

1 person has spent for energy conservation measures at that
2 fixed location the amount of tax savings allowed to that
3 person as an exemption by this paragraph.

4 2. If the amount of taxes above \$50,000 which
5 otherwise would be due by a person exceeds the amount of
6 qualifying expenditures for energy conservation measures by
7 the person in a calendar year, the exemption shall be capped
8 in that calendar year at the amount of qualifying expenditures
9 for energy conservation measures. However, if the amount of
10 qualifying expenditures for energy conservation measures by a
11 person exceeds the amount of taxes above \$50,000 which
12 otherwise would be due in a calendar year by the person, the
13 exemption shall be capped for the year at the amount of taxes
14 above \$50,000 which otherwise would be due, but excess
15 qualifying expenditures for energy conservation measures may
16 be carried forward and applied as qualifying expenditures for
17 up to 2 subsequent calendar years.

18 3. For purposes of this exemption, the term "fixed
19 location" means one or more contiguous manufacturing sites and
20 functionally related contiguous parcels owned or operated by
21 the person eligible for the exemption.

22 4. For purposes of this exemption, the term "energy
23 conservation measure" includes any expenditure for a measure
24 that is certified by a licensed Florida professional engineer
25 to reduce electrical demand, measured in kilowatts; reduce
26 fossil fuel demand; reduce the required energy measured in
27 kilowatt hours which would otherwise be needed absent the
28 conservation measures; or reduce expenses necessary to provide
29 renewable energy generation as defined by law, including
30 operation and maintenance expenses.

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1 5. This exemption shall be available by refund paid by
2 the Department of Revenue. An application for refund must be
3 made to the Department of Revenue on or before May 1 for
4 refunds earned during the prior calendar year. If the total
5 amount of refunds claimed in any calendar year exceeds \$6
6 million, the Department of Revenue shall calculate and pay
7 refunds to qualifying applicants on a pro rata basis. The
8 Department of Revenue may develop by rule the forms and
9 procedures for the refund application. All provisions relating
10 to challenging a denial of a refund apply to refunds
11 authorized under this paragraph. Notwithstanding the
12 provisions of s. 215.26, refunds paid pursuant to this
13 paragraph shall be paid from the General Revenue Fund and not
14 from the Public Education Capital Outlay and Debt Service
15 Trust Fund.

16 6. The exemption allowed under this paragraph expires
17 on December 31, 2015, except to the extent of any remaining
18 carryforward of qualifying expenditures for energy
19 conservation measures.

20 Section 2. This act shall take effect upon becoming a
21 law and shall apply retroactively to January 1, 2006, with
22 regard to taxes paid and expenditures for energy conservation
23 measures made in calendar year 2006, and to calendar years
24 thereafter.

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26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
27 COMMITTEE SUBSTITUTE FOR
28 SB 2332

29 The Committee Substitute for Senate Bill 2332 limits the total
30 amount of refunds for any calendar year to \$6 million.
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