

CHAMBER ACTION

1 The Spaceport & Technology Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to hydrogen energy technology; creating s.
7 377.801, F.S.; creating the Hydrogen Energy Technologies
8 Act; providing a popular name; creating s. 377.802, F.S.;
9 providing legislative findings and intent; creating s.
10 377.803, F.S.; providing legislative purpose; creating s.
11 377.804, F.S.; providing definitions; creating s. 377.805,
12 F.S.; creating the Hydrogen Energy Technologies Grants
13 Program in the Department of Environmental Protection to
14 provide grants for demonstration, commercialization,
15 research, and development projects relating to hydrogen
16 energy technologies; providing requirements and procedures
17 therefor; providing rulemaking authority; amending s.
18 212.08, F.S.; creating a sales tax exemption for certain
19 hydrogen energy technology projects; providing
20 requirements and procedures therefor; requiring the
21 Department of Environmental Protection to make
22 determinations relating to certain projects; authorizing
23 the Department of Revenue to adopt rules for tax exempt

24 purchases; providing for future repeal of the exemption;
 25 amending s. 213.053, F.S.; providing for information
 26 sharing between the Department of Revenue and the
 27 Department of Environmental Protection; amending s.
 28 220.02, F.S.; providing for the addition of tax credits
 29 relating to hydrogen energy technologies in the priority
 30 order of tax credits; creating s. 220.192, F.S.; creating
 31 a hydrogen energy technologies investment tax credit;
 32 providing definitions; providing requirements and
 33 procedures therefor; authorizing the Department of Revenue
 34 to perform certain audits and investigations; requiring
 35 the Department of Environmental Protection to provide
 36 technical assistance in certain audits and investigations;
 37 providing for revocation or modification of credits;
 38 providing for payment of tax and interest under certain
 39 circumstances; providing rulemaking authority; providing
 40 for future repeal of the credit; amending s. 220.13, F.S.;
 41 revising the definition of the term "adjusted federal
 42 income" to include the amount taken as a credit for
 43 expenses related to hydrogen energy technologies; amending
 44 s. 366.8255, F.S.; revising the definition of the term
 45 "environmental compliance costs" to include costs related
 46 to the deployment of hydrogen energy technologies;
 47 providing for cost recovery of utility investment in
 48 hydrogen energy technologies; amending s. 633.022, F.S.;
 49 authorizing the State Fire Marshal to adopt uniform
 50 standards for hydrogen fueling, storage, and production

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51 facilities; providing rulemaking authority; providing an
52 effective date.

53

54 Be It Enacted by the Legislature of the State of Florida:

55

56 Section 1. Section 377.801, Florida Statutes, is created
57 to read:

58 377.801 Popular name.--Sections 377.801-377.805 may be
59 cited as the "Hydrogen Energy Technologies Act."

60 Section 2. Section 377.802, Florida Statutes, is created
61 to read:

62 377.802 Legislative findings and intent.--The Legislature
63 finds that advancing the development of clean and efficient
64 energy technologies is important for the state's future, energy
65 stability, and protection of its citizens' public health and its
66 environment. The Legislature finds that hydrogen can be used as
67 a clean and efficient energy carrier and that the development of
68 hydrogen energy technologies in the state will help to reduce
69 pollution, reduce demand on foreign fuels, promote energy
70 diversity, enhance system reliability, educate the public on the
71 promise of alternative energy technologies, and promote economic
72 growth. The Legislature finds that the promotion of hydrogen
73 energy technologies will also promote the development of
74 associated energy technologies, including fuel cells and solar
75 technologies. The Legislature finds that there is a need to
76 assist in the development of early market demand that will
77 advance the commercialization and widespread application of
78 hydrogen energy technologies. The Legislature further finds that

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79 the state is ideally positioned to stimulate economic
 80 development through such advanced energy technologies due to its
 81 ongoing and successful research and development track record in
 82 this area, an abundance of natural and renewable energy sources,
 83 an ability to attract significant research and development
 84 federal dollars, and the need to find and secure clean energy
 85 technologies for the benefit of its citizens, visitors, and
 86 environment.

87 Section 3. Section 377.803, Florida Statutes, is created
 88 to read:

89 377.803 Purpose.--This act is intended to provide matching
 90 grants to stimulate capital investment in the state and to
 91 enhance the market for and promote the statewide utilization of
 92 hydrogen energy technologies. The targeted grants program is
 93 designed to advance the already growing establishment of
 94 hydrogen energy technologies in the state and encourage the use
 95 of other incentives such as tax exemptions and regulatory
 96 certainty to attract additional hydrogen energy technology
 97 producers, developers, and users to the state.

98 Section 4. Section 377.804, Florida Statutes, is created
 99 to read:

100 377.804 Definitions.--As used in this act, the term:

101 (1) "Act" means the Hydrogen Energy Technologies Act.

102 (2) "Balance of plant" means all equipment and components
 103 directly involved in the generation, storage, or use of hydrogen
 104 for energy production located at the site of hydrogen generation
 105 or use.

106 (3) "Department" means the Department of Environmental
 107 Protection.

108 (4) "Electrical grid optimization" means the use of
 109 hydrogen energy technology to assist in decreasing electrical
 110 peak demand.

111 (5) "Fuel cell" means equipment using an electrochemical
 112 process to generate energy, electricity, or the transfer of
 113 heat.

114 (6) "Hydrogen energy technology" means any technology that
 115 is used primarily for the purpose of generating or using
 116 hydrogen directly as a fuel in the state, including, but not
 117 limited to:

118 (a) Stationary fuel cell systems, or internal combustion
 119 engine systems fueled with hydrogen, used for power generation,
 120 including prime power, supplemental power, and backup power, and
 121 the balance of the plant;

122 (b) On-road and off-road vehicles and watercraft powered
 123 by fuel cells or internal combustion engines fueled with
 124 hydrogen;

125 (c) Fueling systems and supportive infrastructure;

126 (d) Renewable energy resource systems used to
 127 electrolytically produce hydrogen;

128 (e) Reformer technologies used to produce hydrogen from
 129 the respective hydrogen carrier, including, but not limited to,
 130 steam-methane, biomass, and chemical technologies;

131 (f) Electrical grid electrolysis; and

132 (g) Electrical grid optimization technologies.

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133 (7) "Person" means an individual, partnership, joint
 134 venture, private or public corporation, association, firm,
 135 public service company, or any other entity, public or private,
 136 however organized.

137 (8) "Renewable energy resource" means any method, process,
 138 or substance, the use of which does not diminish its
 139 availability or abundance, including, but not limited to, solar
 140 energy, wind energy, thermal gradient power, hydroelectric
 141 power, and fuels derived from agricultural products. However,
 142 the term "renewable energy resource" does not include fossil
 143 fuel or nuclear power.

144 Section 5. Section 377.805, Florida Statutes, is created
 145 to read:

146 377.805 Hydrogen Energy Technologies Grants Program.--

147 (1) The Hydrogen Energy Technologies Grants Program is
 148 established within the department to provide hydrogen energy
 149 matching grants for demonstration, commercialization, research,
 150 and development projects relating to hydrogen energy
 151 technologies and electrical grid optimization.

152 (2) Matching grants for hydrogen energy demonstration,
 153 commercialization, research, and development projects may be
 154 made to any of the following based on the criteria in this
 155 section:

156 (a) Municipalities and county governments;

157 (b) Established for-profit companies licensed to do
 158 business in the state;

159 (c) State universities;

160 (d) Utilities located and operating within the state;

- 161 (e) Nonprofit organizations; and
- 162 (f) Qualified persons.
- 163 (3) The department shall adopt rules to administer the
- 164 awarding of grants under this program.
- 165 (4) Factors the department shall consider in awarding
- 166 grants include, but are not limited to:
- 167 (a) The extent to which the project stimulates in-state
- 168 capital investment and economic development in metropolitan and
- 169 rural areas, including the creation of jobs and the future
- 170 development of a commercial market for clean energy
- 171 technologies;
- 172 (b) The availability of matching funds from an applicant
- 173 and the commitment to provide the matching funds;
- 174 (c) The ability to administer a complete project;
- 175 (d) Project duration and timeline for expenditures;
- 176 (e) The geographic area in which the project is to be
- 177 conducted in relation to other projects;
- 178 (f) Other in-kind contributions applied to the total
- 179 project;
- 180 (g) The extent to which the project incorporates an
- 181 innovative new technology or an innovative application of an
- 182 existing technology;
- 183 (h) The degree to which a project generates thermal or
- 184 electrical energy by means of a low or zero-emissions generation
- 185 technology or renewable energy resource that has substantial
- 186 long-term production potential;
- 187 (i) The degree to which the project fosters the general
- 188 public's, a student's, or a specific government or industry

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189 sector's overall understanding and appreciation of clean energy
190 technologies; and

191 (j) The degree of public visibility and interaction.

192 (5) Grants awarded to any entity may subsequently be
193 amended by the department upon a determination that sufficient
194 criteria as provided in subsection (4) are met for the
195 additional funds.

196 (6) The department shall provide a progress report on
197 grants awarded to recipients to the Governor, the President of
198 the Senate, and the Speaker of the House of Representatives. The
199 report shall include:

200 (a) A description of the extent to which the grants
201 program is benefiting the state's environment, public health,
202 and economic development;

203 (b) A list of grant recipients;

204 (c) The amount of each grant;

205 (d) The amount of matching funds provided by recipients;

206 (e) The date of each grant;

207 (f) A description of each project or expansion funded by a
208 grant; and

209 (g) A description of each project's contribution to the
210 state's knowledge and use of hydrogen energy technologies.

211 Section 6. Paragraph (ccc) is added to subsection (7) of
212 section 212.08, Florida Statutes, to read:

213 212.08 Sales, rental, use, consumption, distribution, and
214 storage tax; specified exemptions.--The sale at retail, the
215 rental, the use, the consumption, the distribution, and the
216 storage to be used or consumed in this state of the following

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217 are hereby specifically exempt from the tax imposed by this
218 chapter.

219 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
220 entity by this chapter do not inure to any transaction that is
221 otherwise taxable under this chapter when payment is made by a
222 representative or employee of the entity by any means,
223 including, but not limited to, cash, check, or credit card, even
224 when that representative or employee is subsequently reimbursed
225 by the entity. In addition, exemptions provided to any entity by
226 this subsection do not inure to any transaction that is
227 otherwise taxable under this chapter unless the entity has
228 obtained a sales tax exemption certificate from the department
229 or the entity obtains or provides other documentation as
230 required by the department. Eligible purchases or leases made
231 with such a certificate must be in strict compliance with this
232 subsection and departmental rules, and any person who makes an
233 exempt purchase with a certificate that is not in strict
234 compliance with this subsection and the rules is liable for and
235 shall pay the tax. The department may adopt rules to administer
236 this subsection.

237 (ccc) Equipment, machinery, and other materials for
238 hydrogen energy technologies.--

239 1. The sale or use of hydrogen energy technologies as
240 defined in s. 377.804(6) and materials used in the manufacture
241 of hydrogen energy technologies is exempt from the tax imposed
242 by this chapter.

243 2.a. The Department of Environmental Protection shall
244 provide to the Department of Revenue a list of items considered

245 to meet the definition of hydrogen energy technologies as
 246 defined in s. 377.804(6).

247 b. Any person may request a determination from the
 248 Department of Environmental Protection as to whether an item
 249 that is not on the list meets the definition of hydrogen energy
 250 technologies as defined in s. 377.804(6). The Department of
 251 Environmental Protection shall make a determination and issue a
 252 revised list if appropriate. The Department of Environmental
 253 Protection is authorized to adopt rules to implement this sub-
 254 subparagraph.

255 3. The Department of Revenue is authorized to provide by
 256 rule procedures for purchasers to make tax-exempt purchases.

257 4. This exemption is repealed July 1, 2009.

258 Section 7. Paragraph (y) is added to subsection (7) of
 259 section 213.053, Florida Statutes, to read:

260 213.053 Confidentiality and information sharing.--

261 (7) Notwithstanding any other provision of this section,
 262 the department may provide:

263 (y) Information relative to ss. 212.08(7)(ccc) and 220.192
 264 to the Department of Environmental Protection for use in the
 265 conduct of its official business.

266
 267 Disclosure of information under this subsection shall be
 268 pursuant to a written agreement between the executive director
 269 and the agency. Such agencies, governmental or nongovernmental,
 270 shall be bound by the same requirements of confidentiality as
 271 the Department of Revenue. Breach of confidentiality is a

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272 | misdemeanor of the first degree, punishable as provided by s.
273 | 775.082 or s. 775.083.

274 | Section 8. Subsection (8) of section 220.02, Florida
275 | Statutes, is amended to read:

276 | 220.02 Legislative intent.--

277 | (8) It is the intent of the Legislature that credits
278 | against either the corporate income tax or the franchise tax be
279 | applied in the following order: those enumerated in s. 631.828,
280 | those enumerated in s. 220.191, those enumerated in s. 220.181,
281 | those enumerated in s. 220.183, those enumerated in s. 220.182,
282 | those enumerated in s. 220.1895, those enumerated in s. 221.02,
283 | those enumerated in s. 220.184, those enumerated in s. 220.186,
284 | those enumerated in s. 220.1845, those enumerated in s. 220.19,
285 | those enumerated in s. 220.185, ~~and~~ those enumerated in s.
286 | 220.187, and those enumerated in s. 220.192.

287 | Section 9. Section 220.192, Florida Statutes, is created
288 | to read:

289 | 220.192 Hydrogen energy technologies investment tax
290 | credit.--

291 | (1) DEFINITIONS.--For purposes of this section, the term:

292 | (a) "Eligible costs" means all capital costs, operation
293 | and maintenance costs, and research and development costs
294 | incurred between July 1, 2005, and June 30, 2009, in connection
295 | with an investment in hydrogen energy technologies in the state,
296 | including, but not limited to, the costs of acquiring, leasing,
297 | constructing, installing, equipping, and financing of such
298 | hydrogen energy technologies in the state, and including all

299 obligations incurred for labor and obligations to contractors,
 300 subcontractors, builders, and materialmen in the state.

301 (b) "Hydrogen energy technologies" means hydrogen energy
 302 technologies as defined in s. 377.804(6).

303 (2) TAX CREDIT.--For tax years beginning on or after
 304 January 1, 2005, a credit against the tax imposed by this
 305 chapter shall be granted in an amount equal to 75 percent of the
 306 eligible costs. Credits may be used in tax years beginning on or
 307 after January 1, 2005, and ending on or before December 31,
 308 2011, after which the credit expires and may not be used. If the
 309 credit under this section is not fully used in any one tax year
 310 because of insufficient tax liability on the part of the
 311 corporation, the unused amount may be carried forward and
 312 utilized in tax years beginning on or after January 1, 2006, and
 313 ending on or before December 31, 2011, after which the credit
 314 carryover expires and may not be used. A taxpayer that files a
 315 consolidated return in this state as a member of an affiliated
 316 group under s. 220.131(1) may be allowed the credit on a
 317 consolidated return basis up to the amount of tax imposed upon
 318 the consolidated group. Any eligible cost for which a credit is
 319 claimed and which is deducted or otherwise reduces federal
 320 taxable income shall be added back in computing adjusted federal
 321 income under s. 220.13.

322 (3) APPLICATION PROCESS.--Any corporation wishing to
 323 obtain tax credits available under this section must submit to
 324 the Department of Environmental Protection an application for
 325 tax credit that includes a complete description of all eligible
 326 costs for which the corporation is seeking a credit and a

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327 description of the total amount of credits sought. The
 328 Department of Environmental Protection shall make a
 329 determination on the eligibility of the applicant for the
 330 credits sought and certify the determination to the applicant
 331 and the Department of Revenue. The corporation must attach the
 332 Department of Environmental Protection's certification to the
 333 tax return on which the credit is claimed. The Department of
 334 Environmental Protection is authorized to adopt the necessary
 335 rules, guidelines, and application materials for the application
 336 process.

337 (4) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS;
 338 DISPOSITION OR ABANDONMENT OF CREDIT PROPERTY.--

339 (a) In addition to its existing audit and investigation
 340 authority, the Department of Revenue may perform any additional
 341 financial and technical audits and investigations, including
 342 examining the accounts, books, and records of the tax credit
 343 applicant, that are necessary to verify the eligible costs
 344 included in the tax credit return and to ensure compliance with
 345 this section. The Department of Environmental Protection shall
 346 provide technical assistance when requested by the Department of
 347 Revenue on any technical audits or examinations performed
 348 pursuant to this section.

349 (b) It is grounds for forfeiture of previously claimed and
 350 received tax credits if the Department of Revenue determines, as
 351 a result of either an audit or examination or from information
 352 received from the Department of Environmental Protection, that a
 353 taxpayer received tax credits pursuant to this section to which
 354 the taxpayer was not entitled. The taxpayer is responsible for

355 returning forfeited tax credits to the Department of Revenue,
 356 and such funds shall be paid into the General Revenue Fund of
 357 the state.

358 (c) The Department of Environmental Protection may revoke
 359 or modify any written decision granting eligibility for tax
 360 credits under this section if it is discovered that the tax
 361 credit applicant submitted any false statement, representation,
 362 or certification in any application, record, report, plan, or
 363 other document filed in an attempt to receive tax credits under
 364 this section. The Department of Environmental Protection shall
 365 immediately notify the Department of Revenue of any revoked or
 366 modified orders affecting previously granted tax credits.
 367 Additionally, the taxpayer must notify the Department of Revenue
 368 of any change in its tax credit claimed.

369 (d) The taxpayer shall file with the Department of Revenue
 370 an amended return or such other report as the Department of
 371 Revenue prescribes by rule and shall pay any required tax and
 372 interest within 60 days after the taxpayer receives notification
 373 from the Department of Environmental Protection that previously
 374 approved tax credits have been revoked or modified. If the
 375 revocation or modification order is contested, the taxpayer
 376 shall file as provided in this paragraph within 60 days after a
 377 final order is issued following proceedings.

378 (e) A notice of deficiency may be issued by the Department
 379 of Revenue at any time within 5 years after the taxpayer
 380 receives formal notification from the Department of
 381 Environmental Protection that previously approved tax credits
 382 have been revoked or modified. If a taxpayer fails to notify the

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383 Department of Revenue of any changes to its tax credit claimed,
384 a notice of deficiency may be issued at any time.

385 (f) A taxpayer that receives a credit under this section
386 for the construction or purchase of structures or the purchase
387 of equipment shall recapture and repay the amount of credit
388 attributable to such property in the event that such property is
389 not utilized by the taxpayer for hydrogen energy technologies
390 through the warranty period of the complete system or system
391 components. In the event a warranty is not provided by the
392 equipment manufacturer, the equipment must be operated for the
393 useful life of the complete system or system components. No
394 credit shall be allowed under this section for an eligible cost
395 associated with an investment in hydrogen energy technologies if
396 the credit has previously been allowed for such eligible cost.

397 (5) RULES.--The Department of Revenue shall have the
398 authority to adopt rules relating to the forms required to claim
399 a tax credit under this section, the requirements and basis for
400 establishing an entitlement to a credit, and the examination and
401 audit procedures required to administer this section.

402 (6) REPEAL.--The provisions of this section, except the
403 credit carryover provisions provided in subsection (2), are
404 repealed on July 1, 2009.

405 Section 10. Paragraph (a) of subsection (1) of section
406 220.13, Florida Statutes, is amended to read:

407 220.13 "Adjusted federal income" defined.--

408 (1) The term "adjusted federal income" means an amount
409 equal to the taxpayer's taxable income as defined in subsection
410 (2), or such taxable income of more than one taxpayer as

411 provided in s. 220.131, for the taxable year, adjusted as
412 follows:

413 (a) Additions.--There shall be added to such taxable
414 income:

415 1. The amount of any tax upon or measured by income,
416 excluding taxes based on gross receipts or revenues, paid or
417 accrued as a liability to the District of Columbia or any state
418 of the United States which is deductible from gross income in
419 the computation of taxable income for the taxable year.

420 2. The amount of interest which is excluded from taxable
421 income under s. 103(a) of the Internal Revenue Code or any other
422 federal law, less the associated expenses disallowed in the
423 computation of taxable income under s. 265 of the Internal
424 Revenue Code or any other law, excluding 60 percent of any
425 amounts included in alternative minimum taxable income, as
426 defined in s. 55(b)(2) of the Internal Revenue Code, if the
427 taxpayer pays tax under s. 220.11(3).

428 3. In the case of a regulated investment company or real
429 estate investment trust, an amount equal to the excess of the
430 net long-term capital gain for the taxable year over the amount
431 of the capital gain dividends attributable to the taxable year.

432 4. That portion of the wages or salaries paid or incurred
433 for the taxable year which is equal to the amount of the credit
434 allowable for the taxable year under s. 220.181. The provisions
435 of this subparagraph shall expire and be void on June 30, 2005.

436 5. That portion of the ad valorem school taxes paid or
437 incurred for the taxable year which is equal to the amount of
438 the credit allowable for the taxable year under s. 220.182. The

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439 provisions of this subparagraph shall expire and be void on June
440 30, 2005.

441 6. The amount of emergency excise tax paid or accrued as a
442 liability to this state under chapter 221 which tax is
443 deductible from gross income in the computation of taxable
444 income for the taxable year.

445 7. That portion of assessments to fund a guaranty
446 association incurred for the taxable year which is equal to the
447 amount of the credit allowable for the taxable year.

448 8. In the case of a nonprofit corporation which holds a
449 pari-mutuel permit and which is exempt from federal income tax
450 as a farmers' cooperative, an amount equal to the excess of the
451 gross income attributable to the pari-mutuel operations over the
452 attributable expenses for the taxable year.

453 9. The amount taken as a credit for the taxable year under
454 s. 220.1895.

455 10. Up to nine percent of the eligible basis of any
456 designated project which is equal to the credit allowable for
457 the taxable year under s. 220.185.

458 11. The amount taken as a credit for the taxable year
459 under s. 220.187.

460 12. The amount taken as a credit for the taxable year
461 under s. 220.192.

462 Section 11. Paragraph (d) of subsection (1) of section
463 366.8255, Florida Statutes, is amended to read:

464 366.8255 Environmental cost recovery.--

465 (1) As used in this section, the term:

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466 (d) "Environmental compliance costs" includes all costs or
 467 expenses incurred by an electric utility in complying with
 468 environmental laws or regulations, or in deploying hydrogen
 469 energy technologies, as defined in s. 377.804(6), including, but
 470 not limited to:

471 1. Inservice capital investments, including the electric
 472 utility's last authorized rate of return on equity thereon;

473 2. Operation and maintenance expenses;

474 3. Fuel procurement costs;

475 4. Purchased power costs;

476 5. Emission allowance costs;

477 6. Direct taxes on environmental equipment; ~~and~~

478 7. Costs or expenses prudently incurred by an electric
 479 utility pursuant to an agreement entered into on or after the
 480 effective date of this act and prior to October 1, 2002, between
 481 the electric utility and the Florida Department of Environmental
 482 Protection or the United States Environmental Protection Agency
 483 for the exclusive purpose of ensuring compliance with ozone
 484 ambient air quality standards by an electrical generating
 485 facility owned by the electric utility; and

486 8. Costs incurred between July 1, 2005, and June 30, 2009,
 487 for hydrogen energy technologies, as defined in s. 377.804(6),
 488 which have the potential to contribute to the provision of
 489 adequate and reliable electric service to or for the public in
 490 the state, and which have minimal rate impacts. The electric
 491 utility shall demonstrate that the proposed hydrogen energy
 492 technology meets the definition provided in s. 377.804(6).

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493 Section 12. Subsection (1) of section 633.022, Florida
494 Statutes, is amended, and subsection (4) is added to said
495 section, to read:

496 633.022 Uniform firesafety standards.--The Legislature
497 hereby determines that to protect the public health, safety, and
498 welfare it is necessary to provide for firesafety standards
499 governing the construction and utilization of certain buildings
500 and structures. The Legislature further determines that certain
501 buildings or structures, due to their specialized use or to the
502 special characteristics of the person utilizing or occupying
503 these buildings or structures, should be subject to firesafety
504 standards reflecting these special needs as may be appropriate.

505 (1) The department shall establish uniform firesafety
506 standards that apply to:

507 (a) All new, existing, and proposed state-owned and state-
508 leased buildings.

509 (b) All new, existing, and proposed hospitals, nursing
510 homes, assisted living facilities, adult family-care homes,
511 correctional facilities, public schools, transient public
512 lodging establishments, public food service establishments,
513 elevators, migrant labor camps, mobile home parks, lodging
514 parks, recreational vehicle parks, recreational camps,
515 residential and nonresidential child care facilities, facilities
516 for the developmentally disabled, motion picture and television
517 special effects productions, ~~and~~ self-service gasoline stations,
518 and hydrogen fueling, storage, and production facilities for
519 stationary fuel cells and vehicles, including maintenance and

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520 repair facilities, of which standards the State Fire Marshal is
521 the final administrative interpreting authority.

522
523 In the event there is a dispute between the owners of the
524 buildings specified in paragraph (b) and a local authority
525 requiring a more stringent uniform firesafety standard for
526 sprinkler systems, the State Fire Marshal shall be the final
527 administrative interpreting authority and the State Fire
528 Marshal's interpretation regarding the uniform firesafety
529 standards shall be considered final agency action.

530 (4)(a) The State Fire Marshal shall have authority to
531 adopt any rule necessary pertaining to or applicable to any
532 building, structure, facility, condition, situation, or
533 circumstance in which hydrogen is being used, produced, stored,
534 or in any other manner dealt with or treated as a fuel as the
535 State Fire Marshal deems necessary to protect the public health,
536 safety, and welfare and to protect the safety of persons and
537 property in the state, including, but not limited to, the
538 adoption of the most recent edition of the National Fire
539 Protection Association's NFPA 1 and any other applicable code,
540 publication, or standard.

541 (b) The State Fire Marshal has the authority to require by
542 rule that any equipment used in conjunction with paragraph (a)
543 must be listed by a nationally recognized testing laboratory,
544 such as Underwriters Laboratories, Inc., or Factory Mutual
545 Laboratories, Inc. The State Fire Marshal has the authority to
546 adopt by rule procedures for determining whether a laboratory is
547 nationally recognized, taking into account the laboratory's

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548 | facilities, procedures, use of nationally recognized standards,
549 | and any other criteria reasonably calculated to reach an
550 | informed determination.

551 | Section 13. This act shall take effect July 1, 2005.