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CS/CS/**HB 1645**, Engrossed 2

2024 Legislature

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1
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.;

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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

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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

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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

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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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

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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

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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.

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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

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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.~~

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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;~~

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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

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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

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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

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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

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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,

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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

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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

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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.

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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~~

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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.

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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

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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

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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.

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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

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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

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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

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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,

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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.

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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

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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

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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,

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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

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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:

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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

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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.

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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

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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

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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.