, to study and evaluate the potential  
144 development of hydrogen fueling infrastructure to  
145 support hydrogen-powered vehicles; requiring the

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146 Department of Transportation to submit by a specified  
147 date a report to the Governor and the Legislature  
148 which contains its findings and recommendations for  
149 legislative or administrative actions that may  
150 accommodate the future development of hydrogen fueling  
151 infrastructure; providing an effective date.

152  
153 Be It Enacted by the Legislature of the State of Florida:

154  
155 Section 1. Section 163.3210, Florida Statutes, is created  
156 to read:

157 163.3210 Natural gas resiliency and reliability  
158 infrastructure.—

159 (1) It is the intent of the Legislature to maintain,  
160 encourage, and ensure adequate and reliable fuel sources for  
161 public utilities. The resiliency and reliability of fuel sources  
162 for public utilities is critical to the state's economy; the  
163 ability of the state to recover from natural disasters; and the  
164 health, safety, welfare, and quality of life of the residents of  
165 the state.

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

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

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

173 (c) "Public utility" has the same meaning as defined in s.  
174 366.02.

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

179 (3) A resiliency facility is a permitted use in all  
180 commercial, industrial, and manufacturing land use categories in  
181 a local government comprehensive plan and all commercial,  
182 industrial, and manufacturing districts. A resiliency facility  
183 must comply with the setback and landscape criteria for other  
184 similar uses. A local government may adopt an ordinance  
185 specifying buffer and landscaping requirements for resiliency  
186 facilities, provided such requirements do not exceed the  
187 requirements for similar uses involving the construction of  
188 other facilities that are permitted uses in commercial,  
189 industrial, and manufacturing land use categories and zoning  
190 districts.

191 (4) After July 1, 2024, a local government may not amend  
192 its comprehensive plan, land use map, zoning districts, or land  
193 development regulations in a manner that would conflict with a  
194 resiliency facility's classification as a permitted and  
195 allowable use, including, but not limited to, an amendment that  
196 causes a resiliency facility to be a nonconforming use,  
197 structure, or development.

198 Section 2. Section 286.29, Florida Statutes, is amended to  
199 read:

200 286.29 Energy guidelines for Climate-friendly public  
201 business. ~~The Legislature recognizes the importance of~~  
202 ~~leadership by state government in the area of energy efficiency~~  
203 ~~and in reducing the greenhouse gas emissions of state government~~

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204 ~~operations. The following shall pertain to all state agencies~~  
205 ~~when conducting public business:~~

206 ~~(1) The Department of Management Services shall develop the~~  
207 ~~"Florida Climate Friendly Preferred Products List." In~~  
208 ~~maintaining that list, the department, in consultation with the~~  
209 ~~Department of Environmental Protection, shall continually assess~~  
210 ~~products currently available for purchase under state term~~  
211 ~~contracts to identify specific products and vendors that offer~~  
212 ~~clear energy efficiency or other environmental benefits over~~  
213 ~~competing products. When procuring products from state term~~  
214 ~~contracts, state agencies shall first consult the Florida~~  
215 ~~Climate Friendly Preferred Products List and procure such~~  
216 ~~products if the price is comparable.~~

217 ~~(2) State agencies shall contract for meeting and~~  
218 ~~conference space only with hotels or conference facilities that~~  
219 ~~have received the "Green Lodging" designation from the~~  
220 ~~Department of Environmental Protection for best practices in~~  
221 ~~water, energy, and waste efficiency standards, unless the~~  
222 ~~responsible state agency head makes a determination that no~~  
223 ~~other viable alternative exists.~~

224 ~~(1)(3)~~ Each state agency shall ensure that all maintained  
225 vehicles meet minimum maintenance schedules shown to reduce fuel  
226 consumption, which include:

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

228 (b) Replacing fuel filters and emission filters at  
229 recommended intervals.†

230 (c) Using proper motor oils.† and

231 (d) Performing timely motor maintenance.

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233 Each state agency shall measure and report compliance to the  
234 Department of Management Services through the Equipment  
235 Management Information System database.

236 ~~(4) When procuring new vehicles, all state agencies, state~~  
237 ~~universities, community colleges, and local governments that~~  
238 ~~purchase vehicles under a state purchasing plan shall first~~  
239 ~~define the intended purpose for the vehicle and determine which~~  
240 ~~of the following use classes for which the vehicle is being~~  
241 ~~procured:~~

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

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

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

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

246 ~~(e) Conveyance of building or maintenance materials and~~  
247 ~~supplies;~~

248 ~~(f) Off-road vehicle, motorcycle, or all-terrain vehicle;~~

249 ~~(g) Emergency response; or~~

250 ~~(h) Other.~~

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

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262 ~~exceptional performance characteristics denoted as a part of the~~  
263 ~~procurement process prior to purchase.~~

264 (2)~~(5)~~ All state agencies shall use ethanol and biodiesel  
265 blended fuels when available. State agencies administering  
266 central fueling operations for state-owned vehicles shall  
267 procure biofuels for fleet needs to the greatest extent  
268 practicable.

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

282 1. Obtained by intimidation, fraud, or coercion, including  
283 by threat of serious bodily harm to, or physical restraint  
284 against, a person, by means of a scheme intended to cause the  
285 person to believe that if he or she does not perform such labor  
286 or render such service, the person will suffer serious bodily  
287 harm or physical restraint, or by means of the abuse or  
288 threatened abuse of law or the legal process;

289 2. Imposed on the basis of a characteristic that has been  
290 held by the United States Supreme Court or the Florida Supreme

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291 Court to be protected against discrimination under the  
292 Fourteenth Amendment to the United States Constitution or under  
293 s. 2, Art. I of the State Constitution, including race, color,  
294 national origin, religion, gender, or physical disability;

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

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

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

303 Section 3. Subsections (1), (2), and (5) of section  
304 366.032, Florida Statutes, are amended to read:

305 366.032 Preemption over utility service restrictions.—

306 (1) A municipality, county, special district, development  
307 district, or other political subdivision of the state may not  
308 enact or enforce a resolution, ordinance, rule, code, or policy  
309 or take any action that restricts or prohibits or has the effect  
310 of restricting or prohibiting the types or fuel sources of  
311 energy production which may be used, delivered, converted, or  
312 supplied by the following entities to serve customers that such  
313 entities are authorized to serve:

314 (a) A public utility or an electric utility as defined in  
315 this chapter;

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

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

319 (d) A natural gas transmission company as defined in s.

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320 368.103; or

321 (e) A Category I liquefied petroleum gas dealer or Category  
322 II liquefied petroleum gas dispenser or Category III liquefied  
323 petroleum gas cylinder exchange operator as defined in s.  
324 527.01.

325 (2) Except to the extent necessary to enforce the Florida  
326 Building Code adopted pursuant to s. 553.73 or the Florida Fire  
327 Prevention Code adopted pursuant to s. 633.202, a municipality,  
328 county, special district, development district, or other  
329 political subdivision of the state may not enact or enforce a  
330 resolution, an ordinance, a rule, a code, or a policy or take  
331 any action that restricts or prohibits or has the effect of  
332 restricting or prohibiting the use of an appliance, including a  
333 stove or grill, which uses the types or fuel sources of energy  
334 production which may be used, delivered, converted, or supplied  
335 by the entities listed in subsection (1). As used in this  
336 subsection, the term "appliance" means a device or apparatus  
337 manufactured and designed to use energy and for which the  
338 Florida Building Code or the Florida Fire Prevention Code  
339 provides specific requirements.

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

344 Section 4. Section 366.042, Florida Statutes, is created to  
345 read:

346 366.042 Mutual aid agreements of electric cooperatives and  
347 municipal electric utilities.—

348 (1) For the purposes of restoring power following a natural

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349 disaster that is subject to a state of emergency declared by the  
350 Governor, all electric cooperatives and municipal electric  
351 utilities shall enter into and maintain, at a minimum, one of  
352 the following:

353 (a) A mutual aid agreement with a municipal electric  
354 utility;

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

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

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

358 (2) All electric cooperatives and municipal electric  
359 utilities operating in this state shall annually submit to the  
360 commission an attestation, in conformity with s. 92.525, stating  
361 that the organization has complied with the requirements of this  
362 section on or before May 15. Nothing in this section shall be  
363 construed to give the commission jurisdiction over the terms and  
364 conditions of a mutual aid agreement or agreement with a private  
365 contractor entered into by an electric cooperative or a  
366 municipal electric utility.

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

370 (4) An electric cooperative or municipal electric utility  
371 that submits the attestation required by this section is  
372 eligible to receive state financial assistance, if such funding  
373 is available, for power restoration efforts following a natural  
374 disaster that is subject to a state of emergency declared by the  
375 Governor.

376 (5) An electric cooperative or municipal electric utility  
377 that does not submit an attestation required by this section is

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378 ineligible to receive state financial assistance for power  
379 restoration efforts following a natural disaster that is subject  
380 to a state of emergency declared by the Governor, until such  
381 time as the attestation is submitted.

382 (6) Nothing in this section shall be construed to prohibit,  
383 limit, or disqualify an electric cooperative or municipal  
384 electric utility from receiving funding under The Stafford Act,  
385 42 U.S.C. 5121 et seq., or any other federal program, including  
386 programs administered by the state.

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

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

391 366.94 Electric vehicle charging ~~stations.~~-

392 (4) Upon petition of a public utility, the commission may  
393 approve voluntary electric vehicle charging programs to become  
394 effective on or after January 1, 2025, to include, but not be  
395 limited to, residential, fleet, and public electric vehicle  
396 charging, upon a determination by the commission that the  
397 utility's general body of ratepayers, as a whole, will not pay  
398 to support recovery of its electric vehicle charging investment  
399 by the end of the useful life of the assets dedicated to the  
400 electric vehicle charging service. This provision does not  
401 preclude cost recovery for electric vehicle charging programs  
402 approved by the commission before January 1, 2024.

403 Section 6. Section 366.99, Florida Statutes, is created to  
404 read:

405 366.99 Natural gas facilities relocation costs.-

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

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407 (a) "Authority" has the same meaning as in s.  
408 337.401(1) (a).

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

412 (c) "Natural gas facilities" or "facilities" means gas  
413 mains, laterals, and service lines used to distribute natural  
414 gas to customers. The term includes all ancillary equipment  
415 needed for safe operations, including, but not limited to,  
416 regulating stations, meters, other measuring devices,  
417 regulators, and pressure monitoring equipment.

418 (d) "Natural gas facilities relocation costs" means the  
419 costs to relocate or reconstruct facilities as required by a  
420 mandate, a statute, a law, an ordinance, or an agreement between  
421 the utility and an authority, including, but not limited to,  
422 costs associated with reviewing plans provided by an authority.  
423 The term does not include any costs recovered through the public  
424 utility's base rates.

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

428 (2) A utility may submit to the commission, pursuant to  
429 commission rule, a petition describing the utility's projected  
430 natural gas facilities relocation costs for the next calendar  
431 year, actual natural gas facilities relocation costs for the  
432 prior calendar year, and proposed cost-recovery factors designed  
433 to recover such costs. A utility's decision to proceed with  
434 implementing a plan before filing such a petition does not  
435 constitute imprudence.

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436 (3) The commission shall conduct an annual proceeding to  
437 determine each utility's prudently incurred natural gas  
438 facilities relocation costs and to allow each utility to recover  
439 such costs through a charge separate and apart from base rates,  
440 to be referred to as the natural gas facilities relocation cost  
441 recovery clause. The commission's review in the proceeding is  
442 limited to determining the prudence of the utility's actual  
443 incurred natural gas facilities relocation costs and the  
444 reasonableness of the utility's projected natural gas facilities  
445 relocation costs for the following calendar year; and providing  
446 for a true-up of the costs with the projections on which past  
447 factors were set. The commission shall require that any refund  
448 or collection made as a part of the true-up process includes  
449 interest.

450 (4) All costs approved for recovery through the natural gas  
451 facilities relocation cost recovery clause must be allocated to  
452 customer classes pursuant to the rate design most recently  
453 approved by the commission.

454 (5) If a capital expenditure is recoverable as a natural  
455 gas facilities relocation cost, the public utility may recover  
456 the annual depreciation on the cost, calculated at the public  
457 utility's current approved depreciation rates, and a return on  
458 the undepreciated balance of the costs at the public utility's  
459 weighted average cost of capital using the last approved return  
460 on equity.

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

464 Section 7. Section 377.601, Florida Statutes, is amended to



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465 read:

466 377.601 Legislative intent.—

467 (1) The purpose of the state's energy policy is to ensure  
468 an adequate, reliable, and cost-effective supply of energy for  
469 the state in a manner that promotes the health and welfare of  
470 the public and economic growth. The Legislature intends that  
471 governance of the state's energy policy be efficiently directed  
472 toward achieving this purpose ~~The Legislature finds that the~~  
473 ~~state's energy security can be increased by lessening dependence~~  
474 ~~on foreign oil; that the impacts of global climate change can be~~  
475 ~~reduced through the reduction of greenhouse gas emissions; and~~  
476 ~~that the implementation of alternative energy technologies can~~  
477 ~~be a source of new jobs and employment opportunities for many~~  
478 ~~Floridians. The Legislature further finds that the state is~~  
479 ~~positioned at the front line against potential impacts of global~~  
480 ~~climate change. Human and economic costs of those impacts can be~~  
481 ~~averted by global actions and, where necessary, adapted to by a~~  
482 ~~concerted effort to make Florida's communities more resilient~~  
483 ~~and less vulnerable to these impacts. In focusing the~~  
484 ~~government's policy and efforts to benefit and protect our~~  
485 ~~state, its citizens, and its resources, the Legislature believes~~  
486 ~~that a single government entity with a specific focus on energy~~  
487 ~~and climate change is both desirable and advantageous. Further,~~  
488 ~~the Legislature finds that energy infrastructure provides the~~  
489 ~~foundation for secure and reliable access to the energy supplies~~  
490 ~~and services on which Florida depends. Therefore, there is~~  
491 ~~significant value to Florida consumers that comes from~~  
492 ~~investment in Florida's energy infrastructure that increases~~  
493 ~~system reliability, enhances energy independence and~~

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494 ~~diversification, stabilizes energy costs, and reduces greenhouse~~  
495 ~~gas emissions.~~

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

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

499 (b) Ensuring adequate supply and capacity.

500 (c) Ensuring a secure, resilient, and reliable energy  
501 supply, with an emphasis on a diverse supply of domestic energy  
502 resources.

503 (d) Protecting public safety.

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

506 (f) Supporting economic growth.

507 (3)(2) In furtherance of the goals in subsection (2), it is  
508 the policy of the state of Florida to:

509 (a) Develop and Promote the cost-effective development and  
510 effective use of a diverse supply of domestic energy resources  
511 in the state and, discourage all forms of energy waste, and  
512 recognize and address the potential of global climate change  
513 wherever possible.

514 (b) Promote the cost-effective development and maintenance  
515 of energy infrastructure that is resilient to natural and  
516 manmade threats to the security and reliability of the state's  
517 energy supply Play a leading role in developing and instituting  
518 energy management programs aimed at promoting energy  
519 conservation, energy security, and the reduction of greenhouse  
520 gas emissions.

521 (c) Reduce reliance on foreign energy resources.

522 (d)(e) Include energy reliability and security

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523 considerations in all state, regional, and local planning.

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

526 (f)~~(e)~~ Encourage local governments to include energy  
527 considerations in all planning and to support their work in  
528 promoting energy management programs.

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

531 (h)~~(g)~~ Consider in its decisions the energy needs of each  
532 economic sector, including residential, industrial, commercial,  
533 agricultural, and governmental uses, and reduce those needs  
534 whenever possible.

535 (i)~~(h)~~ Promote energy education and the public  
536 dissemination of information on energy and its impacts in  
537 relation to the goals in subsection (2) environmental, economic,  
538 and social impact.

539 (j)~~(i)~~ Encourage the research, development, demonstration,  
540 and application of domestic energy resources, including the use  
541 of alternative energy resources, particularly renewable energy  
542 resources.

543 (k)~~(j)~~ Consider, in its decisionmaking, the impacts of  
544 energy-related activities on the goals in subsection (2) social,  
545 economic, and environmental impacts of energy-related  
546 activities, including the whole-life-cycle impacts of any  
547 potential energy use choices, so that detrimental effects of  
548 these activities are understood and minimized.

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

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

554 377.6015 Department of Agriculture and Consumer Services;  
555 powers and duties.—

556 (2) The department shall:

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

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

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

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

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

569 (c)~~(f)~~ Advocate for energy and climate change issues  
570 consistent with the goals in s. 377.601(2) and provide  
571 educational outreach and technical assistance in cooperation  
572 with the state's academic institutions.

573 (d)~~(g)~~ Be a party in the proceedings to adopt goals and  
574 submit comments to the Public Service Commission pursuant to s.  
575 366.82.

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

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

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581           377.703 Additional functions of the Department of  
582 Agriculture and Consumer Services.—

583           (1) LEGISLATIVE INTENT.—Recognizing that energy supply and  
584 demand questions have become a major area of concern to the  
585 state which must be dealt with by effective and well-coordinated  
586 state action, it is the intent of the Legislature to promote the  
587 efficient, effective, and economical management of energy  
588 problems, centralize energy coordination responsibilities,  
589 pinpoint responsibility for conducting energy programs, and  
590 ensure the accountability of state agencies for the  
591 implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy  
592 policy. It is the specific intent of the Legislature that  
593 nothing in this act shall in any way change the powers, duties,  
594 and responsibilities assigned by the Florida Electrical Power  
595 Plant Siting Act, part II of chapter 403, or the powers, duties,  
596 and responsibilities of the Florida Public Service Commission.

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

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

605           1. An analysis of the relationship of state economic growth  
606 and development to energy supply and demand, including the  
607 constraints to economic growth resulting from energy supply  
608 constraints.

609           2. ~~Plans for the development of renewable energy resources~~

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610 ~~and reduction in dependence on depletable energy resources,~~  
611 ~~particularly oil and natural gas, and~~ An analysis of the extent  
612 to which domestic energy resources, including renewable energy  
613 sources, are being utilized in this ~~the~~ state.

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

619 4. An assessment of the state's energy resources, including  
620 examination of the availability of commercially developable and  
621 imported fuels, and an analysis of anticipated impacts in  
622 relation to the goals in s. 377.601(2) ~~effects on the state's~~  
623 ~~environment and social services~~ resulting from energy resource  
624 development activities or from energy supply constraints, or  
625 both.

626 (f) The department shall submit an annual report to the  
627 Governor and the Legislature reflecting its activities and  
628 making recommendations for policies for improvement of the  
629 state's response to energy supply and demand and its effect on  
630 the health, safety, and welfare of the residents of this state.  
631 The report must include a report from the Florida Public Service  
632 Commission on electricity and natural gas and information on  
633 energy conservation programs conducted and underway in the past  
634 year and include recommendations for energy efficiency and  
635 conservation programs for the state, including:

636 1. Formulation of specific recommendations for improvement  
637 in the efficiency of energy utilization in governmental,  
638 residential, commercial, industrial, and transportation sectors.

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639           2. Collection and dissemination of information relating to  
640 energy efficiency and conservation.

641           3. Development and conduct of educational and training  
642 programs relating to energy efficiency and conservation.

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

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

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

651           ~~1.2.~~ Aiding and promoting the commercialization of  
652 renewable energy resources, in cooperation with the Florida  
653 Energy Systems Consortium; the Florida Solar Energy Center; and  
654 any other federal, state, or local governmental agency that may  
655 seek to promote research, development, and the demonstration of  
656 renewable energy equipment and technology.

657           ~~2.3.~~ Identifying barriers to greater use of renewable  
658 energy resources in this state, and developing specific  
659 recommendations for overcoming identified barriers, with  
660 findings and recommendations to be submitted annually in the  
661 report to the Governor and Legislature required under paragraph  
662 (f).

663           ~~3.4.~~ In cooperation with the Department of Environmental  
664 Protection, the Department of Transportation, the Department of  
665 Commerce, the Florida Energy Systems Consortium, the Florida  
666 Solar Energy Center, and the Florida Solar Energy Industries  
667 Association, investigating opportunities, pursuant to the

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668 national Energy Policy Act of 1992, the Housing and Community  
669 Development Act of 1992, and any subsequent federal legislation,  
670 for renewable energy resources, electric vehicles, and other  
671 renewable energy manufacturing, distribution, installation, and  
672 financing efforts that enhance this state's position as the  
673 leader in renewable energy research, development, and use.

674 4.5. Undertaking other initiatives to advance the  
675 development and use of renewable energy resources in this state.

676

677 In the exercise of its responsibilities under this paragraph,  
678 the department shall seek the assistance of the renewable energy  
679 industry in this state and other interested parties and may  
680 enter into contracts, retain professional consulting services,  
681 and expend funds appropriated by the Legislature for such  
682 purposes.

683 (m) In recognition of the devastation to the economy of  
684 this state and the dangers to the health and welfare of  
685 residents of this state caused by severe hurricanes, and the  
686 potential for such impacts caused by other natural disasters,  
687 the Division of Emergency Management shall include in its energy  
688 emergency contingency plan and provide to the Florida Building  
689 Commission for inclusion in the Florida Energy Efficiency Code  
690 for Building Construction specific provisions to facilitate the  
691 use of cost-effective ~~solar~~ energy technologies as emergency  
692 remedial and preventive measures for providing electric power,  
693 street lighting, and water heating service in the event of  
694 electric power outages.

695 Section 10. Section 377.708, Florida Statutes, is created  
696 to read:



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697 377.708 Wind energy.—

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

699 (a) "Coastline" means the established line of mean high  
700 water.

701 (b) "Department" means the Department of Environmental  
702 Protection.

703 (c) "Offshore wind energy facility" means any wind energy  
704 facility located on waters of this state, including other  
705 buildings, structures, vessels, or electrical transmission  
706 cabling to be sited on waters of this state, or connected to  
707 corresponding onshore substations that are used to support the  
708 operation of one or more wind turbines sited or constructed on  
709 waters of this state and any submerged lands or territorial  
710 waters that are not under the jurisdiction of the state.

711 (d) "Real property" has the same meaning as provided in s.  
712 192.001(12).

713 (e) "Waters of this state" has the same meaning as in s.  
714 327.02, except the term also includes all state submerged lands.

715 (f) "Wind energy facility" means an electrical wind  
716 generation facility or expansion thereof having at least a 400-  
717 watt rated capacity, including substations; meteorological data  
718 towers; aboveground, underground, and electrical transmission  
719 lines; and transformers, control systems, and other buildings or  
720 structures under common ownership or operating control used to  
721 support the operation of the facility the primary purpose of  
722 which is to offer electricity supply for sale.

723 (g) "Wind turbine" means a device or apparatus that has the  
724 capability to convert kinetic wind energy into rotational energy  
725 that drives an electrical generator consisting of a tower body

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726 and rotator with two or more blades. The term includes both  
727 horizontal and vertical axis turbines. The term does not include  
728 devices used to measure wind speed and direction, such as an  
729 anemometer.

730 (2) PROHIBITED ACTIVITIES.—

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

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

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

737 (3) REVIEW.—The department shall review all applications  
738 for federal wind energy leases in the territorial waters of the  
739 United States adjacent to waters of this state and shall signify  
740 its approval of or objection to each application.

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

745 Section 11. Sections 377.801, 377.802, 377.803, 377.804,  
746 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

747 Section 12. (1) For programs established pursuant to s.  
748 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida  
749 Statutes, there may not be:

750 (a) New or additional applications, certifications, or  
751 allocations approved.

752 (b) New letters of certification issued.

753 (c) New contracts or agreements executed.

754 (d) New awards made.

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755       (2) All certifications or allocations issued under such  
756 programs are rescinded except for the certifications of, or  
757 allocations to, those certified applicants or projects that  
758 continue to meet the applicable criteria in effect before July  
759 1, 2024. Any existing contract or agreement authorized under any  
760 of these programs shall continue in full force and effect in  
761 accordance with the statutory requirements in effect when the  
762 contract or agreement was executed or last modified. However,  
763 further modifications, extensions, or waivers may not be made or  
764 granted relating to such contracts or agreements, except  
765 computations by the Department of Revenue of the income  
766 generated by or arising out of the qualifying project.

767       Section 13. Paragraph (d) of subsection (2) of section  
768 220.193, Florida Statutes, is amended to read:

769       220.193 Florida renewable energy production credit.—

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

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

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

776       288.9606 Issue of revenue bonds.—

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

781       (a) Finance the undertaking of any project within the state  
782 that promotes renewable energy as defined in s. 366.91 ~~or s.~~  
783 ~~377.803;~~

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

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

789 (d) Finance the costs of acquisition or construction of a  
790 transportation facility by a private entity or consortium of  
791 private entities under a public-private partnership agreement  
792 authorized by s. 334.30.

793 Section 15. Paragraph (w) of subsection (2) of section  
794 380.0651, Florida Statutes, is amended to read:

795 380.0651 Statewide guidelines, standards, and exemptions.—

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

798 ~~(w) Any development in an energy economic zone designated~~  
799 ~~pursuant to s. 377.809 upon approval by its local governing~~  
800 ~~body.~~

801  
802 If a use is exempt from review pursuant to paragraphs (a)-(u),  
803 but will be part of a larger project that is subject to review  
804 pursuant to s. 380.06(12), the impact of the exempt use must be  
805 included in the review of the larger project, unless such exempt  
806 use involves a development that includes a landowner, tenant, or  
807 user that has entered into a funding agreement with the state  
808 land planning agency under the Innovation Incentive Program and  
809 the agreement contemplates a state award of at least \$50  
810 million.

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

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813 403.9405 Applicability; certification; exemption; notice of  
814 intent.—

815 (2) ~~No construction of~~ A natural gas transmission pipeline  
816 may not be constructed ~~be undertaken after October 1, 1992,~~  
817 without first obtaining certification under ss. 403.9401-  
818 403.9425, but these sections do not apply to:

819 (a) Natural gas transmission pipelines which are less than  
820 100 ~~15~~ miles in length or which do not cross a county line,  
821 unless the applicant has elected to apply for certification  
822 under ss. 403.9401-403.9425.

823 (b) Natural gas transmission pipelines for which a  
824 certificate of public convenience and necessity has been issued  
825 under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a  
826 natural gas transmission pipeline certified as an associated  
827 facility to an electrical power plant pursuant to the Florida  
828 Electrical Power Plant Siting Act, ss. 403.501-403.518, unless  
829 the applicant elects to apply for certification of that pipeline  
830 under ss. 403.9401-403.9425.

831 (c) Natural gas transmission pipelines that are owned or  
832 operated by a municipality or any agency thereof, by any person  
833 primarily for the local distribution of natural gas, or by a  
834 special district created by special act to distribute natural  
835 gas, unless the applicant elects to apply for certification of  
836 that pipeline under ss. 403.9401-403.9425.

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

839 720.3075 Prohibited clauses in association documents.—

840 (3) Homeowners' association documents, including  
841 declarations of covenants, articles of incorporation, or bylaws,

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842 may not preclude:

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

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

852 1. A public utility or an electric utility as defined in  
853 chapter 366;

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

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

857 4. A natural gas transmission company as defined in s.  
858 368.103; or

859 5. A Category I liquefied petroleum gas dealer, a Category  
860 II liquefied petroleum gas dispenser, or a Category III  
861 liquefied petroleum gas cylinder exchange operator as defined in  
862 s. 527.01.

863 (c) The use of an appliance, including a stove or grill,  
864 which uses the types or fuel sources of energy production which  
865 may be used, delivered, converted, or supplied by the entities  
866 listed in paragraph (b). As used in this paragraph, the term  
867 "appliance" means a device or apparatus manufactured and  
868 designed to use energy and for which the Florida Building Code  
869 or the Florida Fire Prevention Code provides specific  
870 requirements.

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871       Section 18. (1) The Public Service Commission shall conduct  
872 an assessment of the security and resiliency of the state's  
873 electric grid and natural gas facilities against both physical  
874 threats and cyber threats. In conducting this assessment, the  
875 commission shall consult with the Division of Emergency  
876 Management and, in its assessment of cyber threats, shall  
877 consult with the Florida Digital Service. All electric  
878 utilities, natural gas utilities, and natural gas pipelines  
879 operating in this state, regardless of ownership structure,  
880 shall cooperate with the commission to provide access to all  
881 information necessary to conduct the assessment.

882       (2) By July 1, 2025, the commission shall submit a report  
883 of its assessment to the Governor, the President of the Senate,  
884 and the Speaker of the House of Representatives. The report must  
885 also contain any recommendations for potential legislative or  
886 administrative actions that may enhance the physical security or  
887 cyber security of the state's electric grid or natural gas  
888 facilities.

889       Section 19. (1) Recognizing the evolution and advances that  
890 have occurred and continue to occur in nuclear power  
891 technologies, the Public Service Commission shall study and  
892 evaluate the technical and economic feasibility of using  
893 advanced nuclear power technologies, including small modular  
894 reactors, to meet the electrical power needs of the state, and  
895 research means to encourage and foster the installation and use  
896 of such technologies at military installations in the state in  
897 partnership with public utilities. In conducting this study, the  
898 commission shall consult with the Department of Environmental  
899 Protection and the Division of Emergency Management.

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900       (2) By April 1, 2025, the commission shall prepare and  
901 submit a report to the Governor, the President of the Senate,  
902 and the Speaker of the House of Representatives, containing its  
903 findings and any recommendations for potential legislative or  
904 administrative actions that may enhance the use of advanced  
905 nuclear technologies in a manner consistent with the energy  
906 policy goals in s. 377.601(2), Florida Statutes.

907       Section 20. (1) Recognizing the continued development of  
908 technologies that support the use of hydrogen as a  
909 transportation fuel and the potential for such use to help meet  
910 the state's energy policy goals in s. 377.601(2), Florida  
911 Statutes, the Department of Transportation, in consultation with  
912 the Office of Energy within the Department of Agriculture and  
913 Consumer Services, shall study and evaluate the potential  
914 development of hydrogen fueling infrastructure, including  
915 fueling stations, to support hydrogen-powered vehicles that use  
916 the State Highway System.

917       (2) By April 1, 2025, the Department of Transportation  
918 shall prepare and submit a report to the Governor, the President  
919 of the Senate, and the Speaker of the House of Representatives,  
920 containing its findings and any recommendations for potential  
921 legislative or administrative actions that may accommodate the  
922 future development of hydrogen fueling infrastructure in a  
923 manner consistent with the energy policy goals in s. 377.601(2),  
924 Florida Statutes.

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