

1 A bill to be entitled

2 An act relating to hydrogen energy technology; creating s.
3 377.801, F.S.; creating the Hydrogen Energy Technologies
4 Act; providing a popular name; creating s. 377.802, F.S.;
5 providing legislative findings and intent; creating s.
6 377.803, F.S.; providing legislative purpose; creating s.
7 377.804, F.S.; providing definitions; creating s. 377.805,
8 F.S.; creating the Hydrogen Energy Technologies Grants
9 Program in the Department of Environmental Protection to
10 provide grants for demonstration, commercialization,
11 research, and development projects relating to hydrogen
12 energy technologies; providing requirements and procedures
13 therefor; providing rulemaking authority; amending s.
14 212.08, F.S.; creating a sales tax exemption for certain
15 hydrogen energy technology projects; providing
16 requirements and procedures therefor; requiring the
17 Department of Environmental Protection to make
18 determinations relating to certain projects; authorizing
19 the Department of Revenue to adopt rules for tax exempt
20 purchases; providing for future repeal of the exemption;
21 amending s. 213.053, F.S.; providing for information
22 sharing between the Department of Revenue and the
23 Department of Environmental Protection; amending s.
24 220.02, F.S.; providing for the addition of tax credits
25 relating to hydrogen energy technologies in the priority
26 order of tax credits; creating s. 220.192, F.S.; creating
27 a hydrogen energy technologies investment tax credit;
28 providing definitions; providing requirements and

29 | procedures therefor; authorizing the Department of Revenue
30 | to perform certain audits and investigations; requiring
31 | the Department of Environmental Protection to provide
32 | technical assistance in certain audits and investigations;
33 | providing for revocation or modification of credits;
34 | providing for payment of tax and interest under certain
35 | circumstances; providing rulemaking authority; providing
36 | for future repeal of the credit; amending s. 220.13, F.S.;
37 | revising the definition of the term "adjusted federal
38 | income" to include the amount taken as a credit for
39 | expenses related to hydrogen energy technologies; amending
40 | s. 366.075, F.S.; authorizing the Florida Public Service
41 | Commission to approve experimental or transitional rates
42 | to encourage the use of renewable energy; amending s.
43 | 366.8255, F.S.; revising the definition of the term
44 | "environmental compliance costs" to include costs related
45 | to the deployment of hydrogen energy technologies;
46 | providing for cost recovery of utility investment in
47 | hydrogen energy technologies; amending s. 633.022, F.S.;
48 | authorizing the State Fire Marshal to adopt uniform
49 | standards for hydrogen fueling, storage, and production
50 | facilities; providing rulemaking authority; providing an
51 | effective date.

52 |
53 | Be It Enacted by the Legislature of the State of Florida:

54 |
55 | Section 1. Section 377.801, Florida Statutes, is created
56 | to read:

57 377.801 Popular name.--Sections 377.801-377.805 may be
58 cited as the "Hydrogen Energy Technologies Act."

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

61 377.802 Legislative findings and intent.--The Legislature
62 finds that advancing the development of clean and efficient
63 energy technologies is important for the state's future, energy
64 stability, and protection of its citizens' public health and its
65 environment. The Legislature finds that hydrogen can be used as
66 a clean and efficient energy carrier and that the development of
67 hydrogen energy technologies in the state will help to reduce
68 pollution, reduce demand on foreign fuels, promote energy
69 diversity, enhance system reliability, educate the public on the
70 promise of alternative energy technologies, and promote economic
71 growth. The Legislature finds that the promotion of hydrogen
72 energy technologies will also promote the development of
73 associated energy technologies, including fuel cells and solar
74 technologies. The Legislature finds that there is a need to
75 assist in the development of early market demand that will
76 advance the commercialization and widespread application of
77 hydrogen energy technologies. The Legislature further finds that
78 the state is ideally positioned to stimulate economic
79 development through such advanced energy technologies due to its
80 ongoing and successful research and development track record in
81 this area, an abundance of natural and renewable energy sources,
82 an ability to attract significant research and development
83 federal dollars, and the need to find and secure clean energy

84 technologies for the benefit of its citizens, visitors, and
 85 environment.

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

88 377.803 Purpose.--This act is intended to provide matching
 89 grants to stimulate capital investment in the state and to
 90 enhance the market for and promote the statewide utilization of
 91 hydrogen energy technologies. The targeted grants program is
 92 designed to advance the already growing establishment of
 93 hydrogen energy technologies in the state and encourage the use
 94 of other incentives such as tax exemptions and regulatory
 95 certainty to attract additional hydrogen energy technology
 96 producers, developers, and users to the state.

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

99 377.804 Definitions.--As used in this act, the term:

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

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

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

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

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

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

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

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

124 (c) Fueling systems and supportive infrastructure;

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

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

130 (f) Electrical grid electrolysis; and

131 (g) Electrical grid optimization technologies.

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

136 (8) "Renewable energy resource" means any method, process,
137 or substance, the use of which does not diminish its

138 availability or abundance, including, but not limited to, solar
139 energy, wind energy, thermal gradient power, hydroelectric
140 power, and fuels derived from agricultural products. However,
141 the term "renewable energy resource" does not include fossil
142 fuel or nuclear power.

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

145 377.805 Hydrogen Energy Technologies Grants Program.--

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

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

155 (a) Municipalities and county governments;

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

158 (c) State universities;

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

160 (e) Nonprofit organizations; and

161 (f) Qualified persons.

162 (3) The department shall adopt rules to administer the
163 awarding of grants under this program.

164 (4) Factors the department shall consider in awarding
165 grants include, but are not limited to:

166 (a) The extent to which the project stimulates in-state
167 capital investment and economic development in metropolitan and
168 rural areas, including the creation of jobs and the future
169 development of a commercial market for clean energy
170 technologies;

171 (b) The availability of matching funds from an applicant
172 and the commitment to provide the matching funds;

173 (c) The ability to administer a complete project;

174 (d) Project duration and timeline for expenditures;

175 (e) The geographic area in which the project is to be
176 conducted in relation to other projects;

177 (f) Other in-kind contributions applied to the total
178 project;

179 (g) The extent to which the project incorporates an
180 innovative new technology or an innovative application of an
181 existing technology;

182 (h) The degree to which a project generates thermal or
183 electrical energy by means of a low or zero-emissions generation
184 technology or renewable energy resource that has substantial
185 long-term production potential;

186 (i) The degree to which the project fosters the general
187 public's, a student's, or a specific government or industry
188 sector's overall understanding and appreciation of clean energy
189 technologies; and

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

191 (5) Grants awarded to any entity may subsequently be
192 amended by the department upon a determination that sufficient

193 criteria as provided in subsection (4) are met for the
 194 additional funds.

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

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

202 (b) A list of grant recipients;

203 (c) The amount of each grant;

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

205 (e) The date of each grant;

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

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

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

212 212.08 Sales, rental, use, consumption, distribution, and
 213 storage tax; specified exemptions.--The sale at retail, the
 214 rental, the use, the consumption, the distribution, and the
 215 storage to be used or consumed in this state of the following
 216 are hereby specifically exempt from the tax imposed by this
 217 chapter.

218 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 219 entity by this chapter do not inure to any transaction that is
 220 otherwise taxable under this chapter when payment is made by a

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

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

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

242 2.a. The Department of Environmental Protection shall
243 provide to the Department of Revenue a list of items considered
244 to meet the definition of hydrogen energy technologies as
245 defined in s. 377.804(6).

246 b. Any person may request a determination from the
247 Department of Environmental Protection as to whether an item
248 that is not on the list meets the definition of hydrogen energy

249 technologies as defined in s. 377.804(6). The Department of
250 Environmental Protection shall make a determination and issue a
251 revised list if appropriate. The Department of Environmental
252 Protection is authorized to adopt rules to implement this sub-
253 subparagraph.

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

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

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

259 213.053 Confidentiality and information sharing.--

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

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

265
266 Disclosure of information under this subsection shall be
267 pursuant to a written agreement between the executive director
268 and the agency. Such agencies, governmental or nongovernmental,
269 shall be bound by the same requirements of confidentiality as
270 the Department of Revenue. Breach of confidentiality is a
271 misdemeanor of the first degree, punishable as provided by s.
272 775.082 or s. 775.083.

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

275 220.02 Legislative intent.--

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

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

288 220.192 Hydrogen energy technologies investment tax
 289 credit.--

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

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

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

302 (2) TAX CREDIT.--For tax years beginning on or after
 303 January 1, 2005, a credit against the tax imposed by this

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

321 (3) APPLICATION PROCESS.--Any corporation wishing to
322 obtain tax credits available under this section must submit to
323 the Department of Environmental Protection an application for
324 tax credit that includes a complete description of all eligible
325 costs for which the corporation is seeking a credit and a
326 description of the total amount of credits sought. The
327 Department of Environmental Protection shall make a
328 determination on the eligibility of the applicant for the
329 credits sought and certify the determination to the applicant
330 and the Department of Revenue. The corporation must attach the
331 Department of Environmental Protection's certification to the

332 tax return on which the credit is claimed. The Department of
333 Environmental Protection is authorized to adopt the necessary
334 rules, guidelines, and application materials for the application
335 process.

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

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

348 (b) It is grounds for forfeiture of previously claimed and
349 received tax credits if the Department of Revenue determines, as
350 a result of either an audit or examination or from information
351 received from the Department of Environmental Protection, that a
352 taxpayer received tax credits pursuant to this section to which
353 the taxpayer was not entitled. The taxpayer is responsible for
354 returning forfeited tax credits to the Department of Revenue,
355 and such funds shall be paid into the General Revenue Fund of
356 the state.

357 (c) The Department of Environmental Protection may revoke
358 or modify any written decision granting eligibility for tax
359 credits under this section if it is discovered that the tax

360 credit applicant submitted any false statement, representation,
361 or certification in any application, record, report, plan, or
362 other document filed in an attempt to receive tax credits under
363 this section. The Department of Environmental Protection shall
364 immediately notify the Department of Revenue of any revoked or
365 modified orders affecting previously granted tax credits.
366 Additionally, the taxpayer must notify the Department of Revenue
367 of any change in its tax credit claimed.

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

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

384 (f) A taxpayer that receives a credit under this section
385 for the construction or purchase of structures or the purchase
386 of equipment shall recapture and repay the amount of credit
387 attributable to such property in the event that such property is

388 not utilized by the taxpayer for hydrogen energy technologies
 389 through the warranty period of the complete system or system
 390 components. In the event a warranty is not provided by the
 391 equipment manufacturer, the equipment must be operated for the
 392 useful life of the complete system or system components. No
 393 credit shall be allowed under this section for an eligible cost
 394 associated with an investment in hydrogen energy technologies if
 395 the credit has previously been allowed for such eligible cost.

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

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

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

406 220.13 "Adjusted federal income" defined.--

407 (1) The term "adjusted federal income" means an amount
 408 equal to the taxpayer's taxable income as defined in subsection
 409 (2), or such taxable income of more than one taxpayer as
 410 provided in s. 220.131, for the taxable year, adjusted as
 411 follows:

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

414 1. The amount of any tax upon or measured by income,
 415 excluding taxes based on gross receipts or revenues, paid or

416 accrued as a liability to the District of Columbia or any state
417 of the United States which is deductible from gross income in
418 the computation of taxable income for the taxable year.

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

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

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

435 5. That portion of the ad valorem school taxes paid or
436 incurred for the taxable year which is equal to the amount of
437 the credit allowable for the taxable year under s. 220.182. The
438 provisions of this subparagraph shall expire and be void on June
439 30, 2005.

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

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

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

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

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

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

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

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

463 366.8255 Environmental cost recovery.--

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

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

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

- 472 2. Operation and maintenance expenses;
 473 3. Fuel procurement costs;
 474 4. Purchased power costs;
 475 5. Emission allowance costs;
 476 6. Direct taxes on environmental equipment; ~~and~~
 477 7. Costs or expenses prudently incurred by an electric
 478 utility pursuant to an agreement entered into on or after the
 479 effective date of this act and prior to October 1, 2002, between
 480 the electric utility and the Florida Department of Environmental
 481 Protection or the United States Environmental Protection Agency
 482 for the exclusive purpose of ensuring compliance with ozone
 483 ambient air quality standards by an electrical generating
 484 facility owned by the electric utility; and
 485 8. Costs incurred between July 1, 2005, and June 30, 2009,
 486 for hydrogen energy technologies, as defined in s. 377.804(6),
 487 which have the potential to contribute to the provision of
 488 adequate and reliable electric service to or for the public in
 489 the state, and which have minimal rate impacts. The electric
 490 utility shall demonstrate that the proposed hydrogen energy
 491 technology meets the definition provided in s. 377.804(6).

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

495 633.022 Uniform firesafety standards.--The Legislature
 496 hereby determines that to protect the public health, safety, and
 497 welfare it is necessary to provide for firesafety standards
 498 governing the construction and utilization of certain buildings
 499 and structures. The Legislature further determines that certain

500 buildings or structures, due to their specialized use or to the
501 special characteristics of the person utilizing or occupying
502 these buildings or structures, should be subject to firesafety
503 standards reflecting these special needs as may be appropriate.

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

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

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

521
522 In the event there is a dispute between the owners of the
523 buildings specified in paragraph (b) and a local authority
524 requiring a more stringent uniform firesafety standard for
525 sprinkler systems, the State Fire Marshal shall be the final
526 administrative interpreting authority and the State Fire

527 Marshal's interpretation regarding the uniform firesafety
528 standards shall be considered final agency action.

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

540 (b) The State Fire Marshal has the authority to require by
541 rule that any equipment used in conjunction with paragraph (a)
542 must be listed by a nationally recognized testing laboratory,
543 such as Underwriters Laboratories, Inc., or Factory Mutual
544 Laboratories, Inc. The State Fire Marshal has the authority to
545 adopt by rule procedures for determining whether a laboratory is
546 nationally recognized, taking into account the laboratory's
547 facilities, procedures, use of nationally recognized standards,
548 and any other criteria reasonably calculated to reach an
549 informed determination.

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

552 366.075 Experimental and transitional rates.--

553 (1) The commission is authorized to approve rates on an
554 experimental or transitional basis for any public utility to

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555 encourage energy conservation or ~~to encourage~~ efficiency or the
556 use of energy from a renewable energy resource, as defined in s.
557 377.703(2). The application of such rates may be for limited
558 geographic areas and for a limited period.

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