

CHAPTER 2024-186

Committee Substitute for Committee Substitute for House Bill No. 1645

An act relating to energy resources; creating s. 163.3210, F.S.; providing legislative intent; providing definitions; allowing resiliency facilities in certain land use categories in local government comprehensive plans and specified districts if certain criteria are met; allowing local governments to adopt ordinances for resiliency facilities if certain requirements are met; prohibiting amendments to a local government's comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with resiliency facility classification after a specified date; amending s. 286.29, F.S.; revising energy guidelines for public businesses; eliminating the requirement that the Department of Management Services develop and maintain the Florida Climate-Friendly Preferred Products List; eliminating the requirement that state agencies contract for meeting and conference space only with facilities that have a Green Lodging designations; eliminating the requirement that state agencies, state universities, community colleges, and local governments that procure new vehicles under a state purchasing plan select certain vehicles under a specified circumstance; amending s. 366.032, F.S.; including community development districts as a type of political subdivision for purposes of preemption over utility service restrictions; creating s. 366.042, F.S.; requiring rural electric cooperatives and municipal electric utilities to enter into and maintain at least one mutual aid agreement or pre-event agreement with certain entities for purposes of restoring power after a natural disaster; requiring rural electric cooperatives and municipal electric utilities to annually submit attestations of compliance to the Public Service Commission; providing construction; requiring the commission to compile the attestations and annually submit a copy of such attestations to the Division of Emergency Management; providing that the submission of such attestations makes rural electric cooperatives and municipal electric utilities eligible to receive state financial assistance; providing that if such attestations are not submitted, rural electric cooperatives and municipal electric utilities are not eligible to receive state financial assistance; providing construction; creating s. 366.057, F.S.; requiring public utilities to provide notice to the commission of certain power plant retirements within a specified timeframe; authorizing the commission to schedule hearings within a specified timeframe to make certain determinations on such plant retirements; specifying information to be provided by public utilities at the hearing; amending s. 366.94, F.S.; removing terminology; authorizing the commission to approve voluntary electric vehicle charging programs upon petition of a public utility, to become effective on or after a specified date, if certain requirements are met; providing applicability; amending s. 403.503, F.S.; defining the term "gross capacity"; creating s. 366.99, F.S.; providing definitions; authorizing public utilities to submit to the commission a petition for a proposed

cost recovery for certain natural gas facilities relocation costs; requiring the commission to conduct annual proceedings to determine each utility's prudently incurred natural gas facilities relocation costs and to allow for the recovery of such costs; providing requirements for the commission's review; providing requirements for the allocation of such recovered costs; requiring the commission to adopt rules; providing a timeframe for such rulemaking; amending s. 377.601, F.S.; revising legislative intent; amending s. 377.6015, F.S.; revising the powers and duties of the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.703, F.S.; revising additional functions of the department relating to energy resources; conforming provisions to changes made by the act; creating s. 377.708, F.S.; providing definitions; prohibiting the construction or expansion of certain wind energy facilities and wind turbines in the state; requiring the Department of Environmental Protection to review applications for federal wind energy leases in territorial waters of the United States adjacent to water of this state and signify its approval or objection to such applications; authorizing the department to seek injunctive relief for violations; repealing s. 377.801, F.S., relating to the Florida Energy and Climate Protection Act; repealing s. 377.802, F.S., relating to the purpose of the act; repealing s. 377.803, F.S., relating to definitions under the act; repealing s. 377.804, F.S., relating to the Renewable Energy and Energy-Efficient Technologies Grants Program; repealing s. 377.808, F.S., relating to the Florida Green Government Grants Act; repealing s. 377.809, F.S., relating to the Energy Economic Zone Pilot Program; repealing s. 377.816, F.S., relating to the Qualified Energy Conservation Bond Allocation Program; prohibiting the approval of new or additional applications, certifications, or allocations under such programs; prohibiting new contracts, agreements, and awards under such programs; rescinding all certifications or allocations issued under such programs; providing an exception; providing application relating to existing contracts or agreements under such programs; amending ss. 220.193, 288.9606, and 380.0651, F.S.; conforming provisions to changes made by the act; amending s. 403.9405, F.S.; revising the applicability of the Natural Gas Transmission Pipeline Siting Act; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding certain types or fuel sources of energy production and the use of certain appliances; requiring the commission to coordinate, develop, and recommend a plan under which an assessment of the security and resiliency of the state's electric grid and natural gas facilities against physical threats and cyber threats may be conducted; requiring the commission to consult with the Division of Emergency Management and the Florida Digital Service; requiring cooperation from all operating facilities in the state relating to such plan; providing additional content requirements for such plan; requiring the commission to submit by a recommended plan by a specified date to the Governor and the Legislature; providing additional content requirements for such plan; requiring the commission to study and evaluate the technical and economic feasibility of using advanced nuclear power technologies to meet the

electrical power needs of the state; requiring the commission to research means to encourage and foster the installation and use of such technologies at military installations in partnership with public utilities; requiring the commission to consult with the Department of Environmental Protection and the Division of Emergency Management; requiring the commission to submit by a specified date a report to the Governor and the Legislature that contains its findings and any additional recommendations for potential legislative or administrative actions; requiring the Department of Transportation, in consultation with the Office of Energy within the Department of Agriculture and Consumer Services, to study and evaluate the potential development of hydrogen fueling infrastructure to support hydrogen-powered vehicles; requiring the department to submit by a specified date a report to the Governor and the Legislature that contains its findings and recommendations for specified actions that may accommodate the future development of hydrogen fueling infrastructure; providing effective dates.

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

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

163.3210 Natural gas resiliency and reliability infrastructure.—

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

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

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

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

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

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

(3) A resiliency facility is a permitted use in all commercial, industrial, and manufacturing land use categories in a local government comprehensive plan and all commercial, industrial, and manufacturing districts. A resiliency facility must comply with the setback and landscape criteria for

other similar uses. A local government may adopt an ordinance specifying buffer and landscaping requirements for resiliency facilities, provided such requirements do not exceed the requirements for similar uses involving the construction of other facilities that are permitted uses in commercial, industrial, and manufacturing land use categories and zoning districts.

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

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

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

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

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

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

- ~~(a) Ensuring appropriate tire pressures and tread depth;~~
- ~~(b) Replacing fuel filters and emission filters at recommended intervals;~~
- ~~(c) Using proper motor oils; and~~
- ~~(d) Performing timely motor maintenance.~~

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

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

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

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

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

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

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be

used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

- (a) A public utility or an electric utility as defined in this chapter;
- (b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;
- (c) A natural gas utility as defined in s. 366.04(3)(c);
- (d) A natural gas transmission company as defined in s. 368.103; or
- (e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality, county, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term “appliance” means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

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

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

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

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

- (a) A mutual aid agreement with a municipal electric utility;
- (b) A mutual aid agreement with a rural electric cooperative;
- (c) A mutual aid agreement with a public utility; or
- (d) A pre-event agreement with a private contractor.

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

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

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

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

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

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

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

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

Section 6. Subsection (4) is added to Section 366.94, Florida Statutes, to read:

366.94 Electric vehicle charging stations.—

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

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

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

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

Section 8. Section 366.99, Florida Statutes, is created to read:

366.99 Natural gas facilities relocation costs.—

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

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

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

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

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

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

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

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

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

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

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

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

377.601 Legislative intent.—

(1) The purpose of the state's energy policy is to ensure an adequate, reliable, and cost-effective supply of energy for the state in a manner that promotes the health and welfare of the public and economic growth. The Legislature intends that governance of the state's energy policy be efficiently directed toward achieving this purpose. The Legislature finds that the state's energy security can be increased by lessening dependence on foreign oil; that the impacts of global climate change can be reduced through the reduction of greenhouse gas emissions; and that the implementation of alternative energy technologies can be a source of new jobs and employment opportunities for many Floridians. The Legislature further finds that the state is positioned at the front line against potential impacts of global climate change. Human and economic costs of those impacts can be averted by global actions and, where necessary, adapted to by a concerted effort to

~~make Florida's communities more resilient and less vulnerable to these impacts. In focusing the government's policy and efforts to benefit and protect our state, its citizens, and its resources, the Legislature believes that a single government entity with a specific focus on energy and climate change is both desirable and advantageous. Further, the Legislature finds that energy infrastructure provides the foundation for secure and reliable access to the energy supplies and services on which Florida depends. Therefore, there is significant value to Florida consumers that comes from investment in Florida's energy infrastructure that increases system reliability, enhances energy independence and diversification, stabilizes energy costs, and reduces greenhouse gas emissions.~~

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

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

(b) Ensuring adequate supply and capacity.

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

(d) Protecting public safety.

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

(f) Supporting economic growth.

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

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

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

(c) Reduce reliance on foreign energy resources.

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

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

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

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

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

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

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

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

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

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

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

(2) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action,

including identification of potential impacts in relation to the goals in s. 377.601(2) social, economic, and environmental effects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

377.708 Wind energy.—

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

(a) “Coastline” means the established line of mean high water.

(b) “Department” means the Department of Environmental Protection.

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

(d) “Real property” has the same meaning as provided in s. 192.001(12).

(e) “Vessel” has the same meaning as provided in s. 327.02.

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

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

(h) “Wind turbine” means a device or apparatus that has the capability to convert kinetic wind energy into rotational energy that drives an electrical generator, consisting of a tower body and rotator with two or more blades and capable of producing more than 10 kilowatts of electrical power. The term includes both horizontal and vertical axis turbines. The term does not include devices used to measure wind speed and direction, such as an anemometer.

(2) PROHIBITED ACTIVITIES.—

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

1. An offshore wind energy facility.

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

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

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

(b) This subsection does not prohibit:

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

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

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

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

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

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

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

(b) New letters of certification issued.

(c) New contracts or agreements executed.

(d) New awards made.

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

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

220.193 Florida renewable energy production credit.—

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

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

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

288.9606 Issue of revenue bonds.—

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

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

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

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

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

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

380.0651 Statewide guidelines, standards, and exemptions.—

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

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

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

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

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

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

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

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

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

Section 19. Subsection (3) of section 720.3075, Florida Statutes, is amended to read:

720.3075 Prohibited clauses in association documents.—

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

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

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

1. A public utility or an electric utility as defined in s. 366.02;
2. An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;
3. A natural gas utility as defined in s. 366.04(3)(c);
4. A natural gas transmission company as defined in s. 368.103; or
5. A Category I liquefied petroleum gas dealer, a Category II liquefied petroleum gas dispenser, or a Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

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

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

(2) By January 31, 2025, the commission shall submit its recommended plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include any recommendations for legislation and may include other recommendations as determined by the commission.

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

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

Section 22. (1) Recognizing the continued development of technologies that support the use of hydrogen as a transportation fuel and the potential for such use to help meet the state's energy policy goals in s. 377.601(2), Florida Statutes, the Department of Transportation, in consultation with the Office of Energy within the Department of Agriculture and Consumer Services, shall study and evaluate the potential development of hydrogen fueling infrastructure, including fueling stations, to support hydrogen-powered vehicles that use the state highway system.

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

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

Approved by the Governor May 15, 2024.

Filed in Office Secretary of State May 15, 2024.