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1 A bill to be entitled
2 An act relating to energy; amending s. 196.175, F.S.;
3 revising provisions for the renewable energy source
4 exemption; excluding the assessed value of certain real
5 property for determination of such exemption; amending s.
6 212.08, F.S.; revising the definition of "ethanol";
7 increasing the cap on the sales tax exemption for
8 materials used in the distribution of biodiesel and
9 ethanol fuels; specifying eligible items as limited to one
10 refund; requiring a purchaser who receives a refund to
11 notify a subsequent purchaser of such refund; creating s.
12 212.086, F.S.; establishing the Energy-Efficient Motor
13 Vehicle Sales Tax Refund Program; providing a sales tax
14 refund for the purchase of an alternative motor vehicle;
15 providing eligibility requirements; providing a
16 limitation; providing for payment of a refund in a
17 subsequent fiscal year under certain circumstances;
18 requiring the department to adopt rules; providing an
19 exclusion; providing for future repeal of the program;
20 amending s. 220.192, F.S., relating to the renewable
21 energy technologies investment tax credit; providing a
22 definition; providing for the transferability of such tax
23 credit; providing requirements and procedures therefor;
24 providing rulemaking requirements and authority; amending
25 s. 220.193, F.S.; providing a definition; providing that a
26 taxpayer's use of certain credits does not prohibit the
27 use of other authorized credits; amending s. 255.251,
28 F.S.; revising a short title; amending s. 255.252, F.S.;

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

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29 | revising criteria for energy conservation and
30 | sustainability for state-owned buildings; requiring
31 | buildings constructed and financed by the state to meet
32 | certain environmental standards subject to approval by the
33 | Department of Management Services; requiring state
34 | agencies to identify state-owned buildings that are
35 | suitable for guaranteed energy performance savings
36 | contracts; providing requirements and procedures therefor;
37 | requiring the Department of Management Services to
38 | evaluate identified facilities and develop an energy
39 | efficiency project schedule; providing criteria for such
40 | schedule; amending s. 255.253, F.S.; providing
41 | definitions; amending s. 255.254, F.S.; requiring certain
42 | state-owned buildings to meet sustainable building
43 | ratings; amending s. 255.255, F.S.; requiring the
44 | department to adopt rules and procedures for energy
45 | conservation performance guidelines based on sustainable
46 | building ratings; amending s. 287.064, F.S.; extending the
47 | period of time allowed for the repayment of funds for
48 | certain purchases relating to energy conservation
49 | measures; requiring guaranteed energy performance savings
50 | contractors to provide for the replacement or the
51 | extension of the useful life of the equipment during the
52 | term of a contract; amending s. 377.802, F.S.; providing
53 | for the annual designation of "Energy Efficiency and
54 | Conservation Month"; amending s. 377.803, F.S.; revising
55 | definitions; amending s. 377.804, F.S.; deleting
56 | provisions relating to bioenergy projects under the

57 Renewable Energy Technologies Grants Program; amending s.
58 377.806, F.S.; revising rebate eligibility and application
59 requirements for solar thermal systems; requiring
60 applicants to apply for rebate reservations or separately
61 for rebate payments; authorizing homebuilders and
62 developers to file a single application form for multiple
63 project sites; providing for the distribution of rebate
64 funds; revising rulemaking authority; creating s.
65 403.0874, F.S.; providing a definition; directing the
66 Department of Environmental Protection to develop
67 greenhouse gas inventories; providing requirements for
68 such inventories; authorizing the department to require
69 emission reports; requiring the department to adopt rules;
70 amending s. 403.50663, F.S.; revising the requirements for
71 notice of certain informational public meetings by local
72 governments and regional planning councils relating to
73 power plant siting; amending s. 403.50665, F.S.;
74 authorizing local governments to determine incompleteness
75 of information on certain siting applications as
76 inconsistent with land use plans and zoning ordinances;
77 revising provisions for the filing of certain petitions
78 relating to land use; amending s. 403.508, F.S.; revising
79 provisions for land use certification hearings relating to
80 power plant siting; amending s. 403.509, F.S.; revising
81 provisions for the final disposition of power plant siting
82 applications; amending s. 403.5113, F.S.; revising
83 provisions relating to power plant siting
84 postcertification amendments and review; amending s.

85 | 403.5115, F.S.; revising provisions for public notice of
86 | activities relating to power plant siting; specifying
87 | requirements for such notice; amending s. 403.5252, F.S.;
88 | revising the timeframes for agencies and the Department of
89 | Environmental Protection to provide statements relating to
90 | the completeness of applications for power plant siting
91 | certification; amending s. 403.527, F.S.; revising the
92 | timeframe for the administrative law judge to cancel power
93 | plant siting certification hearings and relinquish
94 | jurisdiction to the Department of Environmental Protection
95 | upon request by the applicant or the department; amending
96 | s. 403.5271, F.S.; revising provisions relating to the
97 | completeness of applications for alternate corridors;
98 | amending s. 403.5272, F.S.; revising the requirements for
99 | local governments and regional planning councils to notice
100 | certain informational public meetings; amending s.
101 | 403.5317, F.S.; revising provisions for power plant siting
102 | postcertification activities; amending s. 403.5363, F.S.;
103 | revising provisions for public notices of power plant
104 | siting certification hearings; requiring local governments
105 | and regional planning councils to publish notice of
106 | certain informational meetings; providing requirements for
107 | such publication; amending s. 489.145, F.S.; revising
108 | provisions relating to guaranteed energy performance
109 | savings contracting to include energy consumption and
110 | energy-related operational savings; revising provisions
111 | for the financing of guaranteed energy performance savings
112 | contracts; revising criteria for proposed contracts;

113 revising program administration and contract review
114 provisions; requiring that consolidated financing of
115 deferred payment commodity contracts be secured by certain
116 funds; requiring the Chief Financial Officer to review
117 proposed guaranteed energy performance savings contracts;
118 creating s. 570.956, F.S.; establishing the Farm-to-Fuel
119 Advisory Council within the Department of Agriculture and
120 Consumer Services; providing membership requirements;
121 providing for council duties; creating s. 570.957, F.S.;
122 establishing the Farm-to-Fuel Grants Program within the
123 Department of Agriculture and Consumer Services; providing
124 definitions; specifying the use of renewable energy grants
125 for projects relating to bioenergy; providing eligibility
126 requirements; authorizing the department to adopt rules;
127 providing criteria for grant award consideration;
128 requiring the department to consult with the Department of
129 Environmental Protection, the Office of Tourism, Trade,
130 and Economic Development, and certain experts when
131 evaluating applications; creating s. 570.958, F.S.;
132 establishing the Biofuel Retail Sales Incentive Program;
133 establishing goals for replacing petroleum consumption;
134 providing definitions; providing incentive payments to
135 qualified retail dealers for increases in the amount of
136 biofuels offered for sale; providing requirements and
137 procedures therefor; creating s. 570.959, F.S.;
138 establishing the Florida Biofuel Production Incentive
139 Program; providing definitions; providing incentive
140 payments to producers of certain biofuels; providing

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141 requirements and procedures therefor; authorizing the
142 Department of Agriculture and Consumer Services to adopt
143 rules; directing the Florida Building Commission to
144 convene a workgroup to develop a model residential energy
145 efficiency ordinance; requiring the commission to consult
146 with specified entities to review the cost-effectiveness
147 of energy efficiency measures in the construction of
148 residential, commercial, and government buildings;
149 requiring the commission to consult with specified
150 entities to develop and implement a public awareness
151 campaign; requiring the commission to provide reports to
152 the Legislature; requiring all county, municipal, and
153 public community college buildings to meet certain energy
154 efficiency standards for construction; providing
155 applicability; specifying a period during which the sale
156 of energy-efficient products is exempt from certain tax;
157 providing a limitation; providing a definition;
158 authorizing the Department of Revenue to adopt rules;
159 establishing standards for diesel fuel purchases for use
160 by state-owned diesel vehicles and equipment to include
161 biodiesel purchase requirements; establishing standards
162 for the use of biodiesel fuels by school district
163 transportation services; providing legislative intent
164 relating to the leverage of state funds for certain
165 research and production; creating the Florida Energy,
166 Aerospace, and Technology (F.E.A.T.) Fund; providing
167 requirements and procedures therefor; providing for the
168 construction and operation of a research and demonstration

169 cellulose ethanol plant; providing requirements and
 170 procedures therefor; requiring the Florida Energy
 171 Commission to conduct a study and recommend a renewable
 172 portfolio standard; providing requirements and procedures
 173 therefor; requiring the Public Service Commission to
 174 submit a report to the Legislature on methods used to
 175 evaluate the conservation goals, plans, and programs of
 176 utilities subject to the Florida Energy Efficiency and
 177 Conservation Act; providing appropriations; providing an
 178 effective date.

179

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

181

182 Section 1. Section 196.175, Florida Statutes, is amended
 183 to read:

184 196.175 Renewable energy source exemption.--

185 (1) Improved real property upon which a renewable energy
 186 source device is installed and operated shall be entitled to an
 187 exemption in the amount of ~~not greater than the lesser of:~~

188 ~~(a) The assessed value of such real property less any~~
 189 ~~other exemptions applicable under this chapter;~~

190 ~~(b) the original cost of the device, including the~~
 191 ~~installation cost thereof, but excluding the cost of replacing~~
 192 ~~previously existing property removed or improved in the course~~
 193 ~~of such installation;~~ ~~or~~

194 ~~(c) Eight percent of the assessed value of such property~~
 195 ~~immediately following installation.~~

196 (2) The exempt amount authorized under subsection (1)
 197 shall apply in full if the device was installed and operative
 198 throughout the 12-month period preceding January 1 of the year
 199 of application for this exemption. If the device was operative
 200 for a portion of that period, the exempt amount authorized under
 201 this section shall be reduced proportionally.

202 (3) It shall be the responsibility of the applicant for an
 203 exemption pursuant to this section to demonstrate affirmatively
 204 to the satisfaction of the property appraiser that he or she
 205 meets the requirements for exemption under this section and that
 206 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
 207 for which the device was operative, as indicated on the
 208 exemption application, are correct.

209 (4) No exemption authorized pursuant to this section shall
 210 be granted for a period of more than 10 years. No exemption
 211 shall be granted with respect to renewable energy source devices
 212 installed before July 1, 2007 ~~January 1, 1980, or after December~~
 213 ~~31, 1990.~~

214 Section 2. Paragraph (ccc) of subsection (7) of section
 215 212.08, Florida Statutes, is amended 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

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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 renewable energy technologies.--

242 1. As used in this paragraph, the term:

243 a. "Biodiesel" means the mono-alkyl esters of long-chain
 244 fatty acids derived from plant or animal matter for use as a
 245 source of energy and meeting the specifications for biodiesel
 246 and biodiesel blends with petroleum products as adopted by the
 247 Department of Agriculture and Consumer Services. Biodiesel may
 248 refer to biodiesel blends designated BXX, where XX represents
 249 the volume percentage of biodiesel fuel in the blend.

250 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
 251 alcohol produced by the conversion of carbohydrates ~~fermentation~~

252 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 253 fuel ethanol blends with petroleum products as adopted by the
 254 Department of Agriculture and Consumer Services. Ethanol may
 255 refer to fuel ethanol blends designated EXX, where XX represents
 256 the volume percentage of fuel ethanol in the blend.

257 c. "Hydrogen fuel cells" means equipment using hydrogen or
 258 a hydrogen-rich fuel in an electrochemical process to generate
 259 energy, electricity, or the transfer of heat.

260 2. The sale or use of the following in the state is exempt
 261 from the tax imposed by this chapter:

262 a. Hydrogen-powered vehicles, materials incorporated into
 263 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 264 a limit of \$2 million in tax each state fiscal year for all
 265 taxpayers.

266 b. Commercial stationary hydrogen fuel cells, up to a
 267 limit of \$1 million in tax each state fiscal year for all
 268 taxpayers.

269 c. Materials used in the distribution of biodiesel (B10-
 270 B100) and ethanol (E10-100), including fueling infrastructure,
 271 transportation, and storage, up to a limit of \$2 ~~\$1~~ million in
 272 tax each state fiscal year for all taxpayers. Gasoline fueling
 273 station pump retrofits for ethanol (E10-E100) distribution
 274 qualify for the exemption provided in this sub-subparagraph.

275 3. The Department of Environmental Protection shall
 276 provide to the department a list of items eligible for the
 277 exemption provided in this paragraph.

278 4.a. The exemption provided in this paragraph shall be
 279 available to a purchaser only through a refund of previously

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280 | paid taxes. Only one purchase of an eligible item is subject to
281 | refund. A purchaser who has received a refund on an eligible
282 | item must notify any subsequent purchaser of the item that the
283 | item is no longer eligible for a refund of tax paid. This
284 | notification must be provided to the purchaser on the sales
285 | invoice or other proof of purchase.

286 | b. To be eligible to receive the exemption provided in
287 | this paragraph, a purchaser shall file an application with the
288 | Department of Environmental Protection. The application shall be
289 | developed by the Department of Environmental Protection, in
290 | consultation with the department, and shall require:

291 | (I) The name and address of the person claiming the
292 | refund.

293 | (II) A specific description of the purchase for which a
294 | refund is sought, including, when applicable, a serial number or
295 | other permanent identification number.

296 | (III) The sales invoice or other proof of purchase showing
297 | the amount of sales tax paid, the date of purchase, and the name
298 | and address of the sales tax dealer from whom the property was
299 | purchased.

300 | (IV) A sworn statement that the information provided is
301 | accurate and that the requirements of this paragraph have been
302 | met.

303 | c. Within 30 days after receipt of an application, the
304 | Department of Environmental Protection shall review the
305 | application and shall notify the applicant of any deficiencies.
306 | Upon receipt of a completed application, the Department of
307 | Environmental Protection shall evaluate the application for

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308 exemption and issue a written certification that the applicant
309 is eligible for a refund or issue a written denial of such
310 certification within 60 days after receipt of the application.
311 The Department of Environmental Protection shall provide the
312 department with a copy of each certification issued upon
313 approval of an application.

314 d. Each certified applicant shall be responsible for
315 forwarding a certified copy of the application and copies of all
316 required documentation to the department within 6 months after
317 certification by the Department of Environmental Protection.

318 e. The provisions of s. 212.095 do not apply to any refund
319 application made pursuant to this paragraph. A refund approved
320 pursuant to this paragraph shall be made within 30 days after
321 formal approval by the department.

322 f. The department may adopt all rules pursuant to ss.
323 120.536(1) and 120.54 to administer this paragraph, including
324 rules establishing forms and procedures for claiming this
325 exemption.

326 g. The Department of Environmental Protection shall be
327 responsible for ensuring that the total amounts of the
328 exemptions authorized do not exceed the limits as specified in
329 subparagraph 2.

330 5. The Department of Environmental Protection shall
331 determine and publish on a regular basis the amount of sales tax
332 funds remaining in each fiscal year.

333 6. This paragraph expires July 1, 2010.

334 Section 3. Section 212.086, Florida Statutes, is created
335 to read:

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336 212.086 Energy-Efficient Motor Vehicle Sales Tax Refund
337 Program.--

338 (1) The energy-efficient motor vehicle sales tax refund is
339 established to provide financial incentives for the purchase of
340 alternative motor vehicles as specified in this section.

341 (2) Any person who purchases an alternative motor vehicle
342 is eligible for a refund of the tax imposed under this chapter.
343 The tax that is eligible for a refund shall be computed on the
344 lesser of \$15,000 or the sales price as provided in s. 212.02.

345 (3) In order to qualify for the sales tax refund under
346 this section, the alternative motor vehicle must be certified as
347 a new qualified hybrid motor vehicle, a new qualified
348 alternative fuel motor vehicle, a new qualified fuel cell motor
349 vehicle, or a new advanced lean-burn technology motor vehicle by
350 the Internal Revenue Service for the income tax credit for
351 alternative motor vehicles under s. 30B of the Internal Revenue
352 Code of 1986, as amended.

353 (4) Notwithstanding ss. 212.095 and 215.26, an application
354 for a refund must be filed with the department within 90 days
355 after purchase of the alternative motor vehicle and must contain
356 the following:

357 (a) The name and address of the person claiming the
358 refund.

359 (b) A specific description of the alternative motor
360 vehicle for which a refund is sought, including the vehicle
361 identification number.

362 (c) The sales invoice or other proof of purchase showing
363 the amount of sales tax paid, the date of purchase, and the name

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364 and address of the sales tax dealer from whom the alternative
365 motor vehicle was purchased.

366 (d) A sworn statement that the information provided is
367 accurate and that the requirements of this section have been
368 met.

369 (5) The total dollar amount of all refunds issued by the
370 department is limited to the total amount of appropriations in
371 any fiscal year for the program. The department may approve
372 refunds up to the amount appropriated for the refund program
373 based on the date an application for a refund was filed pursuant
374 to subsection (4). If the funds available are insufficient
375 during the current fiscal year, any requests for a refund
376 received during that fiscal year may be processed during the
377 following fiscal year, subject to the appropriation, and have
378 priority over new applications for a refund filed in the
379 following fiscal year. The provisions of s. 213.255 shall not
380 apply to requests for a refund that are held for payment in the
381 following fiscal year.

382 (6) The department may adopt rules pursuant to ss.
383 120.536(1) and 120.54 to administer this section, including
384 rules establishing forms and procedures for claiming the refund.

385 (7) A person who receives a refund under s. 212.08(7)(ccc)
386 shall not be eligible for the refund provided in this section.

387 (8) This section expires July 1, 2010.

388 Section 4. Subsection (1) of section 220.192, Florida
389 Statutes, is amended, subsection (6) is renumbered as subsection
390 (7) and amended, subsection (7) is renumbered as subsection (8),
391 and a new subsection (6) is added to that section, to read:

392 220.192 Renewable energy technologies investment tax
 393 credit.--

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

395 (a) "Biodiesel" means biodiesel as defined in s.
 396 212.08 (7) (ccc).

397 (b) "Corporation" means all general partnerships, limited
 398 partnerships, limited liability companies, unincorporated
 399 businesses, and all other business entities in which a taxpayer
 400 owns an interest and which are taxed as partnerships or are
 401 disregarded as separate entities from the taxpayer for tax
 402 purposes.

403 (c) ~~(b)~~ "Eligible costs" means:

404 1. Seventy-five percent of all capital costs, operation
 405 and maintenance costs, and research and development costs
 406 incurred between July 1, 2006, and June 30, 2010, up to a limit
 407 of \$3 million per state fiscal year for all taxpayers, in
 408 connection with an investment in hydrogen-powered vehicles and
 409 hydrogen vehicle fueling stations in the state, including, but
 410 not limited to, the costs of constructing, installing, and
 411 equipping such technologies in the state.

412 2. Seventy-five percent of all capital costs, operation
 413 and maintenance costs, and research and development costs
 414 incurred between July 1, 2006, and June 30, 2010, up to a limit
 415 of \$1.5 million per state fiscal year for all taxpayers, and
 416 limited to a maximum of \$12,000 per fuel cell, in connection
 417 with an investment in commercial stationary hydrogen fuel cells
 418 in the state, including, but not limited to, the costs of

419 constructing, installing, and equipping such technologies in the
 420 state.

421 3. Seventy-five percent of all capital costs, operation
 422 and maintenance costs, and research and development costs
 423 incurred between July 1, 2006, and June 30, 2010, up to a limit
 424 of \$6.5 million per state fiscal year for all taxpayers, in
 425 connection with an investment in the production, storage, and
 426 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 427 the state, including the costs of constructing, installing, and
 428 equipping such technologies in the state. Gasoline fueling
 429 station pump retrofits for ethanol (E10-E100) distribution
 430 qualify as an eligible cost under this subparagraph.

431 ~~(d)(e)~~ "Ethanol" means ethanol as defined in s.
 432 212.08(7)(ccc).

433 ~~(e)(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
 434 defined in s. 212.08(7)(ccc).

435 (6) TRANSFERABILITY OF CREDIT.--

436 (a) Any corporation and any subsequent transferee allowed
 437 the tax credit may transfer the tax credit, in whole or in part,
 438 to any taxpayer by written agreement, without the requirement of
 439 transferring any ownership interest in the property generating
 440 the tax credit or any interest in the entity which owns the
 441 property. Transferees are entitled to apply the credits against
 442 the tax with the same effect as if the transferee had incurred
 443 the eligible costs.

444 (b) To perfect the transfer, the transferor shall provide
 445 a written transfer statement providing notice to the Department
 446 of Revenue of the assignor's intent to transfer the tax credits

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447 to the assignee, the date the transfer is effective, the
448 assignee's name, address, federal taxpayer identification number
449 and tax period, and the amount of tax credits to be transferred.
450 The Department of Revenue shall issue, upon receipt of a
451 transfer statement conforming to the requirements of this
452 section, a certificate to the assignee reflecting the tax credit
453 amounts transferred, a copy of which shall be attached to each
454 tax return by an assignee in which such tax credits are used.

455 (c) Tax credits derived by such entities treated as
456 corporations pursuant to this section that are not transferred
457 by such entities to other taxpayers pursuant to this subsection
458 shall be passed through to the taxpayers designated as partners,
459 members, or owners, respectively, in any manner agreed to by
460 such persons, whether or not such persons are allocated or
461 allowed any portion of the federal energy tax credit with
462 respect to the eligible costs.

463 (7) ~~(6)~~ RULES.--The Department of Revenue shall have the
464 authority to adopt rules relating to:

465 (a) The forms required to claim a tax credit under this
466 section, the requirements and basis for establishing an
467 entitlement to a credit, and the examination and audit
468 procedures required to administer this section.

469 (b) The implementation and administration of the
470 provisions allowing a transfer of tax credits, including rules
471 prescribing forms, reporting requirements, and the specific
472 procedures, guidelines, and requirements necessary for a tax
473 credit to be transferred.

474 (c) The implementation and administration of the
 475 provisions allowing a pass through of tax credits, including
 476 rules prescribing forms, reporting requirements, and the
 477 specific procedures, guidelines, and requirements necessary for
 478 a tax credit to be passed through to an owner, member, or
 479 partner.

480 ~~(8)(7)~~ PUBLICATION.--The Department of Environmental
 481 Protection shall determine and publish on a regular basis the
 482 amount of available tax credits remaining in each fiscal year.

483 Section 5. Paragraph (f) is added to subsection (2) and
 484 paragraph (j) is added to subsection (3) of section 220.193,
 485 Florida Statutes, to read:

486 220.193 Florida renewable energy production credit.--

487 (2) As used in this section, the term:

488 (f) "Sale" or "sold" includes the use of the electricity
 489 by the producer of the electricity when such use decreases the
 490 amount of electricity that would otherwise be purchased by the
 491 producer thereof.

492 (3) An annual credit against the tax imposed by this
 493 section shall be allowed to a taxpayer, based on the taxpayer's
 494 production and sale of electricity from a new or expanded
 495 Florida renewable energy facility. For a new facility, the
 496 credit shall be based on the taxpayer's sale of the facility's
 497 entire electrical production. For an expanded facility, the
 498 credit shall be based on the increases in the facility's
 499 electrical production that are achieved after May 1, 2006.

500 (j) A taxpayer's use of the credit granted pursuant to
 501 this section shall not reduce the amount of any credit

502 authorized by s. 220.186 that would otherwise be available to
 503 that taxpayer.

504 Section 6. Section 255.251, Florida Statutes, is amended
 505 to read:

506 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 507 Act; short title.--This act shall be cited as the "Florida
 508 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

509 Section 7. Section 255.252, Florida Statutes, is amended
 510 to read:

511 255.252 Findings and intent.--

512 (1) Operating and maintenance expenditures associated with
 513 energy equipment and with energy consumed in state-financed and
 514 leased buildings represent a significant cost over the life of a
 515 building. Energy conserved by appropriate building design not
 516 only reduces the demand for energy but also reduces costs for
 517 building operation. ~~For example, commercial buildings are~~
 518 ~~estimated to use from 20 to 80 percent more energy than would be~~
 519 ~~required if energy conserving designs were used.~~ The size,
 520 design, orientation, and operability of windows, the ratio of
 521 ventilating air to air heated or cooled, the level of lighting
 522 consonant with space-use requirements, the handling of occupancy
 523 loads, and the ability to zone off areas not requiring
 524 equivalent levels of heating or cooling are but a few of the
 525 considerations necessary to conserving energy.

526 (2) Significant efforts are needed to build energy-
 527 efficient state-owned buildings that meet environmental
 528 standards ~~underway by the General Services Administration, the~~
 529 ~~National Institute of Standards and Technology, and others to~~

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530 ~~detail the considerations and practices for energy conservation~~
531 ~~in buildings.~~ Most important is that energy-efficient designs
532 provide energy savings over the life of the building structure.
533 ~~Conversely, energy inefficient designs cause excess and wasteful~~
534 ~~energy use and high costs over that life.~~ With buildings lasting
535 many decades and with energy costs escalating rapidly, it is
536 essential that the costs of operation and maintenance for
537 energy-using equipment and sustainable materials be included in
538 all design proposals for state-owned ~~state~~ buildings.

539 (3) In order that such energy-efficiency and sustainable
540 materials considerations become a function of building design,
541 and also a model for future application in the private sector,
542 it shall be the policy of the state that buildings constructed
543 and financed by the state be designed and constructed to meet
544 the United States Green Building Council (USGBC) Leadership in
545 Energy and Environmental Design (LEED) rating system, Green
546 Building Initiative's Green Globes rating system, or a
547 nationally recognized, high-performance green building rating
548 system as approved by the department ~~in a manner which will~~
549 ~~minimize the consumption of energy used in the operation and~~
550 ~~maintenance of such buildings.~~ It is further the policy of the
551 state, when economically feasible, to retrofit existing state-
552 owned buildings in a manner that ~~which~~ will minimize the
553 consumption of energy used in the operation and maintenance of
554 such buildings.

555 (4) In addition to designing and constructing new
556 buildings to be energy efficient ~~energy-efficient~~, it shall be
557 the policy of the state to operate, maintain, and renovate

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558 existing state-owned ~~state~~ facilities, or provide for their
559 renovation, in a manner that ~~which~~ will minimize energy
560 consumption and maximize their sustainability as well as ensure
561 that facilities leased by the state are operated so as to
562 minimize energy use. Agencies are encouraged to consider shared
563 savings financing of such energy projects, using contracts that
564 ~~which~~ split the resulting savings for a specified period of time
565 between the agency and the private firm or cogeneration
566 contracts which otherwise permit the state to lower its energy
567 costs. Such energy contracts may be funded from the operating
568 budget.

569 (5) Each state agency must identify and compile a list of
570 all state-owned buildings within its inventory that would be
571 suitable for a guaranteed energy performance savings contract
572 pursuant to s. 489.145. Such list shall be submitted to the
573 Department of Management Services by December 31, 2007, and
574 shall include all facilities over 5,000 square feet in area and
575 for which the agency is responsible for paying the expenses of
576 utilities and other operating expenses as they relate to energy
577 use. In consultation with each department secretary or director,
578 by March 1, 2008, the Department of Management Services shall
579 evaluate each agency's facilities suitable for energy
580 conservation projects and shall develop an energy efficiency
581 project schedule based on factors such as project magnitude,
582 efficiency and effectiveness of energy conservation measures to
583 be implemented, and other factors that may prove to be
584 advantageous to pursue. Such schedule shall provide the deadline

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585 for guaranteed energy performance savings contract improvements
 586 to be made to the state-owned buildings.

587 Section 8. Subsections (6) and (7) are added to section
 588 255.253, Florida Statutes, to read:

589 255.253 Definitions; ss. 255.251-255.258.--

590 (6) "Sustainable building" means a building that is
 591 healthy and comfortable for its occupants and is economical to
 592 operate while conserving resources, including energy, water, raw
 593 materials, and land, and minimizing the generation of toxic
 594 materials and waste in its design, construction, landscaping,
 595 and operation.

596 (7) "Sustainable building rating" means a rating
 597 established by the United States Green Building Council (USGBC)
 598 Leadership in Energy and Environmental Design (LEED) rating
 599 system, Green Building Initiative's Green Globes rating system,
 600 or a nationally recognized, high-performance green building
 601 rating system as approved by the department.

602 Section 9. Section 255.254, Florida Statutes, is amended
 603 to read:

604 255.254 No facility constructed ~~or leased~~ without life-
 605 cycle costs.--

606 (1) No state agency shall ~~lease,~~ construct, or have
 607 constructed, within limits prescribed herein, a facility without
 608 having secured from the department an ~~a proper~~ evaluation of
 609 life-cycle costs based on sustainable building ratings, ~~as~~
 610 ~~computed by an architect or engineer.~~ Furthermore, construction
 611 shall proceed only upon disclosing, for the facility chosen, the
 612 life-cycle costs as determined in s. 255.255, its sustainable

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613 building rating, and the capitalization of the initial
614 construction costs of the building. The life-cycle costs shall
615 be a primary consideration in the selection of a building design
616 in addition to its sustainable building rating. ~~Such analysis~~
617 ~~shall be required only for construction of buildings with an~~
618 ~~area of 5,000 square feet or greater.~~ For leased buildings 5,000
619 square feet or greater ~~areas of 20,000 square feet or greater~~
620 within a given building boundary, an energy performance analysis
621 ~~a life-cycle analysis~~ shall be performed, and a lease shall only
622 be made where there is a showing that the energy life-cycle
623 costs incurred by the state are minimal compared to available
624 like facilities.

625 (2) On and after January 1, 1979, no state agency shall
626 initiate construction or have construction initiated, prior to
627 approval thereof by the department, on a facility or self-
628 contained unit of any facility, the design and construction of
629 which incorporates or contemplates the use of an energy system
630 other than a solar energy system when the life-cycle costs
631 analysis prepared by the department has determined that a solar
632 energy system is the most cost-efficient energy system for the
633 facility or unit.

634 (3) After September 30, 1985, when any state agency must
635 replace or supplement major items of energy-consuming equipment
636 in existing state-owned ~~or leased~~ facilities or any self-
637 contained unit of any facility with other major items of energy-
638 consuming equipment, the selection of such items shall be made
639 on the basis of a life-cycle cost analysis of alternatives in

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640 accordance with rules promulgated by the department under s.
641 255.255.

642 Section 10. Subsection (1) of section 255.255, Florida
643 Statutes, is amended to read:

644 255.255 Life-cycle costs.--

645 (1) The department shall promulgate rules and procedures,
646 including energy conservation performance guidelines based on
647 sustainable building ratings, for conducting a life-cycle cost
648 analysis of alternative architectural and engineering designs
649 and alternative major items of energy-consuming equipment to be
650 retrofitted in existing state-owned or leased facilities and for
651 developing energy performance indices to evaluate the efficiency
652 of energy utilization for competing designs in the construction
653 of state-financed and leased facilities.

654 Section 11. Subsection (10) of section 287.064, Florida
655 Statutes, is amended to read:

656 287.064 Consolidated financing of deferred-payment
657 purchases.--

658 (10) Costs incurred pursuant to a guaranteed energy
659 performance savings contract, including the cost of energy
660 conservation measures, each as defined in s. 489.145, may be
661 financed pursuant to a master equipment financing agreement;
662 however, the costs of training, operation, and maintenance may
663 not be financed. The period of time for repayment of the funds
664 drawn pursuant to the master equipment financing agreement under
665 this subsection may exceed 5 years but may not exceed 20 ~~±0~~
666 years for energy conservation measures pursuant to s. 489.145,
667 excluding the costs of training, operation, and maintenance. The

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668 guaranteed energy performance savings contractor shall provide
 669 for the replacement or the extension of the useful life of the
 670 equipment during the term of the contract.

671 Section 12. Section 377.802, Florida Statutes, is amended
 672 to read:

673 377.802 Purposes ~~Purpose~~.--

674 (1) This act is intended to provide matching grants to
 675 stimulate capital investment in the state and to enhance the
 676 market for and promote the statewide utilization of renewable
 677 energy technologies. The targeted grants program is designed to
 678 advance the already growing establishment of renewable energy
 679 technologies in the state and encourage the use of other
 680 incentives such as tax exemptions and regulatory certainty to
 681 attract additional renewable energy technology producers,
 682 developers, and users to the state.

683 (2) This act is ~~also~~ intended to provide incentives for
 684 the purchase of energy-efficient appliances and rebates for
 685 solar energy equipment installations for residential and
 686 commercial buildings. In order to promote energy efficiency and
 687 conservation of the state's resources, the month of October
 688 shall annually be designated "Energy Efficiency and Conservation
 689 Month."

690 Section 13. Subsection (2) of section 377.803, Florida
 691 Statutes, is amended, and subsections (3) through (10) of that
 692 section are redesignated as subsections (2) through (9),
 693 respectively, to read:

694 377.803 Definitions.--As used in ss. 377.801-377.806, the
 695 term:

696 ~~(2) "Approved metering equipment" means a device capable~~
697 ~~of measuring the energy output of a solar thermal system that~~
698 ~~has been approved by the commission.~~

699 Section 14. Subsection (6) of section 377.804, Florida
700 Statutes, is amended to read:

701 377.804 Renewable Energy Technologies Grants Program.--

702 ~~(6) The department shall coordinate and actively consult~~
703 ~~with the Department of Agriculture and Consumer Services during~~
704 ~~the review and approval process of grants relating to bioenergy~~
705 ~~projects for renewable energy technology, and the departments~~
706 ~~shall jointly determine the grant awards to these bioenergy~~
707 ~~projects. No grant funding shall be awarded to any bioenergy~~
708 ~~project without such joint approval. Factors for consideration~~
709 ~~in awarding grants may include, but are not limited to, the~~
710 ~~degree to which:~~

711 ~~(a) The project stimulates in-state capital investment and~~
712 ~~economic development in metropolitan and rural areas, including~~
713 ~~the creation of jobs and the future development of a commercial~~
714 ~~market for bioenergy.~~

715 ~~(b) The project produces bioenergy from Florida grown~~
716 ~~crops or biomass.~~

717 ~~(c) The project demonstrates efficient use of energy and~~
718 ~~material resources.~~

719 ~~(d) The project fosters overall understanding and~~
720 ~~appreciation of bioenergy technologies.~~

721 ~~(e) Matching funds and in-kind contributions from an~~
722 ~~applicant are available.~~

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723 ~~(f) The project duration and the timeline for expenditures~~
 724 ~~are acceptable.~~

725 ~~(g) The project has a reasonable assurance of enhancing~~
 726 ~~the value of agricultural products or will expand agribusiness~~
 727 ~~in the state.~~

728 ~~(h) Preliminary market and feasibility research has been~~
 729 ~~conducted by the applicant or others and shows there is a~~
 730 ~~reasonable assurance of a potential market.~~

731 Section 15. Subsections (3), (5), (6), and (7) of section
 732 377.806, Florida Statutes, are amended to read:

733 377.806 Solar Energy System Incentives Program.--

734 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

735 (a) Eligibility requirements.--A solar thermal system
 736 qualifies for a rebate if:

737 1. The system is installed by a state-licensed solar or
 738 plumbing contractor.

739 2. The system complies with all applicable building codes
 740 as defined by the local jurisdictional authority.

741 (b) Rebate amounts.--Authorized rebates for installation
 742 of solar thermal systems shall be as follows:

743 1. Five hundred dollars for a residence.

744 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 745 for a place of business, a publicly owned or operated facility,
 746 or a facility owned or operated by a private, not-for-profit
 747 organization, including condominiums or apartment buildings. ~~But~~
 748 ~~must be verified by approved metering equipment.~~

749 (5) APPLICATION.--To qualify for a rebate, an applicant
 750 must:

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751 (a) Apply for a rebate reservation at least 10 days before
752 the date of installation of any solar equipment. Homebuilders or
753 developers may file a single application form for project sites
754 containing more than 25 homes. For project sites containing
755 fewer than 25 homes, the homebuilder or developer must file a
756 separate rebate reservation application for each home; and

757 (b) Submit a separate application for a rebate payment
758 within 90 days after the installation of any solar equipment.
759 ~~Application for a rebate must be made within 90 days after the~~
760 ~~purchase of the solar energy equipment.~~

761 (6) REBATE AVAILABILITY.--The department shall determine
762 and publish on a regular basis the amount of rebate funds
763 remaining in each fiscal year. The total dollar amount of all
764 rebates issued by the department is subject to the total amount
765 of appropriations in any fiscal year for this program. If funds
766 are insufficient during the current fiscal year, any requests
767 for rebates received during that fiscal year may be processed
768 during the following fiscal year. Requests for rebates received
769 in a fiscal year that are processed during the following fiscal
770 year shall be given priority over requests for rebates received
771 during the following fiscal year. At least 60 percent of rebate
772 funds appropriated under this program shall be distributed to
773 homeowners installing solar equipment in new or renovated homes.

774 (7) RULES.--The department shall adopt rules pursuant to
775 ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for
776 rebate reservations and rebate payments and administer the
777 issuance of rebates.

778 Section 16. Section 403.0874, Florida Statutes, is created

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779 to read:

780 403.0874 Greenhouse gas inventories.--

781 (1) "Greenhouse gases" means gases that trap heat in the
782 atmosphere. The principal greenhouse gases are: carbon dioxide
783 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases
784 (such as hydrofluorocarbons, perfluorocarbons, and sulfur
785 hexafluoride).

786 (2) The department shall develop greenhouse gas
787 inventories that account for annual greenhouse gases emitted to
788 and removed from the atmosphere, and forecast gases emitted and
789 removed, for all major greenhouse gases, for time periods
790 determined sufficient by the department to provide for adequate
791 analysis and planning.

792 (3) By rule, the department shall define which greenhouse
793 gases are to be included in each inventory, the criteria for
794 defining major emitters, which emitters must report emissions,
795 and what methodologies shall be used to estimate gases emitted
796 and removed from those not required to report.

797 (4) The department is authorized to require all major
798 emitters of defined greenhouse gases to report emissions
799 according to methodologies and reporting systems approved by the
800 department and established by rule, which may include the use of
801 quality-assured data from continuous emissions monitoring
802 systems.

803 Section 17. Subsection (3) of section 403.50663, Florida
804 Statutes, is amended to read:

805 403.50663 Informational public meetings.--

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806 (3) A local government or regional planning council that
 807 intends to conduct an informational public meeting must provide
 808 notice of the meeting to all parties not less than 15 ~~5~~ days
 809 prior to the meeting and to the general public, in accordance
 810 with the provisions of s. 403.5115(5).

811 Section 18. Subsections (2), (3), and (4) of section
 812 403.50665, Florida Statutes, are amended to read:

813 403.50665 Land use consistency.--

814 (2) Within 45 days after the filing of the application,
 815 each local government shall file a determination with the
 816 department, the applicant, the administrative law judge, and all
 817 parties on the consistency of the site or any directly
 818 associated facilities with existing land use plans and zoning
 819 ordinances that were in effect on the date the application was
 820 filed, based on the information provided in the application. The
 821 local government may issue its determination up to 35 days later
 822 if the local government has requested additional information on
 823 land use and zoning consistency as part of the local
 824 government's statement on completeness of the application
 825 submitted pursuant to s. 403.5066(1)(a). Incompleteness of
 826 information necessary for a local government to evaluate an
 827 application may be claimed by the local government as cause for
 828 a statement of inconsistency with existing land use plans and
 829 zoning ordinances. Notice of the consistency determination shall
 830 be published in accordance with the requirements of s. 403.5115.

831 (3) If the local government issues a determination that
 832 the proposed electrical power plant is not consistent or in
 833 compliance with local land use plans and zoning ordinances, the

834 applicant may apply to the local government for the necessary
 835 local approval to address the inconsistencies in the local
 836 government's determination. If the applicant makes such an
 837 application to the local government, the time schedules under
 838 this act shall be tolled until the local government issues its
 839 revised determination on land use and zoning or the applicant
 840 otherwise withdraws its application to the local government. If
 841 the applicant applies to the local government for necessary
 842 local land use or zoning approval, the local government shall
 843 issue a revised determination within 30 days following the
 844 conclusion of any that local proceeding held by the local
 845 government to consider the application for land use or zoning
 846 approval, and the time schedules and notice requirements under
 847 this act shall apply to such revised determination.

848 (4) If any substantially affected person wishes to dispute
 849 the local government's determination, he or she shall file a
 850 petition with the designated administrative law judge ~~department~~
 851 within 21 days after the publication of notice of the local
 852 government's determination. If a hearing is requested, the
 853 provisions of s. 403.508(1) shall apply.

854 Section 19. Paragraph (a) of subsection (1) and paragraph
 855 (a) of subsection (2) of section 403.508, Florida Statutes, are
 856 amended to read:

857 403.508 Land use and certification hearings, parties,
 858 participants.--

859 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
 860 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 861 the designated administrative law judge shall schedule ~~conduct~~ a

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862 land use hearing to be conducted in the county of the proposed
863 site or directly associated facility, as applicable, as
864 expeditiously as possible, but not later than 30 days after the
865 department's receipt of the petition. The place of such hearing
866 shall be as close as possible to the proposed site or directly
867 associated facility. If a petition is filed, the hearing shall
868 be held regardless of the status of the completeness of the
869 application. ~~However, incompleteness of information necessary~~
870 ~~for a local government to evaluate an application may be claimed~~
871 ~~by the local government as cause for a statement of~~
872 ~~inconsistency with existing land use plans and zoning ordinances~~
873 ~~under s. 403.50665.~~

874 (2) (a) A certification hearing shall be held by the
875 designated administrative law judge no later than 265 days after
876 the application is filed with the department. The certification
877 hearing shall be held at a location in proximity to the proposed
878 site. ~~At the conclusion of the certification hearing, the~~
879 ~~designated administrative law judge shall, after consideration~~
880 ~~of all evidence of record, submit to the board a recommended~~
881 ~~order no later than 45 days after the filing of the hearing~~
882 ~~transcript.~~

883 Section 20. Subsection (5) of section 403.509, Florida
884 Statutes, is amended to read:

885 403.509 Final disposition of application.--

886 (5) For certifications issued by the board in regard to
887 the properties and works of any agency which is a party to the
888 certification hearing, the board shall have the authority to
889 decide issues relating to the use, the connection thereto, or

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890 the crossing thereof, for the electrical power plant and
 891 directly associated facilities and to direct any such agency to
 892 execute, within 30 days after the entry of certification, the
 893 necessary license or easement for such use, connection, or
 894 crossing, subject only to the conditions set forth in such
 895 certification. For certifications issued by the department in
 896 regard to the properties and works of any agency which is a
 897 party to the proceeding, any stipulation filed pursuant to s.
 898 403.508(6)(a) must include a stipulation regarding any issues
 899 relating to the use, the connection thereto, or the crossing
 900 thereof, for the electrical power plant and directly associated
 901 facilities. Any agency stipulating to the use, connection to, or
 902 crossing of its property must agree to execute, within 30 days
 903 after the entry of certification, the necessary license or
 904 easement for such use, connection, or crossing, subject only to
 905 the conditions set forth in such certification.

906 Section 21. Section 403.5113, Florida Statutes, is amended
 907 to read:

908 403.5113 Postcertification amendments and review.--

909 (1) POSTCERTIFICATION AMENDMENTS.--

910 (a) If, subsequent to certification by the board, a
 911 licensee proposes any material change to the application and
 912 revisions or amendments thereto, as certified, the licensee
 913 shall submit a written request for amendment and a description
 914 of the proposed change to the application to the department.
 915 Within 30 days after the receipt of the request for the
 916 amendment, the department shall determine whether the proposed

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917 change to the application requires a modification of the
 918 conditions of certification.

919 ~~(b)(2)~~ If the department concludes that the change would
 920 not require a modification of the conditions of certification,
 921 the department shall provide written notification of the
 922 determination on approval of the proposed amendment to the
 923 licensee, all agencies, and all other parties.

924 ~~(c)(3)~~ If the department concludes that the change would
 925 require a modification of the conditions of certification, the
 926 department shall provide written notification to the licensee
 927 that the proposed change to the application requires a request
 928 for modification pursuant to s. 403.516.

929 ~~(2)(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 930 submittals filed by the licensee with one or more agencies are
 931 for the purpose of monitoring for compliance with the issued
 932 certification and must be reviewed by the agencies on an
 933 expedited and priority basis because each facility certified
 934 under this act is a critical infrastructure facility. In no
 935 event shall a postcertification review be completed in more than
 936 90 days after complete information is submitted to the reviewing
 937 agencies.

938 Section 22. Section 403.5115, Florida Statutes, is amended
 939 to read:

940 403.5115 Public notice.--

941 (1) The following notices are to be published by the
 942 applicant for all applications:

943 (a) Notice of the filing of a notice of intent under s.
 944 403.5063, which shall be published within 21 days after the

945 filing of the notice. The notice shall be published as specified
 946 by subsection (2), except that the newspaper notice shall be
 947 one-fourth page in size in a standard size newspaper or one-half
 948 page in size in a tabloid size newspaper.

949 (b) Notice of filing of the application, which shall
 950 include a description of the proceedings required by this act,
 951 within 21 days after the date of the application filing. Such
 952 notice shall give notice of the provisions of s. 403.511(1) and
 953 (2).

954 (c) If applicable, notice of the land use determination
 955 made pursuant to s. 403.50665(1) within 21 days after the
 956 determination is filed.

957 (d) If applicable, notice of the land use hearing, which
 958 shall be published as specified in subsection (2), no later than
 959 15 days before the hearing.

960 (e) Notice of the certification hearing and notice of the
 961 deadline for filing notice of intent to be a party, which shall
 962 be published as specified in subsection (2), at least 65 days
 963 before the date set for the certification hearing.

964 (f) Notice of the cancellation of the certification
 965 hearing, if applicable, no later than 3 days before the date of
 966 the originally scheduled certification hearing.

967 (g) Notice of modification when required by the
 968 department, based on whether the requested modification of
 969 certification will significantly increase impacts to the
 970 environment or the public. Such notice shall be published as
 971 specified under subsection (2):

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972 1. Within 21 days after receipt of a request for
973 modification. The newspaper notice shall be of a size as
974 directed by the department commensurate with the scope of the
975 modification.

976 2. If a hearing is to be conducted in response to the
977 request for modification, then notice shall be published no
978 later than 30 days before the hearing.

979 ~~(h) Notice of a supplemental application, which shall be
980 published as specified in paragraph (b) and subsection (2).~~

981 ~~(i) Notice of existing site certification pursuant to s.
982 403.5175. Notices shall be published as specified in paragraph
983 (b) and subsection (2).~~

984 (2) Notices provided by the applicant shall be published
985 in newspapers of general circulation within the county or
986 counties in which the proposed electrical power plant will be
987 located. The newspaper notices shall be at least one-half page
988 in size in a standard size newspaper or a full page in a tabloid
989 size newspaper. These notices shall include a map generally
990 depicting the project and all associated facilities corridors. A
991 newspaper of general circulation shall be the newspaper which
992 has the largest daily circulation in that county and has its
993 principal office in that county. If the newspaper with the
994 largest daily circulation has its principal office outside the
995 county, the notices shall appear in both the newspaper having
996 the largest circulation in that county and in a newspaper
997 authorized to publish legal notices in that county.

998 (3) All notices published by the applicant shall be paid
 999 for by the applicant and shall be in addition to the application
 1000 fee.

1001 (4) The department shall arrange for publication of the
 1002 following notices in the manner specified by chapter 120 and
 1003 provide copies of those notices to any persons who have
 1004 requested to be placed on the departmental mailing list for this
 1005 purpose for each case for which an application has been received
 1006 by the department:

1007 (a) Notice of the filing of the notice of intent within 15
 1008 days after receipt of the notice.

1009 (b) Notice of the filing of the application, no later than
 1010 21 days after the application filing.

1011 (c) Notice of the land use determination made pursuant to
 1012 s. 403.50665(1) within 21 days after the determination is filed.

1013 (d) Notice of the land use hearing before the
 1014 administrative law judge, if applicable, no later than 15 days
 1015 before the hearing.

1016 (e) Notice of the land use hearing before the board, if
 1017 applicable.

1018 (f) Notice of the certification hearing at least 45 days
 1019 before the date set for the certification hearing.

1020 (g) Notice of the cancellation of the certification
 1021 hearing, if applicable, no later than 3 days prior to the date
 1022 of the originally scheduled certification hearing.

1023 (h) Notice of the hearing before the board, if applicable.

1024 (i) Notice of stipulations, proposed agency action, or
 1025 petitions for modification.

1026 (5) A local government or regional planning council that
 1027 proposes to conduct an informational public meeting pursuant to
 1028 s. 403.50663 must publish notice of the meeting in a newspaper
 1029 of general circulation within the county or counties in which
 1030 the proposed electrical power plant will be located no later
 1031 than 7 days prior to the meeting. A newspaper of general
 1032 circulation shall be the newspaper which has the largest daily
 1033 circulation in that county and has its principal office in that
 1034 county. If the newspaper with the largest daily circulation has
 1035 its principal office outside the county, the notices shall
 1036 appear in both the newspaper having the largest circulation in
 1037 that county and in a newspaper authorized to publish legal
 1038 notices in that county.

1039 Section 23. Subsection (1) of section 403.5252, Florida
 1040 Statutes, is amended to read:

1041 403.5252 Determination of completeness.--

1042 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 1043 application, the affected agencies shall file a statement with
 1044 the department containing the recommendations of each agency
 1045 concerning the completeness of the application for
 1046 certification.

1047 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 1048 application ~~completeness statements of each agency~~, the
 1049 department shall file a statement with the Division of
 1050 Administrative Hearings, with the applicant, and with all
 1051 parties declaring its position with regard to the completeness
 1052 of the application. The statement of the department shall be
 1053 based upon its consultation with the affected agencies.

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1054 Section 24. Paragraph (a) of subsection (6) of section
 1055 403.527, Florida Statutes, is amended to read:
 1056 403.527 Certification hearing, parties, participants.--
 1057 (6) (a) No later than 29 ~~25~~ days before the certification
 1058 hearing, the department or the applicant may request that the
 1059 administrative law judge cancel the certification hearing and
 1060 relinquish jurisdiction to the department if all parties to the
 1061 proceeding stipulate that there are no disputed issues of
 1062 material fact or law to be raised at the certification hearing.

1063 Section 25. Paragraph (e) of subsection (1) of section
 1064 403.5271, Florida Statutes, is amended to read:
 1065 403.5271 Alternate corridors.--
 1066 (1) No later than 45 days before the originally scheduled
 1067 certification hearing, any party may propose alternate
 1068 transmission line corridor routes for consideration under the
 1069 provisions of this act.

1070 (e)1. Reviewing agencies shall advise the department of
 1071 any issues concerning completeness no later than 15 days after
 1072 the submittal of the data required by paragraph (d). Within 22
 1073 days after receipt of the data, the department shall issue a
 1074 determination of completeness.

1075 2. If the department determines that the data required by
 1076 paragraph (d) is not complete, the party proposing the alternate
 1077 corridor must file such additional data to correct the
 1078 incompleteness. This additional data must be submitted within 14
 1079 days after the determination by the department.

1080 3. Reviewing agencies may advise the department of any
 1081 issues concerning completeness of the additional data within 10

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1082 days after the filing by the party proposing the alternate
 1083 corridor. If the department, within 14 days after receiving the
 1084 additional data, determines that the data remains incomplete,
 1085 the incompleteness of the data is deemed a withdrawal of the
 1086 proposed alternate corridor. The department may make its
 1087 determination based on recommendations made by other affected
 1088 agencies.

1089 Section 26. Subsection (3) of section 403.5272, Florida
 1090 Statutes, is amended to read:

1091 403.5272 Informational public meetings.--

1092 (3) A local government or regional planning council that
 1093 intends to conduct an informational public meeting must provide
 1094 notice of the meeting, with notice sent to all parties listed in
 1095 s. 403.527(2)(a), not less than 15 5 days before the meeting, to
 1096 the general public, in accordance with the provisions of s.
 1097 403.5363(4).

1098 Section 27. Paragraph (b) of subsection (1) of section
 1099 403.5317, Florida Statutes, is amended to read:

1100 403.5317 Postcertification activities.--

1101 (1)

1102 (b) If the department concludes that the change would not
 1103 require a modification of the conditions of certification, the
 1104 department shall notify, in writing, the licensee, all agencies,
 1105 and all parties of the determination on approval of the
 1106 amendment.

1107 Section 28. Paragraph (c) of subsection (3) of section
 1108 403.5363, Florida Statutes, is amended, and subsection (4) is
 1109 added to that section, to read:

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1110 403.5363 Public notices; requirements.--

1111 (3) The department shall arrange for the publication of
 1112 the following notices in the manner specified by chapter 120:

1113 (c) The notice of the cancellation of a certification
 1114 hearing, if applicable. The notice must be published not later
 1115 than 3 7 days before the date of the originally scheduled
 1116 certification hearing.

1117 (4) A local government or regional planning council that
 1118 proposes to conduct an informational public meeting pursuant to
 1119 s. 403.5272 must publish notice of the meeting in a newspaper of
 1120 general circulation within the county or counties in which the
 1121 proposed electrical transmission line will be located no later
 1122 than 7 days prior to the meeting. A newspaper of general
 1123 circulation shall be the newspaper which has the largest daily
 1124 circulation in that county and has its principal office in that
 1125 county. If the newspaper with the largest daily circulation has
 1126 its principal office outside the county, the notices shall
 1127 appear in both the newspaper having the largest circulation in
 1128 that county and in a newspaper authorized to publish legal
 1129 notices in that county.

1130 Section 29. Section 489.145, Florida Statutes, is amended
 1131 to read:

1132 489.145 Guaranteed energy performance savings
 1133 contracting.--

1134 (1) SHORT TITLE.--This section may be cited as the
 1135 "Guaranteed Energy Performance Savings Contracting Act."

1136 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 1137 investment in energy conservation measures in agency facilities

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1138 can reduce the amount of energy consumed and produce immediate
1139 and long-term savings. It is the policy of this state to
1140 encourage agencies to invest in energy conservation measures
1141 ~~that reduce energy consumption, produce a cost savings for the~~
1142 ~~agency, and improve the quality of indoor air in public~~
1143 ~~facilities and to operate, maintain, and, when economically~~
1144 ~~feasible, build or renovate existing agency facilities in such a~~
1145 ~~manner as~~ to minimize energy consumption and maximize energy
1146 savings. It is further the policy of this state to encourage
1147 agencies to reinvest any energy savings resulting from energy
1148 conservation measures in additional energy conservation efforts.

1149 (3) DEFINITIONS.--As used in this section, the term:

1150 (a) "Agency" means the state, a municipality, or a
1151 political subdivision.

1152 (b) "Energy conservation measure" means a ~~training~~
1153 ~~program,~~ facility alteration, or an equipment purchase to be
1154 used in new construction, including an addition to an existing
1155 facility, which reduces energy or energy-related operating costs
1156 and includes, but is not limited to:

1157 1. Insulation of the facility structure and systems within
1158 the facility.

1159 2. Storm windows and doors, caulking or weatherstripping,
1160 multiglazed windows and doors, heat-absorbing, or heat-
1161 reflective, glazed and coated window and door systems,
1162 additional glazing, reductions in glass area, and other window
1163 and door system modifications that reduce energy consumption.

1164 3. Automatic energy control systems.

- 1165 4. Heating, ventilating, or air-conditioning system
 1166 modifications or replacements.
- 1167 5. Replacement or modifications of lighting fixtures to
 1168 increase the energy efficiency of the lighting system, which, at
 1169 a minimum, must conform to the applicable state or local
 1170 building code.
- 1171 6. Energy recovery systems.
- 1172 7. Cogeneration systems that produce steam or forms of
 1173 energy such as heat, as well as electricity, for use primarily
 1174 within a facility or complex of facilities.
- 1175 8. Energy conservation measures that reduce Btu, kW, or
 1176 kWh consumed or provide long-term operating cost reductions ~~or~~
 1177 ~~significantly reduce Btu consumed.~~
- 1178 9. Renewable energy systems, such as solar, biomass, or
 1179 wind systems.
- 1180 10. Devices that reduce water consumption or sewer
 1181 charges.
- 1182 11. Storage systems, such as fuel cells and thermal
 1183 storage.
- 1184 12. Generating technologies, such as microturbines.
- 1185 13. Any other repair, replacement, or upgrade of existing
 1186 equipment.
- 1187 (c) "Energy cost savings" means a measured reduction in
 1188 the cost of fuel, energy consumption, and stipulated operation
 1189 and maintenance created from the implementation of one or more
 1190 energy conservation measures when compared with an established
 1191 baseline for the previous cost of fuel, energy consumption, and
 1192 stipulated operation and maintenance.

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1193 (d) "Guaranteed energy performance savings contract" means
 1194 a contract for the evaluation, recommendation, and
 1195 implementation of energy conservation measures or energy-related
 1196 operational saving measures, which, at a minimum, shall include:

1197 1. The design and installation of equipment to implement
 1198 one or more of such measures and, if applicable, operation and
 1199 maintenance of such measures.

1200 2. The amount of any actual annual savings that meet or
 1201 exceed total annual contract payments made by the agency for the
 1202 contract and may include allowable cost avoidance. As used in
 1203 this section, allowable cost avoidance calculations include, but
 1204 are not limited to, avoided provable budgeted costs contained in
 1205 a capital replacement plan and current undepreciated value of
 1206 replaced equipment subtracted from the replacement cost of the
 1207 new equipment.

1208 3. The finance charges incurred by the agency over the
 1209 life of the contract.

1210 (e) "Guaranteed energy performance savings contractor"
 1211 means a person or business that is licensed under chapter 471,
 1212 chapter 481, or this chapter, and is experienced in the
 1213 analysis, design, implementation, or installation of energy
 1214 conservation measures through energy performance contracts.

1215 (4) PROCEDURES.--

1216 (a) An agency may enter into a guaranteed energy
 1217 performance savings contract with a guaranteed energy
 1218 performance savings contractor to significantly reduce energy
 1219 consumption or energy-related operating costs of an agency
 1220 facility through one or more energy conservation measures.

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1221 (b) Before design and installation of energy conservation
1222 measures, the agency must obtain from a guaranteed energy
1223 performance savings contractor a report that summarizes the
1224 costs associated with the energy conservation measures or
1225 energy-related operational cost saving measures and provides an
1226 estimate of the amount of the ~~energy~~ cost savings. The agency
1227 and the guaranteed energy performance savings contractor may
1228 enter into a separate agreement to pay for costs associated with
1229 the preparation and delivery of the report; however, payment to
1230 the contractor shall be contingent upon the report's projection
1231 of energy or operational cost savings being equal to or greater
1232 than the total projected costs of the design and installation of
1233 the report's energy conservation measures.

1234 (c) The agency may enter into a guaranteed energy
1235 performance savings contract with a guaranteed energy
1236 performance savings contractor if the agency finds that the
1237 amount the agency would spend on the energy conservation or
1238 energy-related cost saving measures will not likely exceed the
1239 amount of the energy or energy-related cost savings for up to 20
1240 years from the date of installation, based on the life cycle
1241 cost calculations provided in s. 255.255, if the recommendations
1242 in the report were followed and if the qualified provider or
1243 providers give a written guarantee that the energy or energy-
1244 related cost savings will meet or exceed the costs of the
1245 system. The contract may provide for installment payments for a
1246 period not to exceed 20 years.

1247 (d) A guaranteed energy performance savings contractor
1248 must be selected in compliance with s. 287.055; except that if

1249 fewer than three firms are qualified to perform the required
 1250 services, the requirement for agency selection of three firms,
 1251 as provided in s. 287.055(4)(b), and the bid requirements of s.
 1252 287.057 do not apply.

1253 (e) Before entering into a guaranteed energy performance
 1254 savings contract, an agency must provide published notice of the
 1255 meeting in which it proposes to award the contract, the names of
 1256 the parties to the proposed contract, and the contract's
 1257 purpose.

1258 (f) A guaranteed energy performance savings contract may
 1259 provide for financing, including tax exempt financing, by a
 1260 third party. The contract for third party financing may be
 1261 separate from the energy performance contract. A separate
 1262 contract for third party financing pursuant to this paragraph
 1263 must include a provision that the third party financier must not
 1264 be granted rights or privileges that exceed the rights and
 1265 privileges available to the guaranteed energy performance
 1266 savings contractor.

1267 (g) Financing for guaranteed energy performance savings
 1268 contracts may be provided under the authority of s. 287.064.

1269 (h) The Office of the Chief Financial Officer shall review
 1270 proposals to ensure that the most effective financing is being
 1271 used.

1272 (i)~~(g)~~ In determining the amount the agency will finance
 1273 to acquire the energy conservation measures, the agency may
 1274 reduce such amount by the application of any grant moneys,
 1275 rebates, or capital funding available to the agency for the
 1276 purpose of buying down the cost of the guaranteed energy

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1277 performance savings contract. However, in calculating the life
1278 cycle cost as required in paragraph (c), the agency shall not
1279 apply any grants, rebates, or capital funding.

1280 (5) CONTRACT PROVISIONS.--

1281 (a) A guaranteed energy performance savings contract must
1282 include a written guarantee that may include, but is not limited
1283 to the form of, a letter of credit, insurance policy, or
1284 corporate guarantee by the guaranteed energy performance savings
1285 contractor that annual energy cost savings will meet or exceed
1286 the amortized cost of energy conservation measures.

1287 (b) The guaranteed energy performance savings contract
1288 must provide that all payments, except obligations on
1289 termination of the contract before its expiration, may be made
1290 over time, but not to exceed 20 years from the date of complete
1291 installation and acceptance by the agency, and that the annual
1292 savings are guaranteed to the extent necessary to make annual
1293 payments to satisfy the guaranteed energy performance savings
1294 contract.

1295 (c) The guaranteed energy performance savings contract
1296 must require that the guaranteed energy performance savings
1297 contractor to whom the contract is awarded provide a 100-percent
1298 public construction bond to the agency for its faithful
1299 performance, as required by s. 255.05.

1300 (d) The guaranteed energy performance savings contract may
1301 contain a provision allocating to the parties to the contract
1302 any annual energy cost savings that exceed the amount of the
1303 energy cost savings guaranteed in the contract.

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1304 (e) The guaranteed energy performance savings contract
1305 shall require the guaranteed energy performance savings
1306 contractor to provide to the agency an annual reconciliation of
1307 the guaranteed energy or energy-related cost savings. If the
1308 reconciliation reveals a shortfall in annual energy or energy-
1309 related cost savings, the guaranteed energy performance savings
1310 contractor is liable for such shortfall. If the reconciliation
1311 reveals an excess in annual ~~energy~~ cost savings, the excess
1312 savings may be allocated under paragraph (d) but may not be used
1313 to cover potential energy cost savings shortages in subsequent
1314 contract years.

1315 (f) The guaranteed energy performance savings contract
1316 must provide for payments of not less than one-twentieth of the
1317 price to be paid within 2 years from the date of the complete
1318 installation and acceptance by the agency using straight-line
1319 amortization for the term of the loan, and the remaining costs
1320 to be paid at least quarterly, not to exceed a 20-year term,
1321 based on life cycle cost calculations.

1322 (g) The guaranteed energy performance savings contract may
1323 extend beyond the fiscal year in which it becomes effective;
1324 however, the term of any contract expires at the end of each
1325 fiscal year and may be automatically renewed annually for up to
1326 20 years, subject to the agency making sufficient annual
1327 appropriations based upon continued realized energy savings.

1328 (h) The guaranteed energy performance savings contract
1329 must stipulate that it does not constitute a debt, liability, or
1330 obligation of the state.

1331 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 1332 Department of Management Services, with the assistance of the
 1333 Office of the Chief Financial Officer, shall ~~may~~, within
 1334 available resources, provide technical content assistance to
 1335 state agencies contracting for energy conservation measures and
 1336 engage in other activities considered appropriate by the
 1337 department for promoting and facilitating guaranteed energy
 1338 performance contracting by state agencies. The Office of the
 1339 Chief Financial Officer, with the assistance of the Department
 1340 of Management Services, shall ~~may, within available resources,~~
 1341 develop model contractual and related documents for use by state
 1342 agencies. Prior to entering into a guaranteed energy performance
 1343 savings contract, any contract or lease for third-party
 1344 financing, or any combination of such contracts, a state agency
 1345 shall submit such proposed contract or lease to the Office of
 1346 the Chief Financial Officer for review and approval. A proposed
 1347 contract or lease shall include:

- 1348 (a) Supporting information required by s. 216.023(4)(a)9.
- 1349 (b) Documentation supporting recurring funds requirements
 1350 in ss. 287.063(5) and 287.064(11).
- 1351 (c) Approval by the agency head or his or her designee.

1352 (7) FUNDING SUPPORT.--For purposes of consolidated
 1353 financing of deferred payment commodity contracts under this
 1354 section by a state agency, any such contract must be supported
 1355 from available recurring funds appropriated to the agency in an
 1356 appropriation category, other than the expense appropriation
 1357 category as defined in chapter 216, that the Chief Financial
 1358 Officer has determined is appropriate or that the Legislature

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1359 has designated for payment of the obligation incurred under this
 1360 section.

1361 Section 30. Section 570.956, Florida Statutes, is created
 1362 to read:

1363 570.956 Farm-to-Fuel Advisory Council.--

1364 (1) The Farm-to-Fuel Advisory Council is created within
 1365 the department to provide advice and counsel to the commissioner
 1366 concerning the production of renewable energy in this state. The
 1367 advisory council shall consist of 15 members, 14 of whom shall
 1368 be appointed by the commissioner and one of whom shall be
 1369 appointed the Governor for 4-year terms or until a successor is
 1370 duly qualified and appointed. Members shall include:

1371 (a) One citizen-at-large member who shall represent the
 1372 views of the public toward renewable energy.

1373 (b) Six members each of whom is a producer or grower
 1374 actively engaged in the agricultural area of one of the
 1375 following industries:

- 1376 1. Sugarcane.
- 1377 2. Citrus.
- 1378 3. Field crops.
- 1379 4. Dairy.
- 1380 5. Livestock or poultry.
- 1381 6. Forestry.

1382 (c) One member who represents the petroleum industry or
 1383 who is actively engaged in the trade of petroleum products.

1384 (d) One member who represents public utilities or the
 1385 electric power industry.

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1386 (e) Two members who represent colleges and universities in
 1387 this state and who are engaged in research involving alternative
 1388 fuels or renewable energy.

1389 (f) One member who represents the environmental community
 1390 or an environmental organization.

1391 (g) One member who represents the ethanol industry or who
 1392 has expertise in the production of ethanol.

1393 (h) One member who represents the biodiesel industry or
 1394 who has expertise in the production of biodiesel.

1395 (i) One member appointed by the Governor.

1396 (2) The council is an advisory committee the operation of
 1397 which is governed by s. 570.0705.

1398 Section 31. Section 570.957, Florida Statutes, is created
 1399 to read:

1400 570.957 Farm-to-Fuel Grants Program.--

1401 (1) As used in this section, the term:

1402 (a) "Bioenergy" means useful, renewable energy produced
 1403 from organic matter through the conversion of the complex
 1404 carbohydrates in organic matter to energy. Organic matter may
 1405 either be used directly as a fuel, processed into liquids and
 1406 gases, or be a residue of processing and conversion.

1407 (b) "Department" means the Department of Agriculture and
 1408 Consumer Services.

1409 (c) "Person" means an individual, partnership, joint
 1410 venture, private or public corporation, association, firm,
 1411 public service company, or any other public or private entity.

1412 (d) "Renewable energy" means electrical, mechanical, or
 1413 thermal energy produced from a method that uses one or more of

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1414 the following fuels or energy sources: hydrogen, biomass, solar
1415 energy, geothermal energy, wind energy, ocean energy, waste
1416 heat, or hydroelectric power.

1417 (2) The Farm-to-Fuel Grants Program is established within
1418 the Department of Agriculture and Consumer Services to provide
1419 renewable energy matching grants for demonstration,
1420 commercialization, research, and development projects relating
1421 to bioenergy projects.

1422 (a) Matching grants for bioenergy demonstration,
1423 commercialization, research, and development projects may be
1424 made to any of the following:

1425 1. Municipalities and county governments.

1426 2. Established for-profit companies licensed to do
1427 business in the state.

1428 3. Universities and colleges in the state.

1429 4. Utilities located and operating within the state.

1430 5. Not-for-profit organizations.

1431 6. Other qualified persons, as determined by the
1432 Department of Agriculture and Consumer Services.

1433 (b) The Department of Agriculture and Consumer Services
1434 may adopt rules to provide for allocation of grant funds by
1435 project type, application requirements, ranking of applications,
1436 and awarding of grants under this program.

1437 (c) Factors for consideration in awarding grants may
1438 include, but are not limited to, the degree to which:

1439 1. The project produces bioenergy from Florida-grown crops
1440 or biomass.

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1441 2. The project demonstrates efficient use of energy and
1442 material resources.

1443 3. Matching funds and in-kind contributions from an
1444 applicant are available.

1445 4. The project has a reasonable assurance of enhancing the
1446 value of agricultural products or will expand agribusiness in
1447 the state.

1448 5. Preliminary market and feasibility research has been
1449 conducted by the applicant or others and shows there is a
1450 reasonable assurance of a potential market.

1451 6. The project stimulates in-state capital investment and
1452 economic development in metropolitan and rural areas, including
1453 the creation of jobs and the future development of a commercial
1454 market for bioenergy.

1455 (d) In evaluating and awarding grants under this section,
1456 the Department of Agriculture and Consumer Services shall
1457 consult with and solicit input from the Department of
1458 Environmental Protection.

1459 (e) In determining the technical feasibility of grant
1460 applications, the Department of Agriculture and Consumer
1461 Services shall coordinate and actively consult with persons
1462 having expertise in renewable energy technologies.

1463 (f) In determining the economic feasibility of bioenergy
1464 grant applications, the Department of Agriculture and Consumer
1465 Services shall consult with the Office of Tourism, Trade, and
1466 Economic Development.

1467 Section 32. Section 570.958, Florida Statutes, is created
1468 to read:

1469 570.958 Biofuel Retail Sales Incentive Program.--
 1470 (1) The purpose of this section is to encourage the retail
 1471 sale of biofuels in this state and replace petroleum consumption
 1472 in the state by the following percentages over the specified
 1473 periods:
 1474 (a) Three percent from January 1, 2008, through December
 1475 31, 2008.
 1476 (b) Five percent from January 1, 2009, through December
 1477 31, 2009.
 1478 (c) Seven percent from January 1, 2010, through December
 1479 31, 2010.
 1480 (d) Ten percent from January 1, 2011, through December 31,
 1481 2011.
 1482 (2) As used in this section:
 1483 (a) "Biodiesel" means the mono-alkyl esters of long-chain
 1484 fatty acids derived from plant or animal matter for use as a
 1485 source of energy and meeting the specifications for biodiesel
 1486 and biodiesel blended with petroleum products as adopted by the
 1487 department.
 1488 (b) "Biodiesel blended fuel" means a fuel mixture
 1489 containing 10 percent or more biodiesel with the balance
 1490 comprised of diesel fuel and meeting the specifications for
 1491 biodiesel blends as adopted by the department.
 1492 (c) "Biofuel" means E85 fuel ethanol, E10 motor fuel,
 1493 biodiesel, and biodiesel blended fuel.
 1494 (d) "E85 fuel ethanol" means ethanol blended with gasoline
 1495 and formulated with a nominal percentage of 85 percent ethanol

1496 by volume and meeting the applicable fuel quality specifications
 1497 as adopted by the department.

1498 (e) "E10 motor fuel" means a motor fuel blend consisting
 1499 of nominal percentages of 90 percent gasoline by volume and 10
 1500 percent ethanol by volume and meeting the fuel quality
 1501 specifications for gasoline as adopted by the department.

1502 (f) "Ethanol or fuel ethanol" means an anhydrous denatured
 1503 alcohol produced by the conversion of carbohydrates and meeting
 1504 the specifications for fuel ethanol as adopted by the
 1505 department.

1506 (g) "Fuel dispenser" means a pump, meter, or similar
 1507 device used to measure and deliver motor fuel or diesel fuel on
 1508 a retail basis.

1509 (h) "Retail dealer" means any person who is engaged in the
 1510 business of selling fuel at retail at posted retail prices.

1511 (i) "Retail motor fuel site" means a geographic location
 1512 in this state where a retail dealer sells or offers for sale
 1513 motor fuel, diesel fuel, or biofuel to the general public.

1514 (3) (a) Subject to specific appropriation, a retail dealer
 1515 who sells biofuel through fuel dispensers at retail motor fuel
 1516 sites is entitled to an incentive payment which shall be
 1517 computed as follows:

1518 1. An incentive of 1 cent for each gallon of E10 motor
 1519 fuel sold through a fuel dispenser.

1520 2. An incentive of 3 cents for each gallon of E85 fuel
 1521 ethanol sold through a fuel dispenser.

1522 3. An incentive of 1 cent for each gallon of biodiesel
 1523 blended fuel sold through a fuel dispenser.

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1524 4. An incentive of 3 cents for each gallon of biodiesel
1525 sold through a fuel dispenser.

1526 (b) The incentive may be claimed for biofuel sold on or
1527 after January 1, 2008. Beginning in 2009, each applicant
1528 claiming an incentive under this section must first apply to the
1529 department by February 1 of each year for an allocation of the
1530 available incentive for the preceding calendar year. The
1531 department shall develop an application form. The application
1532 form shall, at a minimum, require a sworn affidavit from each
1533 retail dealer certifying the following information:

1534 1. The name and principal address of the retail dealer.

1535 2. The address of the retail dealer's retail motor fuel
1536 sites from which it sold biofuels during the preceding calendar
1537 year.

1538 3. The total gallons of E10 ethanol sold through fuel
1539 dispensers.

1540 4. The total gallons of E85 ethanol sold through fuel
1541 dispensers.

1542 5. The total gallons of biodiesel blended fuel sold
1543 through fuel dispensers.

1544 6. The total gallons of biodiesel sold through fuel
1545 dispensers.

1546 7. Any other information deemed necessary by the
1547 department to adequately ensure that the incentive allowed under
1548 this section shall be made only to qualified Florida retail
1549 dealers.

1550 (c) The department shall determine the amount of the
1551 incentive allowed under this section.

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1552 (4) If the amount of incentives applied for each year
 1553 exceeds the amount appropriated, the department shall pay to
 1554 each applicant a prorated amount based on each applicant's
 1555 gallonge of qualified biofuel sold and dispensed that is
 1556 eligible for the incentive under this section.

1557 (5) The department may adopt rules pursuant to ss.
 1558 120.536(1) and 120.54 to implement and administer this section,
 1559 including rules prescribing forms, the documentation needed to
 1560 substantiate a claim for the incentive, and the specific
 1561 procedures and guidelines for claiming the incentive.

1562 Section 33. Section 570.959, Florida Statutes, is created
 1563 to read:

1564 570.959 Florida Biofuel Production Incentive Program.--

1565 (1) The purpose of this section is to encourage the
 1566 development and expansion of facilities that produce biofuels in
 1567 this state from crops, agricultural waste and residues, and
 1568 other biomass produced in Florida by providing economic
 1569 incentives to do so.

1570 (2) As used in this section, the term:

1571 (a) "Biodiesel" means the mono-alkyl esters of long-chain
 1572 fatty acids derived from plant or animal matter for use as a
 1573 source of energy and meeting the specifications for biodiesel
 1574 and biodiesel blended with petroleum products as adopted by the
 1575 department.

1576 (b) "Biofuel" means ethanol or biodiesel.

1577 (c) "Ethanol" or "fuel ethanol" means an anhydrous
 1578 denatured alcohol produced by the conversion of carbohydrates
 1579 and meeting the specifications for fuel ethanol adopted by the

1580 department.

1581 (d) "Florida biofuel production" means production of
 1582 biofuel in the state from crops, agricultural waste and
 1583 residues, and other biomass produced in Florida.

1584 (3) In order to be eligible for the incentive provided in
 1585 this section, a producer must have registered and have met the
 1586 requirements contained in chapter 206.

1587 (4) An incentive, subject to appropriation, shall be paid
 1588 to a producer based on Florida biofuel production as follows:

1589 (a) The incentive shall be 5 cents for each gallon of
 1590 unblended Florida biofuel produced, exclusive of denaturant,
 1591 during a given calendar year and sold to an unrelated blender of
 1592 biofuel.

1593 (b) The incentive may be earned for production on or after
 1594 January 1, 2008. Beginning in 2009, each producer claiming an
 1595 incentive under this section must first apply to the department
 1596 by February 1 of each year for an allocation of available
 1597 incentives. The department shall develop an application form
 1598 that shall, at a minimum, require a sworn affidavit from each
 1599 producer certifying the production that forms the basis of the
 1600 application and certifying that all information contained in the
 1601 application is true and correct.

1602 (c) The department shall determine whether or not such
 1603 production is eligible for the incentive under this section.

1604 (d) If the amount of incentives applied for each year
 1605 exceeds the amount appropriated, the department shall pay to
 1606 each applicant a prorated amount based on the percentage of
 1607 biofuel produced that is eligible for the incentive under this

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1608 section.

1609 (5) The department may adopt rules pursuant to ss.
 1610 120.536(1) and 120.54 to implement and administer this section,
 1611 including rules prescribing forms, the documentation needed to
 1612 substantiate a claim for the incentive, and the specific
 1613 procedures and guidelines for claiming the incentive.

1614 Section 34. (1) The Florida Building Commission shall
 1615 convene a workgroup comprised of representatives from the
 1616 Florida Energy Commission, the Department of Community Affairs,
 1617 the Building Officials Association of Florida, the Florida
 1618 Energy Office, the Florida Home Builders Association, the
 1619 Association of Counties, the League of Cities, and other
 1620 stakeholders to develop a model residential energy efficiency
 1621 ordinance that provides incentives to meet energy efficiency
 1622 standards. The commission must report back to the Legislature
 1623 with a developed ordinance by March 1, 2008.

1624 (2) The Florida Building Commission shall, in consultation
 1625 with the Florida Energy Commission, the Building Officials
 1626 Association of Florida, the Florida Energy Office, the Florida
 1627 Home Builders Association, the Association of Counties, the
 1628 League of Cities, and other stakeholders, review the Florida
 1629 Energy Code for Building Construction. Specifically, the
 1630 commission shall revisit the analysis of cost-effectiveness that
 1631 serves as the basis for energy efficiency levels for residential
 1632 buildings, identify cost-effective means to improve energy
 1633 efficiency in commercial buildings, and compare the code to the
 1634 International Energy Conservation Code and the American Society
 1635 of Heating Air-Conditioning and Refrigeration Engineers

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1636 Standards 90.1 and 90.2. The commission shall provide a report
1637 with a standard to the Legislature by March 1, 2008, that may be
1638 adopted for the construction of all new residential, commercial,
1639 and government buildings.

1640 (3) The Florida Building Commission, in consultation with
1641 the Florida Solar Energy Center, the Florida Energy Commission,
1642 the Department of Environmental Protection's Energy Office, the
1643 United States Department of Energy, and the Florida Home
1644 Builders Association, shall develop and implement a public
1645 awareness campaign that promotes energy efficiency and the
1646 benefits of building green by January 1, 2008. The campaign
1647 shall include enhancement of an existing web site from which all
1648 citizens can obtain information pertaining to green building
1649 practices, calculate anticipated savings from use of those
1650 options, as well as learn about energy efficiency strategies
1651 that may be used in their existing home or when building a home.
1652 The campaign shall focus on the benefits of promoting energy
1653 efficiency to the purchasers of new homes, the various green
1654 building ratings available, and the promotion of various energy-
1655 efficient products through existing trade shows. The campaign
1656 shall also include strategies for utilizing print advertising,
1657 press releases, and television advertising to promote voluntary
1658 utilization of green building practices.

1659 Section 35. (1) The Legislature declares that there is an
1660 important state interest in promoting the construction of
1661 energy-efficient and sustainable buildings. Government
1662 leadership in promoting these standards is vital to demonstrate

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1663 the state's commitment to energy conservation, saving taxpayers
1664 money, and raising public awareness of energy-rating systems.

1665 (2) All county, municipal, and public community college
1666 buildings shall be constructed to meet the United States Green
1667 Building Council (USGBC) Leadership in Energy and Environmental
1668 Design (LEED) rating system, Green Building Initiative's Green
1669 Globes rating system, or a nationally recognized, high-
1670 performance green building rating system as approved by the
1671 Department of Management Services. This section shall apply to
1672 all county, municipal, and public community college buildings
1673 whose architectural plans are started after July 1, 2008.

1674 Section 36. The tax levied under chapter 212, Florida
1675 Statutes, may not be collected on the first \$1,500 of the
1676 selling price of a new energy-efficient product during the
1677 period from 12:01 a.m., October 1, 2007, through midnight,
1678 October 14, 2007. Such period shall be designated as the
1679 "Energy-Efficient Products Sales Tax Holiday." As used in this
1680 section, the term "energy-efficient product" means a dishwasher,
1681 clothes washer, air conditioner, ceiling fan, ventilating fan,
1682 compact fluorescent light bulb, dehumidifier, programmable
1683 thermostat, or refrigerator that has been designated by the
1684 United States Environmental Protection Agency or by the United
1685 States Department of Energy as meeting or exceeding the
1686 requirements under the Energy Star Program of either agency. The
1687 Department of Revenue may adopt rules under ss. 120.536(1) and
1688 120.54, Florida Statutes, to administer this section.

1689 Section 37. State fleet biodiesel usage.--

1690 (1) By July 1, 2008, a minimum of 5 percent, by January 1,
 1691 2009, a minimum of 10 percent, and by January 1, 2010, a minimum
 1692 of 20 percent of total diesel fuel purchases for use by state-
 1693 owned diesel vehicles and equipment shall be biodiesel, subject
 1694 to availability.

1695 (2) The Department of Management Services shall provide
 1696 for the proper administration, implementation, and enforcement
 1697 of this section.

1698 (3) The Department of Management Services shall report to
 1699 the Legislature on or before March 1, 2008, and annually
 1700 thereafter, the extent of biodiesel use in the state fleet. The
 1701 report shall contain the number of gallons purchased since July
 1702 1, 2007, the average price of biodiesel, and a description of
 1703 fleet performance.

1704 Section 38. School district biodiesel usage.--

1705 (1) By January 1, 2008, a minimum of 20 percent of total
 1706 diesel fuel purchases for use by school districts shall be
 1707 biodiesel, subject to availability.

1708 (2) If a school district contracts with another government
 1709 entity or private entity to provide transportation services for
 1710 any of its pupils, the biodiesel blend fuel requirement
 1711 established pursuant to subsection (1) shall be part of that
 1712 contract. However, this requirement shall apply only to
 1713 contracts entered into on or after July 1, 2007.

1714 Section 39. (1) The Legislature recognizes the need for
 1715 expanded collaboration between the public and private sectors
 1716 and increased public-private joint ventures in the areas of
 1717 energy research, alternative fuel production, space exploration,

1718 and technological advances in the energy and aerospace
 1719 industries.

1720 (2) Subject to appropriation, there is created within the
 1721 Executive Office of the Governor the Florida Energy, Aerospace,
 1722 and Technology (F.E.A.T.) Fund, a program to encourage a state
 1723 partnership with the Federal Government and the private sector,
 1724 to identify business and investment opportunities, and to target
 1725 performance goals for those investments in the areas of
 1726 alternative energy development and production infrastructure;
 1727 biofuel, wind power, and solar energy technology development and
 1728 applications; ethanol production and systems for conversion and
 1729 use of ethanol fuels; cryogenics and hydrogen-based technology
 1730 applications, storage, and conversion systems; hybrid engine
 1731 power systems conversion technologies and production facilities;
 1732 aerospace industry expansion or development opportunities;
 1733 aerospace facility modifications and upgrades; build outs; new
 1734 spaceport, range, and ground support infrastructure; new
 1735 aerospace facilities and laboratories; new simulation,
 1736 communications, and command and control systems; and other
 1737 aerospace manufacturing and maintenance support infrastructure.

1738 (3) A complete and detailed report shall be provided to
 1739 the Governor, the President of the Senate, and the Speaker of
 1740 the House of Representatives, setting forth all of the
 1741 following:

1742 (a) An accounting of all state funds committed and
 1743 invested by the fund.

1744 (b) A qualitative and quantitative assessment of each fund
 1745 investment against the investment performance goals established

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1746 for investment, as well as an assessment of overall fund
1747 performance against investment objectives established for the
1748 fund.

1749 (c) An evaluation of all activities of the fund and
1750 recommendations for change.

1751 Section 40. Research and demonstration cellulosic ethanol
1752 plant.--

1753 (1) There shall be constructed a multifaceted research and
1754 demonstration cellulosic ethanol plant designed to conduct
1755 research and to demonstrate and advance the commercialization of
1756 cellulose-to-ethanol technology, including technology licensed
1757 from the University of Florida, and to facilitate further
1758 research and testing of multiple cellulosic feedstocks in the
1759 state.

1760 (2) The University of Florida shall act as the owner and
1761 proprietor of the facility, which shall include a permanent
1762 research and development laboratory operated as a satellite
1763 facility of the Institute of Food and Agricultural Sciences at
1764 the University of Florida. This facility shall be used to
1765 convert the initially treated material to the final ethanol
1766 product.

1767 (3) The facility shall be located near an industrial site
1768 with infrastructure already developed to avoid or reduce
1769 significant capital costs for waste treatment and roads, shall
1770 be served by a range of suppliers and transportation companies,
1771 and shall be in good proximity to gasoline and ethanol blending
1772 facilities on either coast of the state. The industrial site
1773 shall have the capacity to provide steam and electric power,

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1774 waste treatment, and a steady stream of feedstocks, including,
1775 but not limited to, bagasse, woody biomass, and cane field
1776 residues, to allow a commercial scale plant to operate year
1777 around.

1778 (4) The facility shall be located near preexisting onsite
1779 technical support staff and other resources for electrical,
1780 mechanical, and instrumentation services. In addition, the
1781 facility shall have access to preexisting onsite laboratory
1782 facilities and scientific personnel and shall include the
1783 critical aspects of connecting to existing facilities and
1784 meeting construction codes and permit requirements.

1785 (5) There shall be a scientific and technical advisory
1786 panel to advise on the technology to be applied.

1787 (6) Ownership of all patents, copyrights, trademarks,
1788 licenses, and rights or interests shall vest in the state. The
1789 university, pursuant to s. 1004.23, Florida Statutes, shall have
1790 full right of use and full right to retain derived revenues.

1791 (7) The Senior Vice President for the Institute of Food
1792 and Agricultural Sciences at the University of Florida shall
1793 ensure that applicable, nonproprietary research results and
1794 technologies from the plant authorized under this initiative are
1795 adapted, made available, and disseminated through its respective
1796 services, as appropriate.

1797 (8) Within 2 years after enactment of this act, the Senior
1798 Vice President for the Institute of Food and Agricultural
1799 Sciences at the University of Florida shall submit to the
1800 President of the Senate and the Speaker of the House of

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1801 Representatives a report on the activities conducted under this
 1802 section.

1803 Section 41. (1) The Florida Energy Commission shall
 1804 conduct a study in conjunction with the Florida Public Service
 1805 Commission and the Department of Agriculture and Consumer
 1806 Services to recommend an appropriate renewable portfolio
 1807 standard for the state.

1808 (2) The study shall include current and future
 1809 availability of renewable fuels, incentives to attract large
 1810 scale renewable energy development, proposed changes to current
 1811 regulatory and market practices to encourage renewable energy
 1812 development, the impact on utility costs and rates,
 1813 environmental benefits of a renewable portfolio standard, and
 1814 economic development associated with renewable energy in the
 1815 state.

1816 (3) The Florida Energy Commission shall hold public
 1817 hearings on these and other related issues and submit a report
 1818 containing specific recommendations to the President of the
 1819 Senate and the Speaker of the House of Representatives by
 1820 January 1, 2008.

1821 Section 42. The Florida Public Service Commission shall
 1822 submit to the President of the Senate and the Speaker of the
 1823 House of Representatives by February 28, 2008, a report that
 1824 provides a detailed description of the methods used to evaluate
 1825 the conservation goals, plans, and programs of utilities subject
 1826 to the Florida Energy Efficiency and Conservation Act. The
 1827 commission shall compare methods and policies employed in other
 1828 states that could be implemented to ensure that utilities in

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1829 this state acquire all energy efficiency resources that cost
1830 less than new electric power generation. As used in the section,
1831 the term "energy efficiency resources" means a reduction in
1832 kilowatt hours used by the existing and emerging fleet of
1833 buildings and equipment in this state that is achieved by
1834 providing incentives to producers, distributors, sellers, or
1835 consumers that promote the development of and investment in
1836 energy-efficient technologies.

1837 Section 43. For the 2007-2008 fiscal year, the sum of
1838 \$65,763 in nonrecurring funds is appropriated from the General
1839 Revenue Fund to the Department of Revenue for the purpose of
1840 administering the Energy-Efficient Products Sales Tax Holiday.

1841 Section 44. For the 2007-2008 fiscal year, the sum of \$20
1842 million in nonrecurring funds is appropriated from the General
1843 Revenue Fund to the University of Florida, Institute of Food and
1844 Agricultural Sciences, for the purpose of establishing a
1845 research and demonstration cellulosic ethanol plant.

1846 Section 45. For the 2007-2008 fiscal year, the sum of \$10
1847 million in nonrecurring funds is appropriated from the General
1848 Revenue Fund to the Department of Environmental Protection for
1849 the purpose of funding the Renewable Energy Technologies Grants
1850 Program authorized in s. 377.804, Florida Statutes.

1851 Section 46. For the 2007-2008 fiscal year, the sum of \$2.5
1852 million in nonrecurring funds is appropriated from the General
1853 Revenue Fund to the Department of Environmental Protection for
1854 the purpose of funding the Solar Energy System Incentives
1855 Program authorized in s. 377.806, Florida Statutes.

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1856 Section 47. For the 2007-2008 fiscal year, the sum of \$40
1857 million in nonrecurring funds is appropriated from the General
1858 Revenue Fund to the Department of Agriculture and Consumer
1859 Services for the purpose of funding the Farm-to-Fuel Grants
1860 Program authorized in s. 570.957, Florida Statutes.

1861 Section 48. For the 2007-2008 fiscal year, the sum of
1862 \$12.6 million in nonrecurring funds is appropriated from the
1863 General Revenue Fund to the Administrative Trust Fund of the
1864 Department of Revenue for the purpose of funding the Energy-
1865 Efficient Motor Vehicle Sales Tax Refund Program authorized in
1866 s. 212.086, Florida Statutes.

1867 Section 49. For the 2007-2008 fiscal year, the sum of
1868 \$100,000 in nonrecurring funds is appropriated from the General
1869 Revenue Fund to the Department of Community Affairs for the
1870 purposes of convening a workgroup to develop a model residential
1871 energy efficiency ordinance and to review the cost-effectiveness
1872 of energy efficiency measures in the construction of certain
1873 buildings.

1874 Section 50. For the 2007-2008 fiscal year, the sum of
1875 \$334,237 in nonrecurring funds is appropriated from the General
1876 Revenue Fund to the Department of Community Affairs for the
1877 purposes of developing and implementing a public awareness
1878 campaign that promotes energy efficiency and the benefits of
1879 building green.

1880 Section 51. This act shall take effect July 1, 2007.