

CHAMBER ACTION

1 The Committee on Natural Resources recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to renewable energy; amending s. 366.82,
7 F.S.; deleting references to conform; amending and
8 renumbering s. 377.601, F.S.; providing legislative
9 findings and intent; providing state energy policy;
10 renumbering s. 377.704, F.S., relating to appropriation of
11 funds from settlement of petroleum overcharge litigation;
12 amending and renumbering s. 377.705, F.S., relating to
13 development of solar energy standards; revising
14 legislative findings, intent, and definitions; requiring
15 the Florida Solar Energy Center to adopt certain
16 standards; amending and renumbering s. 377.709, F.S.;
17 revising language in provisions relating to funding by
18 electric utilities of local governmental solid waste
19 facilities that generate electricity; renumbering s.
20 377.71, F.S., relating to definitions applicable to the
21 Southern States Energy Compact; amending and renumbering
22 s. 377.711, F.S., relating to the Southern States Energy
23 Compact; requiring certain recommendations to be made

24 | through the Department of Environmental Protection;
25 | revising language; requiring certain receipts and
26 | disbursements of funds to be audited by a qualified
27 | certified public accountant licensed in this state;
28 | amending and renumbering s. 377.712, F.S., relating to
29 | state participation on the Southern States Energy Board;
30 | conforming a cross reference; amending s. 403.42, F.S.;
31 | transferring responsibility for the Florida Clean Air Act
32 | from the Department of Community Affairs to the Department
33 | of Environmental Protection; creating s. 403.431, F.S.;
34 | providing definitions applicable to state energy policy;
35 | creating s. 403.432, F.S.; providing certain functions of
36 | the Department of Environmental Protection relating to
37 | state energy policy; creating s. 403.45, F.S.; creating
38 | the Florida Renewable Energy Research and Development
39 | Institute; assigning the institute to the Department of
40 | Environmental Protection for administrative proposes and
41 | for overall mission oversight; providing certain
42 | responsibilities to the institute; amending s. 403.7061,
43 | F.S.; revising a permit requirement for a waste-to-energy
44 | facility; amending s. 403.973, F.S.; conforming a cross
45 | reference; amending s. 288.041, F.S.; providing for
46 | transfer to the Department of Environmental Protection of
47 | solar energy promotional activities of the Department of
48 | Community Affairs; providing for type two transfer of the
49 | Solar Energy Program and the Clean Fuel Florida Advisory
50 | Board from the Department of Community Affairs to the
51 | Department of Environmental Protection; amending s.

52 | 633.022, F.S.; requiring uniform firesafety standards for
 53 | hydrogen fueling stations; granting the State Fire Marshal
 54 | rulemaking authority to adopt certain standards relating
 55 | to use, production, and storage of hydrogen; repealing s.
 56 | 377.602, F.S., relating to definitions; repealing s.
 57 | 377.603, F.S., relating powers and duties of the
 58 | Department of Community Affairs with respect to energy
 59 | data collection; repealing s. 377.604, F.S., relating to
 60 | required reports; repealing s. 377.605, F.S., relating to
 61 | use of existing information; repealing s. 377.606, F.S.,
 62 | relating to limits of confidentiality for records of the
 63 | department; repealing s. 377.607, F.S., relating to
 64 | violations and penalties; repealing s. 377.608, F.S.,
 65 | relating to prosecution of cases by state attorney;
 66 | repealing s. 377.701, F.S., relating to petroleum
 67 | allocation; repealing s. 377.703, F.S., relating to
 68 | additional functions of the department for an energy
 69 | emergency contingency plan and federal and state
 70 | conservation programs; providing an effective date.

71 |

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

73 |

74 | Section 1. Paragraph (a) of subsection (6) of section
 75 | 366.82, Florida Statutes, is amended to read:

76 | 366.82 Definition; goals; plans; programs; annual reports;
 77 | energy audits.--

78 | (6)(a) ~~Notwithstanding the provisions of s. 377.703,~~ The
 79 | commission shall be the responsible state agency for performing,

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80 | coordinating, implementing, or administering the functions of
 81 | the state plan submitted for consideration under the National
 82 | Energy Conservation Policy Act and any acts amendatory thereof
 83 | or supplemental thereto and for performing, coordinating,
 84 | implementing, or administering the functions of any future
 85 | federal program delegated to the state which relates to
 86 | consumption, utilization, or conservation of electricity or
 87 | natural gas; ~~and the commission shall have exclusive~~
 88 | ~~responsibility for preparing all reports, information, analyses,~~
 89 | ~~recommendations, and materials related to consumption,~~
 90 | ~~utilization, or conservation of electrical energy which are~~
 91 | ~~required or authorized by s. 377.703.~~

92 | Section 2. Section 377.601, Florida Statutes, is
 93 | renumbered as section 403.43, Florida Statutes, and amended to
 94 | read:

95 | 403.43 ~~377.601~~ Legislative intent.--

96 | (1) The Legislature finds that proper management of
 97 | current energy resources, the promotion of efficient use of
 98 | energy resources, and the promotion of alternative energy
 99 | resources will help to reduce pollution, reduce demand on
 100 | foreign fuels, enhance system reliability, and promote economic
 101 | growth. ~~The Legislature finds that the ability to deal~~
 102 | ~~effectively with present shortages of resources used in the~~
 103 | ~~production of energy is aggravated and intensified because of~~
 104 | ~~inadequate or nonexistent information and that intelligent~~
 105 | ~~response to these problems and to the development of a state~~
 106 | ~~energy policy demands accurate and relevant information~~
 107 | ~~concerning energy supply, distribution, and use. The Legislature~~

108 ~~finds and declares that a procedure for the collection and~~
 109 ~~analysis of data on the energy flow in this state is essential~~
 110 ~~to the development and maintenance of an energy profile defining~~
 111 ~~the characteristics and magnitudes of present and future energy~~
 112 ~~demands and availability so that the state may rationally deal~~
 113 ~~with present energy problems and anticipate future energy~~
 114 ~~problems.~~

115 (2) It is the intent of the Legislature to promote the
 116 efficient, effective, and economical management of energy
 117 issues, centralize energy coordination responsibilities,
 118 pinpoint responsibility for conducting energy programs, and
 119 ensure the accountability of state agencies for the
 120 implementation of subsection (3), the state energy policy. The
 121 Legislature recognizes that in order to achieve this goal there
 122 should be a single state office charged with managing and
 123 promoting the state's energy policy. It is the specific intent
 124 of the Legislature that nothing in this act shall in any way
 125 change the powers, duties, and responsibilities assigned by the
 126 Florida Electrical Power Plant Siting Act under part II of
 127 chapter 403 or the powers, duties, and responsibilities of the
 128 Florida Public Service Commission. The Legislature further
 129 ~~recognizes that every state official dealing with energy~~
 130 ~~problems should have current and reliable information on the~~
 131 ~~types and quantity of energy resources produced, imported,~~
 132 ~~converted, distributed, exported, stored, held in reserve, or~~
 133 ~~consumed within the state.~~

134 (3) ~~It is the intent of the Legislature in the passage of~~
 135 ~~this act to provide the necessary mechanisms for the effective~~

136 ~~development of information necessary to rectify the present lack~~
 137 ~~of information which is seriously handicapping the state's~~
 138 ~~ability to deal effectively with the energy problem. To this~~
 139 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
 140 ~~broadest possible interpretation consistent with the stated~~
 141 ~~legislative desire to procure vital information.~~

142 (4) It is the policy of the state ~~of Florida~~ to:

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

145 (b) Develop and institute ~~Play a leading role in~~
 146 ~~developing and instituting~~ energy management programs aimed at
 147 promoting energy conservation.

148 (c) Include energy considerations in all planning.

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

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

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

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

159 (h) Promote energy education and the public dissemination
 160 of information on energy and its environmental, economic, and
 161 social impact.

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162 (i) Encourage the research, development, demonstration,
163 and application of alternative energy resources, particularly
164 renewable energy resources.

165 (j) Consider, in its decisionmaking, the social, economic,
166 and environmental impacts of energy-related activities, so that
167 detrimental effects of these activities are understood and
168 minimized.

169 ~~(k) Develop and maintain energy emergency preparedness~~
170 ~~plans to minimize the effects of an energy shortage within~~
171 ~~Florida.~~

172 Section 3. Section 377.704, Florida Statutes, is
173 renumbered as section 403.433, Florida Statutes.

174 Section 4. Section 377.705, Florida Statutes, is
175 renumbered as section 403.44, Florida Statutes, and amended to
176 read:

177 403.44 ~~377.705~~ Solar Energy Center; development of solar
178 energy standards.--

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

182 (2) LEGISLATIVE FINDINGS AND INTENT.--

183 (a) The Legislature recognizes that if present trends
184 continue, Florida will increase present energy consumption
185 dramatically ~~sixfold~~ by the year 2020 ~~2000~~. Because of this
186 dramatic increase and because existing domestic conventional
187 energy resources will not provide sufficient energy to meet the
188 nation's future needs, new sources of energy must be developed
189 and applied. One such source, solar energy, has been in limited

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190 use in Florida for over 30 years. Applications of incident solar
 191 energy, the use of solar radiation to provide energy for water
 192 heating, space heating, space cooling, and other uses, through
 193 suitable absorbing equipment, including, but not limited to,
 194 photovoltaics, on or near a residence or commercial structure,
 195 must be extensively expanded. Unfortunately, the initial costs
 196 with regard to the production of solar energy have been
 197 prohibitively expensive. However, because of increases in the
 198 cost of conventional fuel, certain applications of solar energy
 199 are becoming competitive, particularly when life-cycle costs are
 200 considered. It is the intent of the Legislature in formulating a
 201 sound and balanced energy policy for the state to encourage the
 202 development of an alternative energy capability in the form of
 203 incident solar energy.

204 (b) Toward this purpose, the Legislature intends to
 205 provide incentives for the production and sale of, and to set
 206 standards for, solar energy systems. Such standards shall ensure
 207 that solar energy systems manufactured or sold within the state
 208 are effective and represent a high level of quality of
 209 materials, workmanship, and design.

210 (3) DEFINITIONS.--

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

213 (b) "Solar energy systems" is defined as equipment,
 214 including, but not limited to, photovoltaics, which provides for
 215 the collection and use of incident solar energy for water
 216 heating, space heating or cooling, or other applications which
 217 normally require or would require a conventional source of

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218 energy such as petroleum products, natural gas, or electricity
 219 and which performs primarily with solar energy. In such other
 220 systems in which solar energy is used in a supplemental way,
 221 only those components which collect and transfer solar energy
 222 shall be included in this definition.

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

225 (a) The center shall develop and adopt ~~promulgate~~
 226 standards for solar energy systems manufactured or sold in this
 227 state based on the best currently available information and
 228 shall consult with scientists, engineers, or persons in research
 229 centers who are engaged in the construction of, experimentation
 230 with, and research of solar energy systems to properly identify
 231 the most reliable designs and types of solar energy systems.

232 (b) The center shall establish criteria for testing
 233 performance of solar energy systems and shall maintain the
 234 necessary capability for testing or evaluating performance of
 235 solar energy systems. The center may accept results of tests on
 236 solar energy systems made by other organizations, companies, or
 237 persons when such tests are conducted according to the criteria
 238 established by the center and when the testing entity has no
 239 vested interest in the manufacture, distribution or sale of
 240 solar energy systems.

241 (c) The center shall be entitled to receive a testing fee
 242 sufficient to cover the costs of such testing. All testing fees
 243 shall be transmitted by the center to the Chief Financial
 244 Officer to be deposited in the Solar Energy Center Testing Trust
 245 Fund, ~~which is hereby created in the State Treasury,~~ and

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246 | disbursed for the payment of expenses incurred in testing solar
247 | energy systems.

248 | (d) All solar energy systems manufactured or sold in the
249 | state must meet the standards established by the center and
250 | shall display accepted results of approved performance tests in
251 | a manner prescribed by the center.

252 | Section 5. Section 377.709, Florida Statutes, is
253 | renumbered as section 366.052, Florida Statutes, and amended to
254 | read:

255 | 366.052 ~~377.709~~ Funding by electric utilities of local
256 | governmental solid waste facilities that generate electricity.--

257 | (1) LEGISLATIVE INTENT.--The Legislature declares that it
258 | is critical to encourage energy conservation in order to protect
259 | the health, prosperity, and general welfare of this state and
260 | its citizens. The Legislature also declares that the disposal of
261 | solid refuse is an important governmental obligation and that,
262 | if the disposal is not accomplished in a proper manner, such
263 | refuse poses a definite threat to the public health and welfare.
264 | The Legislature further declares that the combustion of refuse
265 | by solid waste facilities to supplement the electricity supply
266 | not only represents an effective conservation effort but also
267 | represents an environmentally preferred alternative to
268 | conventional solid waste disposal in this state. Therefore, the
269 | Legislature directs the Florida Public Service Commission to
270 | establish a funding program to encourage the development by
271 | local governments of solid waste facilities that use solid waste
272 | as a primary source of fuel for the production of electricity.

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

274 (a) "Commission" means the Florida Public Service
275 Commission.

276 (b) "Cost-effective" means that the cost of electrical
277 capacity and energy produced by a solid waste facility financed
278 and constructed pursuant to this section and delivered to an
279 electric utility is no greater than the cost to that utility of
280 producing an equivalent amount of capacity and energy had the
281 alternative facility not been constructed and operated.

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

284 (d) "Electrical component" means the turbine, generator,
285 and associated transmission facilities of a solid waste
286 facility.

287 (e) "Local government" means any municipality, county, or
288 consolidated government, or special district, authority, or
289 commission, or any combination thereof.

290 (f) "Solid waste facility" means a facility owned or
291 operated by, or on behalf of, a local government for the purpose
292 of disposing of solid waste, as that term is defined in s.
293 403.703(13), by any process that produces heat and incorporates,
294 as a part of the facility, the means of converting heat to
295 electrical energy in amounts greater than actually required for
296 the operation of the facility.

297 (3) ADVANCE FUNDING PROGRAM.--

298 (a) Upon the petition of a local government, the
299 commission may ~~shall have the authority~~, subject to the
300 provisions of this section, ~~to~~ require an electric utility to
301 enter into a contract with the local government to provide

302 advanced funding to such government for the construction of the
303 electrical component of a solid waste facility.

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

319 1. If the commission determines that advanced-capacity
320 payments to the local government during the period of
321 construction are appropriate, such payments must be the lesser
322 of:

323 a. The net present value of avoided-capacity cost for the
324 electric utility calculated over the period of time during which
325 the local government contracts to provide electrical capacity to
326 the utility. The avoided-capacity cost is that cost established
327 by the commission pursuant to s. 366.05(9) and in effect by
328 commission rule at the time the order approving the contract is
329 issued; or

330 b. An amount which is not more than the amount of the
331 design costs of the electrical component of the solid waste
332 facility as determined by the commission to be reasonable and
333 prudent at the time of its order, or such portion thereof that
334 is proportionate to the electrical capacity made available by
335 contract to the electric utility.

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

339 a. The hourly incremental energy rates of the electric
340 utility as provided for in its approved tariffs over the period
341 of the contract; or

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

344 3. The electric utility must currently be providing
345 electrical energy at retail within the geographic area of the
346 local government or within the geographic area of one or more of
347 the participating local governments.

348 4. The amount of financing, including all carrying costs,
349 plus reasonable and prudent administrative costs incurred by the
350 electric utility, must be recovered from the ratepayers of the
351 electric utility pursuant to the provisions of the Florida
352 Energy Efficiency and Conservation Act. An electric utility may
353 not be required to pay to the local government any funding in
354 excess of that collected from its ratepayers.

355 5. Funding of the electrical component of the solid waste
356 facility must be cost-effective to the ratepayer and must not

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357 | cause or contribute to the uneconomic duplication of electric
358 | facilities.

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

383 | (5) ELECTRIC ENERGY PRICING PROGRAM.--

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

404 (b) It is the intent of the Legislature to encourage
 405 parties to review contracts in effect as of October 1, 1988, to
 406 incorporate the applicable provisions of this section, subject
 407 to approval of the commission.

408 (6) EXEMPTIONS.--A new solid waste facility, as defined in
 409 this section, not greater than 75 megawatts ~~75MW~~, or a solid
 410 waste facility expansion of not greater than 50 megawatts ~~50MW~~,

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411 shall be exempt from the need determination process outlined in
412 s. 403.519.

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

415 Section 6. Section 377.71, Florida Statutes, is renumbered
416 as section 403.46, Florida Statutes.

417 Section 7. Section 377.711, Florida Statutes, is
418 renumbered as section 403.461, Florida Statutes, and amended to
419 read:

420 403.461 ~~377.711~~ Florida party to Southern States Energy
421 Compact.--The Southern States Energy Compact is created ~~enacted~~
422 ~~into law~~ and entered into by the state as a party, and is of
423 full force and effect between the state and any other states
424 joining therein in accordance with the terms of the compact,
425 which compact is substantially as follows:

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

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439 contribute to the individual and community well-being of the
440 people of this region.

441 (2) BOARD.--

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

458 (b) Each party state shall be entitled to one vote on the
459 board, to be determined by majority vote of each member or
460 member's representative from the party state present and voting
461 on any question. No action of the board shall be binding unless
462 taken at a meeting at which a majority of all party states are
463 represented and unless a majority of the total number of votes
464 are cast in favor thereof.

465 (c) The board shall have a seal.

466 (d) The board shall elect annually, from among its
 467 members, a chair, a vice chair, and a treasurer. The board shall
 468 appoint an executive director who shall serve at its pleasure
 469 and who shall also act as secretary, and who, together with the
 470 treasurer, shall be bonded in such amounts as the board may
 471 require.

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

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

487 (g) The board may borrow, accept, or contract for the
 488 services of personnel from any state or the United States or any
 489 subdivision or agency thereof, from any interstate agency, or
 490 from any institution, person, firm, or corporation.

491 (h) The board may accept for any of its purposes and
 492 functions under this compact any and all donations and grants of
 493 money, equipment, supplies, materials, and services (conditional

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494 or otherwise) from any state or the United States or any
 495 subdivision or agency thereof, from any interstate agency, or
 496 from any institution, person, firm, or corporation, and may
 497 receive, utilize, and dispose of the same.

498 (i) The board may establish and maintain such facilities
 499 as may be necessary for the transacting of its business. The
 500 board may acquire, hold, and convey real and personal property
 501 and any interest therein.

502 (j) The board shall adopt bylaws, rules, and regulations
 503 for the conduct of its business and shall have the power to
 504 amend and rescind these bylaws, rules, and regulations. The
 505 board shall publish its bylaws, rules, and regulations in
 506 convenient form and shall also file a copy of any amendment
 507 thereto with the appropriate agency or officer in each of the
 508 party states.

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

515 (3) FINANCES.--

516 (a) The board shall submit to the executive head or
 517 designated officer or officers of each state a budget of its
 518 estimated expenditures for such period as may be required by the
 519 laws of that jurisdiction for presentation to the legislature
 520 thereof.

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521 (b) Each of the board's budgets of estimated expenditures
522 shall contain specific recommendations of the amount or amounts
523 to be appropriated by each of the party states. One-half of the
524 total amount of each budget of estimated expenditures shall be
525 apportioned among the party states in equal shares; one-quarter
526 of each such budget shall be apportioned among the party states
527 in accordance with the ratio of their populations to the total
528 population of the entire group of party states based on the
529 latest official decennial census; and one-quarter of each such
530 budget shall be apportioned among the party states on the basis
531 of the relative average per capita income of the inhabitants in
532 each of the party states based on the latest computations
533 published by the federal census-taking agency. Subject to
534 appropriation by their respective legislatures, the board shall
535 be provided with such funds by each of the party states as are
536 necessary to provide the means of establishing and maintaining
537 facilities, a staff of personnel, and such activities as may be
538 necessary to fulfill the powers and duties imposed upon and
539 entrusted to the board.

540 (c) The board may meet any of its obligations in whole or
541 in part with funds available to it under paragraph (2)(h),
542 provided that the board takes specific action setting aside such
543 funds prior to the incurring of any obligation to be met in
544 whole or in part in this manner. Except where the board makes
545 use of funds available to it under paragraph (2)(h), the board
546 shall not incur any obligation prior to the allotment of funds
547 by the party jurisdiction adequate to meet the same.

548 (d) The board shall keep accurate accounts of all receipts
 549 and disbursements. The receipts and disbursements of the board
 550 shall be subject to the audit and accounting procedures
 551 established under its bylaws. However, all receipts and
 552 disbursements of funds handled by the board shall be audited
 553 yearly by a qualified certified public accountant licensed in
 554 this state, and the report of the audit shall be included in and
 555 become part of the annual report of the board.

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

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

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

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

572 (b) Encourage the development, conservation, and
 573 responsible use of energy and energy-related facilities,
 574 installations, and products as part of a balanced economy and a
 575 healthy environment.

576 (c) Collect, correlate, and disseminate information
577 relating to civilian uses of energy and energy-related materials
578 and products.

579 (d) Conduct, or cooperate in conducting, programs of
580 training for state and local personnel engaged in any aspects
581 of:

582 1. Energy, environment, and application of energy,
583 environmental, and related concerns to industry, medicine, or
584 education or the promotion or regulation thereof.

585 2. The formulation or administration of measures designed
586 to promote safety in any matter related to the development, use,
587 or disposal of energy and energy-related materials, products,
588 installations, or wastes.

589 (e) Organize and conduct, or assist and cooperate in
590 organizing and conducting, demonstrations of energy product,
591 material, or equipment use and disposal and of proper techniques
592 or processes for the application of energy resources to the
593 civilian economy or general welfare.

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

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

600 (h) Recommend such changes in, or amendments or additions
601 to, the laws, codes, rules, regulations, administrative
602 procedures and practices, or ordinances of the party states in
603 any of the fields of its interest and competence as in its

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604 judgment may be appropriate. Any such recommendation shall be
 605 made, in the case of Florida, through the Department of
 606 Environmental Protection ~~Commerce~~.

607 (i) Prepare, publish, and distribute (with or without
 608 charge) such reports, bulletins, newsletters, or other material
 609 as it deems appropriate.

610 (j) Cooperate with the United States Department of Energy
 611 or any agency successor thereto, any other officer or agency of
 612 the United States, any other governmental unit or agency or
 613 officer thereof, and any private persons or agencies in any of
 614 the fields of its interest.

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

619 (l) Ascertain from time to time such methods, practices,
 620 circumstances, and conditions as may bring about the prevention
 621 and control of energy and environmental incidents in the area
 622 comprising the party states, coordinate the nuclear,
 623 environmental, and other energy-related incident prevention and
 624 control plans and the work relating thereto of the appropriate
 625 agencies of the party states, and facilitate the rendering of
 626 aid by the party states to each other in coping with energy and
 627 environmental incidents. The board may formulate and, in
 628 accordance with need from time to time, revise a regional plan
 629 or regional plans for coping with energy and environmental
 630 incidents within the territory of the party states as a whole or

631 within any subregion or subregions of the geographic areas
632 covered by this compact.

633 (6) SUPPLEMENTARY AGREEMENTS.--

634 (a) To the extent that the board has not undertaken an
635 activity or project which would be within its power under the
636 provisions of this compact, any two or more of the party states
637 (acting by their duly constituted administrative officials) may
638 enter into supplementary agreements for the undertaking and
639 continuance of such an activity or project. Any such agreement
640 shall specify its purpose or purposes, its duration and the
641 procedure for termination thereof or withdrawal therefrom, the
642 method of financing and allocating the costs of the activity or
643 project, and such other matters as may be necessary or
644 appropriate. No such supplementary agreement entered into
645 pursuant to this subsection shall become effective prior to its
646 submission to and approval by the board. The board shall give
647 such approval unless it finds that the supplementary agreement
648 or the activity or project contemplated thereby is inconsistent
649 with the provisions of this compact or a program or activity
650 conducted by or participated in by the board.

651 (b) Unless all of the party states participate in a
652 supplementary agreement, any costs thereof shall be borne
653 separately by the states party thereto. However, the board may
654 administer or otherwise assist in the operation of any
655 supplementary agreement.

656 (c) No party to a supplementary agreement entered into
657 pursuant to this subsection shall be relieved thereby of any
658 obligation or duty assumed by said party state under or pursuant

659 | to this compact, except that timely and proper performance of
 660 | such obligation or duty by means of the supplementary agreement
 661 | may be offered as performance pursuant to the compact.

662 | (7) OTHER LAWS AND REGULATIONS.--Nothing in this compact
 663 | shall be construed to:

664 | (a) Permit or require any person or other entity to avoid
 665 | or refuse compliance with any law, rule, regulation, order, or
 666 | ordinance of a party state or subdivision thereof now or
 667 | hereafter made, enacted, or in force.

668 | (b) Limit, diminish, or otherwise impair jurisdiction
 669 | exercised by the United States Department of Energy or any
 670 | agency successor thereto or any other federal department,
 671 | agency, or officer pursuant to and in conformity with any valid
 672 | and operative Act of Congress.

673 | (c) Alter the relations between the respective internal
 674 | responsibilities of the government of a party state and its
 675 | subdivisions.

676 | (d) Permit or authorize the board to exercise any
 677 | regulatory authority or to own or operate any nuclear reactor
 678 | for the generation of electric energy; nor shall the board own
 679 | or operate any facility or installation for industrial or
 680 | commercial purposes.

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

682 | (a) Any or all of the states of Alabama, Arkansas,
 683 | Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland,
 684 | Mississippi, Missouri, North Carolina, Oklahoma, South Carolina,
 685 | Tennessee, Texas, Virginia, and West Virginia, the Commonwealth

686 of Puerto Rico, and the United States Virgin Islands shall be
687 eligible to become party to this compact.

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

692 (c) Any party state may withdraw from this compact by
693 enacting a statute repealing the same, but no such withdrawal
694 shall become effective until the governor of the withdrawing
695 state shall have sent formal notice in writing to the governor
696 of each other party state informing said governors of the action
697 of the legislature in repealing the compact and declaring an
698 intention to withdraw.

699 (9) SEVERABILITY AND CONSTRUCTION.--The provisions of this
700 compact and of any supplementary agreement entered into
701 hereunder shall be severable, and if any phrase, clause,
702 sentence, or provision of this compact or such supplementary
703 agreement is declared to be contrary to the constitution of any
704 participating state or of the United States or the applicability
705 thereof to any government, agency, person, or circumstance is
706 held invalid, the validity of the remainder of this compact or
707 such supplementary agreement and the applicability thereof to
708 any government, agency, person, or circumstance shall not be
709 affected thereby. If this compact or any supplementary agreement
710 entered into hereunder shall be held contrary to the
711 constitution of any state participating therein, the compact or
712 such supplementary agreement shall remain in full force and
713 effect as to the remaining states and in full force and effect

714 as to the state affected as to all severable matters. The
 715 provisions of this compact and of any supplementary agreement
 716 entered into pursuant hereto shall be liberally construed to
 717 effectuate the purposes thereof.

718 Section 8. Section 377.712, Florida Statutes, is
 719 renumbered as section 403.462, Florida Statutes, and amended to
 720 read:

721 403.462 ~~377.712~~ Florida participation.--

722 (1)(a) The Governor shall appoint one member of the
 723 Southern States Energy Board. The member or the Governor may
 724 designate another person as the deputy or assistant to such
 725 member.

726 (b) The President of the Senate shall appoint one member
 727 of the Southern States Energy Board. The member or the president
 728 may designate another person as the assistant or deputy to such
 729 member.

730 (c) The Speaker of the House of Representatives shall
 731 appoint one member of the Southern States Energy Board. The
 732 member or the speaker may designate another person as the
 733 assistant or deputy to such member.

734 (2) Any supplementary agreement entered into under s.
 735 403.461(6) ~~377.711(6)~~ requiring the expenditure of funds shall
 736 not become effective as to Florida until the required funds are
 737 appropriated by the Legislature.

738 (3) The department, agencies, and officers of this state,
 739 and its subdivisions are authorized to cooperate with the board
 740 in the furtherance of any of its activities pursuant to the
 741 compact, provided such proposed activities have been made known

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742 to, and have the approval of, either the Governor or the
743 Department of Health.

744 Section 9. Section 403.42, Florida Statutes, is amended to
745 read:

746 403.42 Florida Clean Fuel Act.--

747 (1) SHORT TITLE AND PURPOSE.--

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

750 (b) The purposes of this act are to establish the Clean
751 Fuel Florida Advisory Board under the Department of
752 Environmental Protection ~~Community Affairs~~ to study the
753 implementation of alternative fuel vehicles and to formulate and
754 provide to the Secretary of Environmental Protection ~~Community~~
755 ~~Affairs~~ recommendations on expanding the use of alternative fuel
756 vehicles in this state and make funding available for
757 implementation.

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

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

764 (b) "Alternative fuel vehicles" include on-road and off-
765 road transportation vehicles and light-duty, medium-duty, and
766 heavy-duty vehicles that are powered by an alternative fuel or a
767 combination of alternative fuels.

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

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770 (a) The Clean Fuel Florida Advisory Board is established
771 within the Department of Environmental Protection ~~Community~~
772 ~~Affairs~~.

773 (b)1. The advisory board shall consist of the Secretary of
774 Environmental Protection ~~Community Affairs~~, or a designee from
775 that department, the Secretary of Community Affairs
776 ~~Environmental Protection~~, or a designee from that department,
777 the Commissioner of Education, or a designee from that
778 department, the Secretary of Transportation, or a designee from
779 that department, the Commissioner of Agriculture, or a designee
780 from the Department of Agriculture and Consumer Services, the
781 Secretary of Management Services, or a designee from that
782 department, and a representative of each of the following, who
783 shall be appointed by the Secretary of Community Affairs within
784 30 days after the effective date of this act:

- 785 a. The Florida biodiesel industry.
- 786 b. The Florida electric utility industry.
- 787 c. The Florida natural gas industry.
- 788 d. The Florida propane gas industry.
- 789 e. An automobile manufacturers' association.
- 790 f. A Florida Clean Cities Coalition designated by the
791 United States Department of Energy.
- 792 g. Enterprise Florida, Inc.
- 793 h. EV Ready Broward.
- 794 i. The Florida petroleum industry.
- 795 j. The Florida League of Cities.
- 796 k. The Florida Association of Counties.
- 797 l. Floridians for Better Transportation.

798 m. A motor vehicle manufacturer.

799 n. Florida Local Environment Resource Agencies.

800 o. Project for an Energy Efficient Florida.

801 p. Florida Transportation Builders Association.

802 2. The purpose of the advisory board is to serve as a

803 resource for the department and to provide the Governor, the

804 Legislature, and the Secretary of Environmental Protection

805 ~~Community Affairs~~ with private sector and other public agency

806 perspectives on achieving the goal of increasing the use of

807 alternative fuel vehicles in this state.

808 3. Members shall be appointed to serve terms of 1 year

809 each, with reappointment at the discretion of the Secretary of

810 Environmental Protection ~~Community Affairs~~. Vacancies shall be

811 filled for the remainder of the unexpired term in the same

812 manner as the original appointment.

813 4. The board shall annually select a chairperson.

814 5.a. The board shall meet at least once each quarter or

815 more often at the call of the chairperson or the Secretary of

816 Environmental Protection ~~Community Affairs~~.

817 b. Meetings are exempt from the notice requirements of

818 chapter 120, and sufficient notice shall be given to afford

819 interested persons reasonable notice under the circumstances.

820 6. Members of the board are entitled to travel expenses

821 while engaged in the performance of board duties.

822 7. The board shall terminate 5 years after the effective

823 date of this act.

824 (c) The board shall review the performance of the state

825 with reference to alternative fuel vehicle implementation in

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826 | complying with federal laws and maximizing available federal
827 | funding and may:

828 | 1. Advise the Governor, Legislature, and the Secretary of
829 | Environmental Protection ~~Community Affairs~~ and make
830 | recommendations regarding implementation and use of alternative
831 | fuel vehicles in this state.

832 | 2. Identify potential improvements in this act and the
833 | state's alternative fuel policies.

834 | 3. Request from all state agencies any information the
835 | board determines relevant to board duties.

836 | 4. Regularly report to the Secretary of Environmental
837 | Protection ~~Community Affairs~~, the Governor, the President of the
838 | Senate, and the Speaker of the House of Representatives
839 | regarding the board's findings and recommendations.

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

847 | 2. In addition to the pilot programs, the advisory board
848 | shall assess federal, state, and local initiatives to identify
849 | incentives that encourage successful alternative fuel vehicle
850 | programs; obstacles to alternative fuel vehicle use including
851 | legislative, regulatory, and economic obstacles; and programs
852 | that educate and inform the public about alternative fuel
853 | vehicles.

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

858 4. Based on its findings, the advisory board shall develop
859 recommendations to the Legislature on future alternative fuel
860 vehicle programs and legislative changes that provide the best
861 use of state and other resources to enhance the alternative fuel
862 vehicle market in this state and maximize the return on that
863 investment in terms of job creation, economic development, and
864 emissions reduction.

865 (e) The advisory board, working with the Department of
866 Environmental Protection ~~Community Affairs~~, shall develop a
867 budget for the department's approval, and all expenditures shall
868 be approved by the department. At the conclusion of the first
869 year, the department shall conduct an audit of the board and
870 board programs.

871 Section 10. Section 403.431, Florida Statutes, is created
872 to read:

873 403.431 Definitions.--As used in ss. 403.43-403.432:

874 (1) "Coordinate," "coordination," or "coordinating" means
875 the examination and evaluation of state plans and programs and
876 the providing of recommendations to the Cabinet, Legislature,
877 and appropriate state agency on any measures deemed necessary to
878 ensure that such plans and programs are consistent with state
879 energy policy.

880 (2) "Department" means the Department of Environmental
881 Protection.

882 (3) "Energy conservation" means efficient energy use or
 883 the utilization of renewable energy resources which results in
 884 energy savings based upon a net reduction in the use of
 885 nonrenewable resources.

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

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

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

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

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

900 (d) All types of nuclear energy, special nuclear material,
 901 and source material.

902 (e) Every other energy resource, whether natural or
 903 manmade, which the department determines to be important to the
 904 production or supply of energy, including, but not limited to,
 905 hydrogen, energy converted from solar radiation, biomass,
 906 methane gas recovery, wind, hydraulic potential, tidal
 907 movements, ocean currents, and geothermal sources.

908 (f) All electrical energy.

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

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

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

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

921 (10) "Person" means producer, refiner, wholesaler,
 922 marketer, consignee, jobber, distributor, storage operator,
 923 importer, exporter, firm, corporation, broker, cooperative,
 924 public utility as defined in s. 366.02, rural electrification
 925 cooperative, municipality engaged in the business of providing
 926 electricity or other energy resources to the public, pipeline
 927 company, person transporting any energy resources as defined in
 928 subsection (1), and person holding energy reserves for further
 929 production; however, "person" does not include persons
 930 exclusively engaged in the retail sale of petroleum products.

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

934 (12) "Regional planning agency" means those agencies
 935 designated as regional planning agencies by the Department of
 936 Community Affairs.

937 (13) "Renewable energy resource" means any method,
 938 process, or substance the use of which does not diminish its
 939 availability or abundance, including, but not limited to,
 940 biomass conversion, geothermal energy, solar energy, wind
 941 energy, wood fuels derived from waste, ocean thermal gradient
 942 power, hydroelectric power, and fuels derived from agricultural
 943 products.

944 Section 11. Section 403.432, Florida Statutes, is created
 945 to read:

946 403.432 Functions of the Department of Environmental
 947 Protection.--The Department of Environmental Protection shall
 948 perform the following functions consistent with the development
 949 of a state energy policy:

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

953 (2) The department shall analyze existing and proposed
 954 federal energy programs and make recommendations regarding those
 955 programs to the Governor.

956 (3) The department shall coordinate efforts to seek
 957 federal support or other support for state energy activities,
 958 including energy conservation, research, or development, and
 959 shall be the state agency responsible for the coordination of
 960 multiagency energy conservation programs and plans.

961 (4) The department shall promote the development and use
 962 of renewable energy, including, but not limited to, technologies
 963 leading to the production of or improvements in the production
 964 or use of hydrogen fuel; fuel cells; distributed generation;

965 biodiesel and similar synthetic fuels; thermo-depolymerization
 966 process; biomass; agricultural products and byproducts;
 967 municipal solid waste, including landfill injection and landfill
 968 mining; landfill gas; advanced nuclear power systems; solar
 969 thermal and solar electricity; geothermal energy; biomass,
 970 methane gas recovery, wind energy; ocean thermal gradient power;
 971 ocean currents, hydroelectric power; environmental standards
 972 such as generation portfolio standards; and conservation
 973 programs including appliance efficiency standards.

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

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

978 (b) Aiding and promoting the commercialization of solar
 979 energy technology, in cooperation with the Florida Solar Energy
 980 Center, Enterprise Florida, Inc., and any other federal, state,
 981 or local governmental agency which may seek to promote research,
 982 development, and demonstration of solar energy equipment and
 983 technology.

984 (c) In cooperation with the Department of Transportation,
 985 Enterprise Florida, Inc., the Florida Solar Energy Center, and
 986 the Florida Solar Energy Industries Association, investigating
 987 opportunities, pursuant to the National Energy Policy Act of
 988 1992 and the Housing and Community Development Act of 1992, for
 989 solar electric vehicles and other solar energy manufacturing,
 990 distribution, installation, and financing efforts which will
 991 enhance this state's position as the leader in solar energy
 992 research, development, and use.

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994 In the exercise of its responsibilities under this subsection,
995 the department shall seek the assistance of the solar energy
996 industry in this state and other interested parties and is
997 authorized to enter into contracts, retain professional
998 consulting services, and expend funds appropriated by the
999 Legislature for such purposes.

1000 (6) The department shall promote energy conservation in
1001 all energy use sectors throughout the state and shall constitute
1002 the state agency primarily responsible for this function. To
1003 this end, the department shall coordinate the energy
1004 conservation programs of all state agencies and review and
1005 comment on the energy conservation programs of all state
1006 agencies.

1007 (7) The department shall serve as the state clearinghouse
1008 for indexing and gathering all information related to energy
1009 programs in state universities, in private universities, in
1010 federal, state, and local government agencies, and in private
1011 industry and shall prepare and distribute such information in
1012 any manner necessary to inform and advise the citizens of the
1013 state of such programs and activities. The department shall
1014 coordinate, promote, and respond to efforts by all sectors of
1015 the economy to seek financial support for energy activities. The
1016 department shall provide information to consumers regarding the
1017 anticipated energy-use and energy-saving characteristics of
1018 products and services in coordination with any federal, state,
1019 or local governmental agencies as may provide such information
1020 to consumers.

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1021 (8) The department shall coordinate energy-related
 1022 programs of state government, including, but not limited to, the
 1023 programs provided in this section. To this end, the department
 1024 shall:

1025 (a) Provide assistance to other state agencies, counties,
 1026 municipalities, and regional planning agencies to further and
 1027 promote their energy planning activities.

1028 (b) Require, in cooperation with the Department of
 1029 Management Services, all state agencies to operate state-owned
 1030 and state-leased buildings in accordance with energy
 1031 conservation standards as adopted by the Department of
 1032 Management Services. Every 3 months, the Department of
 1033 Management Services shall furnish the department data on
 1034 agencies' energy consumption in a format mutually agreed upon by
 1035 the two departments.

1036 (c) Promote the development and use of renewable energy
 1037 resources, energy efficiency technologies, and conservation
 1038 measures.

1039 (d) Promote the recovery of energy from wastes, including,
 1040 but not limited to, the use of waste heat, the use of
 1041 agricultural products as a source of energy, and recycling of
 1042 manufactured products. Such promotion shall be conducted in
 1043 conjunction with, and after consultation with, the Florida
 1044 Public Service Commission where electrical generation or natural
 1045 gas is involved, and any other relevant federal, state, or local
 1046 governmental agency having responsibility for resource recovery
 1047 programs.

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1048 (9) The department shall develop, coordinate, and promote
 1049 a comprehensive research plan for state programs. Such plan
 1050 shall be consistent with state energy policy and shall be
 1051 updated on a biennial basis.

1052 (10) The department shall study the feasibility of
 1053 creating a direct support organization to facilitate funding for
 1054 research, demonstrations, and commercialization of advanced
 1055 energy technologies. By February 1, 2005, the department shall
 1056 submit a report on the feasibility to the Governor, the
 1057 President of the Senate, and the Speaker of the House of
 1058 Representatives.

1059 Section 12. Section 403.45, Florida Statutes, is created
 1060 to read:

1061 403.45 Florida Renewable Energy Research and Development
 1062 Institute.--

1063 (1) The Florida Renewable Energy Research and Development
 1064 Institute is created to serve as the basic and applied research
 1065 institute for the commercialization and application of renewable
 1066 energy technology.

1067 (2) The institute is assigned to the state energy program,
 1068 within the Department of Environmental Protection, for
 1069 administrative proposes and for overall mission oversight. The
 1070 institute shall be located at a university in the state and
 1071 shall be determined by the department.

1072 (3) The institute shall:

1073 (a) Facilitate the research of renewable energy,
 1074 including, but not limited to, technologies leading to the
 1075 production of or improvements in the production or use of

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1076 hydrogen fuel; fuel cells; distributed generation; biodiesel and
 1077 similar synthetic fuels; thermo-depolymerization process;
 1078 biomass; agricultural products and byproducts; municipal solid
 1079 waste, including landfill injection and landfill mining;
 1080 landfill gas; advanced nuclear power systems; solar thermal and
 1081 solar electricity; geothermal energy; wind energy; ocean thermal
 1082 gradient power; ocean currents; hydroelectric power;
 1083 environmental standards such as generation portfolio standards;
 1084 and conservation programs including appliance efficiency
 1085 standards.

1086 (b) Coordinate the alternative energy activities of the
 1087 state's research and educational institutions.

1088 (c) Identify problems and propose solutions on issues
 1089 affecting renewable energy, including making public policy
 1090 recommendations.

1091 Section 13. Paragraph (c) of subsection (3) of section
 1092 403.7061, Florida Statutes, is amended to read:

1093 403.7061 Requirements for review of new waste-to-energy
 1094 facility capacity by the Department of Environmental
 1095 Protection.--

1096 (3) An applicant must provide reasonable assurance that
 1097 the construction of a new waste-to-energy facility or the
 1098 expansion of an existing waste-to-energy facility will comply
 1099 with the following subsections:

1100 (c) The applicant must demonstrate that the county in
 1101 which the facility is located has implemented a solid waste
 1102 management and recycling program that is designed to achieve the
 1103 waste reduction goal set forth in s. 403.706(4) ~~county in which~~

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1104 ~~the facility is located will achieve the 30 percent waste~~
 1105 ~~reduction goal set forth in s. 403.706(4) by the time the~~
 1106 ~~facility begins operation. For the purposes of this section, the~~
 1107 ~~provisions of s. 403.706(4)(c) for counties with populations of~~
 1108 ~~75,000 or less do not apply.~~

1109 Section 14. Paragraph (a) of subsection (19) of section
 1110 403.973, Florida Statutes, is amended to read:

1111 403.973 Expedited permitting; comprehensive plan
 1112 amendments.--

1113 (19) The following projects are ineligible for review
 1114 under this part:

1115 (a) A project funded and operated by a local government,
 1116 as defined in s. 366.052 ~~377.709~~, and located within that
 1117 government's jurisdiction.

1118 Section 15. Subsections (3) and (5) of section 288.041,
 1119 Florida Statutes, are amended to read:

1120 288.041 Solar energy industry; legislative findings and
 1121 policy; promotional activities.--

1122 (3) Enterprise Florida, Inc., and its boards shall assist
 1123 in the expansion of the solar energy industry in this state.
 1124 Such efforts shall be undertaken in cooperation with the
 1125 Department of Environmental Protection ~~Community Affairs~~, the
 1126 Florida Solar Energy Center, and the Florida Solar Energy
 1127 Industries Association, and shall include:

1128 (a) Providing assistance and support to new and existing
 1129 photovoltaic companies, with special emphasis on attracting one
 1130 or more manufacturers of photovoltaic products to locate within
 1131 this state.

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1132 (b) Sponsoring initiatives which aid and take full
1133 advantage of the export market potential of solar technologies.

1134 (c) Informing the business sector of this state about
1135 opportunities for cost-effective commercial applications of
1136 solar technologies.

1137 (d) Encouraging employment of residents of this state by
1138 solar energy companies.

1139 (e) Retaining existing solar energy companies and
1140 supporting their expansion efforts in this state.

1141 (f) Supporting the promotion of solar energy by sponsoring
1142 workshops, seminars, conferences, and educational programs on
1143 the benefits of solar energy.

1144 (g) Recognizing outstanding developments and achievements
1145 in, and contributions to, the solar energy industry.

1146 (h) Collecting and disseminating solar energy information
1147 relevant to the promotion of solar energy applications.

1148 (i) Enlisting the support of persons, civic groups, the
1149 solar energy industry, and other organizations to promote and
1150 improve solar energy products and services.

1151 (5) By January 15 of each year, the Department of
1152 Environmental Protection ~~Community Affairs~~ shall report to the
1153 Governor, the President of the Senate, and the Speaker of the
1154 House of Representatives on the impact of the solar energy
1155 industry on the economy of this state and shall make any
1156 recommendations on initiatives to further promote the solar
1157 energy industry as the department deems appropriate.

1158 Section 16. The Solar Energy Program, as authorized and
1159 governed by s. 288.041, Florida Statutes, and the Clean Fuel

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1160 Florida Advisory Board, as authorized and governed by s. 403.42,
 1161 Florida Statutes, are transferred by a type two transfer, as
 1162 defined in s. 20.06(2), Florida Statutes, from the Department of
 1163 Community Affairs to the Department of Environmental Protection.

1164 Section 17. Subsection (1) of section 633.022, Florida
 1165 Statutes, is amended, and subsection (4) is added to said
 1166 section, to read:

1167 633.022 Uniform firesafety standards.--The Legislature
 1168 hereby determines that to protect the public health, safety, and
 1169 welfare it is necessary to provide for firesafety standards
 1170 governing the construction and utilization of certain buildings
 1171 and structures. The Legislature further determines that certain
 1172 buildings or structures, due to their specialized use or to the
 1173 special characteristics of the person utilizing or occupying
 1174 these buildings or structures, should be subject to firesafety
 1175 standards reflecting these special needs as may be appropriate.

1176 (1) The department shall establish uniform firesafety
 1177 standards that apply to:

1178 (a) All new, existing, and proposed state-owned and state-
 1179 leased buildings.

1180 (b) All new, existing, and proposed hospitals, nursing
 1181 homes, assisted living facilities, adult family-care homes,
 1182 correctional facilities, public schools, transient public
 1183 lodging establishments, public food service establishments,
 1184 elevators, migrant labor camps, mobile home parks, lodging
 1185 parks, recreational vehicle parks, recreational camps,
 1186 residential and nonresidential child care facilities, facilities
 1187 for the developmentally disabled, motion picture and television

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1188 special effects productions, ~~and~~ self-service gasoline stations,
1189 and hydrogen fueling stations, of which standards the State Fire
1190 Marshal is the final administrative interpreting authority.

1191
1192 In the event there is a dispute between the owners of the
1193 buildings specified in paragraph (b) and a local authority
1194 requiring a more stringent uniform firesafety standard for
1195 sprinkler systems, the State Fire Marshal shall be the final
1196 administrative interpreting authority and the State Fire
1197 Marshal's interpretation regarding the uniform firesafety
1198 standards shall be considered final agency action.

1199 (4)(a) The State Fire Marshal shall have rulemaking
1200 authority to adopt, and shall adopt, the current version of
1201 National Fire Protection Association, (NFPA) 1, and the current
1202 version of such other codes, publications, and standards as may
1203 be applicable to any facility, condition, situation, or
1204 circumstance in which hydrogen is being used, produced, stored,
1205 or in any other manner dealt with or treated as a fuel as the
1206 State Fire Marshal deems necessary to protect the public health,
1207 safety, and welfare and to protect the safety of persons and
1208 property in this state.

1209 (b) The State Fire Marshal has the authority to require by
1210 rule that any equipment used in conjunction with paragraph (a)
1211 must be listed by a nationally recognized testing laboratory,
1212 such as Underwriters Laboratories, Inc., or Factory Mutual
1213 Laboratories, Inc. The State Fire Marshal has the authority to
1214 adopt by rule procedures for determining whether a laboratory is
1215 nationally recognized, taking into account the laboratory's

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1216 | facilities, procedures, use of nationally recognized standards,
1217 | and any other criteria reasonably calculated to reach an
1218 | informed determination.

1219 | Section 18. Sections 377.602, 377.603, 377.604, 377.605,
1220 | 377.606, 377.607, 377.608, 377.701, and 377.703, Florida
1221 | Statutes, are repealed.

1222 | Section 19. This act shall take effect upon becoming a
1223 | law.