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A bill to be entitled

An act relating to renewable energy; amending s. 366.82, F.S.; deleting references to conform; amending and renumbering s. 377.601, F.S.; providing legislative findings and intent; providing state energy policy; renumbering s. 377.704, F.S., relating to appropriation of funds from settlement of petroleum overcharge litigation; amending and renumbering s. 377.705, F.S., relating to development of solar energy standards; revising legislative findings, intent, and definitions; requiring the Florida Solar Energy Center to adopt certain standards; amending and renumbering s. 377.709, F.S.; revising language in provisions relating to funding by electric utilities of local governmental solid waste facilities that generate electricity; renumbering s. 377.71, F.S., relating to definitions applicable to the Southern States Energy Compact; amending and renumbering s. 377.711, F.S., relating to the Southern States Energy Compact; requiring certain recommendations to be made through the Department of Environmental Protection; revising language; amending and renumbering s. 377.712, F.S., relating to state participation on the Southern States Energy Board; conforming a cross reference; amending s. 403.42, F.S.; transferring responsibility for the Florida Clean Air Act from the Department of Community Affairs to the Department of Environmental Protection; creating s. 403.431, F.S.; providing definitions applicable to state energy policy; creating s. 403.432, F.S.; providing certain functions of the Department of

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30 Environmental Protection relating to state energy policy;  
 31 creating s. 403.45, F.S.; creating the Florida Renewable  
 32 Energy Research and Development Institute; assigning the  
 33 institute to the Department of Environmental Protection  
 34 for administrative proposes and for overall mission  
 35 oversight; providing certain responsibilities to the  
 36 institute; amending s. 403.973, F.S.; conforming a cross  
 37 reference; amending s. 288.041, F.S.; providing for  
 38 transfer to the Department of Environmental Protection of  
 39 solar energy promotional activities of the Department of  
 40 Community Affairs; providing for type two transfer of the  
 41 Solar Energy Program and the Clean Fuel Florida Advisory  
 42 Board from the Department of Community Affairs to the  
 43 Department of Environmental Protection; amending s.  
 44 633.022, F.S.; requiring uniform firesafety standards for  
 45 hydrogen fueling stations; granting the State Fire Marshal  
 46 rulemaking authority to adopt certain standards relating  
 47 to use, production, and storage of hydrogen; repealing s.  
 48 377.602, F.S., relating to definitions; repealing s.  
 49 377.603, F.S., relating powers and duties of the  
 50 Department of Community Affairs with respect to energy  
 51 data collection; repealing s. 377.604, F.S., relating to  
 52 required reports; repealing s. 377.605, F.S., relating to  
 53 use of existing information; repealing s. 377.606, F.S.,  
 54 relating to limits of confidentiality for records of the  
 55 department; repealing s. 377.607, F.S., relating to  
 56 violations and penalties; repealing s. 377.608, F.S.,  
 57 relating to prosecution of cases by state attorney;  
 58 repealing s. 377.701, F.S., relating to petroleum

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59 allocation; repealing s. 377.703, F.S., relating to  
 60 additional functions of the department for an energy  
 61 emergency contingency plan and federal and state  
 62 conservation programs; providing an effective date.

63  
 64 Be It Enacted by the Legislature of the State of Florida:

65  
 66 Section 1. Paragraph (a) of subsection (6) of section  
 67 366.82, Florida Statutes, is amended to read:

68 366.82 Definition; goals; plans; programs; annual reports;  
 69 energy audits.--

70 (6)(a) ~~Notwithstanding the provisions of s. 377.703,~~ The  
 71 commission shall be the responsible state agency for performing,  
 72 coordinating, implementing, or administering the functions of  
 73 the state plan submitted for consideration under the National  
 74 Energy Conservation Policy Act and any acts amendatory thereof  
 75 or supplemental thereto and for performing, coordinating,  
 76 implementing, or administering the functions of any future  
 77 federal program delegated to the state which relates to  
 78 consumption, utilization, or conservation of electricity or  
 79 natural gas; ~~and the commission shall have exclusive~~  
 80 ~~responsibility for preparing all reports, information, analyses,~~  
 81 ~~recommendations, and materials related to consumption,~~  
 82 ~~utilization, or conservation of electrical energy which are~~  
 83 ~~required or authorized by s. 377.703.~~

84 Section 2. Section 377.601, Florida Statutes, is  
 85 renumbered as section 403.43, Florida Statutes, and amended to  
 86 read:

87 403.43 ~~377.601~~ Legislative intent.--

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88       (1) The Legislature finds that proper management of  
89       current energy resources, the promotion of efficient use of  
90       energy resources, and the promotion of alternative energy  
91       resources will help to reduce pollution, reduce demand on  
92       foreign fuels, enhance system reliability, and promote economic  
93       growth. The Legislature finds that the ability to deal  
94       ~~effectively with present shortages of resources used in the~~  
95       ~~production of energy is aggravated and intensified because of~~  
96       ~~inadequate or nonexistent information and that intelligent~~  
97       ~~response to these problems and to the development of a state~~  
98       ~~energy policy demands accurate and relevant information~~  
99       ~~concerning energy supply, distribution, and use. The Legislature~~  
100       ~~finds and declares that a procedure for the collection and~~  
101       ~~analysis of data on the energy flow in this state is essential~~  
102       ~~to the development and maintenance of an energy profile defining~~  
103       ~~the characteristics and magnitudes of present and future energy~~  
104       ~~demands and availability so that the state may rationally deal~~  
105       ~~with present energy problems and anticipate future energy~~  
106       ~~problems.~~

107       (2) It is the intent of the Legislature to promote the  
108       efficient, effective, and economical management of energy  
109       issues, centralize energy coordination responsibilities,  
110       pinpoint responsibility for conducting energy programs, and  
111       ensure the accountability of state agencies for the  
112       implementation of subsection (3), the state energy policy. The  
113       Legislature recognizes that in order to achieve this goal there  
114       should be a single state office charged with managing and  
115       promoting the state's energy policy. It is the specific intent  
116       of the Legislature that nothing in this act shall in any way

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117 change the powers, duties, and responsibilities assigned by the  
 118 Florida Electrical Power Plant Siting Act under part II of  
 119 chapter 403 or the powers, duties, and responsibilities of the  
 120 Florida Public Service Commission. ~~The Legislature further~~  
 121 ~~recognizes that every state official dealing with energy~~  
 122 ~~problems should have current and reliable information on the~~  
 123 ~~types and quantity of energy resources produced, imported,~~  
 124 ~~converted, distributed, exported, stored, held in reserve, or~~  
 125 ~~consumed within the state.~~

126 (3) ~~It is the intent of the Legislature in the passage of~~  
 127 ~~this act to provide the necessary mechanisms for the effective~~  
 128 ~~development of information necessary to rectify the present lack~~  
 129 ~~of information which is seriously handicapping the state's~~  
 130 ~~ability to deal effectively with the energy problem. To this~~  
 131 ~~end, the provisions of ss. 377.601-377.608 should be given the~~  
 132 ~~broadest possible interpretation consistent with the stated~~  
 133 ~~legislative desire to procure vital information.~~ It is the  
 134 policy of the state to:

135 (a) Develop and promote the effective use of energy in the  
 136 state and discourage all forms of energy waste.

137 (b) Develop and institute ~~Play a leading role in~~  
 138 ~~developing and instituting~~ energy management programs aimed at  
 139 promoting energy conservation.

140 (c) Include energy considerations in all planning.

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

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

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

148 (g) Consider in its decisions the energy needs of each  
149 economic sector, including residential, industrial, commercial,  
150 agricultural, and governmental uses.

151 (h) Promote energy education and the public dissemination  
152 of information on energy and its environmental, economic, and  
153 social impact.

154 (i) Encourage the research, development, demonstration,  
155 and application of alternative energy resources, particularly  
156 renewable energy resources.

157 (j) Consider, in its decisionmaking, the social, economic,  
158 and environmental impacts of energy-related activities, so that  
159 detrimental effects of these activities are understood and  
160 minimized.

161 ~~(k) Develop and maintain energy emergency preparedness~~  
162 ~~plans to minimize the effects of an energy shortage within~~  
163 ~~Florida.~~

164 Section 3. Section 377.704, Florida Statutes, is  
165 renumbered as section 403.433, Florida Statutes.

166 Section 4. Section 377.705, Florida Statutes, is  
167 renumbered as section 403.44, Florida Statutes, and amended to  
168 read:

169 403.44 ~~377.705~~ Solar Energy Center; development of solar  
170 energy standards.--

171 (1) POPULAR NAME ~~SHORT-TITLE~~.--This act shall be known ~~and~~  
172 ~~may be cited as~~ by the popular name the "Solar Energy Standards  
173 Act of 1976."

174 (2) LEGISLATIVE FINDINGS AND INTENT.--

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175 (a) The Legislature recognizes that if present trends  
176 continue, Florida will increase present energy consumption  
177 dramatically ~~sixfold~~ by the year 2200 ~~2000~~. Because of this  
178 dramatic increase and because existing domestic conventional  
179 energy resources will not provide sufficient energy to meet the  
180 nation's future needs, new sources of energy must be developed  
181 and applied. One such source, solar energy, has been in limited  
182 use in Florida for over 30 years. Applications of incident solar  
183 energy, the use of solar radiation to provide energy for water  
184 heating, space heating, space cooling, and other uses, through  
185 suitable absorbing equipment, including, but not limited to,  
186 photovoltaics, on or near a residence or commercial structure,  
187 must be extensively expanded. Unfortunately, the initial costs  
188 with regard to the production of solar energy have been  
189 prohibitively expensive. However, because of increases in the  
190 cost of conventional fuel, certain applications of solar energy  
191 are becoming competitive, particularly when life-cycle costs are  
192 considered. It is the intent of the Legislature in formulating a  
193 sound and balanced energy policy for the state to encourage the  
194 development of an alternative energy capability in the form of  
195 incident solar energy.

196 (b) Toward this purpose, the Legislature intends to  
197 provide incentives for the production and sale of, and to set  
198 standards for, solar energy systems. Such standards shall ensure  
199 that solar energy systems manufactured or sold within the state  
200 are effective and represent a high level of quality of  
201 materials, workmanship, and design.

202 (3) DEFINITIONS.--

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203 (a) "Center" is defined as the Florida Solar Energy Center  
 204 of the Board of Regents.

205 (b) "Solar energy systems" is defined as equipment,  
 206 including but not limited to, photovoltaics, which provides for  
 207 the collection and use of incident solar energy for water  
 208 heating, space heating or cooling, or other applications which  
 209 normally require or would require a conventional source of  
 210 energy such as petroleum products, natural gas, or electricity  
 211 and which performs primarily with solar energy. In such other  
 212 systems in which solar energy is used in a supplemental way,  
 213 only those components which collect and transfer solar energy  
 214 shall be included in this definition.

215 (4) FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS, REQUIRE  
 216 DISCLOSURE, SET TESTING FEES.--

217 (a) The center shall develop and adopt ~~promulgate~~  
 218 standards for solar energy systems manufactured or sold in this  
 219 state based on the best currently available information and  
 220 shall consult with scientists, engineers, or persons in research  
 221 centers who are engaged in the construction of, experimentation  
 222 with, and research of solar energy systems to properly identify  
 223 the most reliable designs and types of solar energy systems.

224 (b) The center shall establish criteria for testing  
 225 performance of solar energy systems and shall maintain the  
 226 necessary capability for testing or evaluating performance of  
 227 solar energy systems. The center may accept results of tests on  
 228 solar energy systems made by other organizations, companies, or  
 229 persons when such tests are conducted according to the criteria  
 230 established by the center and when the testing entity has no

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231 vested interest in the manufacture, distribution or sale of  
 232 solar energy systems.

233 (c) The center shall be entitled to receive a testing fee  
 234 sufficient to cover the costs of such testing. All testing fees  
 235 shall be transmitted by the center to the Chief Financial  
 236 Officer to be deposited in the Solar Energy Center Testing Trust  
 237 Fund, ~~which is hereby created in the State Treasury,~~ and  
 238 disbursed for the payment of expenses incurred in testing solar  
 239 energy systems.

240 (d) All solar energy systems manufactured or sold in the  
 241 state must meet the standards established by the center and  
 242 shall display accepted results of approved performance tests in  
 243 a manner prescribed by the center.

244 Section 5. Section 377.709, Florida Statutes, is  
 245 renumbered as section 366.052, Florida Statutes, and amended to  
 246 read:

247 366.052 ~~377.709~~ Funding by electric utilities of local  
 248 governmental solid waste facilities that generate electricity.--

249 (1) LEGISLATIVE INTENT.--The Legislature declares that it  
 250 is critical to encourage energy conservation in order to protect  
 251 the health, prosperity, and general welfare of this state and  
 252 its citizens. The Legislature also declares that the disposal of  
 253 solid refuse is an important governmental obligation and that,  
 254 if the disposal is not accomplished in a proper manner, such  
 255 refuse poses a definite threat to the public health and welfare.  
 256 The Legislature further declares that the combustion of refuse  
 257 by solid waste facilities to supplement the electricity supply  
 258 not only represents an effective conservation effort but also  
 259 represents an environmentally preferred alternative to

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260 conventional solid waste disposal in this state. Therefore, the  
 261 Legislature directs the Florida Public Service Commission to  
 262 establish a funding program to encourage the development by  
 263 local governments of solid waste facilities that use solid waste  
 264 as a primary source of fuel for the production of electricity.

265 (2) DEFINITIONS.--As used in this section, the term:

266 (a) "Commission" means the Florida Public Service  
 267 Commission.

268 (b) "Cost-effective" means that the cost of electrical  
 269 capacity and energy produced by a solid waste facility financed  
 270 and constructed pursuant to this section and delivered to an  
 271 electric utility is no greater than the cost to that utility of  
 272 producing an equivalent amount of capacity and energy had the  
 273 alternative facility not been constructed and operated.

274 (c) "Electric utility" means any electric utility over  
 275 which the commission has ratesetting authority.

276 (d) "Electrical component" means the turbine, generator,  
 277 and associated transmission facilities of a solid waste  
 278 facility.

279 (e) "Local government" means any municipality, county, or  
 280 consolidated government, or special district, authority, or  
 281 commission, or any combination thereof.

282 (f) "Solid waste facility" means a facility owned or  
 283 operated by, or on behalf of, a local government for the purpose  
 284 of disposing of solid waste, as that term is defined in s.  
 285 403.703(13), by any process that produces heat and incorporates,  
 286 as a part of the facility, the means of converting heat to  
 287 electrical energy in amounts greater than actually required for  
 288 the operation of the facility.

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289 (3) ADVANCE FUNDING PROGRAM.--

290 (a) Upon the petition of a local government, the  
 291 commission may ~~shall have the authority~~, subject to the  
 292 provisions of this section, ~~to~~ require an electric utility to  
 293 enter into a contract with the local government to provide  
 294 advanced funding to such government for the construction of the  
 295 electrical component of a solid waste facility.

296 (b) A contract may not be entered into without the prior  
 297 approval of the contract by the commission. The commission may  
 298 approve or disapprove a contract, or it may modify a contract  
 299 with the concurrence of the parties to the contract. When  
 300 reviewing a contract, the commission shall consider those items  
 301 it deems appropriate, including, but not limited to, the cost-  
 302 effectiveness of the unit and the financial ability of the  
 303 electric utility to provide the funding. If an electric utility  
 304 and a local government cannot agree to the terms of a contract,  
 305 or if it is shown that an electric utility has refused to  
 306 negotiate a contract with a local government, the commission may  
 307 prescribe the terms of the contract subject to the provisions of  
 308 this section. The commission, however, shall not approve a  
 309 contract which violates ~~is violative of~~ any of the following  
 310 provisions:

311 1. If the commission determines that advanced-capacity  
 312 payments to the local government during the period of  
 313 construction are appropriate, such payments must be the lesser  
 314 of:

315 a. The net present value of avoided-capacity cost for the  
 316 electric utility calculated over the period of time during which  
 317 the local government contracts to provide electrical capacity to

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318 the utility. The avoided-capacity cost is that cost established  
 319 by the commission pursuant to s. 366.05(9) and in effect by  
 320 commission rule at the time the order approving the contract is  
 321 issued; or

322 b. An amount which is not more than the amount of the  
 323 design costs of the electrical component of the solid waste  
 324 facility as determined by the commission to be reasonable and  
 325 prudent at the time of its order, or such portion thereof that  
 326 is proportionate to the electrical capacity made available by  
 327 contract to the electric utility.

328 2. If the commission determines that energy payments to  
 329 the local government are appropriate, such payments may not be  
 330 greater than the lesser of:

331 a. The hourly incremental energy rates of the electric  
 332 utility as provided for in its approved tariffs over the period  
 333 of the contract; or

334 b. The energy costs associated with the avoided-capacity  
 335 costs of the electric utility as determined by the commission.

336 3. The electric utility must currently be providing  
 337 electrical energy at retail within the geographic area of the  
 338 local government or within the geographic area of one or more of  
 339 the participating local governments.

340 4. The amount of financing, including all carrying costs,  
 341 plus reasonable and prudent administrative costs incurred by the  
 342 electric utility, must be recovered from the ratepayers of the  
 343 electric utility pursuant to the provisions of the Florida  
 344 Energy Efficiency and Conservation Act. An electric utility may  
 345 not be required to pay to the local government any funding in  
 346 excess of that collected from its ratepayers.

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347 5. Funding of the electrical component of the solid waste  
 348 facility must be cost-effective to the ratepayer and must not  
 349 cause or contribute to the uneconomic duplication of electric  
 350 facilities.

351 (4) ADVANCED-CAPACITY PAYMENTS AND REFUNDS.--The amounts  
 352 required of an electric utility as advanced-capacity payments  
 353 shall be paid to the local government unit during the  
 354 construction of the project as established by the contract and  
 355 approved by the order. Such payments are subject to being  
 356 refunded in full or proportionately to the electric utility if  
 357 the electrical component of the solid waste facility fails, for  
 358 any reason, to operate at a 70-percent-capacity factor based on  
 359 a 12-month rolling average. Any refund shall be calculated and  
 360 paid annually. If during the life of the contract a solid waste  
 361 facility is abandoned, closed down, or rendered illegal by  
 362 applicable law, ordinance, or regulation, the full amount of any  
 363 unrefunded advanced-capacity payments is subject to being  
 364 refunded to the electric utility. Any refund by a local  
 365 government of advanced-capacity payments to an electric utility  
 366 shall be refunded by the electric utility to its customers as a  
 367 credit shown on the customers' bills as soon as is practicable  
 368 after the receipt of the refunded portions. The obligation to  
 369 make a refund is binding on the local government and its  
 370 successors in interest. In the case of a combination of local  
 371 governments, if such combination is dissolved or otherwise  
 372 ceases to function, the refund is a legal and binding obligation  
 373 of the individual local governments which participated in the  
 374 formation of the combination, in proportion to their interests.

375 (5) ELECTRIC ENERGY PRICING PROGRAM.--

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376 (a) The commission shall establish rules relating to the  
 377 purchase of capacity or energy by electric utilities as defined  
 378 in this section from solid waste management facilities. In  
 379 setting these rates solid waste management facilities may be  
 380 exempted from any risk-related consideration which the  
 381 commission may use in determining the avoided-capacity cost  
 382 applicable to other cogenerators, small power producers, or  
 383 solid waste facilities that are not operated by, or on behalf  
 384 of, a local government. Such exemptions are intended to foster  
 385 the development of solid waste management facilities that  
 386 generate electricity and provide incentives for the development  
 387 of environmentally sound methods of disposing of solid wastes  
 388 without imposing undue risk or cost to electric consumers in  
 389 this state. The commission shall authorize levelized payments  
 390 for purchase of capacity or energy from a local government solid  
 391 waste management facility. Payments provided pursuant to this  
 392 subsection are subject to the terms and conditions set out in  
 393 subsection (4) for advanced-capacity payments, and such payments  
 394 are recoverable from ratepayers of the electric utility as  
 395 provided in subparagraph (3)(b)4.

396 (b) It is the intent of the Legislature to encourage  
 397 parties to review contracts in effect as of October 1, 1988, to  
 398 incorporate the applicable provisions of this section, subject  
 399 to approval of the commission.

400 (6) EXEMPTIONS.--A new solid waste facility, as defined in  
 401 this section, not greater than 75 megawatts ~~75MW~~, or a solid  
 402 waste facility expansion of not greater than 50 megawatts ~~50MW~~,  
 403 shall be exempt from the need determination process outlined in  
 404 s. 403.519.

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405 (7) RULES.--The commission shall adopt all rules necessary  
 406 to implement this section.

407 Section 6. Section 377.71, Florida Statutes, is renumbered  
 408 as section 403.46, Florida Statutes.

409 Section 7. Section 377.711, Florida Statutes, is  
 410 renumbered as section 403.461, Florida Statutes, and amended to  
 411 read:

412 403.461 ~~377.711~~ Florida party to Southern States Energy  
 413 Compact.--The Southern States Energy Compact is created ~~enacted~~  
 414 ~~into law~~ and entered into by the state as a party, and is of  
 415 full force and effect between the state and any other states  
 416 joining therein in accordance with the terms of the compact,  
 417 which compact is substantially as follows:

418 (1) POLICY AND PURPOSE.--The party states recognize that  
 419 the proper employment and conservation of energy and employment  
 420 of energy-related facilities, materials, and products, within  
 421 the context of a responsible regard for the environment, can  
 422 assist substantially in the industrialization of the South and  
 423 the development of a balanced economy for the region. They also  
 424 recognize that optimum benefit from an acquisition of energy  
 425 resources and facilities requires systematic encouragement,  
 426 guidance, and assistance from the party states on a cooperative  
 427 basis. It is the policy of the party states to undertake such  
 428 cooperation on a continuing basis; it is the purpose of this  
 429 compact to provide the instruments and framework for such a  
 430 cooperative effort to improve the economy of the South and  
 431 contribute to the individual and community well-being of the  
 432 people of this region.

433 (2) BOARD.--

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434 (a) There is hereby created an agency of the party states  
 435 to be known as the Southern States Energy Board (~~hereinafter~~  
 436 ~~called the "board"~~). The board shall be composed of three  
 437 members from each party state, one of whom shall be appointed or  
 438 designated in each state to represent the governor, the state  
 439 senate, and the state house of representatives, respectively.  
 440 Each member shall be designated or appointed in accordance with  
 441 the law of the state which he or she represents and shall serve  
 442 and be subject to removal in accordance with such law. Any  
 443 member of the board may provide for the discharge of the  
 444 member's duties and the performance of his or her functions  
 445 thereon, (either for the duration of his or her membership or  
 446 for any less period of time), by a deputy or assistant, if the  
 447 laws of the member's state make specific provision therefor. The  
 448 Federal Government may be represented without vote if provision  
 449 is made by federal law for such representation.

450 (b) Each party state shall be entitled to one vote on the  
 451 board, to be determined by majority vote of each member or  
 452 member's representative from the party state present and voting  
 453 on any question. No action of the board shall be binding unless  
 454 taken at a meeting at which a majority of all party states are  
 455 represented and unless a majority of the total number of votes  
 456 are cast in favor thereof.

457 (c) The board shall have a seal.

458 (d) The board shall elect annually, from among its  
 459 members, a chair, a vice chair, and a treasurer. The board shall  
 460 appoint an executive director who shall serve at its pleasure  
 461 and who shall also act as secretary, and who, together with the

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462 treasurer, shall be bonded in such amounts as the board may  
 463 require.

464 (e) The executive director, with approval of the board,  
 465 shall appoint and remove or discharge such personnel as may be  
 466 necessary for the performance of the board's functions  
 467 irrespective of the civil service, personnel, or other merit  
 468 system laws of any of the party states.

469 (f) The board may establish and maintain, independently or  
 470 in conjunction with any one or more of the party states, a  
 471 suitable retirement system for its full-time employees.  
 472 Employees of the board shall be eligible for social security  
 473 coverage in respect of old age and survivors' insurance,  
 474 provided that the board takes such steps as may be necessary  
 475 pursuant to federal law to participate in such program of  
 476 insurance as a governmental agency or unit. The board may  
 477 establish and maintain or participate in such additional  
 478 programs of employee benefits as may be appropriate.

479 (g) The board may borrow, accept, or contract for the  
 480 services of personnel from any state or the United States or any  
 481 subdivision or agency thereof, from any interstate agency, or  
 482 from any institution, person, firm, or corporation.

483 (h) The board may accept for any of its purposes and  
 484 functions under this compact any and all donations and grants of  
 485 money, equipment, supplies, materials, and services (conditional  
 486 or otherwise) from any state or the United States or any  
 487 subdivision or agency thereof, from any interstate agency, or  
 488 from any institution, person, firm, or corporation, and may  
 489 receive, utilize, and dispose of the same.

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490 (i) The board may establish and maintain such facilities  
 491 as may be necessary for the transacting of its business. The  
 492 board may acquire, hold, and convey real and personal property  
 493 and any interest therein.

494 (j) The board shall adopt bylaws, rules, and regulations  
 495 for the conduct of its business and shall have the power to  
 496 amend and rescind these bylaws, rules, and regulations. The  
 497 board shall publish its bylaws, rules, and regulations in  
 498 convenient form and shall also file a copy of any amendment  
 499 thereto with the appropriate agency or officer in each of the  
 500 party states.

501 (k) The board ~~annually~~ shall make to the governor of each  
 502 party state an annual a report covering the activities of the  
 503 board for the preceding year and embodying such recommendations  
 504 as may have been adopted by the board, which report shall be  
 505 transmitted to the legislature of said state. The board may  
 506 issue such additional reports as it may deem desirable.

507 (3) FINANCES.--

508 (a) The board shall submit to the executive head or  
 509 designated officer or officers of each state a budget of its  
 510 estimated expenditures for such period as may be required by the  
 511 laws of that jurisdiction for presentation to the legislature  
 512 thereof.

513 (b) Each of the board's budgets of estimated expenditures  
 514 shall contain specific recommendations of the amount or amounts  
 515 to be appropriated by each of the party states. One-half of the  
 516 total amount of each budget of estimated expenditures shall be  
 517 apportioned among the party states in equal shares; one-quarter  
 518 of each such budget shall be apportioned among the party states

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519 in accordance with the ratio of their populations to the total  
 520 population of the entire group of party states based on the  
 521 latest official decennial census; and one-quarter of each such  
 522 budget shall be apportioned among the party states on the basis  
 523 of the relative average per capita income of the inhabitants in  
 524 each of the party states based on the latest computations  
 525 published by the federal census-taking agency. Subject to  
 526 appropriation by their respective legislatures, the board shall  
 527 be provided with such funds by each of the party states as are  
 528 necessary to provide the means of establishing and maintaining  
 529 facilities, a staff of personnel, and such activities as may be  
 530 necessary to fulfill the powers and duties imposed upon and  
 531 entrusted to the board.

532 (c) The board may meet any of its obligations in whole or  
 533 in part with funds available to it under paragraph (2)(h),  
 534 provided that the board takes specific action setting aside such  
 535 funds prior to the incurring of any obligation to be met in  
 536 whole or in part in this manner. Except where the board makes  
 537 use of funds available to it under paragraph (2)(h), the board  
 538 shall not incur any obligation prior to the allotment of funds  
 539 by the party jurisdiction adequate to meet the same.

540 (d) The board shall keep accurate accounts of all receipts  
 541 and disbursements. The receipts and disbursements of the board  
 542 shall be subject to the audit and accounting procedures  
 543 established under its bylaws. However, all receipts and  
 544 disbursements of funds handled by the board shall be audited  
 545 yearly by a qualified public accountant, and the report of the  
 546 audit shall be included in and become part of the annual report  
 547 of the board.

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548 (e) The accounts of the board shall be open at any  
549 reasonable time for inspection.

550 (4) ADVISORY COMMITTEES.--The board may establish such  
551 advisory and technical committees as it may deem necessary,  
552 membership on which will include, but not be limited to, private  
553 citizens; expert and lay personnel; representatives of industry,  
554 labor, commerce, agriculture, civic associations, medicine,  
555 education, and voluntary health agencies; and officials of  
556 local, state, and federal government, and may cooperate with and  
557 use the services of any such committees and the organizations  
558 which they represent in furthering any of its activities under  
559 this compact.

560 (5) POWERS.--The board shall have the power to:

561 (a) Ascertain and analyze on a continuing basis the  
562 position of the South with respect to energy, energy-related  
563 industries, and environmental concerns.

564 (b) Encourage the development, conservation, and  
565 responsible use of energy and energy-related facilities,  
566 installations, and products as part of a balanced economy and a  
567 healthy environment.

568 (c) Collect, correlate, and disseminate information  
569 relating to civilian uses of energy and energy-related materials  
570 and products.

571 (d) Conduct, or cooperate in conducting, programs of  
572 training for state and local personnel engaged in any aspects  
573 of:

574 1. Energy, environment, and application of energy,  
575 environmental, and related concerns to industry, medicine, or  
576 education or the promotion or regulation thereof.

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577 2. The formulation or administration of measures designed  
 578 to promote safety in any matter related to the development, use,  
 579 or disposal of energy and energy-related materials, products,  
 580 installations, or wastes.

581 (e) Organize and conduct, or assist and cooperate in  
 582 organizing and conducting, demonstrations of energy product,  
 583 material, or equipment use and disposal and of proper techniques  
 584 or processes for the application of energy resources to the  
 585 civilian economy or general welfare.

586 (f) Undertake such nonregulatory functions with respect to  
 587 sources of radiation as may promote the economic development and  
 588 general welfare of the region.

589 (g) Study industrial, health, safety, and other standards,  
 590 laws, codes, rules, regulations, and administrative practices in  
 591 or related to energy and environmental fields.

592 (h) Recommend such changes in, or amendments or additions  
 593 to, the laws, codes, rules, regulations, administrative  
 594 procedures and practices, or ordinances of the party states in  
 595 any of the fields of its interest and competence as in its  
 596 judgment may be appropriate. Any such recommendation shall be  
 597 made, in the case of Florida, through the Department of  
 598 Environmental Protection ~~Commerce~~.

599 (i) Prepare, publish, and distribute (with or without  
 600 charge) such reports, bulletins, newsletters, or other material  
 601 as it deems appropriate.

602 (j) Cooperate with the United States Department of Energy  
 603 or any agency successor thereto, any other officer or agency of  
 604 the United States, any other governmental unit or agency or

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605 officer thereof, and any private persons or agencies in any of  
 606 the fields of its interest.

607 (k) Act as licensee of the United States Government or any  
 608 party state with respect to the conduct of any research activity  
 609 requiring such license and operate such research facility or  
 610 undertake any program pursuant thereto.

611 (l) Ascertain from time to time such methods, practices,  
 612 circumstances, and conditions as may bring about the prevention  
 613 and control of energy and environmental incidents in the area  
 614 comprising the party states, coordinate the nuclear,  
 615 environmental, and other energy-related incident prevention and  
 616 control plans and the work relating thereto of the appropriate  
 617 agencies of the party states, and facilitate the rendering of  
 618 aid by the party states to each other in coping with energy and  
 619 environmental incidents. The board may formulate and, in  
 620 accordance with need from time to time, revise a regional plan  
 621 or regional plans for coping with energy and environmental  
 622 incidents within the territory of the party states as a whole or  
 623 within any subregion or subregions of the geographic areas  
 624 covered by this compact.

625 (6) SUPPLEMENTARY AGREEMENTS.--

626 (a) To the extent that the board has not undertaken an  
 627 activity or project which would be within its power under the  
 628 provisions of this compact, any two or more of the party states  
 629 (acting by their duly constituted administrative officials) may  
 630 enter into supplementary agreements for the undertaking and  
 631 continuance of such an activity or project. Any such agreement  
 632 shall specify its purpose or purposes, its duration and the  
 633 procedure for termination thereof or withdrawal therefrom, the

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634 method of financing and allocating the costs of the activity or  
 635 project, and such other matters as may be necessary or  
 636 appropriate. No such supplementary agreement entered into  
 637 pursuant to this subsection shall become effective prior to its  
 638 submission to and approval by the board. The board shall give  
 639 such approval unless it finds that the supplementary agreement  
 640 or the activity or project contemplated thereby is inconsistent  
 641 with the provisions of this compact or a program or activity  
 642 conducted by or participated in by the board.

643 (b) Unless all of the party states participate in a  
 644 supplementary agreement, any costs thereof shall be borne  
 645 separately by the states party thereto. However, the board may  
 646 administer or otherwise assist in the operation of any  
 647 supplementary agreement.

648 (c) No party to a supplementary agreement entered into  
 649 pursuant to this subsection shall be relieved thereby of any  
 650 obligation or duty assumed by said party state under or pursuant  
 651 to this compact, except that timely and proper performance of  
 652 such obligation or duty by means of the supplementary agreement  
 653 may be offered as performance pursuant to the compact.

654 (7) OTHER LAWS AND REGULATIONS.--Nothing in this compact  
 655 shall be construed to:

656 (a) Permit or require any person or other entity to avoid  
 657 or refuse compliance with any law, rule, regulation, order, or  
 658 ordinance of a party state or subdivision thereof now or  
 659 hereafter made, enacted, or in force.

660 (b) Limit, diminish, or otherwise impair jurisdiction  
 661 exercised by the United States Department of Energy or any  
 662 agency successor thereto or any other federal department,

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663 agency, or officer pursuant to and in conformity with any valid  
 664 and operative Act of Congress.

665 (c) Alter the relations between the respective internal  
 666 responsibilities of the government of a party state and its  
 667 subdivisions.

668 (d) Permit or authorize the board to exercise any  
 669 regulatory authority or to own or operate any nuclear reactor  
 670 for the generation of electric energy; nor shall the board own  
 671 or operate any facility or installation for industrial or  
 672 commercial purposes.

673 (8) ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL.--

674 (a) Any or all of the states of Alabama, Arkansas,  
 675 Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland,  
 676 Mississippi, Missouri, North Carolina, Oklahoma, South Carolina,  
 677 Tennessee, Texas, Virginia, and West Virginia, the Commonwealth  
 678 of Puerto Rico, and the United States Virgin Islands shall be  
 679 eligible to become party to this compact.

680 (b) As to any eligible party state, this compact shall  
 681 become effective when its legislature shall have enacted the  
 682 same into law, except that it shall not become initially  
 683 effective until enacted into law by seven states.

684 (c) Any party state may withdraw from this compact by  
 685 enacting a statute repealing the same, but no such withdrawal  
 686 shall become effective until the governor of the withdrawing  
 687 state shall have sent formal notice in writing to the governor  
 688 of each other party state informing said governors of the action  
 689 of the legislature in repealing the compact and declaring an  
 690 intention to withdraw.

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691 (9) SEVERABILITY AND CONSTRUCTION.--The provisions of this  
 692 compact and of any supplementary agreement entered into  
 693 hereunder shall be severable, and if any phrase, clause,  
 694 sentence, or provision of this compact or such supplementary  
 695 agreement is declared to be contrary to the constitution of any  
 696 participating state or of the United States or the applicability  
 697 thereof to any government, agency, person, or circumstance is  
 698 held invalid, the validity of the remainder of this compact or  
 699 such supplementary agreement and the applicability thereof to  
 700 any government, agency, person, or circumstance shall not be  
 701 affected thereby. If this compact or any supplementary agreement  
 702 entered into hereunder shall be held contrary to the  
 703 constitution of any state participating therein, the compact or  
 704 such supplementary agreement shall remain in full force and  
 705 effect as to the remaining states and in full force and effect  
 706 as to the state affected as to all severable matters. The  
 707 provisions of this compact and of any supplementary agreement  
 708 entered into pursuant hereto shall be liberally construed to  
 709 effectuate the purposes thereof.

710 Section 8. Section 377.712, Florida Statutes, is  
 711 renumbered as section 403.462, Florida Statutes, and amended to  
 712 read:

713 403.462 ~~377.712~~ Florida participation.--

714 (1)(a) The Governor shall appoint one member of the  
 715 Southern States Energy Board. The member or the Governor may  
 716 designate another person as the deputy or assistant to such  
 717 member.

718 (b) The President of the Senate shall appoint one member  
 719 of the Southern States Energy Board. The member or the president

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720 may designate another person as the assistant or deputy to such  
721 member.

722 (c) The Speaker of the House of Representatives shall  
723 appoint one member of the Southern States Energy Board. The  
724 member or the speaker may designate another person as the  
725 assistant or deputy to such member.

726 (2) Any supplementary agreement entered into under s.  
727 403.461(6) ~~377.711(6)~~ requiring the expenditure of funds shall  
728 not become effective as to Florida until the required funds are  
729 appropriated by the Legislature.

730 (3) The department, agencies, and officers of this state,  
731 and its subdivisions are authorized to cooperate with the board  
732 in the furtherance of any of its activities pursuant to the  
733 compact, provided such proposed activities have been made known  
734 to, and have the approval of, either the Governor or the  
735 Department of Health.

736 Section 9. Section 403.42, Florida Statutes, is amended to  
737 read:

738 403.42 Florida Clean Fuel Act.--

739 (1) SHORT TITLE AND PURPOSE.--

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

742 (b) The purposes of this act are to establish the Clean  
743 Fuel Florida Advisory Board under the Department of  
744 Environmental Protection ~~Community Affairs~~ to study the  
745 implementation of alternative fuel vehicles and to formulate and  
746 provide to the Secretary of Environmental Protection ~~Community~~  
747 ~~Affairs~~ recommendations on expanding the use of alternative fuel

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748 vehicles in this state and make funding available for  
 749 implementation.

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

751 (a) "Alternative fuels" include electricity, biodiesel,  
 752 natural gas, propane, and any other fuel that may be deemed  
 753 appropriate in the future by the Department of Environmental  
 754 Protection Community Affairs with guidance from the Clean Fuel  
 755 Florida Advisory Board.

756 (b) "Alternative fuel vehicles" include on-road and off-  
 757 road transportation vehicles and light-duty, medium-duty, and  
 758 heavy-duty vehicles that are powered by an alternative fuel or a  
 759 combination of alternative fuels.

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

762 (a) The Clean Fuel Florida Advisory Board is established  
 763 within the Department of Environmental Protection Community  
 764 Affairs.

765 (b)1. The advisory board shall consist of the Secretary of  
 766 Environmental Protection Community Affairs, or a designee from  
 767 that department, the Secretary of Community Affairs  
 768 ~~Environmental Protection~~, or a designee from that department,  
 769 the Commissioner of Education, or a designee from that  
 770 department, the Secretary of Transportation, or a designee from  
 771 that department, the Commissioner of Agriculture, or a designee  
 772 from the Department of Agriculture and Consumer Services, the  
 773 Secretary of Management Services, or a designee from that  
 774 department, and a representative of each of the following, who  
 775 shall be appointed by the Secretary of Community Affairs within  
 776 30 days after the effective date of this act:

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- 777 a. The Florida biodiesel industry.
- 778 b. The Florida electric utility industry.
- 779 c. The Florida natural gas industry.
- 780 d. The Florida propane gas industry.
- 781 e. An automobile manufacturers' association.
- 782 f. A Florida Clean Cities Coalition designated by the
- 783 United States Department of Energy.
- 784 g. Enterprise Florida, Inc.
- 785 h. EV Ready Broward.
- 786 i. The Florida petroleum industry.
- 787 j. The Florida League of Cities.
- 788 k. The Florida Association of Counties.
- 789 l. Floridians for Better Transportation.
- 790 m. A motor vehicle manufacturer.
- 791 n. Florida Local Environment Resource Agencies.
- 792 o. Project for an Energy Efficient Florida.
- 793 p. Florida Transportation Builders Association.
- 794 2. The purpose of the advisory board is to serve as a
- 795 resource for the department and to provide the Governor, the
- 796 Legislature, and the Secretary of Environmental Protection
- 797 ~~Community Affairs~~ with private sector and other public agency
- 798 perspectives on achieving the goal of increasing the use of
- 799 alternative fuel vehicles in this state.
- 800 3. Members shall be appointed to serve terms of 1 year
- 801 each, with reappointment at the discretion of the Secretary of
- 802 Environmental Protection ~~Community Affairs~~. Vacancies shall be
- 803 filled for the remainder of the unexpired term in the same
- 804 manner as the original appointment.
- 805 4. The board shall annually select a chairperson.

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806 5.a. The board shall meet at least once each quarter or  
 807 more often at the call of the chairperson or the Secretary of  
 808 Environmental Protection ~~Community Affairs~~.

809 b. Meetings are exempt from the notice requirements of  
 810 chapter 120, and sufficient notice shall be given to afford  
 811 interested persons reasonable notice under the circumstances.

812 6. Members of the board are entitled to travel expenses  
 813 while engaged in the performance of board duties.

814 7. The board shall terminate 5 years after the effective  
 815 date of this act.

816 (c) The board shall review the performance of the state  
 817 with reference to alternative fuel vehicle implementation in  
 818 complying with federal laws and maximizing available federal  
 819 funding and may:

820 1. Advise the Governor, Legislature, and the Secretary of  
 821 Environmental Protection ~~Community Affairs~~ and make  
 822 recommendations regarding implementation and use of alternative  
 823 fuel vehicles in this state.

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

826 3. Request from all state agencies any information the  
 827 board determines relevant to board duties.

828 4. Regularly report to the Secretary of Environmental  
 829 Protection ~~Community Affairs~~, the Governor, the President of the  
 830 Senate, and the Speaker of the House of Representatives  
 831 regarding the board's findings and recommendations.

832 (d)1. The advisory board shall, within 120 days after its  
 833 first meeting, make recommendations to the Department of  
 834 Environmental Protection ~~Community Affairs~~ for establishing

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835 pilot programs in this state that provide experience and support  
 836 the best use expansion of the alternative fuel vehicle industry  
 837 in this state. No funds shall be released for a project unless  
 838 there is at least a 50-percent private or local match.

839 2. In addition to the pilot programs, the advisory board  
 840 shall assess federal, state, and local initiatives to identify  
 841 incentives that encourage successful alternative fuel vehicle  
 842 programs; obstacles to alternative fuel vehicle use including  
 843 legislative, regulatory, and economic obstacles; and programs  
 844 that educate and inform the public about alternative fuel  
 845 vehicles.

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

850 4. Based on its findings, the advisory board shall develop  
 851 recommendations to the Legislature on future alternative fuel  
 852 vehicle programs and legislative changes that provide the best  
 853 use of state and other resources to enhance the alternative fuel  
 854 vehicle market in this state and maximize the return on that  
 855 investment in terms of job creation, economic development, and  
 856 emissions reduction.

857 (e) The advisory board, working with the Department of  
 858 Environmental Protection ~~Community Affairs~~, shall develop a  
 859 budget for the department's approval, and all expenditures shall  
 860 be approved by the department. At the conclusion of the first  
 861 year, the department shall conduct an audit of the board and  
 862 board programs.

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863 Section 10. Section 403.431, Florida Statutes, is created  
 864 to read:

865 403.431 Definitions.--As used in ss. 403.43-403.432:

866 (1) "Coordinate," "coordination," or "coordinating" means  
 867 the examination and evaluation of state plans and programs and  
 868 the providing of recommendations to the Cabinet, Legislature,  
 869 and appropriate state agency on any measures deemed necessary to  
 870 ensure that such plans and programs are consistent with state  
 871 energy policy.

872 (2) "Department" means the Department of Environmental  
 873 Protection.

874 (3) "Energy conservation" means efficient energy use or  
 875 the utilization of renewable energy resources which results in  
 876 energy savings based upon a net reduction in the use of  
 877 nonrenewable resources.

878 (4) "Energy efficiency" means efficient energy use of  
 879 energy delivered which results in energy savings based upon a  
 880 net reduction in the use of energy resources.

881 (5) "Energy resources" includes, but is not limited to:

882 (a) Propane, butane, motor gasoline, kerosene, home  
 883 heating oil, diesel fuel, other middle distillates, aviation  
 884 fuels, kerosene-type jet fuel, naphtha-type jet fuel, residual  
 885 fuels, crude oil, and other petroleum products and hydrocarbons  
 886 as may be determined by the department to be of importance.

887 (b) All natural gas, including casinghead gas, all other  
 888 hydrocarbons not defined as petroleum products in paragraph (a),  
 889 and liquefied petroleum gas as defined in s. 527.01.

890 (c) All types of coal and products derived from its  
 891 conversion and used as fuel.

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892 (d) All types of nuclear energy, special nuclear material,  
 893 and source material.

894 (e) Every other energy resource, whether natural or  
 895 manmade, which the department determines to be important to the  
 896 production or supply of energy, including, but not limited to,  
 897 hydrogen, energy converted from solar radiation, biomass,  
 898 methane gas recovery, wind, hydraulic potential, tidal  
 899 movements, ocean currents, and geothermal sources.

900 (f) All electrical energy.

901 (6) "Energy source" means electricity, fossil fuels, solar  
 902 power, wind power, hydroelectric power, nuclear power, or any  
 903 other resource which has the capacity to do work.

904 (7) "Facilities" means any building or structure not  
 905 otherwise exempted by the provisions of this act.

906 (8) "Fuel" means petroleum, crude oil, petroleum product,  
 907 coal, natural gas, or any other substance used primarily for its  
 908 energy content.

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

913 (10) "Person" means producer, refiner, wholesaler,  
 914 marketer, consignee, jobber, distributor, storage operator,  
 915 importer, exporter, firm, corporation, broker, cooperative,  
 916 public utility as defined in s. 366.02, rural electrification  
 917 cooperative, municipality engaged in the business of providing  
 918 electricity or other energy resources to the public, pipeline  
 919 company, person transporting any energy resources as defined in  
 920 subsection (1), and person holding energy reserves for further

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921 production; however, "person" does not include persons  
 922 exclusively engaged in the retail sale of petroleum products.

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

926 (12) "Regional planning agency" means those agencies  
 927 designated as regional planning agencies by the Department of  
 928 Community Affairs.

929 (13) "Renewable energy resource" means any method,  
 930 process, or substance the use of which does not diminish its  
 931 availability or abundance, including, but not limited to,  
 932 biomass conversion, geothermal energy, solar energy, wind  
 933 energy, wood fuels derived from waste, ocean thermal gradient  
 934 power, hydroelectric power, and fuels derived from agricultural  
 935 products.

936 Section 11. Section 403.432, Florida Statutes, is created  
 937 to read:

938 403.432 Functions of the Department of Environmental  
 939 Protection.--The Department of Environmental Protection shall  
 940 perform the following functions consistent with the development  
 941 of a state energy policy:

942 (1) The department shall constitute the responsible state  
 943 agency for performing or coordinating the functions of any  
 944 federal energy programs delegated to the state.

945 (2) The department shall analyze existing and proposed  
 946 federal energy programs and make recommendations regarding those  
 947 programs to the Governor.

948 (3) The department shall coordinate efforts to seek  
 949 federal support or other support for state energy activities,

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950 including energy conservation, research, or development, and  
 951 shall be the state agency responsible for the coordination of  
 952 multiagency energy conservation programs and plans.

953 (4) The department shall promote the development and use  
 954 of renewable energy, including, but not limited to, technologies  
 955 leading to the production of or improvements in the production  
 956 or use of hydrogen fuel; fuel cells; distributed generation;  
 957 biodiesel and similar synthetic fuels; thermo-depolymerization  
 958 process; biomass; agricultural products and byproducts;  
 959 municipal solid waste, including landfill injection and landfill  
 960 mining; landfill gas; advanced nuclear power systems; solar  
 961 thermal and solar electricity; geothermal energy; biomass,  
 962 methane gas recovery, wind energy; ocean thermal gradient power;  
 963 ocean currents, hydroelectric power; environmental standards  
 964 such as generation portfolio standards; and conservation  
 965 programs including appliance efficiency standards.

966 (5) The department shall promote the development and use  
 967 of solar energy resources by:

968 (a) Establishing goals and strategies for increasing the  
 969 use of solar energy in this state.

970 (b) Aiding and promoting the commercialization of solar  
 971 energy technology, in cooperation with the Florida Solar Energy  
 972 Center, Enterprise Florida, Inc., and any other federal, state,  
 973 or local governmental agency which may seek to promote research,  
 974 development, and demonstration of solar energy equipment and  
 975 technology.

976 (c) In cooperation with the Department of Transportation,  
 977 Enterprise Florida, Inc., the Florida Solar Energy Center, and  
 978 the Florida Solar Energy Industries Association, investigating

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979 opportunities, pursuant to the National Energy Policy Act of  
 980 1992 and the Housing and Community Development Act of 1992, for  
 981 solar electric vehicles and other solar energy manufacturing,  
 982 distribution, installation, and financing efforts which will  
 983 enhance this state's position as the leader in solar energy  
 984 research, development, and use.

985  
 986 In the exercise of its responsibilities under this subsection,  
 987 the department shall seek the assistance of the solar energy  
 988 industry in this state and other interested parties and is  
 989 authorized to enter into contracts, retain professional  
 990 consulting services, and expend funds appropriated by the  
 991 Legislature for such purposes.

992 (6) The department shall promote energy conservation in  
 993 all energy use sectors throughout the state and shall constitute  
 994 the state agency primarily responsible for this function. To  
 995 this end, the department shall coordinate the energy  
 996 conservation programs of all state agencies and review and  
 997 comment on the energy conservation programs of all state  
 998 agencies.

999 (7) The department shall serve as the state clearinghouse  
 1000 for indexing and gathering all information related to energy  
 1001 programs in state universities, in private universities, in  
 1002 federal, state, and local government agencies, and in private  
 1003 industry and shall prepare and distribute such information in  
 1004 any manner necessary to inform and advise the citizens of the  
 1005 state of such programs and activities. The department shall  
 1006 coordinate, promote, and respond to efforts by all sectors of  
 1007 the economy to seek financial support for energy activities. The

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1008 department shall provide information to consumers regarding the  
 1009 anticipated energy-use and energy-saving characteristics of  
 1010 products and services in coordination with any federal, state,  
 1011 or local governmental agencies as may provide such information  
 1012 to consumers.

1013 (8) The department shall coordinate energy-related  
 1014 programs of state government, including, but not limited to, the  
 1015 programs provided in this section. To this end, the department  
 1016 shall:

1017 (a) Provide assistance to other state agencies, counties,  
 1018 municipalities, and regional planning agencies to further and  
 1019 promote their energy planning activities.

1020 (b) Require, in cooperation with the Department of  
 1021 Management Services, all state agencies to operate state-owned  
 1022 and state-leased buildings in accordance with energy  
 1023 conservation standards as adopted by the Department of  
 1024 Management Services. Every 3 months, the Department of  
 1025 Management Services shall furnish the department data on  
 1026 agencies' energy consumption in a format mutually agreed upon by  
 1027 the two departments.

1028 (c) Promote the development and use of renewable energy  
 1029 resources, energy efficiency technologies, and conservation  
 1030 measures.

1031 (d) Promote the recovery of energy from wastes, including,  
 1032 but not limited to, the use of waste heat, the use of  
 1033 agricultural products as a source of energy, and recycling of  
 1034 manufactured products. Such promotion shall be conducted in  
 1035 conjunction with, and after consultation with, the Florida  
 1036 Public Service Commission where electrical generation or natural

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1037 gas is involved, and any other relevant federal, state, or local  
 1038 governmental agency having responsibility for resource recovery  
 1039 programs.

1040 (9) The department shall develop, coordinate, and promote  
 1041 a comprehensive research plan for state programs. Such plan  
 1042 shall be consistent with state energy policy and shall be  
 1043 updated on a biennial basis.

1044 (10) The department shall study the feasibility of  
 1045 creating a direct support organization to facilitate funding for  
 1046 research, demonstrations, and commercialization of advanced  
 1047 energy technologies. By February 1, 2005, the department shall  
 1048 submit a report on the feasibility to the Governor, the  
 1049 President of the Senate, and the Speaker of the House of  
 1050 Representatives.

1051 Section 12. Section 403.45, Florida Statutes, is created  
 1052 to read:

1053 403.45 Florida Renewable Energy Research and Development  
 1054 Institute.--

1055 (1) The Florida Renewable Energy Research and Development  
 1056 Institute is created to serve as the basic and applied research  
 1057 institute for the commercialization and application of renewable  
 1058 energy technology.

1059 (2) The institute is assigned to the state energy program,  
 1060 within the Department of Environmental Protection, for  
 1061 administrative proposes and for overall mission oversight. The  
 1062 institute shall be located at a university in the state and  
 1063 shall be determined by the department.

1064 (3) The institute shall:

1065 (a) Facilitate the research of renewable energy,

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1066 including, but not limited to, technologies leading to the  
 1067 production of or improvements in the production or use of  
 1068 hydrogen fuel; fuel cells; distributed generation; biodiesel and  
 1069 similar synthetic fuels; thermo-depolymerization process;  
 1070 biomass; agricultural products and byproducts; municipal solid  
 1071 waste, including landfill injection and landfill mining;  
 1072 landfill gas; advanced nuclear power systems; solar thermal and  
 1073 solar electricity; geothermal energy; wind energy; ocean thermal  
 1074 gradient power; ocean currents; hydroelectric power;  
 1075 environmental standards such as generation portfolio standards;  
 1076 and conservation programs including appliance efficiency  
 1077 standards.

1078 (b) Coordinate the alternative energy activities of the  
 1079 state's research and educational institutions.

1080 (c) Identify problems and propose solutions on issues  
 1081 affecting renewable energy, including making public policy  
 1082 recommendations.

1083 Section 13. Paragraph (a) of subsection (19) of section  
 1084 403.973, Florida Statutes, is amended to read:

1085 403.973 Expedited permitting; comprehensive plan  
 1086 amendments.--

1087 (19) The following projects are ineligible for review  
 1088 under this part:

1089 (a) A project funded and operated by a local government,  
 1090 as defined in s. 366.052 ~~377.709~~, and located within that  
 1091 government's jurisdiction.

1092 Section 14. Subsections (3) and (5) of section 288.041,  
 1093 Florida Statutes, are amended to read:

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1094 288.041 Solar energy industry; legislative findings and  
 1095 policy; promotional activities.--

1096 (3) Enterprise Florida, Inc., and its boards shall assist  
 1097 in the expansion of the solar energy industry in this state.  
 1098 Such efforts shall be undertaken in cooperation with the  
 1099 Department of Environmental Protection ~~Community Affairs~~, the  
 1100 Florida Solar Energy Center, and the Florida Solar Energy  
 1101 Industries Association, and shall include:

1102 (a) Providing assistance and support to new and existing  
 1103 photovoltaic companies, with special emphasis on attracting one  
 1104 or more manufacturers of photovoltaic products to locate within  
 1105 this state.

1106 (b) Sponsoring initiatives which aid and take full  
 1107 advantage of the export market potential of solar technologies.

1108 (c) Informing the business sector of this state about  
 1109 opportunities for cost-effective commercial applications of  
 1110 solar technologies.

1111 (d) Encouraging employment of residents of this state by  
 1112 solar energy companies.

1113 (e) Retaining existing solar energy companies and  
 1114 supporting their expansion efforts in this state.

1115 (f) Supporting the promotion of solar energy by sponsoring  
 1116 workshops, seminars, conferences, and educational programs on  
 1117 the benefits of solar energy.

1118 (g) Recognizing outstanding developments and achievements  
 1119 in, and contributions to, the solar energy industry.

1120 (h) Collecting and disseminating solar energy information  
 1121 relevant to the promotion of solar energy applications.

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1122 (i) Enlisting the support of persons, civic groups, the  
 1123 solar energy industry, and other organizations to promote and  
 1124 improve solar energy products and services.

1125 (5) By January 15 of each year, the Department of  
 1126 Environmental Protection ~~Community Affairs~~ shall report to the  
 1127 Governor, the President of the Senate, and the Speaker of the  
 1128 House of Representatives on the impact of the solar energy  
 1129 industry on the economy of this state and shall make any  
 1130 recommendations on initiatives to further promote the solar  
 1131 energy industry as the department deems appropriate.

1132 Section 15. The Solar Energy Program, as authorized and  
 1133 governed by s. 288.041, Florida Statutes, and the Clean Fuel  
 1134 Florida Advisory Board, as authorized and governed by s. 403.42,  
 1135 Florida Statutes, are transferred by a type two transfer, as  
 1136 defined in s. 20.06(2), Florida Statutes, from the Department of  
 1137 Community Affairs to the Department of Environmental Protection.

1138 Section 16. Subsection (1) of section 633.022, Florida  
 1139 Statutes, is amended, and subsection (4) is added to said  
 1140 section, to read:

1141 633.022 Uniform firesafety standards.--The Legislature  
 1142 hereby determines that to protect the public health, safety, and  
 1143 welfare it is necessary to provide for firesafety standards  
 1144 governing the construction and utilization of certain buildings  
 1145 and structures. The Legislature further determines that certain  
 1146 buildings or structures, due to their specialized use or to the  
 1147 special characteristics of the person utilizing or occupying  
 1148 these buildings or structures, should be subject to firesafety  
 1149 standards reflecting these special needs as may be appropriate.

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1150 (1) The department shall establish uniform firesafety  
 1151 standards that apply to:

1152 (a) All new, existing, and proposed state-owned and state-  
 1153 leased buildings.

1154 (b) All new, existing, and proposed hospitals, nursing  
 1155 homes, assisted living facilities, adult family-care homes,  
 1156 correctional facilities, public schools, transient public  
 1157 lodging establishments, public food service establishments,  
 1158 elevators, migrant labor camps, mobile home parks, lodging  
 1159 parks, recreational vehicle parks, recreational camps,  
 1160 residential and nonresidential child care facilities, facilities  
 1161 for the developmentally disabled, motion picture and television  
 1162 special effects productions, ~~and~~ self-service gasoline stations,  
 1163 and hydrogen fueling stations, of which standards the State Fire  
 1164 Marshal is the final administrative interpreting authority.  
 1165

1166 In the event there is a dispute between the owners of the  
 1167 buildings specified in paragraph (b) and a local authority  
 1168 requiring a more stringent uniform firesafety standard for  
 1169 sprinkler systems, the State Fire Marshal shall be the final  
 1170 administrative interpreting authority and the State Fire  
 1171 Marshal's interpretation regarding the uniform firesafety  
 1172 standards shall be considered final agency action.

1173 (4)(a) The State Fire Marshal shall have rulemaking  
 1174 authority to adopt, and shall adopt, the current version of  
 1175 National Fire Protection Association, (NFPA) 1, and the current  
 1176 version of such other codes, publications, and standards as may  
 1177 be applicable to any facility, condition, situation, or  
 1178 circumstance in which hydrogen is being used, produced, stored,

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1179 or in any other manner dealt with or treated as a fuel as the  
 1180 State Fire Marshal deems necessary to protect the public health,  
 1181 safety, and welfare and to protect the safety of persons and  
 1182 property in this state.

1183 (b) The State Fire Marshal has the authority to require by  
 1184 rule that any equipment used in conjunction with paragraph (a)  
 1185 must be listed by a nationally recognized testing laboratory,  
 1186 such as Underwriters Laboratories, Inc., or Factory Mutual  
 1187 Laboratories, Inc. The State Fire Marshal has the authority to  
 1188 adopt by rule procedures for determining whether a laboratory is  
 1189 nationally recognized, taking into account the laboratory's  
 1190 facilities, procedures, use of nationally recognized standards,  
 1191 and any other criteria reasonably calculated to reach an  
 1192 informed determination.

1193 Section 17. Sections 377.602, 377.603, 377.604, 377.605,  
 1194 377.606, 377.607, 377.608, 377.701, and 377.703, Florida  
 1195 Statutes, are repealed.

1196 Section 18. This act shall take effect upon becoming a  
 1197 law.