

Bill No. HB 1857, 1st Eng.

Amendment No. ____ Barcode 504842

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

Section 2. The State Energy Program, as authorized and governed by sections 20.18, 288.041, 377.601-377.608, 377.701, and 377.703, Florida Statutes, and the Clean Fuel Florida Advisory Board, as authorized and governed by section 403.42, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Community Affairs to the Department of Environmental Protection. Notwithstanding section 20.06(2), Florida Statutes, trust funds associated with this program and board shall remain within the Department of Community Affairs.

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1 Section 3. The Affordable Housing Catalyst Program, as
2 authorized and governed by section 420.606, Florida Statutes,
3 is transferred by a type two transfer, as defined in section
4 20.06(2), Florida Statutes, from the Department of Community
5 Affairs to the Florida Housing Finance Corporation.
6 Notwithstanding section 20.06(2), Florida Statutes, trust
7 funds associated with this program shall remain within the
8 Department of Community Affairs.

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10 Statutes, is repealed.

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

13 20.18 Department of Community Affairs.--There is
14 created a Department of Community Affairs.

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

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1 ~~respect thereto.~~

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

4 20.255 Department of Environmental Protection.--There
5 is created a Department of Environmental Protection.

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

12 Section 7. Paragraph (b) of subsection (3) of section
13 163.03, Florida Statutes, is amended to read:

14 163.03 Secretary of Community Affairs; powers and
15 duties; function of Department of Community Affairs with
16 respect to federal grant-in-aid programs.--

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

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

25 Section 8. Paragraph (q) of subsection (5) of section
26 212.08, Florida Statutes, is amended to read:

27 212.08 Sales, rental, use, consumption, distribution,
28 and storage tax; specified exemptions.--The sale at retail,
29 the rental, the use, the consumption, the distribution, and
30 the storage to be used or consumed in this state of the
31 following are hereby specifically exempt from the tax imposed

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1 | by this chapter.

2 | (5) EXEMPTIONS; ACCOUNT OF USE.--

3 | (q) Community contribution tax credit for donations.--

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

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

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

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

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

29 | e. The total amount of tax credits which may be
30 | granted for all programs approved under this paragraph, s.
31 | 220.183, and s. 624.5105 is \$10 million annually; and

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

5 2. Eligibility requirements.--

6 a. A community contribution by a person must be in the
7 following form:

8 (I) Cash or other liquid assets;

9 (II) Real property;

10 (III) Goods or inventory; or

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

13 b. All community contributions must be reserved
14 exclusively for use in a project. As used in this
15 sub-subparagraph, the term "project" means any activity
16 undertaken by an eligible sponsor which is designed to
17 construct, improve, or substantially rehabilitate housing that
18 is affordable to low-income or very-low-income households as
19 defined in s. 420.9071(19) and (28); designed to provide
20 commercial, industrial, or public resources and facilities; or
21 designed to improve entrepreneurial and job-development
22 opportunities for low-income persons. A project may be the
23 investment necessary to increase access to high-speed
24 broadband capability in rural communities with enterprise
25 zones, including projects that result in improvements to
26 communications assets that are owned by a business. A project
27 may include the provision of museum educational programs and
28 materials that are directly related to any project approved
29 between January 1, 1996, and December 31, 1999, and located in
30 an enterprise zone as referenced in s. 290.00675. This
31 paragraph does not preclude projects that propose to construct

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1 or rehabilitate housing for low-income or very-low-income
2 households on scattered sites. The Office of Tourism, Trade,
3 and Economic Development may reserve up to 50 percent of the
4 available annual tax credits for housing for very-low-income
5 households pursuant to s. 420.9071(28) for the first 6 months
6 of the fiscal year. With respect to housing, contributions may
7 be used to pay the following eligible low-income and
8 very-low-income housing-related activities:

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

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

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

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

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

26 (I) A community action program;

27 (II) A nonprofit community-based development
28 organization whose mission is the provision of housing for
29 low-income or very-low-income households or increasing
30 entrepreneurial and job-development opportunities for
31 low-income persons;

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- 1 (III) A neighborhood housing services corporation;
- 2 (IV) A local housing authority created under chapter
- 3 421;
- 4 (V) A community redevelopment agency created under s.
- 5 163.356;
- 6 (VI) The Florida Industrial Development Corporation;
- 7 (VII) A historic preservation district agency or
- 8 organization;
- 9 (VIII) A regional workforce board;
- 10 (IX) A direct-support organization as provided in s.
- 11 1009.983;
- 12 (X) An enterprise zone development agency created
- 13 under s. 290.0056;
- 14 (XI) A community-based organization incorporated under
- 15 chapter 617 which is recognized as educational, charitable, or
- 16 scientific pursuant to s. 501(c)(3) of the Internal Revenue
- 17 Code and whose bylaws and articles of incorporation include
- 18 affordable housing, economic development, or community
- 19 development as the primary mission of the corporation;
- 20 (XII) Units of local government;
- 21 (XIII) Units of state government; or
- 22 (XIV) Any other agency that the Office of Tourism,
- 23 Trade, and Economic Development designates by rule.

24
25 In no event may a contributing person have a financial
26 interest in the eligible sponsor.

27 d. The project must be located in an area designated
28 an enterprise zone or a Front Porch Florida Community pursuant
29 to s. 20.18(6) ~~s. 14.2015(9)(b)~~, unless the project increases
30 access to high-speed broadband capability for rural
31 communities with enterprise zones but is physically located

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1 outside the designated rural zone boundaries. Any project
2 designed to construct or rehabilitate housing for low-income
3 or very-low-income households as defined in s. 420.0971(19)
4 and (28) is exempt from the area requirement of this
5 sub-subparagraph.

6 3. Application requirements.--

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

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

27 c. Any person who has received notification from the
28 Office of Tourism, Trade, and Economic Development that a tax
29 credit has been approved must apply to the department to
30 receive the refund. Application must be made on the form
31 prescribed for claiming refunds of sales and use taxes and be

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1 accompanied by a copy of the notification. A person may submit
2 only one application for refund to the department within any
3 12-month period.

4 4. Administration.--

5 a. The Office of Tourism, Trade, and Economic
6 Development may adopt rules pursuant to ss. 120.536(1) and
7 120.54 necessary to administer this paragraph, including rules
8 for the approval or disapproval of proposals by a person.

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

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

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

26 5. Expiration.--This paragraph expires June 30, 2005;
27 however, any accrued credit carryover that is unused on that
28 date may be used until the expiration of the 3-year carryover
29 period for such credit.

30 Section 9. Paragraph (d) of subsection (2) of section
31 220.183, Florida Statutes, is amended to read:

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1 220.183 Community contribution tax credit.--
2 (2) ELIGIBILITY REQUIREMENTS.--
3 (d) The project shall be located in an area designated
4 as an enterprise zone or a Front Porch Florida Community
5 pursuant to s. 20.18(6) ~~s. 14.2015(9)(b)~~. Any project designed
6 to construct or rehabilitate housing for low-income or
7 very-low-income households as defined in s. 420.9071(19) and
8 (28) is exempt from the area requirement of this paragraph.
9 This section does not preclude projects that propose to
10 construct or rehabilitate housing for low-income or
11 very-low-income households on scattered sites. Any project
12 designed to provide increased access to high-speed broadband
13 capabilities which includes coverage of a rural enterprise
14 zone may locate the project's infrastructure in any area of a
15 rural county.

16 Section 10. Subsections (3) and (5) of section
17 288.041, Florida Statutes, are amended to read:

18 288.041 Solar energy industry; legislative findings
19 and policy; promotional activities.--

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

26 (a) Providing assistance and support to new and
27 existing photovoltaic companies, with special emphasis on
28 attracting one or more manufacturers of photovoltaic products
29 to locate within this state.

30 (b) Sponsoring initiatives which aid and take full
31 advantage of the export market potential of solar

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1 technologies.

2 (c) Informing the business sector of this state about
3 opportunities for cost-effective commercial applications of
4 solar technologies.

5 (d) Encouraging employment of residents of this state
6 by solar energy companies.

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

9 (f) Supporting the promotion of solar energy by
10 sponsoring workshops, seminars, conferences, and educational
11 programs on the benefits of solar energy.

12 (g) Recognizing outstanding developments and
13 achievements in, and contributions to, the solar energy
14 industry.

15 (h) Collecting and disseminating solar energy
16 information relevant to the promotion of solar energy
17 applications.

18 (i) Enlisting the support of persons, civic groups,
19 the solar energy industry, and other organizations to promote
20 and improve solar energy products and services.

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

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

30 288.95155 Florida Small Business Technology Growth
31 Program.--

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

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

14 377.602 Definitions.--As used in ss. 377.601-377.608:

15 (2) "Department" means the Department of Environmental
16 Protection ~~Community Affairs~~.

17 Section 13. Section 377.603, Florida Statutes, is
18 amended to read:

19 377.603 Energy data collection; powers and duties of
20 the Department of Environmental Protection ~~Community~~
21 ~~Affairs~~.--

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

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

29 (3) The department shall prescribe and furnish forms
30 for the collection of information as required by ss.

31 377.601-377.608 and shall consult with other state entities to

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1 assure that such data collected will meet their data
2 requirements.

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

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

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

11 377.701 Petroleum allocation.--

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

19 Section 15. Section 377.703, Florida Statutes, is
20 amended to read:

21 377.703 Additional functions of the Department of
22 Environmental Protection ~~Community Affairs~~; energy emergency
23 contingency plan; federal and state conservation programs.--

24 (1) LEGISLATIVE INTENT.--Recognizing that energy
25 supply and demand questions have become a major area of
26 concern to the state which must be dealt with by effective and
27 well-coordinated state action, it is the intent of the
28 Legislature to promote the efficient, effective, and
29 economical management of energy problems, centralize energy
30 coordination responsibilities, pinpoint responsibility for
31 conducting energy programs, and ensure the accountability of

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1 | state agencies for the implementation of s. 377.601(4), the
2 | state energy policy. It is the specific intent of the
3 | Legislature that nothing in this act shall in any way change
4 | the powers, duties, and responsibilities assigned by the
5 | Florida Electrical Power Plant Siting Act, part II of chapter
6 | 403, or the powers, duties, and responsibilities of the
7 | Florida Public Service Commission.

8 | (2) DEFINITIONS.--

9 | (a) "Coordinate," "coordination," or "coordinating"
10 | means the examination and evaluation of state plans and
11 | programs and the providing of recommendations to the Cabinet,
12 | Legislature, and appropriate state agency on any measures
13 | deemed necessary to ensure that such plans and programs are
14 | consistent with state energy policy.

15 | (b) "Energy conservation" means increased efficiency
16 | in the utilization of energy.

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

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

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

29 | (f) "Fuel" means petroleum, crude oil, petroleum
30 | product, coal, natural gas, or any other substance used
31 | primarily for its energy content.

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

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

8 (i) "Regional planning agency" means those agencies
9 designated as regional planning agencies by the Department of
10 Community Affairs.

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

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

24 (a) The department shall assume the responsibility for
25 development of an energy emergency contingency plan to respond
26 to serious shortages of primary and secondary energy sources.
27 Upon a finding by the Governor, implementation of any
28 emergency program shall be upon order of the Governor that a
29 particular kind or type of fuel is, or that the occurrence of
30 an event which is reasonably expected within 30 days will make
31 the fuel, in short supply. The department shall then respond

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1 by instituting the appropriate measures of the contingency
2 plan to meet the given emergency or energy shortage. The
3 Governor may utilize the provisions of s. 252.36(5) to carry
4 out any emergency actions required by a serious shortage of
5 energy sources.

6 (b) The department shall constitute the responsible
7 state agency for performing or coordinating the functions of
8 any federal energy programs delegated to the state, including
9 energy supply, demand, conservation, or allocation.

10 (c) The department shall analyze present and proposed
11 federal energy programs and make recommendations regarding
12 those programs to the Governor.

13 (d) The department shall coordinate efforts to seek
14 federal support or other support for state energy activities,
15 including energy conservation, research, or development, and
16 shall be the state agency responsible for the coordination of
17 multiagency energy conservation programs and plans.

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

23 1. An analysis of the relationship of state economic
24 growth and development to energy supply and demand, including
25 the constraints to economic growth resulting from energy
26 supply constraints.

27 2. Plans for the development of renewable energy
28 resources and reduction in dependence on depletable energy
29 resources, particularly oil and natural gas, and an analysis
30 of the extent to which renewable energy sources are being
31 utilized in the state.

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

5 4. An assessment of the state's energy resources,
6 including examination of the availability of commercially
7 developable and imported fuels, and an analysis of anticipated
8 effects on the state's environment and social services
9 resulting from energy resource development activities or from
10 energy supply constraints, or both.

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

22 1. Formulation of specific recommendations for
23 improvement in the efficiency of energy utilization in
24 governmental, residential, commercial, industrial, and
25 transportation sectors.

26 2. Collection and dissemination of information
27 relating to energy conservation.

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

30 4. An analysis of the ways in which state agencies are
31 seeking to implement s. 377.601(4), the state energy policy,

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1 and recommendations for better fulfilling this policy.

2 (g) The department has authority to adopt rules
3 pursuant to ss. 120.536(1) and 120.54 to implement the
4 provisions of this act.

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

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

10 2. Aiding and promoting the commercialization of solar
11 energy technology, in cooperation with the Florida Solar
12 Energy Center, Enterprise Florida, Inc., and any other
13 federal, state, or local governmental agency which may seek to
14 promote research, development, and demonstration of solar
15 energy equipment and technology.

16 3. Identifying barriers to greater use of solar energy
17 systems in this state, and developing specific recommendations
18 for overcoming identified barriers, with findings and
19 recommendations to be submitted annually in the report to the
20 Legislature required under paragraph (f).

21 4. In cooperation with the Department of
22 Transportation, the Department of Community Affairs,
23 Enterprise Florida, Inc., the Florida Solar Energy Center, and
24 the Florida Solar Energy Industries Association, investigating
25 opportunities, pursuant to the National Energy Policy Act of
26 1992 and the Housing and Community Development Act of 1992,
27 for solar electric vehicles and other solar energy
28 manufacturing, distribution, installation, and financing
29 efforts which will enhance this state's position as the leader
30 in solar energy research, development, and use.

31 5. Undertaking other initiatives to advance the

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1 development and use of renewable energy resources in this
2 state.

3
4 In the exercise of its responsibilities under this paragraph,
5 the department shall seek the assistance of the solar energy
6 industry in this state and other interested parties and is
7 authorized to enter into contracts, retain professional
8 consulting services, and expend funds appropriated by the
9 Legislature for such purposes.

10 (i) The department shall promote energy conservation
11 in all energy use sectors throughout the state and shall
12 constitute the state agency primarily responsible for this
13 function. To this end, the department shall coordinate the
14 energy conservation programs of all state agencies and review
15 and comment on the energy conservation programs of all state
16 agencies.

17 (j) The department shall serve as the state
18 clearinghouse for indexing and gathering all information
19 related to energy programs in state universities, in private
20 universities, in federal, state, and local government
21 agencies, and in private industry and shall prepare and
22 distribute such information in any manner necessary to inform
23 and advise the citizens of the state of such programs and
24 activities. This shall include developing and maintaining a
25 current index and profile of all research activities, which
26 shall be identified by energy area and may include a summary
27 of the project, the amount and sources of funding, anticipated
28 completion dates, or, in case of completed research,
29 conclusions, recommendations, and applicability to state
30 government and private sector functions. The department shall
31 coordinate, promote, and respond to efforts by all sectors of

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1 the economy to seek financial support for energy activities.
2 The department shall provide information to consumers
3 regarding the anticipated energy-use and energy-saving
4 characteristics of products and services in coordination with
5 any federal, state, or local governmental agencies as may
6 provide such information to consumers.

7 (k) The department shall coordinate energy-related
8 programs of state government, including, but not limited to,
9 the programs provided in this section. To this end, the
10 department shall:

11 1. Provide assistance to other state agencies,
12 counties, municipalities, and regional planning agencies to
13 further and promote their energy planning activities.

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

22 3. Promote the development and use of renewable energy
23 resources, energy efficiency technologies, and conservation
24 measures.

25 4. Promote the recovery of energy from wastes,
26 including, but not limited to, the use of waste heat, the use
27 of agricultural products as a source of energy, and recycling
28 of manufactured products. Such promotion shall be conducted in
29 conjunction with, and after consultation with, the Department
30 of Environmental Protection, the Florida Public Service
31 Commission where electrical generation or natural gas is

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1 involved, and any other relevant federal, state, or local
 2 governmental agency having responsibility for resource
 3 recovery programs.

4 (1) The department shall develop, coordinate, and
 5 promote a comprehensive research plan for state programs. Such
 6 plan shall be consistent with state energy policy and shall be
 7 updated on a biennial basis.

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

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

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

26 380.504 Florida Communities Trust; creation;
 27 membership; expenses.--

28 (1) There is created within the Department of
 29 Community Affairs a nonregulatory state agency and
 30 instrumentality, which shall be a public body corporate and
 31 politic, known as the "Florida Communities Trust." The

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1 governing body of the trust shall consist of:

2 (a) The Secretary of Community Affairs and the
3 Secretary of Environmental Protection; and

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

6
7 The Governor shall appoint a former elected official of a
8 county government, a former elected official of a metropolitan
9 municipal government, a representative of a nonprofit
10 organization as defined in this part, and a representative of
11 the development industry. The Secretary of Community Affairs
12 may appoint a designee ~~designate his or her assistant~~
13 ~~secretary or the director of the Division of Community~~
14 ~~Planning~~ to serve in his or her absence. The Secretary of
15 Environmental Protection may appoint his or her deputy
16 secretary, the director of the Division of State Lands, or the
17 director of the Division of Recreation and Parks to serve in
18 his or her absence. The Secretary of Community Affairs shall
19 be the chair of the governing body of the trust. The Governor
20 shall make his or her appointments upon the expiration of any
21 current terms or within 60 days after the effective date of
22 the resignation of any member.

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

25 381.7354 Eligibility.--

26 (3) In addition to the grants awarded under
27 subsections (1) and (2), up to 20 percent of the funding for
28 the Reducing Racial and Ethnic Health Disparities: Closing the
29 Gap grant program shall be dedicated to projects that address
30 improving racial and ethnic health status within specific
31 Front Porch Florida Communities, as designated pursuant to s.

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1 20.18(6) ~~s. 14.2015(9)(b)~~.

2 Section 18. Section 403.42, Florida Statutes, is
3 amended to read:

4 403.42 Florida Clean Fuel Act.--

5 (1) SHORT TITLE AND PURPOSE.--

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

8 (b) The purposes of this act are to establish the
9 Clean Fuel Florida Advisory Board under the Department of
10 Environmental Protection ~~Community Affairs~~ to study the
11 implementation of alternative fuel vehicles and to formulate
12 and provide to the Secretary of Environmental Protection
13 ~~Community Affairs~~ recommendations on expanding the use of
14 alternative fuel vehicles in this state and make funding
15 available for implementation.

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

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

22 (b) "Alternative fuel vehicles" include on-road and
23 off-road transportation vehicles and light-duty, medium-duty,
24 and heavy-duty vehicles that are powered by an alternative
25 fuel or a combination of alternative fuels.

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

28 (a) The Clean Fuel Florida Advisory Board is
29 established within the Department of Environmental Protection
30 ~~Community Affairs~~.

31 (b)1. The advisory board shall consist of the

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1 Secretary of Community Affairs, or a designee from that
2 department, the Secretary of Environmental Protection, or a
3 designee from that department, the Commissioner of Education,
4 or a designee from that department, the Secretary of
5 Transportation, or a designee from that department, the
6 Commissioner of Agriculture, or a designee from the Department
7 of Agriculture and Consumer Services, the Secretary of
8 Management Services, or a designee from that department, and a
9 representative of each of the following, who shall be
10 appointed by the Secretary of Environmental Protection
11 ~~Community Affairs within 30 days after the effective date of~~
12 ~~this act:~~

- 13 a. The Florida biodiesel industry.
- 14 b. The Florida electric utility industry.
- 15 c. The Florida natural gas industry.
- 16 d. The Florida propane gas industry.
- 17 e. An automobile manufacturers' association.
- 18 f. A Florida Clean Cities Coalition designated by the
19 United States Department of Energy.
- 20 g. Enterprise Florida, Inc.
- 21 h. EV Ready Broward.
- 22 i. The Florida petroleum industry.
- 23 j. The Florida League of Cities.
- 24 k. The Florida Association of Counties.
- 25 l. Floridians for Better Transportation.
- 26 m. A motor vehicle manufacturer.
- 27 n. Florida Local Environment Resource Agencies.
- 28 o. Project for an Energy Efficient Florida.
- 29 p. Florida Transportation Builders Association.
- 30 2. The purpose of the advisory board is to serve as a

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

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1 Legislature, and the Secretary of Environmental Protection
 2 ~~Community Affairs~~ with private sector and other public agency
 3 perspectives on achieving the goal of increasing the use of
 4 alternative fuel vehicles in this state.

5 3. Members shall be appointed to serve terms of 1 year
 6 each, with reappointment at the discretion of the Secretary of
 7 Environmental Protection ~~Community Affairs~~. Vacancies shall be
 8 filled for the remainder of the unexpired term in the same
 9 manner as the original appointment.

10 4. The board shall annually select a chairperson.

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

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

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

19 7. The board shall terminate 5 years after the
 20 effective date of this act.

21 (c) The board shall review the performance of the
 22 state with reference to alternative fuel vehicle
 23 implementation in complying with federal laws and maximizing
 24 available federal funding and may:

25 1. Advise the Governor, Legislature, and the Secretary
 26 of Environmental Protection ~~Community Affairs~~ and make
 27 recommendations regarding implementation and use of
 28 alternative fuel vehicles in this state.

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

31 3. Request from all state agencies any information the

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1 board determines relevant to board duties.

2 4. Regularly report to the Secretary of Environmental
3 Protection ~~Community Affairs~~, the Governor, the President of
4 the Senate, and the Speaker of the House of Representatives
5 regarding the board's findings and recommendations.

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

14 2. In addition to the pilot programs, the advisory
15 board shall assess federal, state, and local initiatives to
16 identify incentives that encourage successful alternative fuel
17 vehicle programs; obstacles to alternative fuel vehicle use
18 including legislative, regulatory, and economic obstacles; and
19 programs that educate and inform the public about alternative
20 fuel vehicles.

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

25 4. Based on its findings, the advisory board shall
26 develop recommendations to the Legislature on future
27 alternative fuel vehicle programs and legislative changes that
28 provide the best use of state and other resources to enhance
29 the alternative fuel vehicle market in this state and maximize
30 the return on that investment in terms of job creation,
31 economic development, and emissions reduction.

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1 (e) The advisory board, working with the Department of
2 Environmental Protection ~~Community Affairs~~, shall develop a
3 budget for the department's approval, and all expenditures
4 shall be approved by the department. At the conclusion of the
5 first year, the department shall conduct an audit of the board
6 and board programs.

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

9 420.507 Powers of the corporation.--The corporation
10 shall have all the powers necessary or convenient to carry out
11 and effectuate the purposes and provisions of this part,
12 including the following powers which are in addition to all
13 other powers granted by other provisions of this part:

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

16 (43) To develop and administer the Affordable Housing
17 Catalyst Program under 420.531.

18 Section 20. Section 420.531, Florida Statutes, is
19 created to read:

20 420.531 Affordable Housing Catalyst Program.--

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

23 (a) Community-based organizations are important
24 vehicles in assisting communities with development and
25 revitalization but often have limited experience in the
26 development of quality housing for very-low-income persons and
27 low-income persons in economically declining or distressed
28 areas;

29 (b) The staffs and board members of community-based
30 organizations need additional training in housing development
31 as well as technical support to assist them in gaining the

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1 experience they need to better serve their communities; and

2 (c) The staffs of state agencies and local
3 governments, whether directly involved in the production of
4 affordable housing or acting in a supportive role, can better
5 serve the goals of state and local governments if their
6 expertise in housing development is expanded.

7 (2) The corporation shall establish a program known as
8 the Affordable Housing Catalyst Program to be responsible for
9 securing the necessary expertise for providing specialized
10 technical support to local governments to implement the HOME
11 Investment Partnership Program, State Housing Initiatives
12 Partnership Program, and other state and federal affordable
13 housing programs.

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

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

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

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

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1 state universities and community colleges.

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

4 420.6015 Legislative findings.--In addition to the
5 findings and declarations in ss. 420.0002, 420.502, 421.02,
6 422.02, and 423.01, which are hereby reaffirmed, the
7 Legislature finds that:

8 (8) ~~Through the Affordable Housing Catalyst Program~~
9 ~~and other program and staff resources,~~ The department shall
10 facilitate the mobilization of public and private resources to
11 provide affordable housing through its responsibilities in the
12 areas of housing, comprehensive planning, and community
13 assistance.

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

16 420.606 Training and technical assistance program.--

17 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.--The
18 Department of Community Affairs shall be responsible for
19 securing the necessary expertise to provide training and
20 technical assistance to staff of local governments, to staff
21 of state agencies, as appropriate, and to community-based
22 organizations, and to persons forming such organizations,
23 which are formed for the purpose of developing new housing and
24 rehabilitating existing housing which is affordable for
25 very-low-income persons, low-income persons, and
26 moderate-income persons. ~~To the maximum extent feasible, the~~
27 ~~entity to provide the necessary expertise must be recognized~~
28 ~~by the Internal Revenue Service as a nonprofit tax-exempt~~
29 ~~organization. It must have as its primary mission the~~
30 ~~provision of affordable housing training and technical~~
31 ~~assistance; an ability to provide training and technical~~

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1 ~~assistance statewide; and a proven track record of~~
2 ~~successfully providing training and technical assistance under~~
3 ~~the Affordable Housing Catalyst Program.~~

4 (a) The training component of the program shall be
5 designed to build the housing development capacity of
6 community-based organizations and local governments as a
7 permanent resource for the benefit of communities in this
8 state.

9 1. The scope of training shall include, but not be
10 limited to, real estate development skills related to
11 affordable housing, including the construction process and
12 property management and disposition, the development of
13 public-private partnerships to reduce housing costs, model
14 housing projects, and management and board responsibilities of
15 community-based organizations.

16 2. Training activities may include, but are not
17 limited to, materials for self-instruction, workshops,
18 seminars, internships, coursework, and special programs
19 developed in conjunction with state universities and community
20 colleges.

21 (b) The technical assistance component of the program
22 shall be designed to assist applicants for state-administered
23 programs in developing applications and in expediting project
24 implementation. Technical assistance activities for the
25 staffs of community-based organizations and local governments
26 who are directly involved in the production of affordable
27 housing may include, but are not limited to, workshops for
28 program applicants, onsite visits, guidance in achieving
29 project completion, and a newsletter to community-based
30 organizations and local governments.

31 ~~(c) The department shall establish a program known as~~

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1 ~~the Affordable Housing Catalyst Program to be responsible for~~
2 ~~securing the necessary expertise as provided in this section~~
3 ~~for providing specialized technical support to local~~
4 ~~governments to implement the HOME Investment Partnership~~
5 ~~Program, State Housing Initiatives Partnership Program, and~~
6 ~~other affordable housing programs. The technical support~~
7 ~~shall, at a minimum, provide training relating to the~~
8 ~~following key elements of the partnership programs:~~

9 1. ~~The formation of local and regional housing~~
10 ~~partnerships as a means of bringing together resources to~~
11 ~~provide affordable housing.~~

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

14 3. ~~The implementation of affordable housing programs~~
15 ~~included in local government comprehensive plans.~~

16 4. ~~The compliance with requirements of federally~~
17 ~~funded housing programs.~~

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

20 420.609 Affordable Housing Study Commission.--Because
21 the Legislature firmly supports affordable housing in Florida
22 for all economic classes:

23 (3) ~~The department and the corporation~~ shall supply
24 such information, assistance, and facilities as are deemed
25 necessary for the commission to carry out its duties under
26 this section and shall provide such staff assistance as is
27 necessary for the performance of required clerical and
28 administrative functions of the commission.

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

31 420.631 Definitions relating to Urban Homesteading

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1 Act.--As used in ss. 420.630-420.635:

2 (7) "Office" means the Office of Urban Opportunity
3 within the Department of Community Affairs ~~Office of Tourism,~~
4 ~~Trade, and Economic Development.~~

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

7 420.9075 Local housing assistance plans;
8 partnerships.--

9 (7) Pursuant to s. 420.531 ~~s. 420.606~~, the corporation
10 shall provide technical assistance to local governments
11 regarding the creation of partnerships, the design of local
12 housing assistance strategies, the implementation of local
13 housing incentive strategies, and the provision of support
14 services.

15 Section 26. Paragraph (d) of subsection (2) of section
16 624.5105, Florida Statutes, is amended to read:

17 624.5105 Community contribution tax credit;
18 authorization; limitations; eligibility and application
19 requirements; administration; definitions; expiration.--

20 (2) ELIGIBILITY REQUIREMENTS.--

21 (d) The project shall be located in an area designated
22 as an enterprise zone or a Front Porch Community pursuant to
23 s. 20.18(6) ~~s. 14.2015(9)(b)~~. Any project designed to
24 construct or rehabilitate housing for low-income or
25 very-low-income households as defined in s. 420.9071(19) and
26 (28) is exempt from the area requirement of this paragraph.

27 Section 27. This act shall take effect July 1, 2004.

28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

2

3 and insert:

4

A bill to be entitled

5

An act relating to governmental organization;

6

transferring the Office of Urban Opportunity

7

from the Executive Office of the Governor to

8

the Department of Community Affairs;

9

transferring the State Energy Program and the

10

Clean Fuel Florida Advisory Board from the

11

Department of Community Affairs to the

12

Department of Environmental Protection;

13

excluding the transfer of certain associated

14

trust funds; transferring the Affordable

15

Housing Catalyst Program from the Department of

16

Community Affairs to the Florida Housing

17

Finance Corporation; excluding the transfer of

18

certain associated trust funds; repealing s.

19

14.2015(9), F.S., relating to the establishment

20

of the Office of Urban Opportunity within the

21

Office of Tourism, Trade, and Economic

22

Development of the Executive Office of the

23

Governor; amending s. 20.18, F.S.; revising

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duties of the Department of Community Affairs

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to conform to changes made by the act;

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establishing the Office of Urban Opportunity

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within the Department of Community Affairs;

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amending s. 20.255, F.S.; providing duties of

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the Department of Environmental Protection with

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respect to the state's energy policy, to

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conform; amending s. 163.03, F.S., relating to

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1 the Coastal Energy Impact Program; conforming
2 provisions to changes made by the act; amending
3 ss. 212.08 and 220.183, F.S.; conforming
4 cross-references; amending s. 288.041, F.S.,
5 relating to the solar energy industry;
6 conforming provisions to the transfer of duties
7 to the Department of Environmental Protection;
8 amending s. 288.95155, F.S., relating to the
9 Florida Small Business Technology Growth
10 Program; deleting obsolete provisions; amending
11 ss. 377.602, 377.603, 377.701, and 377.703,
12 F.S., relating to the state's energy programs
13 and policies; conforming provisions to the
14 transfer of duties to the Department of
15 Environmental Protection; authorizing the
16 Department of Environmental Protection to adopt
17 rules to administer the Coastal Energy Impact
18 Program; amending s. 380.504, F.S.; authorizing
19 the Secretary of Community Affairs to appoint a
20 designee to the governing body of the Florida
21 Communities Trust; amending s. 381.7354, F.S.;
22 conforming a cross-reference; amending s.
23 403.42, F.S., relating to the Florida Clean
24 Fuel Act; conforming provisions to the transfer
25 of duties to the Department of Environmental
26 Protection; amending s. 420.507, F.S., relating
27 to the Florida Housing Finance Corporation;
28 authorizing the corporation to provide
29 resources to the Affordable Housing Study
30 Commission and perform other duties; creating
31 s. 420.531, F.S.; providing legislative

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

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