

1 A bill to be entitled
2 An act relating to energy resources; creating s.
3 163.3210, F.S.; providing legislative intent;
4 providing definitions; allowing resiliency facilities
5 in certain land use categories in local government
6 comprehensive plans and specified districts if certain
7 criteria are met; allowing local governments to adopt
8 ordinances for resiliency facilities if certain
9 requirements are met; prohibiting amendments to a
10 local government's comprehensive plan, land use map,
11 zoning districts, or land development regulations in a
12 manner that would conflict with resiliency facility
13 classification after a specified date; amending s.
14 286.29, F.S.; revising energy guidelines for public
15 businesses; eliminating the requirement that the
16 Department of Management Services develop and maintain
17 the Florida Climate-Friendly Preferred Products List;
18 eliminating the requirement that state agencies
19 contract for meeting and conference space only with
20 facilities that have a Green Lodging designations;
21 eliminating the requirement that state agencies, state
22 universities, community colleges, and local
23 governments that procure new vehicles under a state
24 purchasing plan select certain vehicles under a
25 specified circumstance; amending s. 366.032, F.S.;

26 including community development districts as a type of
27 political subdivision for purposes of preemption over
28 utility service restrictions; creating s. 366.042,
29 F.S.; requiring rural electric cooperatives and
30 municipal electric utilities to enter into and
31 maintain at least one mutual aid agreement or pre-
32 event agreement with certain entities for purposes of
33 restoring power after a natural disaster; requiring
34 rural electric cooperatives and municipal electric
35 utilities to annually submit attestations of
36 compliance to the Public Service Commission; providing
37 construction; requiring the commission to compile the
38 attestations and annually submit a copy of such
39 attestations to the Division of Emergency Management;
40 providing that the submission of such attestations
41 makes rural electric cooperatives and municipal
42 electric utilities eligible to receive state financial
43 assistance; providing that if such attestations are
44 not submitted, rural electric cooperatives and
45 municipal electric utilities are not eligible to
46 receive state financial assistance; providing
47 construction; creating s. 366.057, F.S.; requiring
48 public utilities to provide notice to the commission
49 of certain power plant retirements within a specified
50 timeframe; authorizing the commission to schedule

51 | hearings within a specified timeframe to make certain
52 | determinations on such plant retirements; specifying
53 | information to be provided by public utilities at the
54 | hearing; amending s. 366.94, F.S.; removing
55 | terminology; authorizing the commission to approve
56 | voluntary electric vehicle charging programs upon
57 | petition of a public utility, to become effective on
58 | or after a specified date, if certain requirements are
59 | met; providing applicability; amending s. 403.503,
60 | F.S.; defining the term "gross capacity"; creating s.
61 | 366.99, F.S.; providing definitions; authorizing
62 | public utilities to submit to the commission a
63 | petition for a proposed cost recovery for certain
64 | natural gas facilities relocation costs; requiring the
65 | commission to conduct annual proceedings to determine
66 | each utility's prudently incurred natural gas
67 | facilities relocation costs and to allow for the
68 | recovery of such costs; providing requirements for the
69 | commission's review; providing requirements for the
70 | allocation of such recovered costs; requiring the
71 | commission to adopt rules; providing a timeframe for
72 | such rulemaking; amending s. 377.601, F.S.; revising
73 | legislative intent; amending s. 377.6015, F.S.;;
74 | revising the powers and duties of the Department of
75 | Agriculture and Consumer Services; conforming

76 provisions to changes made by the act; amending s.
 77 377.703, F.S.; revising additional functions of the
 78 department relating to energy resources; conforming
 79 provisions to changes made by the act; creating s.
 80 377.708, F.S.; providing definitions; prohibiting the
 81 construction or expansion of certain wind energy
 82 facilities and wind turbines in the state; requiring
 83 the Department of Environmental Protection to review
 84 applications for federal wind energy leases in
 85 territorial waters of the United States adjacent to
 86 water of this state and signify its approval or
 87 objection to such applications; authorizing the
 88 department to seek injunctive relief for violations;
 89 repealing s. 377.801, F.S., relating to the Florida
 90 Energy and Climate Protection Act; repealing s.
 91 377.802, F.S., relating to the purpose of the act;
 92 repealing s. 377.803, F.S., relating to definitions
 93 under the act; repealing s. 377.804, F.S., relating to
 94 the Renewable Energy and Energy-Efficient Technologies
 95 Grants Program; repealing s. 377.808, F.S., relating
 96 to the Florida Green Government Grants Act; repealing
 97 s. 377.809, F.S., relating to the Energy Economic Zone
 98 Pilot Program; repealing s. 377.816, F.S., relating to
 99 the Qualified Energy Conservation Bond Allocation
 100 Program; prohibiting the approval of new or additional

101 applications, certifications, or allocations under
102 such programs; prohibiting new contracts, agreements,
103 and awards under such programs; rescinding all
104 certifications or allocations issued under such
105 programs; providing an exception; providing
106 application 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; requiring the commission to
116 coordinate, develop, and recommend a plan under which
117 an assessment of the security and resiliency of the
118 state's electric grid and natural gas facilities
119 against physical threats and cyber threats may be
120 conducted; requiring the commission to consult with
121 the Division of Emergency Management and the Florida
122 Digital Service; requiring cooperation from all
123 operating facilities in the state relating to such
124 plan; providing additional content requirements for
125 such plan; requiring the commission to submit by a

126 recommended plan by a specified date to the Governor
 127 and the Legislature; providing additional content
 128 requirements for such plan; requiring the commission
 129 to study and evaluate the technical and economic
 130 feasibility of using advanced nuclear power
 131 technologies to meet the electrical power needs of the
 132 state; requiring the commission to research means to
 133 encourage and foster the installation and use of such
 134 technologies at military installations in partnership
 135 with public utilities; requiring the commission to
 136 consult with the Department of Environmental
 137 Protection and the Division of Emergency Management;
 138 requiring the commission to submit by a specified date
 139 a report to the Governor and the Legislature that
 140 contains its findings and any additional
 141 recommendations for potential legislative or
 142 administrative actions; requiring the Department of
 143 Transportation, in consultation with the Office of
 144 Energy within the Department of Agriculture and
 145 Consumer Services, to study and evaluate the potential
 146 development of hydrogen fueling infrastructure to
 147 support hydrogen-powered vehicles; requiring the
 148 department to submit by a specified date a report to
 149 the Governor and the Legislature that contains its
 150 findings and recommendations for specified actions

151 that may accommodate the future development of
 152 hydrogen fueling infrastructure; providing effective
 153 dates.

154
 155 Be It Enacted by the Legislature of the State of Florida:

156
 157 Section 1. Section 163.3210, Florida Statutes, is created
 158 to read:

159 163.3210 Natural gas resiliency and reliability
 160 infrastructure.-

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

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

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

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

175 (c) "Public utility" has the same meaning as defined in s.

176 366.02.

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

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

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

200 Section 2. Section 286.29, Florida Statutes, is amended to

201 read:

202 286.29 Energy guidelines for Climate-friendly public
 203 business.~~The Legislature recognizes the importance of~~
 204 leadership by state government in the area of energy efficiency
 205 and in reducing the greenhouse gas emissions of state government
 206 operations. The following shall pertain to all state agencies
 207 when conducting public business:

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

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

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

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

230 (b) Replacing fuel filters and emission filters at
 231 recommended intervals.~~;~~

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

233 (d) Performing timely motor maintenance.

234

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

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

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

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

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

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

248 ~~(e) Conveyance of building or maintenance materials and
 249 supplies;~~

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

251 ~~(g) Emergency response; or~~
 252 ~~(h) Other.~~

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

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

271 Section 3. Subsections (1), (2), and (5) of section
 272 366.032, Florida Statutes, are amended to read:

273 366.032 Preemption over utility service restrictions.—

274 (1) A municipality, county, special district, community
 275 development district created pursuant to chapter 190, or other

276 political subdivision of the state may not enact or enforce a
277 resolution, ordinance, rule, code, or policy or take any action
278 that restricts or prohibits or has the effect of restricting or
279 prohibiting the types or fuel sources of energy production which
280 may be used, delivered, converted, or supplied by the following
281 entities to serve customers that such entities are authorized to
282 serve:

283 (a) A public utility or an electric utility as defined in
284 this chapter;

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

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

288 (d) A natural gas transmission company as defined in s.
289 368.103; or

290 (e) A Category I liquefied petroleum gas dealer or
291 Category II liquefied petroleum gas dispenser or Category III
292 liquefied petroleum gas cylinder exchange operator as defined in
293 s. 527.01.

294 (2) Except to the extent necessary to enforce the Florida
295 Building Code adopted pursuant to s. 553.73 or the Florida Fire
296 Prevention Code adopted pursuant to s. 633.202, a municipality,
297 county, special district, community development district created
298 pursuant to chapter 190, or other political subdivision of the
299 state may not enact or enforce a resolution, an ordinance, a
300 rule, a code, or a policy or take any action that restricts or

301 prohibits or has the effect of restricting or prohibiting the
 302 use of an appliance, including a stove or grill, which uses the
 303 types or fuel sources of energy production which may be used,
 304 delivered, converted, or supplied by the entities listed in
 305 subsection (1). As used in this subsection, the term "appliance"
 306 means a device or apparatus manufactured and designed to use
 307 energy and for which the Florida Building Code or the Florida
 308 Fire Prevention Code provides specific requirements.

309 (5) Any municipality, county, special district, community
 310 development district created pursuant to chapter 190, or
 311 political subdivision charter, resolution, ordinance, rule,
 312 code, policy, or action that is preempted by this act that
 313 existed before or on July 1, 2021, is void.

314 Section 4. Section 366.042, Florida Statutes, is created
 315 to read:

316 366.042 Mutual aid agreements of rural electric
 317 cooperatives and municipal electric utilities.-

318 (1) For the purposes of restoring power following a
 319 natural disaster that is subject to a state of emergency
 320 declared by the Governor, all rural electric cooperatives and
 321 municipal electric utilities shall enter into and maintain, at a
 322 minimum, one of the following:

323 (a) A mutual aid agreement with a municipal electric
 324 utility;

325 (b) A mutual aid agreement with a rural electric

326 cooperative;
 327 (c) A mutual aid agreement with a public utility; or
 328 (d) A pre-event agreement with a private contractor.
 329 (2) All rural electric cooperatives and municipal electric
 330 utilities operating in this state shall annually submit to the
 331 commission an attestation, in conformity with s. 92.525, stating
 332 that the organization has complied with the requirements of this
 333 section on or before May 15. Nothing in this section shall be
 334 construed to give the commission jurisdiction over the terms and
 335 conditions of a mutual aid agreement or agreement with a private
 336 contractor entered into by a rural electric cooperative or a
 337 municipal electric utility.
 338 (3) The commission shall compile the attestations and
 339 annually submit a copy to the Division of Emergency Management
 340 no later than May 30.
 341 (4) A rural electric cooperative or municipal electric
 342 utility that submits the attestation required by this section is
 343 eligible to receive state financial assistance, if such funding
 344 is available, for power restoration efforts following a natural
 345 disaster that is subject to a state of emergency declared by the
 346 Governor.
 347 (5) A rural electric cooperative or municipal electric
 348 utility that does not submit an attestation required by this
 349 section is ineligible to receive state financial assistance for
 350 power restoration efforts following a natural disaster that is

351 subject to a state of emergency declared by the Governor, until
352 such time as the attestation is submitted.

353 (6) Nothing in this section shall be construed to
354 prohibit, limit, or disqualify a rural electric cooperative or
355 municipal electric utility from receiving funding under The
356 Stafford Act, 42 U.S.C. 5121 et seq., or any other federal
357 program, including programs administered by the state.

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

360 Section 5. Section 366.057, Florida Statutes, is created
361 to read:

362 366.057 Retirement of electrical power plants.—A public
363 utility shall provide notice to the commission at least 90 days
364 before the full retirement of an electrical power plant if the
365 date of such retirement does not coincide with the retirement
366 date in the public utility's most recently approved depreciation
367 study. No later than 90 days after such notice, the commission
368 may schedule a hearing to determine whether retirement of the
369 plant is prudent and consistent with the state's energy policy
370 goals in s. 377.601(2). At a hearing scheduled under this
371 section, the utility shall present its proposed retirement date
372 for the plant, remaining depreciation expense on the plant, any
373 other costs to be recovered in relation to the plant, and any
374 planned replacement capacity.

375 Section 6. Subsection (4) is added to Section 366.94,

376 Florida Statutes, to read:

377 366.94 Electric vehicle charging ~~stations~~.—

378 (4) Upon petition of a public utility, the commission may
 379 approve voluntary electric vehicle charging programs to become
 380 effective on or after January 1, 2025, to include, but not be
 381 limited to, residential, fleet, and public electric vehicle
 382 charging, upon a determination by the commission that the
 383 utility's general body of ratepayers, as a whole, will not pay
 384 to support recovery of its electric vehicle charging investment
 385 by the end of the useful life of the assets dedicated to the
 386 electric vehicle charging service. This provision does not
 387 preclude cost recovery for electric vehicle charging programs
 388 approved by the commission before January 1, 2024.

389 Section 7. Present subsections (17) through (31) of
 390 section 403.503, Florida Statutes, are redesignated as
 391 subsections (18) through (32), respectively, and a new
 392 subsection (17) is added to that section, to read:

393 403.503 Definitions relating to Florida Electrical Power
 394 Plant Siting Act.—As used in this act:

395 (17) "Gross capacity" means, for a steam facility, the
 396 maximum generating capacity based on nameplate generator rating,
 397 and for a solar electrical generating facility, the capacity
 398 measured as alternating current which is independently metered
 399 prior to the point of interconnection to the transmission grid.

400 Section 8. Section 366.99, Florida Statutes, is created to

401 read:

402 366.99 Natural gas facilities relocation costs.—

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

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

405 337.401(1)(a).

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

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

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

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

425 (2) A utility may submit to the commission, pursuant to

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

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

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

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

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

461 Section 9. Section 377.601, Florida Statutes, is amended
 462 to read:

463 377.601 Legislative intent.—

464 (1) The purpose of the state's energy policy is to ensure
 465 an adequate, reliable, and cost-effective supply of energy for
 466 the state in a manner that promotes the health and welfare of
 467 the public and economic growth. The Legislature intends that
 468 governance of the state's energy policy be efficiently directed
 469 toward achieving this purpose. ~~The Legislature finds that the~~
 470 ~~state's energy security can be increased by lessening dependence~~
 471 ~~on foreign oil; that the impacts of global climate change can be~~
 472 ~~reduced through the reduction of greenhouse gas emissions; and~~
 473 ~~that the implementation of alternative energy technologies can~~
 474 ~~be a source of new jobs and employment opportunities for many~~
 475 ~~Floridians. The Legislature further finds that the state is~~

476 ~~positioned at the front line against potential impacts of global~~
477 ~~climate change. Human and economic costs of those impacts can be~~
478 ~~averted by global actions and, where necessary, adapted to by a~~
479 ~~concerted effort to make Florida's communities more resilient~~
480 ~~and less vulnerable to these impacts. In focusing the~~
481 ~~government's policy and efforts to benefit and protect our~~
482 ~~state, its citizens, and its resources, the Legislature believes~~
483 ~~that a single government entity with a specific focus on energy~~
484 ~~and climate change is both desirable and advantageous. Further,~~
485 ~~the Legislature finds that energy infrastructure provides the~~
486 ~~foundation for secure and reliable access to the energy supplies~~
487 ~~and services on which Florida depends. Therefore, there is~~
488 ~~significant value to Florida consumers that comes from~~
489 ~~investment in Florida's energy infrastructure that increases~~
490 ~~system reliability, enhances energy independence and~~
491 ~~diversification, stabilizes energy costs, and reduces greenhouse~~
492 ~~gas emissions.~~

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

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

497 (b) Ensuring adequate supply and capacity.

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

501 (d) Protecting public safety.

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

504 (f) Supporting economic growth.

505 ~~(3)-(2)~~ In furtherance of the goals in subsection (2), it
 506 is the policy of the state ~~of Florida~~ to:

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

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

519 (c) Reduce reliance on foreign energy resources.

520 ~~(d)-(e)~~ Include energy reliability and security
 521 ~~considerations in all state, regional, and local planning.~~

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

524 ~~(f)-(e)~~ Encourage local governments to include energy
 525 ~~considerations in all planning and to support their work in~~

526 promoting energy management programs.

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

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

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

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

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

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

550 Section 10. Subsection (2) of section 377.6015, Florida

551 Statutes, is amended to read:

552 377.6015 Department of Agriculture and Consumer Services;
553 powers and duties.—

554 (2) The department shall:

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

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

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

563 (b)-(d) Administer the information gathering and reporting
564 functions pursuant to ss. 377.601-377.608.

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

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

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

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

576 Section 11. Subsection (1) and paragraphs (e), (f), (h),
 577 and (m) of subsection (2) of section 377.703, Florida Statutes,
 578 are amended to read:

579 377.703 Additional functions of the Department of
 580 Agriculture and Consumer Services.—

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

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

598 (e) The department shall analyze energy data collected and
 599 prepare long-range forecasts of energy supply and demand in
 600 coordination with the Florida Public Service Commission, which

601 is responsible for electricity and natural gas forecasts. To
602 this end, the forecasts shall contain:

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

607 ~~2. Plans for the development of renewable energy resources~~
608 ~~and reduction in dependence on depletable energy resources,~~
609 ~~particularly oil and natural gas, and~~ An analysis of the extent
610 to which domestic energy resources, including renewable energy
611 sources, are being utilized in this ~~the~~ state.

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

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

624 (f) The department shall submit an annual report to the
625 Governor and the Legislature reflecting its activities and

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

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

637 2. Collection and dissemination of information relating to
638 energy efficiency and conservation.

639 3. Development and conduct of educational and training
640 programs relating to energy efficiency and conservation.

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

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

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

649 ~~1.2.~~ Aiding and promoting the commercialization of
650 renewable energy resources, in cooperation with the Florida

651 Energy Systems Consortium; the Florida Solar Energy Center; and
652 any other federal, state, or local governmental agency that may
653 seek to promote research, development, and the demonstration of
654 renewable energy equipment and technology.

655 ~~2.3.~~ Identifying barriers to greater use of renewable
656 energy resources in this state, and developing specific
657 recommendations for overcoming identified barriers, with
658 findings and recommendations to be submitted annually in the
659 report to the Governor and Legislature required under paragraph
660 (f).

661 ~~3.4.~~ In cooperation with the Department of Environmental
662 Protection, the Department of Transportation, the Department of
663 Commerce, the Florida Energy Systems Consortium, the Florida
664 Solar Energy Center, and the Florida Solar Energy Industries
665 Association, investigating opportunities, pursuant to the
666 national Energy Policy Act of 1992, the Housing and Community
667 Development Act of 1992, and any subsequent federal legislation,
668 for renewable energy resources, electric vehicles, and other
669 renewable energy manufacturing, distribution, installation, and
670 financing efforts that enhance this state's position as the
671 leader in renewable energy research, development, and use.

672 ~~4.5.~~ Undertaking other initiatives to advance the
673 development and use of renewable energy resources in this state.

674
675 In the exercise of its responsibilities under this paragraph,

676 | the department shall seek the assistance of the renewable energy
 677 | industry in this state and other interested parties and may
 678 | enter into contracts, retain professional consulting services,
 679 | and expend funds appropriated by the Legislature for such
 680 | purposes.

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

693 | Section 12. Section 377.708, Florida Statutes, is created
 694 | to read:

695 | 377.708 Wind energy.-

696 | (1) DEFINITIONS.-As used in this section, the term:

697 | (a) "Coastline" means the established line of mean high
 698 | water.

699 | (b) "Department" means the Department of Environmental
 700 | Protection.

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

709 (d) "Real property" has the same meaning as provided in s.
 710 192.001(12).

711 (e) "Vessel" has the same meaning as provided in s.
 712 327.02.

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

716 (g) "Wind energy facility" means an electrical wind
 717 generation facility or expansion thereof comprised of one or
 718 more wind turbines and including substations; meteorological
 719 data towers; aboveground, underground, and electrical
 720 transmission lines; and transformers, control systems, and other
 721 buildings or structures under common ownership or operating
 722 control used to support the operation of the facility the
 723 primary purpose of which is to offer electricity supply for
 724 sale.

725 (h) "Wind turbine" means a device or apparatus that has

726 the capability to convert kinetic wind energy into rotational
727 energy that drives an electrical generator, consisting of a
728 tower body and rotator with two or more blades and capable of
729 producing more than 10 kilowatts of electrical power. The term
730 includes both horizontal and vertical axis turbines. The term
731 does not include devices used to measure wind speed and
732 direction, such as an anemometer.

733 (2) PROHIBITED ACTIVITIES.—

734 (a) Construction or expansion of the following is
735 prohibited:

736 1. An offshore wind energy facility.

737 2. A wind turbine or wind energy facility on real property
738 within 1 mile of coastline in this state.

739 3. A wind turbine or wind energy facility on real property
740 within 1 mile of the Atlantic Intracoastal Waterway or Gulf
741 Intracoastal Waterway.

742 4. A wind turbine or wind energy facility on waters of
743 this state and any submerged lands.

744 (b) This subsection does not prohibit:

745 1. Affixation of a wind turbine directly to a vessel
746 solely for the purpose of providing power to electronic
747 equipment located onboard the vessel.

748 2. Operation of a wind turbine installed before July 1,
749 2024.

750 (3) REVIEW.—The department shall review all applications

751 for federal wind energy leases in the territorial waters of the
752 United States adjacent to waters of this state and shall signify
753 its approval of or objection to each application.

754 (4) INJUNCTIVE RELIEF.—The department may bring an action
755 for injunctive relief against any person who constructs or
756 expands an offshore wind energy facility or a wind turbine in
757 this state in violation of this section.

758 Section 13. Sections 377.801, 377.802, 377.803, 377.804,
759 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

760 Section 14. (1) For programs established pursuant to s.
761 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida
762 Statutes, there may not be:

763 (a) New or additional applications, certifications, or
764 allocations approved.

765 (b) New letters of certification issued.

766 (c) New contracts or agreements executed.

767 (d) New awards made.

768 (2) All certifications or allocations issued under such
769 programs are rescinded except for the certifications of, or
770 allocations to, those certified applicants or projects that
771 continue to meet the applicable criteria in effect before July
772 1, 2024. Any existing contract or agreement authorized under any
773 of these programs shall continue in full force and effect in
774 accordance with the statutory requirements in effect when the
775 contract or agreement was executed or last modified. However,

776 further modifications, extensions, or waivers may not be made or
 777 granted relating to such contracts or agreements, except
 778 computations by the Department of Revenue of the income
 779 generated by or arising out of the qualifying project.

780 Section 15. Paragraph (d) of subsection (2) of section
 781 220.193, Florida Statutes, is amended to read:

782 220.193 Florida renewable energy production credit.—

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

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

787 Section 16. Subsection (7) of section 288.9606, Florida
 788 Statutes, is amended to read:

789 288.9606 Issue of revenue bonds.—

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

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

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

800 (c) If permitted by federal law, finance qualifying

801 improvement projects within the state under s. 163.08; or-

802 (d) Finance the costs of acquisition or construction of a
803 transportation facility by a private entity or consortium of
804 private entities under a public-private partnership agreement
805 authorized by s. 334.30.

806 Section 17. Paragraph (w) of subsection (2) of section
807 380.0651, Florida Statutes, is amended to read:

808 380.0651 Statewide guidelines, standards, and exemptions.—

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

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

814

815 If a use is exempt from review pursuant to paragraphs (a)-(u),
816 but will be part of a larger project that is subject to review
817 pursuant to s. 380.06(12), the impact of the exempt use must be
818 included in the review of the larger project, unless such exempt
819 use involves a development that includes a landowner, tenant, or
820 user that has entered into a funding agreement with the state
821 land planning agency under the Innovation Incentive Program and
822 the agreement contemplates a state award of at least \$50
823 million.

824 Section 18. Subsection (2) of section 403.9405, Florida
825 Statutes, is amended to read:

826 403.9405 Applicability; certification; exemption; notice
827 of intent.—

828 (2) ~~No construction of~~ A natural gas transmission pipeline
829 may not be constructed ~~be undertaken after October 1, 1992,~~
830 without first obtaining certification under ss. 403.9401-
831 403.9425, but these sections do not apply to:

832 (a) Natural gas transmission pipelines which are less than
833 100 ~~15~~ miles in length or which do not cross a county line,
834 unless the applicant has elected to apply for certification
835 under ss. 403.9401-403.9425.

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

844 (c) Natural gas transmission pipelines that are owned or
845 operated by a municipality or any agency thereof, by any person
846 primarily for the local distribution of natural gas, or by a
847 special district created by special act to distribute natural
848 gas, unless the applicant elects to apply for certification of
849 that pipeline under ss. 403.9401-403.9425.

850 Section 19. Subsection (3) of section 720.3075, Florida

851 Statutes, is amended to read:

852 720.3075 Prohibited clauses in association documents.—

853 (3) Homeowners' association documents, including
 854 declarations of covenants, articles of incorporation, or bylaws,
 855 may not preclude:

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

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

865 1. A public utility or an electric utility as defined in
 866 s. 366.02;

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

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

870 4. A natural gas transmission company as defined in s.
 871 368.103; or

872 5. A Category I liquefied petroleum gas dealer, a Category
 873 II liquefied petroleum gas dispenser, or a Category III
 874 liquefied petroleum gas cylinder exchange operator as defined in
 875 s. 527.01.

876 (c) The use of an appliance, including a stove or grill,
877 which uses the types or fuel sources of energy production which
878 may be used, delivered, converted, or supplied by the entities
879 listed in paragraph (b). As used in this paragraph, the term
880 "appliance" means a device or apparatus manufactured and
881 designed to use energy and for which the Florida Building Code
882 or the Florida Fire Prevention Code provides specific
883 requirements.

884 Section 20. (1) The Public Service Commission shall
885 coordinate, develop, and recommend a plan under which an
886 assessment of the security and resiliency of the state's
887 electric grid and natural gas facilities against both physical
888 threats and cyber threats may be conducted. In developing this
889 plan, the commission shall consult with the Division of
890 Emergency Management and, in its assessment of cyber threats,
891 shall consult with the Florida Digital Service. All electric
892 utilities, natural gas utilities, and natural gas pipelines
893 operating in this state shall cooperate with the commission in
894 developing the plan. The plan must address the manner in which
895 information needed to conduct a security and resiliency
896 assessment may be communicated, collected, shared, stored, and
897 adequately protected from disclosure to avoid adverse impacts on
898 the safe and reliable operation of the state's electric grid and
899 natural gas facilities.

900 (2) By January 31, 2025, the commission shall submit its

901 recommended plan to the Governor, the President of the Senate,
902 and the Speaker of the House of Representatives. The plan must
903 include any recommendations for legislation and may include
904 other recommendations as determined by the commission.

905 Section 21. (1) Recognizing the evolution and advances
906 that have occurred and continue to occur in nuclear power
907 technologies, the Public Service Commission shall study and
908 evaluate the technical and economic feasibility of using
909 advanced nuclear power technologies, including small modular
910 reactors, to meet the electrical power needs of the state, and
911 research means to encourage and foster the installation and use
912 of such technologies at military installations in the state in
913 partnership with public utilities. In conducting this study, the
914 commission shall consult with the Department of Environmental
915 Protection and the Division of Emergency Management.

916 (2) By April 1, 2025, the commission shall prepare and
917 submit a report to the Governor, the President of the Senate,
918 and the Speaker of the House of Representatives, containing its
919 findings and any recommendations for potential legislative or
920 administrative actions that may enhance the use of advanced
921 nuclear technologies in a manner consistent with the energy
922 policy goals in s. 377.601(2), Florida Statutes.

923 Section 22. (1) Recognizing the continued development of
924 technologies that support the use of hydrogen as a
925 transportation fuel and the potential for such use to help meet

926 the state's energy policy goals in s. 377.601(2), Florida
927 Statutes, the Department of Transportation, in consultation with
928 the Office of Energy within the Department of Agriculture and
929 Consumer Services, shall study and evaluate the potential
930 development of hydrogen fueling infrastructure, including
931 fueling stations, to support hydrogen-powered vehicles that use
932 the state highway system.

933 (2) By April 1, 2025, the Department of Transportation
934 shall prepare and submit a report to the Governor, the President
935 of the Senate, and the Speaker of the House of Representatives,
936 containing its findings and any recommendations for potential
937 legislative or administrative actions that may accommodate the
938 future development of hydrogen fueling infrastructure in a
939 manner consistent with the energy policy goals in s. 377.601(2),
940 Florida Statutes.

941 Section 23. This act shall take effect July 1, 2024.