

CHAMBER ACTION

1 The State Infrastructure Council 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

HB 1597 CS

2005  
CS

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. 366.075, F.S.; authorizing the Florida Public Service  
45 Commission to approve experimental or transitional rates  
46 to encourage the use of renewable energy; amending s.  
47 366.8255, F.S.; revising the definition of the term  
48 "environmental compliance costs" to include costs related  
49 to the deployment of hydrogen energy technologies;  
50 providing for cost recovery of utility investment in  
51 hydrogen energy technologies; amending s. 633.022, F.S.;

Page 2 of 21

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1597-02-c2

HB 1597 CS

2005  
CS

52 | authorizing the State Fire Marshal to adopt uniform  
53 | standards for hydrogen fueling, storage, and production  
54 | facilities; providing rulemaking authority; providing an  
55 | effective date.

56 |

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

58 |

59 | Section 1. Section 377.801, Florida Statutes, is created  
60 | to read:

61 | 377.801 Popular name.--Sections 377.801-377.805 may be  
62 | cited as the "Hydrogen Energy Technologies Act."

63 | Section 2. Section 377.802, Florida Statutes, is created  
64 | to read:

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

80 advance the commercialization and widespread application of  
 81 hydrogen energy technologies. The Legislature further finds that  
 82 the state is ideally positioned to stimulate economic  
 83 development through such advanced energy technologies due to its  
 84 ongoing and successful research and development track record in  
 85 this area, an abundance of natural and renewable energy sources,  
 86 an ability to attract significant research and development  
 87 federal dollars, and the need to find and secure clean energy  
 88 technologies for the benefit of its citizens, visitors, and  
 89 environment.

90 Section 3. Section 377.803, Florida Statutes, is created  
 91 to read:

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

101 Section 4. Section 377.804, Florida Statutes, is created  
 102 to read:

103 377.804 Definitions.--As used in this act, the term:  
 104 (1) "Act" means the Hydrogen Energy Technologies Act.  
 105 (2) "Balance of plant" means all equipment and components  
 106 directly involved in the generation, storage, or use of hydrogen

107 for energy production located at the site of hydrogen generation  
 108 or use.

109 (3) "Department" means the Department of Environmental  
 110 Protection.

111 (4) "Electrical grid optimization" means the use of  
 112 hydrogen energy technology to assist in decreasing electrical  
 113 peak demand.

114 (5) "Fuel cell" means equipment using an electrochemical  
 115 process to generate energy, electricity, or the transfer of  
 116 heat.

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

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

125 (b) On-road and off-road vehicles and watercraft powered  
 126 by fuel cells or internal combustion engines fueled with  
 127 hydrogen;

128 (c) Fueling systems and supportive infrastructure;

129 (d) Renewable energy resource systems used to  
 130 electrolytically produce hydrogen;

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

134 (f) Electrical grid electrolysis; and

135 (g) Electrical grid optimization technologies.

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

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

147 Section 5. Section 377.805, Florida Statutes, is created  
 148 to read:

149 377.805 Hydrogen Energy Technologies Grants Program.--

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

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

159 (a) Municipalities and county governments;

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

162 (c) State universities;

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

190       (i) The degree to which the project fosters the general  
 191 public's, a student's, or a specific government or industry  
 192 sector's overall understanding and appreciation of clean energy  
 193 technologies; and

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

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

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

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

206       (b) A list of grant recipients;

207       (c) The amount of each grant;

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

209       (e) The date of each grant;

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

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

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

216       212.08 Sales, rental, use, consumption, distribution, and  
 217 storage tax; specified exemptions.--The sale at retail, the



218 rental, the use, the consumption, the distribution, and the  
 219 storage to be used or consumed in this state of the following  
 220 are hereby specifically exempt from the tax imposed by this  
 221 chapter.

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

240 (ccc) Equipment, machinery, and other materials for  
 241 hydrogen energy technologies.--

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

246       2.a. The Department of Environmental Protection shall  
 247 provide to the Department of Revenue a list of items considered  
 248 to meet the definition of hydrogen energy technologies as  
 249 defined in s. 377.804(6).

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

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

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

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

263       213.053 Confidentiality and information sharing.--

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

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

269  
 270 Disclosure of information under this subsection shall be  
 271 pursuant to a written agreement between the executive director  
 272 and the agency. Such agencies, governmental or nongovernmental,  
 273 shall be bound by the same requirements of confidentiality as

HB 1597 CS

2005  
CS

274 the Department of Revenue. Breach of confidentiality is a  
275 misdemeanor of the first degree, punishable as provided by s.  
276 775.082 or s. 775.083.

277 Section 8. Subsection (8) of section 220.02, Florida  
278 Statutes, is amended to read:

279 220.02 Legislative intent.--

280 (8) It is the intent of the Legislature that credits  
281 against either the corporate income tax or the franchise tax be  
282 applied in the following order: those enumerated in s. 631.828,  
283 those enumerated in s. 220.191, those enumerated in s. 220.181,  
284 those enumerated in s. 220.183, those enumerated in s. 220.182,  
285 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
286 those enumerated in s. 220.184, those enumerated in s. 220.186,  
287 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
288 those enumerated in s. 220.185, ~~and~~ those enumerated in s.  
289 220.187, and those enumerated in s. 220.192.

290 Section 9. Section 220.192, Florida Statutes, is created  
291 to read:

292 220.192 Hydrogen energy technologies investment tax  
293 credit.--

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

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

302 obligations incurred for labor and obligations to contractors,  
 303 subcontractors, builders, and materialmen in the state.

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

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

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

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

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

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

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

358 returning forfeited tax credits to the Department of Revenue,  
 359 and such funds shall be paid into the General Revenue Fund of  
 360 the state.

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

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

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

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

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

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

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

408 Section 10. Paragraph (a) of subsection (1) of section  
 409 220.13, Florida Statutes, is amended to read:

410 220.13 "Adjusted federal income" defined.--

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

414 provided in s. 220.131, for the taxable year, adjusted as  
415 follows:

416 (a) Additions.--There shall be added to such taxable  
417 income:

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

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

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

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

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



442 provisions of this subparagraph shall expire and be void on June  
443 30, 2005.

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

448 7. That portion of assessments to fund a guaranty  
449 association incurred for the taxable year which is equal to the  
450 amount of the credit allowable for the taxable year.

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

456 9. The amount taken as a credit for the taxable year under  
457 s. 220.1895.

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

461 11. The amount taken as a credit for the taxable year  
462 under s. 220.187.

463 12. The amount taken as a credit for the taxable year  
464 under s. 220.192.

465 Section 11. Paragraph (d) of subsection (1) of section  
466 366.8255, Florida Statutes, is amended to read:

467 366.8255 Environmental cost recovery.--

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

469 (d) "Environmental compliance costs" includes all costs or  
 470 expenses incurred by an electric utility in complying with  
 471 environmental laws or regulations, or in deploying hydrogen  
 472 energy technologies, as provided in subparagraph 8., including,  
 473 but not limited to:

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

476 2. Operation and maintenance expenses;

477 3. Fuel procurement costs;

478 4. Purchased power costs;

479 5. Emission allowance costs;

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

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

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

HB 1597 CS

2005  
CS

496 Section 12. Subsection (1) of section 633.022, Florida  
497 Statutes, is amended, and subsection (4) is added to said  
498 section, to read:

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

508 (1) The department shall establish uniform firesafety  
509 standards that apply to:

510 (a) All new, existing, and proposed state-owned and state-  
511 leased buildings.

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

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

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

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

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

HB 1597 CS

2005  
CS

551 facilities, procedures, use of nationally recognized standards,  
552 and any other criteria reasonably calculated to reach an  
553 informed determination.

554 Section 13. Subsection (1) of section 366.075, Florida  
555 Statutes, is amended to read:

556 366.075 Experimental and transitional rates.--

557 (1) The commission is authorized to approve rates on an  
558 experimental or transitional basis for any public utility to  
559 encourage energy conservation or ~~to encourage~~ efficiency or the  
560 use of energy from a renewable energy resource, as defined in s.  
561 377.703(2). The application of such rates may be for limited  
562 geographic areas and for a limited period.

563 Section 14. This act shall take effect July 1, 2005.