

## Committee on Regulated Industries

### CS/CS/HB 1645 — Energy Resources

by Commerce Committee; Energy, Communications & Cybersecurity Subcommittee; and Rep. Payne and others (CS/CS/SB 1624 by Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator Collins)

The bill amends several sections of Florida law and creates new statutory provisions relating to energy resources. In summary, the bill:

- Creates limitations on local government regulation of natural gas resiliency and reliability infrastructure. After July 1, 2024, a local government may not amend its local land regulations to conflict with a resiliency facility as an allowable use. A “resiliency facility” is defined as 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.”
- Revises energy guidelines for public businesses, deleting requirements relating to the Florida Climate-Friendly Preferred Products List, Green Lodging Program, and state vehicle fuel efficiency.
- Adds “community development district created pursuant to chapter 190” to a provision that prohibits a municipality, county, special district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy or taking 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 utilities, gas districts, natural gas transmission companies, and certain liquefied petroleum gas dealers, dispensers, and cylinder exchange operators.
- Adds “community development district created pursuant to chapter 190” to a provision that prohibits a municipality, county, special district, or other political subdivision of the state from restricting or prohibiting the use of an appliance using the fuels or energy types supplied by the entities above.
- Requires all rural electric cooperatives and municipal electric utilities to enter into and maintain certain mutual aid agreements and submit an annual attestation to qualify to receive state financial assistance for disaster recovery.
- Requires public utilities to provide notice to the Public Service Commission (PSC) 90 days before the full retirement of an electrical power plant if such retirement does not coincide with the retirement date in the public utility’s most recently approved depreciation study. The PSC then may schedule a hearing regarding whether the retirement is prudent and consistent with the energy policy goals established in s. 377.601(2), F.S., as amended in the bill.
- Permits the PSC to approve upon petition by a public utility, certain electric vehicle (EV) charging programs if the PSC determines that the public 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.
- Amends s. 403.503, F.S., which provides definitions for the Florida Electrical Power Plant Siting Act. The act does not apply to an electrical power plant of less than 75

megawatts in gross capacity (unless an applicant applies for such certification). The amendment creates a definition for “gross capacity,” to be “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.”

- Requires the PSC to conduct an annual proceeding to determine prudently incurred natural gas facilities relocation costs for cost-recovery by natural gas public utilities through a charge separate from the utilities’ base rates.
- Substantially revises legislative intent as it pertains to ch. 377, part II, F.S., which provides energy resource planning and development policies for Florida. The revisions also provide updated energy policy goals and state policies as they relate to energy resource planning and development.
- Eliminates a requirement that the Department of Agriculture and Consumer Services (DACS), when analyzing the energy data collected and preparing long-range forecasts of energy supply and demand, forecasts contain plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas. Instead, such forecasts must contain an analysis of the extent to which domestic energy resources, including renewable energy sources, are being utilized in the state. It also revises certain related considerations and assessments.
- Revises the duties of the DACS as it relates to the promotion of the development and use of renewable energy sources. The section deletes a requirement that the DACS establish goals and strategies for increasing the use of renewable energy in the state.
- Prohibits the construction or expansion of:
  - An offshore wind energy facility, including buildings, structures, vessels, and electrical transmission cables to the site.
  - A wind turbine or wind energy facility within one mile of a coastline—defined as the mean high water line.
  - A wind turbine or wind energy facility within one mile of the Atlantic Intracoastal Waterway or Gulf Intracoastal Waterway.
  - A wind turbine or wind energy facility on state waters and submerged lands.
- Requires the Department of Environmental Protection (DEP) to review federal wind energy lease applications and signify the DEP’s approval or objection.
- Repeals the Florida Energy and Climate Protection Act (which includes the Renewable Energy and Energy-Efficient Technologies Grants Program), Florida Green Government Grants Act, Energy Economic Zone Pilot Program, and Qualified Energy Conservation Bonds provisions.
- Provides procedures for handling existing applications and contracts relating to the above repealed programs.
- Increases the minimum length of an intrastate natural gas pipeline that requires certification under the Natural Gas Transmission Pipeline Siting Act from 15 miles to 100 miles.
- Prohibits homeowners’ associations from prohibiting certain types or fuel sources of energy production and appliances that use such fuels in their governing documents.

- Directs the PSC 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 both physical threats and cyber threats may be conducted. The provision also requires the PSC to submit a report to the Legislature. The PSC, in developing the plan, is to consult with the Division of Emergency Management (DEM) and, in its assessment of cyber threats, with the Florida Digital Service. The PSC must submit its recommended plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2025.
- Directs the PSC to study and evaluate, and in consultation with the DEP and the DEM, the technical and economic feasibility of using advanced nuclear power technologies, including small modular reactors (SMRs), to meet the state’s electrical power needs, 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. The PSC must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by April 1, 2025.
- Directs the Florida Department of Transportation (FDOT), in consultation with the Office of Energy within the DACS, to study and evaluate the potential development of hydrogen fueling infrastructure, including fueling stations, to support hydrogen-powered vehicles that use the state highway system. The FDOT must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by April 1, 2025.
- Makes technical and conforming changes.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

*Vote: Senate 28-12; House 81-29*