

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Energy, Communications &
 2 Cybersecurity Subcommittee
 3 Representative Payne offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 163.3210, Florida Statutes, is created
 8 to read:

9 163.3210 Natural gas resiliency and reliability
 10 infrastructure.—

11 (1) It is the intent of the Legislature to maintain,
 12 encourage, and ensure adequate and reliable fuel sources for
 13 public utilities. The resiliency and reliability of fuel sources
 14 for public utilities is critical to the state's economy; the
 15 ability of the state to recover from natural disasters; and to

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16 the health, safety, welfare, and quality of life of the
17 residents of the state.

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

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

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

25 (c) "Public utility" has the same meaning as defined in s.
26 366.02.

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

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

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41 industrial, and manufacturing land use categories and zoning
42 districts.

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

50 Section 2. Section 286.29, Florida Statutes, is amended to
51 read:

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

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

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66 ~~contracts, state agencies shall first consult the Florida~~
67 ~~Climate-Friendly Preferred Products List and procure such~~
68 ~~products if the price is comparable.~~

69 ~~(2) State agencies shall contract for meeting and~~
70 ~~conference space only with hotels or conference facilities that~~
71 ~~have received the "Green Lodging" designation from the~~
72 ~~Department of Environmental Protection for best practices in~~
73 ~~water, energy, and waste efficiency standards, unless the~~
74 ~~responsible state agency head makes a determination that no~~
75 ~~other viable alternative exists.~~

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

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

80 ~~(b) Replacing fuel filters and emission filters at~~
81 ~~recommended intervals.~~

82 ~~(c) Using proper motor oils.~~

83 ~~(d) Performing timely motor maintenance.~~

84

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

88 ~~(4) When procuring new vehicles, all state agencies, state~~
89 ~~universities, community colleges, and local governments that~~
90 ~~purchase vehicles under a state purchasing plan shall first~~

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91 ~~define the intended purpose for the vehicle and determine which~~
92 ~~of the following use classes for which the vehicle is being~~
93 ~~procured:~~

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

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

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

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

98 ~~(e) Conveyance of building or maintenance materials and~~
99 ~~supplies;~~

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

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

102 ~~(h) Other.~~

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

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

121 (3) (a) The Department of Management Services shall, in
122 consultation with the Department of Commerce and the Department
123 of Agriculture and Consumer Services, develop a Florida Humane
124 Preferred Energy Products List. In developing the list, the
125 department must assess products currently available for purchase
126 under state term contracts that contain or consist of an energy
127 storage device with a capacity of greater than one kilowatt-hour
128 or that contain or consist of an energy generation device with a
129 capacity of greater than 500 watts and identify specific
130 products that appear to be largely made free from forced labor,
131 irrespective of the age of the worker. For purposes of this
132 subsection, the term "forced labor" means any work performed or
133 service rendered that is:

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

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

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

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

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

155 Section 3. Subsections (1), (2), and (5) of section
156 366.032, Florida Statutes, are amended to read:

157 366.032 Preemption over utility service restrictions.—

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

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166 (a) A public utility or an electric utility as defined in
167 this chapter;

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

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

171 (d) A natural gas transmission company as defined in s.
172 368.103; or

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

177 (2) Except to the extent necessary to enforce the Florida
178 Building Code adopted pursuant to s. 553.73 or the Florida Fire
179 Prevention Code adopted pursuant to s. 633.202, a municipality,
180 county, special district, development district, or other
181 political subdivision of the state may not enact or enforce a
182 resolution, an ordinance, a rule, a code, or a policy or take
183 any action that restricts or prohibits or has the effect of
184 restricting or prohibiting the use of an appliance, including a
185 stove or grill, which uses the types or fuel sources of energy
186 production which may be used, delivered, converted, or supplied
187 by the entities listed in subsection (1). As used in this
188 subsection, the term "appliance" means a device or apparatus
189 manufactured and designed to use energy and for which the

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190 Florida Building Code or the Florida Fire Prevention Code
191 provides specific requirements.

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

197 Section 4. Subsection (10) is added to section 366.04,
198 Florida Statutes, to read:

199 366.04 Jurisdiction of commission.—

200 (10) In the exercise of its jurisdiction, the commission,
201 without specific legislative authority, may not authorize a
202 public utility to expand the scope of its regulated business
203 activity to include direct sales of energy to a consumer solely
204 for the consumer's use in powering means of transportation owned
205 by the consumer. This provision does not apply to limited or
206 pilot programs approved by the commission before January 1,
207 2024.

208 Section 5. Section 366.94, Florida Statutes, is amended to
209 read:

210 366.94 Electric vehicle charging ~~stations~~.—

211 (1) The provision of electric vehicle charging to the
212 public by a nonutility is not the retail sale of electricity for
213 the purposes of this chapter. The rates, terms, and conditions
214 of electric vehicle charging services by a nonutility are not

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215 subject to regulation under this chapter. This section does not
216 affect the ability of individuals, businesses, or governmental
217 entities to acquire, install, or use an electric vehicle charger
218 for their own vehicles.

219 (2) The Department of Agriculture and Consumer Services
220 shall adopt rules to provide definitions, methods of sale,
221 labeling requirements, and price-posting requirements for
222 electric vehicle charging ~~stations~~ to allow for consistency for
223 consumers and the industry.

224 (3)(a) It is unlawful for a person to stop, stand, or park
225 a vehicle that is not capable of using an electrical recharging
226 station within any parking space specifically designated for
227 charging an electric vehicle.

228 (b) If a law enforcement officer finds a motor vehicle in
229 violation of this subsection, the officer or specialist shall
230 charge the operator or other person in charge of the vehicle in
231 violation with a noncriminal traffic infraction, punishable as
232 provided in s. 316.008(4) or s. 318.18.

233 (4) The commission may approve voluntary public utility
234 programs to become effective on or after January 1, 2025, for
235 residential, customer-specific electric vehicle charging if the
236 commission determines that the rates and rate structure of the
237 program will not adversely impact the public utility's general
238 body of ratepayers. All revenues received from the program must
239 be credited to the public utility's retail ratepayers. This

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240 provision does not preclude cost recovery for electric vehicle
241 charging programs approved by the commission before January 1,
242 2024.

243 Section 6. Section 366.99, Florida Statutes, is created to
244 read:

245 366.99 Natural gas facilities relocation costs.-

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

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

248 337.401(1)(a).

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

252 (c) "Natural gas facilities" or "facilities" means gas
253 mains, laterals, and service lines used to distribute natural
254 gas to customers. The term includes all ancillary equipment
255 needed for safe operations, including, but not limited to,
256 regulating stations, meters, other measuring devices,
257 regulators, and pressure monitoring equipment.

258 (d) "Natural gas facilities relocation costs" means the
259 costs to relocate or reconstruct facilities as required by a
260 mandate, a statute, a law, an ordinance, or an agreement between
261 the utility and an authority, including, but not limited to,
262 costs associated with reviewing plans provided by an authority.
263 The term does not include any costs recovered through the public
264 utility's base rates.

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

268 (2) A utility may submit to the commission, pursuant to
269 commission rule, a petition describing the utility's projected
270 natural gas facilities relocation costs for the next calendar
271 year, actual natural gas facilities relocation costs for the
272 prior calendar year, and proposed cost-recovery factors designed
273 to recover such costs. A utility's decision to proceed with
274 implementing a plan before filing such a petition does not
275 constitute imprudence.

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

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290 (4) All costs approved for recovery through the natural
291 gas facilities relocation cost recovery clause must be allocated
292 to customer classes pursuant to the rate design most recently
293 approved by the commission.

294 (5) If a capital expenditure is recoverable as a natural
295 gas facilities relocation cost, the public utility may recover
296 the annual depreciation on the cost, calculated at the public
297 utility's current approved depreciation rates, and a return on
298 the undepreciated balance of the costs at the public utility's
299 weighted average cost of capital using the last approved return
300 on equity.

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

304 Section 7. Section 377.601, Florida Statutes, is amended
305 to read:

306 377.601 Legislative intent.—

307 (1) The purpose of the state's energy policy is to ensure
308 an adequate, reliable, and cost-effective supply of energy for
309 the state in a manner that promotes the health and welfare of
310 the public and economic growth. The Legislature intends that
311 governance of the state's energy policy be efficiently directed
312 toward achieving this purpose ~~The Legislature finds that the~~
313 ~~state's energy security can be increased by lessening dependence~~
314 ~~on foreign oil; that the impacts of global climate change can be~~

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315 ~~reduced through the reduction of greenhouse gas emissions; and~~
316 ~~that the implementation of alternative energy technologies can~~
317 ~~be a source of new jobs and employment opportunities for many~~
318 ~~Floridians. The Legislature further finds that the state is~~
319 ~~positioned at the front line against potential impacts of global~~
320 ~~climate change. Human and economic costs of those impacts can be~~
321 ~~averted by global actions and, where necessary, adapted to by a~~
322 ~~concerted effort to make Florida's communities more resilient~~
323 ~~and less vulnerable to these impacts. In focusing the~~
324 ~~government's policy and efforts to benefit and protect our~~
325 ~~state, its citizens, and its resources, the Legislature believes~~
326 ~~that a single government entity with a specific focus on energy~~
327 ~~and climate change is both desirable and advantageous. Further,~~
328 ~~the Legislature finds that energy infrastructure provides the~~
329 ~~foundation for secure and reliable access to the energy supplies~~
330 ~~and services on which Florida depends. Therefore, there is~~
331 ~~significant value to Florida consumers that comes from~~
332 ~~investment in Florida's energy infrastructure that increases~~
333 ~~system reliability, enhances energy independence and~~
334 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
335 ~~gas emissions.~~

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

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

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- 340 (b) Ensuring adequate supply and capacity.
- 341 (c) Ensuring a secure, resilient, and reliable energy
342 supply, with an emphasis on a diverse supply of domestic energy
343 resources.
- 344 (d) Protecting public safety.
- 345 (e) Protecting the state's natural resources, including
346 its coastlines, tributaries, and waterways.
- 347 (f) Supporting economic growth.
- 348 (3)-(2) In furtherance of the goals in subsection (2), it
349 is the policy of the state of Florida to:
- 350 ~~(a) Develop and Promote the~~ cost-effective development and
351 effective use of a diverse supply of domestic energy resources
352 in this the state and, ~~discourage all forms of energy waste, and~~
353 ~~recognize and address the potential of global climate change~~
354 ~~wherever possible.~~
- 355 (b) Promote the cost-effective development and maintenance
356 of energy infrastructure that is resilient to natural and
357 manmade threats to the security and reliability of the state's
358 energy supply ~~Play a leading role in developing and instituting~~
359 ~~energy management programs aimed at promoting energy~~
360 ~~conservation, energy security, and the reduction of greenhouse~~
361 ~~gas emissions.~~
- 362 (c) Reduce reliance on foreign energy resources.
- 363 (d)-(e) Include energy reliability and security
364 considerations in all state, regional, and local planning.

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365 ~~(e)-(d)~~ Utilize and manage effectively energy resources
366 used within state agencies.

367 ~~(f)-(e)~~ Encourage local governments to include energy
368 considerations in all planning and to support their work in
369 promoting energy management programs.

370 ~~(g)-(f)~~ Include the full participation of citizens in the
371 development and implementation of energy programs.

372 ~~(h)-(g)~~ Consider in its decisions the energy needs of each
373 economic sector, including residential, industrial, commercial,
374 agricultural, and governmental uses, and reduce those needs
375 whenever possible.

376 ~~(i)-(h)~~ Promote energy education and the public
377 dissemination of information on energy and its impacts in
378 relation to the goals in subsection (2) ~~environmental, economic,~~
379 ~~and social impact.~~

380 ~~(j)-(i)~~ Encourage the research, development, demonstration,
381 and application of domestic energy resources, including the use
382 of ~~alternative energy resources, particularly~~ renewable energy
383 resources.

384 ~~(k)-(j)~~ Consider, in its decisionmaking, the impacts of
385 energy-related activities on the goals in subsection (2) ~~social,~~
386 ~~economic, and environmental impacts of energy-related~~
387 ~~activities,~~ including the whole-life-cycle impacts of any
388 potential energy use choices, so that detrimental effects of
389 these activities are understood and minimized.

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390 ~~(1)(k)~~ Develop and maintain energy emergency preparedness
391 plans to minimize the effects of an energy shortage within this
392 state Florida

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

395 377.6015 Department of Agriculture and Consumer Services;
396 powers and duties.—

397 (2) The department shall:

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

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

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

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

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

410 ~~(c)(f)~~ Advocate for energy and climate change issues
411 consistent with the goals in s. 377.601(2) and provide
412 educational outreach and technical assistance in cooperation
413 with the state's academic institutions.

414 ~~(d)(g)~~ Be a party in the proceedings to adopt goals and

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415 submit comments to the Public Service Commission pursuant to s.
416 366.82.

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

419 Section 9. Subsection (1) and paragraphs (e), (f), and (m)
420 of subsection (2) of section 377.703, Florida Statutes, are
421 amended to read:

422 377.703 Additional functions of the Department of
423 Agriculture and Consumer Services.—

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

438 (2) DUTIES.—The department shall perform the following
439 functions, unless as otherwise provided, consistent with the

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440 development of a state energy policy:

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

446 1. An analysis of the relationship of state economic
447 growth and development to energy supply and demand, including
448 the constraints to economic growth resulting from energy supply
449 constraints.

450 2. ~~Plans for the development of renewable energy resources~~
451 ~~and reduction in dependence on depletable energy resources,~~
452 ~~particularly oil and natural gas, and~~ An analysis of the extent
453 to which domestic energy resources, including renewable energy
454 sources, are being utilized in this ~~the~~ state.

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

460 4. An assessment of the state's energy resources,
461 including examination of the availability of commercially
462 developable and imported fuels, and an analysis of anticipated
463 impacts in relation to the goals in s. 377.601(2) ~~effects on the~~
464 ~~state's environment and social services~~ resulting from energy

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465 resource development activities or from energy supply
466 constraints, or both.

467 (f) The department shall submit an annual report to the
468 Governor and the Legislature reflecting its activities and
469 making recommendations for policies for improvement of the
470 state's response to energy supply and demand and its effect on
471 the health, safety, and welfare of the residents of this state.
472 The report must include a report from the Florida Public Service
473 Commission on electricity and natural gas and information on
474 energy conservation programs conducted and underway in the past
475 year and include recommendations for energy efficiency and
476 conservation programs for the state, including:

477 1. Formulation of specific recommendations for improvement
478 in the efficiency of energy utilization in governmental,
479 residential, commercial, industrial, and transportation sectors.

480 2. Collection and dissemination of information relating to
481 energy efficiency and conservation.

482 3. Development and conduct of educational and training
483 programs relating to energy efficiency and conservation.

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

487 (m) In recognition of the devastation to the economy of
488 this state and the dangers to the health and welfare of
489 residents of this state caused by severe hurricanes, and the

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490 potential for such impacts caused by other natural disasters,
491 the Division of Emergency Management shall include in its energy
492 emergency contingency plan and provide to the Florida Building
493 Commission for inclusion in the Florida Energy Efficiency Code
494 for Building Construction specific provisions to facilitate the
495 use of cost-effective ~~solar~~ energy technologies as emergency
496 remedial and preventive measures for providing electric power,
497 street lighting, and water heating service in the event of
498 electric power outages.

499 Section 10. Sections 377.801, 377.802, 377.803, 377.804,
500 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

501 Section 11. (1) For programs established pursuant to ss.
502 377.804, 377.808, 377.809, or s. 377.816, Florida Statutes,
503 there may not be:

504 (a) New or additional applications, certifications, or
505 allocations approved.

506 (b) New letters of certification issued.

507 (c) New contracts or agreements executed.

508 (d) New awards made.

509 (2) All certifications or allocations issued under such
510 programs are rescinded except for the certifications of, or
511 allocations to, those certified applicants or projects that
512 continue to meet the applicable criteria in effect before July
513 1, 2024. Any existing contract or agreement authorized under any
514 of these programs shall continue in full force and effect in

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515 accordance with the statutory requirements in effect when the
516 contract or agreement was executed or last modified. However,
517 further modifications, extensions, or waivers may not be made or
518 granted relating to such contracts or agreements, except
519 computations by the Department of Revenue of the income
520 generated by or arising out of the qualifying project.

521 Section 12. Subsection (7) of section 288.9606, Florida
522 Statutes, is amended to read:

523 288.9606 Issue of revenue bonds.—

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

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

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

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

536 (d) Finance the costs of acquisition or construction of a
537 transportation facility by a private entity or consortium of
538 private entities under a public-private partnership agreement
539 authorized by s. 334.30.

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540 Section 13. Paragraph (w) of subsection (2) of section
541 380.0651, Florida Statutes, is amended to read:

542 380.0651 Statewide guidelines, standards, and exemptions.—

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

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

548
549 If a use is exempt from review pursuant to paragraphs (a)-(u),
550 but will be part of a larger project that is subject to review
551 pursuant to s. 380.06(12), the impact of the exempt use must be
552 included in the review of the larger project, unless such exempt
553 use involves a development that includes a landowner, tenant, or
554 user that has entered into a funding agreement with the state
555 land planning agency under the Innovation Incentive Program and
556 the agreement contemplates a state award of at least \$50
557 million.

558 Section 14. Subsection (2) of section 403.9405, Florida
559 Statutes, is amended to read:

560 403.9405 Applicability; certification; exemption; notice
561 of intent.—

562 (2) ~~No construction of~~ A natural gas transmission pipeline
563 ~~may not be constructed be undertaken after October 1, 1992,~~
564 without first obtaining certification under ss. 403.9401-

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565 403.9425, but these sections do not apply to:

566 (a) Natural gas transmission pipelines which are less than
567 100 ~~15~~ miles in length or which do not cross a county line,
568 unless the applicant has elected to apply for certification
569 under ss. 403.9401-403.9425.

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

578 (c) Natural gas transmission pipelines that are owned or
579 operated by a municipality or any agency thereof, by any person
580 primarily for the local distribution of natural gas, or by a
581 special district created by special act to distribute natural
582 gas, unless the applicant elects to apply for certification of
583 that pipeline under ss. 403.9401-403.9425.

584 Section 15. Subsection (3) of section 720.3075, Florida
585 Statutes, is amended to read:

586 720.3075 Prohibited clauses in association documents.—

587 (3) Homeowners' association documents, including
588 declarations of covenants, articles of incorporation, or bylaws,
589 may not preclude:

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

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

599 1. A public utility or an electric utility as defined in
600 this chapter;

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

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

604 4. A natural gas transmission company as defined in s.
605 368.103; or

606 5. A Category I liquefied petroleum gas dealer, a Category
607 II liquefied petroleum gas dispenser, or a Category III
608 liquefied petroleum gas cylinder exchange operator as defined in
609 s. 527.01.

610 (c) The use of an appliance, including a stove or grill,
611 which uses the types or fuel sources of energy production which
612 may be used, delivered, converted, or supplied by the entities
613 listed in paragraph (b). As used in this paragraph, the term
614 "appliance" means a device or apparatus manufactured and

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615 designed to use energy and for which the Florida Building Code
616 or the Florida Fire Prevention Code provides specific
617 requirements.

618 Section 16. (1) The Public Service Commission shall
619 conduct an assessment of the security and resiliency of the
620 state's electric grid and natural gas facilities against both
621 physical threats and cyber threats. In conducting this
622 assessment, the commission shall consult with the Department of
623 Emergency Management and, in its assessment of cyber threats,
624 shall consult with the Florida Digital Service. All electric
625 utilities, natural gas utilities, and natural gas pipelines
626 operating in this state, regardless of ownership structure,
627 shall cooperate with the commission to provide access to all
628 information necessary to conduct the assessment.

629 (2) By July 1, 2025, the commission shall submit a report
630 of its assessment to the Governor, the President of the Senate,
631 and the Speaker of the House of Representatives. The report must
632 also contain any recommendations for potential legislative or
633 administrative actions that may enhance the physical security or
634 cyber security of the state's electric grid or natural gas
635 facilities.

636 Section 17. (1) Recognizing the evolution and advances
637 that have occurred and continue to occur in nuclear power
638 technologies, the Public Service Commission shall study and
639 evaluate the technical and economic feasibility of using

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640 advanced nuclear power technologies, including small modular
641 reactors, to meet the electrical power needs of the state, and
642 research means to encourage and foster the installation and use
643 of such technologies at military installations in the state in
644 partnership with public utilities. In conducting this study, the
645 commission shall consult with the Department of Environmental
646 Protection and the Department of Emergency Management.

647 (2) By April 1, 2025, the commission shall prepare and
648 submit a report to the Governor, the President of the Senate,
649 and the Speaker of the House of Representatives, containing its
650 findings and any recommendations for potential legislative or
651 administrative actions that may enhance the use of advanced
652 nuclear technologies in a manner consistent with the energy
653 policy goals in s. 377.601(2), Florida Statutes.

654 Section 18. (1) Recognizing the continued development of
655 technologies that support the use of hydrogen as a
656 transportation fuel and the potential for such use to help meet
657 the state's energy policy goals in s. 377.601(2), Florida
658 Statutes, the Department of Transportation, in consultation with
659 the Office of Energy within the Department of Agriculture and
660 Consumer Services, shall study and evaluate the potential
661 development of hydrogen fueling infrastructure, including
662 fueling stations, to support hydrogen-powered vehicles that use
663 the state highway system.

664 (2) By April 1, 2025, the department shall prepare and

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665 submit a report to the Governor, the President of the Senate,
666 and the Speaker of the House of Representatives, containing its
667 findings and any recommendations for potential legislative or
668 administrative actions that may accommodate the future
669 development of hydrogen fueling infrastructure in a manner
670 consistent with the energy policy goals in s. 377.601(2),
671 Florida Statutes.

672 Section 19. This act shall take effect July 1, 2024.

673

674 -----

675 **T I T L E A M E N D M E N T**

676 Remove everything before the enacting clause and insert:
677 An act relating to energy resources; creating s. 163.3210, F.S.;
678 providing legislative intent; providing definitions; allowing
679 resiliency facilities in certain land use categories in local
680 government comprehensive plans and specified districts if
681 certain criteria are met; allowing local governments to adopt
682 ordinances for resiliency facilities if certain requirements are
683 met; prohibiting amendments to a local government's
684 comprehensive plan, land use map, zoning districts, or land
685 development regulations in a manner that would conflict with
686 resiliency facility classification after a specified date;
687 amending s. 286.29, F.S.; revising energy guidelines for public
688 businesses; eliminating the requirement that the Department of
689 Management Services develop and maintain the Florida Climate-

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690 Friendly Preferred Products List; eliminating the requirement
691 that state agencies contract for meeting and conference space
692 only with facilities that have a Green Lodging designations;
693 eliminating the requirement that state agencies, state
694 universities, community colleges, and local governments that
695 procure new vehicles under a state purchasing plan select
696 certain vehicles under a specified circumstance; requiring the
697 Department of Management Services to develop a Florida Humane
698 Preferred Energy Products List in consultation with the
699 Department of Commerce and the Department of Agriculture and
700 Consumer Services; providing for assessment considerations in
701 developing the list; defining the term "forced labor"; requiring
702 state agencies and political subdivisions that procure energy
703 products from state term contracts to consult the list and
704 purchase or procure such products; prohibiting state agencies
705 and political subdivisions from purchasing or procuring products
706 not included in the list; amending s. 366.032, F.S.; including
707 development districts as a type of political subdivision for
708 purposes of preemption over utility service restrictions;
709 amending s. 366.04, F.S.; revising the jurisdiction of the
710 Florida Public Service Commission; amending s. 366.94, F.S.;
711 removing terminology; conforming provisions to changes made by
712 the act; authorizing the commission upon a specified date to
713 approve voluntary public utility programs for electric vehicle
714 charging if certain requirements are met; requiring that all

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715 revenues received from such program be credited to the public
716 utility's general body of ratepayers; providing applicability;
717 creating s. 366.99, F.S.; defining terms; authorizing public
718 utilities to submit to the commission a petition for a proposed
719 cost recovery for certain natural gas facilities relocation
720 costs; requiring the commission to conduct annual proceedings to
721 determine each utility's prudently incurred natural gas
722 facilities relocation costs and to allow for the recovery of
723 such costs; providing requirements for the commission's review;
724 providing requirements for the allocation of such recovered
725 costs; requiring the commission to adopt rules; providing a
726 timeframe for such rulemaking; amending s. 377.601, F.S.;
727 revising legislative intent; amending s. 377.6015, F.S.;
728 revising the powers and duties of the department; conforming
729 provisions to changes made by the act; amending s. 377.703,
730 F.S.; revising additional functions of the department relating
731 to energy resources; conforming provisions to changes made by
732 the act; repealing s. 377.801, F.S., relating to the Florida
733 Energy and Climate Protection Act; repealing s. 377.802, F.S.,
734 relating to the purpose of the act; repealing s. 377.803, F.S.,
735 relating to definitions under the act; repealing s. 377.804,
736 F.S., relating to the Renewable Energy and Energy-Efficient
737 Technologies Grants Program; repealing s. 377.808, F.S.,
738 relating to the Florida Green Government Grants Act; repealing
739 s. 377.809, F.S., relating to the Energy Economic Zone Pilot

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740 Program; repealing s. 377.816, F.S., relating to the Qualified
741 Energy Conservation Bond Allocation Program; prohibiting the
742 approval of new or additional applications, certifications, or
743 allocations under such programs; prohibiting new contracts,
744 agreements, and awards under such programs; rescinding all
745 certifications or allocations issued under such programs;
746 providing an exception; providing application relating to
747 existing contracts or agreements under such programs; amending
748 ss. 288.9606 and 380.0651, F.S.; conforming provisions to
749 changes made by the act; amending s. 403.9405, F.S.; revising
750 the applicability of the Natural Gas Transmission Pipeline
751 Siting Act; amending s. 720.3075, F.S.; prohibiting certain
752 homeowners' association documents from precluding certain types
753 or fuel sources of energy production and the use of certain
754 appliances; requiring the commission to conduct an assessment of
755 the security and resiliency of the state's electric grid and
756 natural gas facilities against physical threats and cyber
757 threats; requiring the commission to consult with the Department
758 of Emergency Management and the Florida Digital Service;
759 requiring cooperation from all operating facilities in the state
760 relating to such assessment; requiring the commission to submit
761 by a specified date a report of such assessment to the Governor
762 and the Legislature; providing additional content requirements
763 for such report; requiring the commission to study and evaluate
764 the technical and economic feasibility of using advanced nuclear

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765 power technologies to meet the electrical power needs of the
766 state; requiring the commission to consult with the Department
767 of Environmental Protection and the Department of Emergency
768 Management; requiring the commission to submit by a specified
769 date a report to the Governor and the Legislature that contains
770 its findings and any additional recommendations for potential
771 legislative or administrative actions; requiring the Department
772 of Transportation, in consultation with the Office of Energy
773 within the Department of Agriculture and Consumer Services, to
774 study and evaluate the potential development of hydrogen fueling
775 infrastructure to support hydrogen-powered vehicles; requiring
776 the department to submit by a specified date a report to the
777 Governor and the Legislature that contains its findings and
778 recommendations for specified actions that may accommodate the
779 future development of hydrogen fueling infrastructure; providing
780 an effective date.