

By the Committee on Appropriations; and Senator Webster

309-2352-04

1 A bill to be entitled
2 An act relating to governmental organization;
3 transferring the Office of Urban Opportunity
4 from the Executive Office of the Governor to
5 the Department of Community Affairs;
6 transferring the State Energy Program and the
7 Clean Fuel Florida Advisory Board from the
8 Department of Community Affairs to the
9 Department of Environmental Protection;
10 excluding the transfer of certain associated
11 trust funds; transferring the Affordable
12 Housing Catalyst Program from the Department of
13 Community Affairs to the Florida Housing
14 Finance Corporation; excluding the transfer of
15 certain associated trust funds; repealing s.
16 14.2015(9), F.S., relating to the establishment
17 of the Office of Urban Opportunity within the
18 Office of Tourism, Trade, and Economic
19 Development of the Executive Office of the
20 Governor; amending s. 20.18, F.S.; revising
21 duties of the Department of Community Affairs
22 to conform to changes made by the act;
23 establishing the Office of Urban Opportunity
24 within the Department of Community Affairs;
25 amending s. 20.255, F.S.; providing duties of
26 the Department of Environmental Protection with
27 respect to the state's energy policy, to
28 conform; amending s. 163.03, F.S., relating to
29 the Coastal Energy Impact Program; conforming
30 provisions to changes made by the act; amending
31 ss. 212.08 and 220.183, F.S.; conforming

1 cross-references; amending s. 288.041, F.S.,
2 relating to the solar energy industry;
3 conforming provisions to the transfer of duties
4 to the Department of Environmental Protection;
5 amending s. 288.95155, F.S., relating to the
6 Florida Small Business Technology Growth
7 Program; deleting obsolete provisions; amending
8 ss. 377.602, 377.603, 377.701, and 377.703,
9 F.S., relating to the state's energy programs
10 and policies; conforming provisions to the
11 transfer of duties to the Department of
12 Environmental Protection; authorizing the
13 Department of Environmental Protection to adopt
14 rules to administer the Coastal Energy Impact
15 Program; amending s. 380.504, F.S.; authorizing
16 the Secretary of Community Affairs to appoint a
17 designee to the governing body of the Florida
18 Communities Trust; amending s. 381.7354, F.S.;
19 conforming a cross-reference; amending s.
20 403.42, F.S., relating to the Florida Clean
21 Fuel Act; conforming provisions to the transfer
22 of duties to the Department of Environmental
23 Protection; amending s. 420.507, F.S., relating
24 to the Florida Housing Finance Corporation;
25 authorizing the corporation to provide
26 resources to the Affordable Housing Study
27 Commission and perform other duties; creating
28 s. 420.531, F.S.; providing legislative
29 findings with respect to supporting local
30 communities in providing affordable housing;
31 providing for the corporation to administer the

1 Affordable Housing Catalyst Program; providing
2 the purpose of the program and responsibilities
3 of the corporation; amending ss. 420.6015,
4 420.606, and 420.9075, F.S.; conforming
5 provisions to the transfer of the Affordable
6 Housing Catalyst Program to the Florida Housing
7 Finance Corporation; amending s. 420.609, F.S.;
8 deleting duties of the Department of Community
9 Affairs with respect to the Affordable Housing
10 Study Commission; amending s. 420.631, F.S.;
11 conforming provisions to the transfer of the
12 Office of Urban Opportunity to the Department
13 of Community Affairs; amending s. 624.5105,
14 F.S.; conforming a cross-reference; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. The Office of Urban Opportunity within the
20 Executive Office of the Governor, as authorized and governed
21 by section 14.2015(9), Florida Statutes, is transferred by a
22 type two transfer, as defined in section 20.06(2), Florida
23 Statutes, to the Department of Community Affairs.

24 Section 2. The State Energy Program, as authorized and
25 governed by sections 20.18, 288.041, 377.601-377.608, 377.701,
26 and 377.703, Florida Statutes, and the Clean Fuel Florida
27 Advisory Board, as authorized and governed by section 403.42,
28 Florida Statutes, are transferred by a type two transfer, as
29 defined in section 20.06(2), Florida Statutes, from the
30 Department of Community Affairs to the Department of
31 Environmental Protection. Notwithstanding section 20.06(2),

1 Florida Statutes, trust funds associated with this program and
2 board shall remain within the Department of Community Affairs.

3 Section 3. The Affordable Housing Catalyst Program, as
4 authorized and governed by section 420.606, Florida Statutes,
5 is transferred by a type two transfer, as defined in section
6 20.06(2), Florida Statutes, from the Department of Community
7 Affairs to the Florida Housing Finance Corporation.

8 Notwithstanding section 20.06(2), Florida Statutes, trust
9 funds associated with this program shall remain within the
10 Department of Community Affairs.

11 Section 4. Subsection (9) of section 14.2015, Florida
12 Statutes, is repealed.

13 Section 5. Subsection (6) of section 20.18, Florida
14 Statutes, is amended to read:

15 20.18 Department of Community Affairs.--There is
16 created a Department of Community Affairs.

17 (6) The Office of Urban Opportunity is created within
18 the Department of Community Affairs. The purpose of the office
19 is to administer the Front Porch Florida initiative, a
20 comprehensive, community-based urban core redevelopment
21 program that enables urban core residents to craft solutions
22 to the unique challenges of each designated community. The
23 ~~department is the agency of state government responsible for~~
24 ~~collection and analysis of information on energy resources in~~
25 ~~this state, for coordination of the energy conservation~~
26 ~~programs of state agencies, and for coordination of the~~
27 ~~development, review, and implementation of state energy~~
28 ~~policy. The energy program responsibilities of the department~~
29 ~~set forth in this subsection shall be carried out by the~~
30 ~~Office of the Secretary of Community Affairs until such time~~
31 ~~as the secretary determines that such responsibilities should~~

1 ~~be redistributed within the various divisions of the~~
2 ~~department and submits a report to the Legislature with~~
3 ~~respect thereto.~~

4 Section 6. Subsection (8) is added to section 20.255,
5 Florida Statutes, to read:

6 20.255 Department of Environmental Protection.--There
7 is created a Department of Environmental Protection.

8 (8) The department is the agency of state government
9 responsible for collecting and analyzing information
10 concerning energy resources in this state; for coordinating
11 the energy conservation programs of state agencies; and for
12 coordinating the development, review, and implementation of
13 the state's energy policy.

14 Section 7. Paragraph (b) of subsection (3) of section
15 163.03, Florida Statutes, is amended to read:

16 163.03 Secretary of Community Affairs; powers and
17 duties; function of Department of Community Affairs with
18 respect to federal grant-in-aid programs.--

19 (3) The department is authorized to adopt rules
20 implementing the following grant programs, which rules shall
21 be consistent with the laws, regulations, or guidelines
22 governing the grant to the department:

23 (b) Grants under the federal ~~programs known as the~~
24 ~~Coastal Energy Impact Program and the~~ Outer Continental Shelf
25 Program administered by the Bureau of Land and Water
26 Management.

27 Section 8. Paragraph (q) of subsection (5) of section
28 212.08, Florida Statutes, is amended to read:

29 212.08 Sales, rental, use, consumption, distribution,
30 and storage tax; specified exemptions.--The sale at retail,
31 the rental, the use, the consumption, the distribution, and

1 the storage to be used or consumed in this state of the
2 following are hereby specifically exempt from the tax imposed
3 by this chapter.

4 (5) EXEMPTIONS; ACCOUNT OF USE.--

5 (q) Community contribution tax credit for donations.--

6 1. Authorization.--Beginning July 1, 2001, persons who
7 are registered with the department under s. 212.18 to collect
8 or remit sales or use tax and who make donations to eligible
9 sponsors are eligible for tax credits against their state
10 sales and use tax liabilities as provided in this paragraph:

11 a. The credit shall be computed as 50 percent of the
12 person's approved annual community contribution;

13 b. The credit shall be granted as a refund against
14 state sales and use taxes reported on returns and remitted in
15 the 12 months preceding the date of application to the
16 department for the credit as required in sub-subparagraph 3.c.
17 If the annual credit is not fully used through such refund
18 because of insufficient tax payments during the applicable
19 12-month period, the unused amount may be included in an
20 application for a refund made pursuant to sub-subparagraph
21 3.c. in subsequent years against the total tax payments made
22 for such year. Carryover credits may be applied for a 3-year
23 period without regard to any time limitation that would
24 otherwise apply under s. 215.26;

25 c. No person shall receive more than \$200,000 in
26 annual tax credits for all approved community contributions
27 made in any one year;

28 d. All proposals for the granting of the tax credit
29 shall require the prior approval of the Office of Tourism,
30 Trade, and Economic Development;

31

1 e. The total amount of tax credits which may be
2 granted for all programs approved under this paragraph, s.
3 220.183, and s. 624.5105 is \$10 million annually; and

4 f. A person who is eligible to receive the credit
5 provided for in this paragraph, s. 220.183, or s. 624.5105 may
6 receive the credit only under the one section of the person's
7 choice.

8 2. Eligibility requirements.--

9 a. A community contribution by a person must be in the
10 following form:

11 (I) Cash or other liquid assets;

12 (II) Real property;

13 (III) Goods or inventory; or

14 (IV) Other physical resources as identified by the
15 Office of Tourism, Trade, and Economic Development.

16 b. All community contributions must be reserved
17 exclusively for use in a project. As used in this
18 sub-subparagraph, the term "project" means any activity
19 undertaken by an eligible sponsor which is designed to
20 construct, improve, or substantially rehabilitate housing that
21 is affordable to low-income or very-low-income households as
22 defined in s. 420.9071(19) and (28); designed to provide
23 commercial, industrial, or public resources and facilities; or
24 designed to improve entrepreneurial and job-development
25 opportunities for low-income persons. A project may be the
26 investment necessary to increase access to high-speed
27 broadband capability in rural communities with enterprise
28 zones, including projects that result in improvements to
29 communications assets that are owned by a business. A project
30 may include the provision of museum educational programs and
31 materials that are directly related to any project approved

1 between January 1, 1996, and December 31, 1999, and located in
2 an enterprise zone as referenced in s. 290.00675. This
3 paragraph does not preclude projects that propose to construct
4 or rehabilitate housing for low-income or very-low-income
5 households on scattered sites. The Office of Tourism, Trade,
6 and Economic Development may reserve up to 50 percent of the
7 available annual tax credits for housing for very-low-income
8 households pursuant to s. 420.9071(28) for the first 6 months
9 of the fiscal year. With respect to housing, contributions may
10 be used to pay the following eligible low-income and
11 very-low-income housing-related activities:

12 (I) Project development impact and management fees for
13 low-income or very-low-income housing projects;

14 (II) Down payment and closing costs for eligible
15 persons, as defined in s. 420.9071(19) and (28);

16 (III) Administrative costs, including housing
17 counseling and marketing fees, not to exceed 10 percent of the
18 community contribution, directly related to low-income or
19 very-low-income projects; and

20 (IV) Removal of liens recorded against residential
21 property by municipal, county, or special district local
22 governments when satisfaction of the lien is a necessary
23 precedent to the transfer of the property to an eligible
24 person, as defined in s. 420.9071(19) and (28), for the
25 purpose of promoting home ownership. Contributions for lien
26 removal must be received from a nonrelated third party.

27 c. The project must be undertaken by an "eligible
28 sponsor," which includes:

29 (I) A community action program;

30 (II) A nonprofit community-based development
31 organization whose mission is the provision of housing for

1 low-income or very-low-income households or increasing
2 entrepreneurial and job-development opportunities for
3 low-income persons;
4 (III) A neighborhood housing services corporation;
5 (IV) A local housing authority created under chapter
6 421;
7 (V) A community redevelopment agency created under s.
8 163.356;
9 (VI) The Florida Industrial Development Corporation;
10 (VII) A historic preservation district agency or
11 organization;
12 (VIII) A regional workforce board;
13 (IX) A direct-support organization as provided in s.
14 1009.983;
15 (X) An enterprise zone development agency created
16 under s. 290.0056;
17 (XI) A community-based organization incorporated under
18 chapter 617 which is recognized as educational, charitable, or
19 scientific pursuant to s. 501(c)(3) of the Internal Revenue
20 Code and whose bylaws and articles of incorporation include
21 affordable housing, economic development, or community
22 development as the primary mission of the corporation;
23 (XII) Units of local government;
24 (XIII) Units of state government; or
25 (XIV) Any other agency that the Office of Tourism,
26 Trade, and Economic Development designates by rule.
27
28 In no event may a contributing person have a financial
29 interest in the eligible sponsor.
30 d. The project must be located in an area designated
31 an enterprise zone or a Front Porch Florida Community pursuant

1 to s. 20.18(6)~~s. 14.2015(9)(b)~~, unless the project increases
2 access to high-speed broadband capability for rural
3 communities with enterprise zones but is physically located
4 outside the designated rural zone boundaries. Any project
5 designed to construct or rehabilitate housing for low-income
6 or very-low-income households as defined in s. 420.0971(19)
7 and (28) is exempt from the area requirement of this
8 sub-subparagraph.

9 3. Application requirements.--

10 a. Any eligible sponsor seeking to participate in this
11 program must submit a proposal to the Office of Tourism,
12 Trade, and Economic Development which sets forth the name of
13 the sponsor, a description of the project, and the area in
14 which the project is located, together with such supporting
15 information as is prescribed by rule. The proposal must also
16 contain a resolution from the local governmental unit in which
17 the project is located certifying that the project is
18 consistent with local plans and regulations.

19 b. Any person seeking to participate in this program
20 must submit an application for tax credit to the Office of
21 Tourism, Trade, and Economic Development which sets forth the
22 name of the sponsor, a description of the project, and the
23 type, value, and purpose of the contribution. The sponsor
24 shall verify the terms of the application and indicate its
25 receipt of the contribution, which verification must be in
26 writing and accompany the application for tax credit. The
27 person must submit a separate tax credit application to the
28 office for each individual contribution that it makes to each
29 individual project.

30 c. Any person who has received notification from the
31 Office of Tourism, Trade, and Economic Development that a tax

1 credit has been approved must apply to the department to
2 receive the refund. Application must be made on the form
3 prescribed for claiming refunds of sales and use taxes and be
4 accompanied by a copy of the notification. A person may submit
5 only one application for refund to the department within any
6 12-month period.

7 4. Administration.--

8 a. The Office of Tourism, Trade, and Economic
9 Development may adopt rules pursuant to ss. 120.536(1) and
10 120.54 necessary to administer this paragraph, including rules
11 for the approval or disapproval of proposals by a person.

12 b. The decision of the Office of Tourism, Trade, and
13 Economic Development must be in writing, and, if approved, the
14 notification shall state the maximum credit allowable to the
15 person. Upon approval, the office shall transmit a copy of the
16 decision to the Department of Revenue.

17 c. The Office of Tourism, Trade, and Economic
18 Development shall periodically monitor all projects in a
19 manner consistent with available resources to ensure that
20 resources are used in accordance with this paragraph; however,
21 each project must be reviewed at least once every 2 years.

22 d. The Office of Tourism, Trade, and Economic
23 Development shall, in consultation with the Department of
24 Community Affairs, the Florida Housing Finance Corporation,
25 and the statewide and regional housing and financial
26 intermediaries, market the availability of the community
27 contribution tax credit program to community-based
28 organizations.

29 5. Expiration.--This paragraph expires June 30, 2005;
30 however, any accrued credit carryover that is unused on that
31

1 date may be used until the expiration of the 3-year carryover
2 period for such credit.

3 Section 9. Paragraph (d) of subsection (2) of section
4 220.183, Florida Statutes, is amended to read:

5 220.183 Community contribution tax credit.--

6 (2) ELIGIBILITY REQUIREMENTS.--

7 (d) The project shall be located in an area designated
8 as an enterprise zone or a Front Porch Florida Community
9 pursuant to s. 20.18(6)~~s. 14.2015(9)(b)~~. Any project designed
10 to construct or rehabilitate housing for low-income or
11 very-low-income households as defined in s. 420.9071(19) and
12 (28) is exempt from the area requirement of this paragraph.
13 This section does not preclude projects that propose to
14 construct or rehabilitate housing for low-income or
15 very-low-income households on scattered sites. Any project
16 designed to provide increased access to high-speed broadband
17 capabilities which includes coverage of a rural enterprise
18 zone may locate the project's infrastructure in any area of a
19 rural county.

20 Section 10. Subsections (3) and (5) of section
21 288.041, Florida Statutes, are amended to read:

22 288.041 Solar energy industry; legislative findings
23 and policy; promotional activities.--

24 (3) Enterprise Florida, Inc., and its boards shall
25 assist in the expansion of the solar energy industry in this
26 state. Such efforts shall be undertaken in cooperation with
27 the Department of Environmental Protection ~~Community Affairs~~,
28 the Florida Solar Energy Center, and the Florida Solar Energy
29 Industries Association, and shall include:

30 (a) Providing assistance and support to new and
31 existing photovoltaic companies, with special emphasis on

1 attracting one or more manufacturers of photovoltaic products
2 to locate within this state.

3 (b) Sponsoring initiatives which aid and take full
4 advantage of the export market potential of solar
5 technologies.

6 (c) Informing the business sector of this state about
7 opportunities for cost-effective commercial applications of
8 solar technologies.

9 (d) Encouraging employment of residents of this state
10 by solar energy companies.

11 (e) Retaining existing solar energy companies and
12 supporting their expansion efforts in this state.

13 (f) Supporting the promotion of solar energy by
14 sponsoring workshops, seminars, conferences, and educational
15 programs on the benefits of solar energy.

16 (g) Recognizing outstanding developments and
17 achievements in, and contributions to, the solar energy
18 industry.

19 (h) Collecting and disseminating solar energy
20 information relevant to the promotion of solar energy
21 applications.

22 (i) Enlisting the support of persons, civic groups,
23 the solar energy industry, and other organizations to promote
24 and improve solar energy products and services.

25 (5) By January 15 of each year, the Department of
26 Environmental Protection ~~Community Affairs~~ shall report to the
27 Governor, the President of the Senate, and the Speaker of the
28 House of Representatives on the impact of the solar energy
29 industry on the economy of this state and shall make any
30 recommendations on initiatives to further promote the solar
31 energy industry as the department deems appropriate.

1 Section 11. Subsection (2) of section 288.95155,
2 Florida Statutes, is amended to read:

3 288.95155 Florida Small Business Technology Growth
4 Program.--

5 (2) Enterprise Florida, Inc., shall establish a
6 separate small business technology growth account in the
7 Florida Technology Research Investment Fund for purposes of
8 this section. Moneys in the account shall consist of
9 appropriations by the Legislature, proceeds of any collateral
10 used to secure such assistance, transfers, fees assessed for
11 providing or processing such financial assistance, grants,
12 interest earnings, and earnings on financial assistance, ~~and~~
13 ~~any moneys transferred to the account by the Department of~~
14 ~~Community Affairs from the Economic Opportunity Trust Fund for~~
15 ~~use in qualifying energy projects.~~

16 Section 12. Subsection (2) of section 377.602, Florida
17 Statutes, is amended to read:

18 377.602 Definitions.--As used in ss. 377.601-377.608:

19 (2) "Department" means the Department of Environmental
20 Protection ~~Community Affairs~~.

21 Section 13. Section 377.603, Florida Statutes, is
22 amended to read:

23 377.603 Energy data collection; powers and duties of
24 the Department of Environmental Protection ~~Community~~
25 ~~Affairs~~.--

26 (1) The department shall collect data on the
27 extraction, production, importation, exportation, refinement,
28 transportation, transmission, conversion, storage, sale, or
29 reserves of energy resources in this state in an efficient and
30 expeditious manner.

31

1 (2) The department shall prepare periodic reports of
2 energy data it collects.

3 (3) The department shall prescribe and furnish forms
4 for the collection of information as required by ss.
5 377.601-377.608 and shall consult with other state entities to
6 assure that such data collected will meet their data
7 requirements.

8 (4) The department may adopt and promulgate such rules
9 and regulations as are necessary to carry out the provisions
10 of ss. 377.601-377.608. Such rules shall be pursuant to
11 chapter 120.

12 (5) The department shall maintain internal validation
13 procedures to assure the accuracy of information received.

14 Section 14. Subsection (1) of section 377.701, Florida
15 Statutes, is amended to read:

16 377.701 Petroleum allocation.--

17 (1) The Department of Environmental Protection
18 ~~Community Affairs~~ shall assume the state's role in petroleum
19 allocation and conservation, including the development of a
20 fair and equitable petroleum plan. The department shall
21 constitute the responsible state agency for performing the
22 functions of any federal program delegated to the state, which
23 relates to petroleum supply, demand, and allocation.

24 Section 15. Section 377.703, Florida Statutes, is
25 amended to read:

26 377.703 Additional functions of the Department of
27 Environmental Protection ~~Community Affairs~~; energy emergency
28 contingency plan; federal and state conservation programs.--

29 (1) LEGISLATIVE INTENT.--Recognizing that energy
30 supply and demand questions have become a major area of
31 concern to the state which must be dealt with by effective and

1 well-coordinated state action, it is the intent of the
2 Legislature to promote the efficient, effective, and
3 economical management of energy problems, centralize energy
4 coordination responsibilities, pinpoint responsibility for
5 conducting energy programs, and ensure the accountability of
6 state agencies for the implementation of s. 377.601(4), the
7 state energy policy. It is the specific intent of the
8 Legislature that nothing in this act shall in any way change
9 the powers, duties, and responsibilities assigned by the
10 Florida Electrical Power Plant Siting Act, part II of chapter
11 403, or the powers, duties, and responsibilities of the
12 Florida Public Service Commission.

13 (2) DEFINITIONS.--

14 (a) "Coordinate," "coordination," or "coordinating"
15 means the examination and evaluation of state plans and
16 programs and the providing of recommendations to the Cabinet,
17 Legislature, and appropriate state agency on any measures
18 deemed necessary to ensure that such plans and programs are
19 consistent with state energy policy.

20 (b) "Energy conservation" means increased efficiency
21 in the utilization of energy.

22 (c) "Energy emergency" means an actual or impending
23 shortage or curtailment of usable, necessary energy resources,
24 such that the maintenance of necessary services, the
25 protection of public health, safety, and welfare, or the
26 maintenance of basic sound economy is imperiled in any
27 geographical section of the state or throughout the entire
28 state.

29 (d) "Energy source" means electricity, fossil fuels,
30 solar power, wind power, hydroelectric power, nuclear power,
31 or any other resource which has the capacity to do work.

1 (e) "Facilities" means any building or structure not
2 otherwise exempted by the provisions of this act.

3 (f) "Fuel" means petroleum, crude oil, petroleum
4 product, coal, natural gas, or any other substance used
5 primarily for its energy content.

6 (g) "Local government" means any county, municipality,
7 regional planning agency, or other special district or local
8 governmental entity the policies or programs of which may
9 affect the supply or demand, or both, for energy in the state.

10 (h) "Promotion" or "promote" means to encourage, aid,
11 assist, provide technical and financial assistance, or
12 otherwise seek to plan, develop, and expand.

13 (i) "Regional planning agency" means those agencies
14 designated as regional planning agencies by the Department of
15 Community Affairs.

16 (j) "Renewable energy resource" means any method,
17 process, or substance the use of which does not diminish its
18 availability or abundance, including, but not limited to,
19 biomass conversion, geothermal energy, solar energy, wind
20 energy, wood fuels derived from waste, ocean thermal gradient
21 power, hydroelectric power, and fuels derived from
22 agricultural products.

23 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION ~~COMMUNITY~~
24 ~~AFFAIRS~~; DUTIES.--The Department of Environmental Protection
25 ~~Community Affairs~~ shall, in addition to assuming the duties
26 and responsibilities provided by ss. 20.255 ~~20-18~~ and 377.701,
27 perform the following functions consistent with the
28 development of a state energy policy:

29 (a) The department shall assume the responsibility for
30 development of an energy emergency contingency plan to respond
31 to serious shortages of primary and secondary energy sources.

1 Upon a finding by the Governor, implementation of any
2 emergency program shall be upon order of the Governor that a
3 particular kind or type of fuel is, or that the occurrence of
4 an event which is reasonably expected within 30 days will make
5 the fuel, in short supply. The department shall then respond
6 by instituting the appropriate measures of the contingency
7 plan to meet the given emergency or energy shortage. The
8 Governor may utilize the provisions of s. 252.36(5) to carry
9 out any emergency actions required by a serious shortage of
10 energy sources.

11 (b) The department shall constitute the responsible
12 state agency for performing or coordinating the functions of
13 any federal energy programs delegated to the state, including
14 energy supply, demand, conservation, or allocation.

15 (c) The department shall analyze present and proposed
16 federal energy programs and make recommendations regarding
17 those programs to the Governor.

18 (d) The department shall coordinate efforts to seek
19 federal support or other support for state energy activities,
20 including energy conservation, research, or development, and
21 shall be the state agency responsible for the coordination of
22 multiagency energy conservation programs and plans.

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

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

1 2. Plans for the development of renewable energy
2 resources and reduction in dependence on depletable energy
3 resources, particularly oil and natural gas, and an analysis
4 of the extent to which renewable energy sources are being
5 utilized in the state.

6 3. Consideration of alternative scenarios of statewide
7 energy supply and demand for 5, 10, and 20 years, to identify
8 strategies for long-range action, including identification of
9 potential social, economic, and environmental effects.

10 4. An assessment of the state's energy resources,
11 including examination of the availability of commercially
12 developable and imported fuels, and an analysis of anticipated
13 effects on the state's environment and social services
14 resulting from energy resource development activities or from
15 energy supply constraints, or both.

16 (f) The department shall make a report, as requested
17 by the Governor or the Legislature, reflecting its activities
18 and making recommendations of policies for improvement of the
19 state's response to energy supply and demand and its effect on
20 the health, safety, and welfare of the people of Florida. The
21 report shall include a report from the Florida Public Service
22 Commission on electricity and natural gas and information on
23 energy conservation programs conducted and under way in the
24 past year and shall include recommendations for energy
25 conservation programs for the state, including, but not
26 limited to, the following factors:

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

31

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

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

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

8 (g) The department has authority to adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement the
10 provisions of this act.

11 (h) Promote the development and use of renewable
12 energy resources, in conformance with the provisions of
13 chapter 187 and s. 377.601, by:

14 1. Establishing goals and strategies for increasing
15 the use of solar energy in this state.

16 2. Aiding and promoting the commercialization of solar
17 energy technology, in cooperation with the Florida Solar
18 Energy Center, Enterprise Florida, Inc., and any other
19 federal, state, or local governmental agency which may seek to
20 promote research, development, and demonstration of solar
21 energy equipment and technology.

22 3. Identifying barriers to greater use of solar energy
23 systems in this state, and developing specific recommendations
24 for overcoming identified barriers, with findings and
25 recommendations to be submitted annually in the report to the
26 Legislature required under paragraph (f).

27 4. In cooperation with the Department of
28 Transportation, the Department of Community Affairs,
29 Enterprise Florida, Inc., the Florida Solar Energy Center, and
30 the Florida Solar Energy Industries Association, investigating
31 opportunities, pursuant to the National Energy Policy Act of

1 1992 and the Housing and Community Development Act of 1992,
2 for solar electric vehicles and other solar energy
3 manufacturing, distribution, installation, and financing
4 efforts which will enhance this state's position as the leader
5 in solar energy research, development, and use.

6 5. Undertaking other initiatives to advance the
7 development and use of renewable energy resources in this
8 state.

9
10 In the exercise of its responsibilities under this paragraph,
11 the department shall seek the assistance of the solar energy
12 industry in this state and other interested parties and is
13 authorized to enter into contracts, retain professional
14 consulting services, and expend funds appropriated by the
15 Legislature for such purposes.

16 (i) The department shall promote energy conservation
17 in all energy use sectors throughout the state and shall
18 constitute the state agency primarily responsible for this
19 function. To this end, the department shall coordinate the
20 energy conservation programs of all state agencies and review
21 and comment on the energy conservation programs of all state
22 agencies.

23 (j) The department shall serve as the state
24 clearinghouse for indexing and gathering all information
25 related to energy programs in state universities, in private
26 universities, in federal, state, and local government
27 agencies, and in private industry and shall prepare and
28 distribute such information in any manner necessary to inform
29 and advise the citizens of the state of such programs and
30 activities. This shall include developing and maintaining a
31 current index and profile of all research activities, which

1 shall be identified by energy area and may include a summary
2 of the project, the amount and sources of funding, anticipated
3 completion dates, or, in case of completed research,
4 conclusions, recommendations, and applicability to state
5 government and private sector functions. The department shall
6 coordinate, promote, and respond to efforts by all sectors of
7 the economy to seek financial support for energy activities.
8 The department shall provide information to consumers
9 regarding the anticipated energy-use and energy-saving
10 characteristics of products and services in coordination with
11 any federal, state, or local governmental agencies as may
12 provide such information to consumers.

13 (k) The department shall coordinate energy-related
14 programs of state government, including, but not limited to,
15 the programs provided in this section. To this end, the
16 department shall:

17 1. Provide assistance to other state agencies,
18 counties, municipalities, and regional planning agencies to
19 further and promote their energy planning activities.

20 2. Require, in cooperation with the Department of
21 Management Services, all state agencies to operate state-owned
22 and state-leased buildings in accordance with energy
23 conservation standards as adopted by the Department of
24 Management Services. Every 3 months, the Department of
25 Management Services shall furnish the department data on
26 agencies' energy consumption in a format mutually agreed upon
27 by the two departments.

28 3. Promote the development and use of renewable energy
29 resources, energy efficiency technologies, and conservation
30 measures.

31

1 4. Promote the recovery of energy from wastes,
2 including, but not limited to, the use of waste heat, the use
3 of agricultural products as a source of energy, and recycling
4 of manufactured products. Such promotion shall be conducted in
5 conjunction with, and after consultation with, the Department
6 of Environmental Protection, the Florida Public Service
7 Commission where electrical generation or natural gas is
8 involved, and any other relevant federal, state, or local
9 governmental agency having responsibility for resource
10 recovery programs.

11 (1) The department shall develop, coordinate, and
12 promote a comprehensive research plan for state programs. Such
13 plan shall be consistent with state energy policy and shall be
14 updated on a biennial basis.

15 (m) In recognition of the devastation to the economy
16 of this state and the dangers to the health and welfare of
17 residents of this state caused by Hurricane Andrew, and the
18 potential for such impacts caused by other natural disasters,
19 the department shall include in its energy emergency
20 contingency plan and provide to the Department of Community
21 Affairs for inclusion in the state model energy efficiency
22 building code specific provisions to facilitate the use of
23 cost-effective solar energy technologies as emergency remedial
24 and preventive measures for providing electric power, street
25 lighting, and water heating service in the event of electric
26 power outages.

27 (4) The department shall be responsible for the
28 administration of the Coastal Energy Impact Program provided
29 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a
30 and may adopt rules to administer the program.
31

1 Section 16. Subsection (1) of section 380.504, Florida
2 Statutes, is amended to read:

3 380.504 Florida Communities Trust; creation;
4 membership; expenses.--

5 (1) There is created within the Department of
6 Community Affairs a nonregulatory state agency and
7 instrumentality, which shall be a public body corporate and
8 politic, known as the "Florida Communities Trust." The
9 governing body of the trust shall consist of:

10 (a) The Secretary of Community Affairs and the
11 Secretary of Environmental Protection; and

12 (b) Four public members whom the Governor shall
13 appoint subject to Senate confirmation.

14
15 The Governor shall appoint a former elected official of a
16 county government, a former elected official of a metropolitan
17 municipal government, a representative of a nonprofit
18 organization as defined in this part, and a representative of
19 the development industry. The Secretary of Community Affairs
20 may appoint a designee ~~designate his or her assistant~~
21 ~~secretary or the director of the Division of Community~~
22 ~~Planning~~ to serve in his or her absence. The Secretary of
23 Environmental Protection may appoint his or her deputy
24 secretary, the director of the Division of State Lands, or the
25 director of the Division of Recreation and Parks to serve in
26 his or her absence. The Secretary of Community Affairs shall
27 be the chair of the governing body of the trust. The Governor
28 shall make his or her appointments upon the expiration of any
29 current terms or within 60 days after the effective date of
30 the resignation of any member.

31

1 Section 17. Subsection (3) of section 381.7354,
2 Florida Statutes, is amended to read:

3 381.7354 Eligibility.--

4 (3) In addition to the grants awarded under
5 subsections (1) and (2), up to 20 percent of the funding for
6 the Reducing Racial and Ethnic Health Disparities: Closing the
7 Gap grant program shall be dedicated to projects that address
8 improving racial and ethnic health status within specific
9 Front Porch Florida Communities, as designated pursuant to s.
10 20.18(6)~~s. 14.2015(9)(b)~~.

11 Section 18. Section 403.42, Florida Statutes, is
12 amended to read:

13 403.42 Florida Clean Fuel Act.--

14 (1) SHORT TITLE AND PURPOSE.--

15 (a) This section may be cited as the "Florida Clean
16 Fuel Act."

17 (b) The purposes of this act are to establish the
18 Clean Fuel Florida Advisory Board under the Department of
19 Environmental Protection ~~Community Affairs~~ to study the
20 implementation of alternative fuel vehicles and to formulate
21 and provide to the Secretary of Environmental Protection
22 ~~Community Affairs~~ recommendations on expanding the use of
23 alternative fuel vehicles in this state and make funding
24 available for implementation.

25 (2) DEFINITIONS.--For purposes of this act:

26 (a) "Alternative fuels" include electricity,
27 biodiesel, natural gas, propane, and any other fuel that may
28 be deemed appropriate in the future by the Department of
29 Environmental Protection ~~Community Affairs~~ with guidance from
30 the Clean Fuel Florida Advisory Board.

31

1 (b) "Alternative fuel vehicles" include on-road and
2 off-road transportation vehicles and light-duty, medium-duty,
3 and heavy-duty vehicles that are powered by an alternative
4 fuel or a combination of alternative fuels.

5 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
6 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.--

7 (a) The Clean Fuel Florida Advisory Board is
8 established within the Department of Environmental Protection
9 ~~Community Affairs~~.

10 (b)1. The advisory board shall consist of the
11 Secretary of Community Affairs, or a designee from that
12 department, the Secretary of Environmental Protection, or a
13 designee from that department, the Commissioner of Education,
14 or a designee from that department, the Secretary of
15 Transportation, or a designee from that department, the
16 Commissioner of Agriculture, or a designee from the Department
17 of Agriculture and Consumer Services, the Secretary of
18 Management Services, or a designee from that department, and a
19 representative of each of the following, who shall be
20 appointed by the Secretary of Environmental Protection
21 ~~Community Affairs within 30 days after the effective date of~~
22 ~~this act:~~

- 23 a. The Florida biodiesel industry.
24 b. The Florida electric utility industry.
25 c. The Florida natural gas industry.
26 d. The Florida propane gas industry.
27 e. An automobile manufacturers' association.
28 f. A Florida Clean Cities Coalition designated by the
29 United States Department of Energy.
30 g. Enterprise Florida, Inc.
31 h. EV Ready Broward.

- 1 i. The Florida petroleum industry.
2 j. The Florida League of Cities.
3 k. The Florida Association of Counties.
4 l. Floridians for Better Transportation.
5 m. A motor vehicle manufacturer.
6 n. Florida Local Environment Resource Agencies.
7 o. Project for an Energy Efficient Florida.
8 p. Florida Transportation Builders Association.
- 9 2. The purpose of the advisory board is to serve as a
10 resource for the department and to provide the Governor, the
11 Legislature, and the Secretary of Environmental Protection
12 ~~Community Affairs~~ with private sector and other public agency
13 perspectives on achieving the goal of increasing the use of
14 alternative fuel vehicles in this state.
- 15 3. Members shall be appointed to serve terms of 1 year
16 each, with reappointment at the discretion of the Secretary of
17 Environmental Protection ~~Community Affairs~~. Vacancies shall be
18 filled for the remainder of the unexpired term in the same
19 manner as the original appointment.
- 20 4. The board shall annually select a chairperson.
- 21 5.a. The board shall meet at least once each quarter
22 or more often at the call of the chairperson or the Secretary
23 of Environmental Protection ~~Community Affairs~~.
- 24 b. Meetings are exempt from the notice requirements of
25 chapter 120, and sufficient notice shall be given to afford
26 interested persons reasonable notice under the circumstances.
- 27 6. Members of the board are entitled to travel
28 expenses while engaged in the performance of board duties.
- 29 7. The board shall terminate 5 years after the
30 effective date of this act.
31

1 (c) The board shall review the performance of the
2 state with reference to alternative fuel vehicle
3 implementation in complying with federal laws and maximizing
4 available federal funding and may:

5 1. Advise the Governor, Legislature, and the Secretary
6 of Environmental Protection ~~Community Affairs~~ and make
7 recommendations regarding implementation and use of
8 alternative fuel vehicles in this state.

9 2. Identify potential improvements in this act and the
10 state's alternative fuel policies.

11 3. Request from all state agencies any information the
12 board determines relevant to board duties.

13 4. Regularly report to the Secretary of Environmental
14 Protection ~~Community Affairs~~, the Governor, the President of
15 the Senate, and the Speaker of the House of Representatives
16 regarding the board's findings and recommendations.

17 (d)1. The advisory board shall, ~~within 120 days after~~
18 ~~its first meeting,~~ make recommendations to the Department of
19 Environmental Protection ~~Community Affairs~~ for establishing
20 pilot programs in this state that provide experience and
21 support the best use expansion of the alternative fuel vehicle
22 industry in this state. No funds shall be released for a
23 project unless there is at least a 50-percent private or local
24 match.

25 2. In addition to the pilot programs, the advisory
26 board shall assess federal, state, and local initiatives to
27 identify incentives that encourage successful alternative fuel
28 vehicle programs; obstacles to alternative fuel vehicle use
29 including legislative, regulatory, and economic obstacles; and
30 programs that educate and inform the public about alternative
31 fuel vehicles.

1 3. The advisory board is charged with determining a
2 reasonable, fair, and equitable way to address current motor
3 fuel taxes as they apply to alternative fuels and at what
4 threshold of market penetration.

5 4. Based on its findings, the advisory board shall
6 develop recommendations to the Legislature on future
7 alternative fuel vehicle programs and legislative changes that
8 provide the best use of state and other resources to enhance
9 the alternative fuel vehicle market in this state and maximize
10 the return on that investment in terms of job creation,
11 economic development, and emissions reduction.

12 (e) The advisory board, working with the Department of
13 Environmental Protection ~~Community Affairs~~, shall develop a
14 budget for the department's approval, and all expenditures
15 shall be approved by the department. At the conclusion of the
16 first year, the department shall conduct an audit of the board
17 and board programs.

18 Section 19. Subsections (42) and (43) are added to
19 section 420.507, Florida Statutes, to read:

20 420.507 Powers of the corporation.--The corporation
21 shall have all the powers necessary or convenient to carry out
22 and effectuate the purposes and provisions of this part,
23 including the following powers which are in addition to all
24 other powers granted by other provisions of this part:

25 (42) To provide information, assistance, and
26 facilities needed by the Affordable Housing Study Commission.

27 (43) To develop and administer the Affordable Housing
28 Catalyst Program under 420.531.

29 Section 20. Section 420.531, Florida Statutes, is
30 created to read:

31 420.531 Affordable Housing Catalyst Program.--

1 (1) In addition to the legislative findings set forth
2 in s. 420.6015, the Legislature finds and declares that:

3 (a) Community-based organizations are important
4 vehicles in assisting communities with development and
5 revitalization but often have limited experience in the
6 development of quality housing for very-low-income persons and
7 low-income persons in economically declining or distressed
8 areas;

9 (b) The staffs and board members of community-based
10 organizations need additional training in housing development
11 as well as technical support to assist them in gaining the
12 experience they need to better serve their communities; and

13 (c) The staffs of state agencies and local
14 governments, whether directly involved in the production of
15 affordable housing or acting in a supportive role, can better
16 serve the goals of state and local governments if their
17 expertise in housing development is expanded.

18 (2) The corporation shall establish a program known as
19 the Affordable Housing Catalyst Program to be responsible for
20 securing the necessary expertise for providing specialized
21 technical support to local governments to implement the HOME
22 Investment Partnership Program, State Housing Initiatives
23 Partnership Program, and other state and federal affordable
24 housing programs.

25 (a) The program may include, but is not limited to,
26 training, onsite visits, and telephone assistance.

27 (b) The training component of the program shall be
28 designed to build the housing development capacity of
29 community-based organizations and local governments as a
30 permanent resource for the benefit of communities in this
31 state.

1 1. The scope of training shall include, but not be
2 limited to, real estate development skills related to
3 affordable housing, including the construction process and
4 property management and disposition; the development of
5 public-private partnerships to reduce housing costs; model
6 housing projects; and management and board responsibilities of
7 community-based organizations.

8 2. Training activities may include, but are not
9 limited to, developing or disseminating materials for
10 self-instruction, workshops, seminars, internships,
11 coursework, and special programs developed in conjunction with
12 state universities and community colleges.

13 Section 21. Subsection (8) of section 420.6015,
14 Florida Statutes, is amended to read:

15 420.6015 Legislative findings.--In addition to the
16 findings and declarations in ss. 420.0002, 420.502, 421.02,
17 422.02, and 423.01, which are hereby reaffirmed, the
18 Legislature finds that:

19 (8) ~~Through the Affordable Housing Catalyst Program~~
20 ~~and other program and staff resources,~~The department shall
21 facilitate the mobilization of public and private resources to
22 provide affordable housing through its responsibilities in the
23 areas of housing, comprehensive planning, and community
24 assistance.

25 Section 22. Subsection (3) of section 420.606, Florida
26 Statutes, is amended to read:

27 420.606 Training and technical assistance program.--

28 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.--The
29 Department of Community Affairs shall be responsible for
30 securing the necessary expertise to provide training and
31 technical assistance to staff of local governments, to staff

1 of state agencies, as appropriate, and to community-based
2 organizations, and to persons forming such organizations,
3 which are formed for the purpose of developing new housing and
4 rehabilitating existing housing which is affordable for
5 very-low-income persons, low-income persons, and
6 moderate-income persons. ~~To the maximum extent feasible, the~~
7 ~~entity to provide the necessary expertise must be recognized~~
8 ~~by the Internal Revenue Service as a nonprofit tax-exempt~~
9 ~~organization. It must have as its primary mission the~~
10 ~~provision of affordable housing training and technical~~
11 ~~assistance; an ability to provide training and technical~~
12 ~~assistance statewide; and a proven track record of~~
13 ~~successfully providing training and technical assistance under~~
14 ~~the Affordable Housing Catalyst Program.~~

15 (a) The training component of the program shall be
16 designed to build the housing development capacity of
17 community-based organizations and local governments as a
18 permanent resource for the benefit of communities in this
19 state.

20 1. The scope of training shall include, but not be
21 limited to, real estate development skills related to
22 affordable housing, including the construction process and
23 property management and disposition, the development of
24 public-private partnerships to reduce housing costs, model
25 housing projects, and management and board responsibilities of
26 community-based organizations.

27 2. Training activities may include, but are not
28 limited to, materials for self-instruction, workshops,
29 seminars, internships, coursework, and special programs
30 developed in conjunction with state universities and community
31 colleges.

1 (b) The technical assistance component of the program
2 shall be designed to assist applicants for state-administered
3 programs in developing applications and in expediting project
4 implementation. Technical assistance activities for the
5 staffs of community-based organizations and local governments
6 who are directly involved in the production of affordable
7 housing may include, but are not limited to, workshops for
8 program applicants, onsite visits, guidance in achieving
9 project completion, and a newsletter to community-based
10 organizations and local governments.

11 ~~(c) The department shall establish a program known as~~
12 ~~the Affordable Housing Catalyst Program to be responsible for~~
13 ~~securing the necessary expertise as provided in this section~~
14 ~~for providing specialized technical support to local~~
15 ~~governments to implement the HOME Investment Partnership~~
16 ~~Program, State Housing Initiatives Partnership Program, and~~
17 ~~other affordable housing programs. The technical support~~
18 ~~shall, at a minimum, provide training relating to the~~
19 ~~following key elements of the partnership programs:~~

20 ~~1. The formation of local and regional housing~~
21 ~~partnerships as a means of bringing together resources to~~
22 ~~provide affordable housing.~~

23 ~~2. The implementation of regulatory reforms to reduce~~
24 ~~the risk and cost of developing affordable housing.~~

25 ~~3. The implementation of affordable housing programs~~
26 ~~included in local government comprehensive plans.~~

27 ~~4. The compliance with requirements of federally~~
28 ~~funded housing programs.~~

29 Section 23. Subsection (3) of section 420.609, Florida
30 Statutes, is amended to read:

31

1 420.609 Affordable Housing Study Commission.--Because
2 the Legislature firmly supports affordable housing in Florida
3 for all economic classes:

4 (3) The ~~department and the~~ corporation shall supply
5 such information, assistance, and facilities as are deemed
6 necessary for the commission to carry out its duties under
7 this section and shall provide such staff assistance as is
8 necessary for the performance of required clerical and
9 administrative functions of the commission.

10 Section 24. Subsection (7) of section 420.631, Florida
11 Statutes, is amended to read:

12 420.631 Definitions relating to Urban Homesteading
13 Act.--As used in ss. 420.630-420.635:

14 (7) "Office" means the Office of Urban Opportunity
15 within the Department of Community Affairs ~~Office of Tourism,~~
16 ~~Trade, and Economic Development.~~

17 Section 25. Subsection (7) of section 420.9075,
18 Florida Statutes, is amended to read:

19 420.9075 Local housing assistance plans;
20 partnerships.--

21 (7) Pursuant to s. 420.531 ~~s. 420.606~~, the corporation
22 shall provide technical assistance to local governments
23 regarding the creation of partnerships, the design of local
24 housing assistance strategies, the implementation of local
25 housing incentive strategies, and the provision of support
26 services.

27 Section 26. Paragraph (d) of subsection (2) of section
28 624.5105, Florida Statutes, is amended to read:

29 624.5105 Community contribution tax credit;
30 authorization; limitations; eligibility and application
31 requirements; administration; definitions; expiration.--

1 (2) ELIGIBILITY REQUIREMENTS.--
2 (d) The project shall be located in an area designated
3 as an enterprise zone or a Front Porch Community pursuant to
4 s. 20.18(6)~~s. 14.2015(9)(b)~~. Any project designed to
5 construct or rehabilitate housing for low-income or
6 very-low-income households as defined in s. 420.9071(19) and
7 (28) is exempt from the area requirement of this paragraph.
8 Section 27. This act shall take effect July 1, 2004.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1286

13 The committee substitute transfers the following programs: the
14 Office of Urban Opportunity from the Executive Office of the
15 Governor to the Department of Community Affairs; the State
16 Energy Office from the Department of Community Affairs to the
17 Department of Environmental Protection; and the Affordable
18 Housing Catalyst Program from the Department of Community
19 Affairs to the Florida Housing Finance Corporation.
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