

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 Holiday; providing a sales tax exemption
14 for the purchase of an alternative motor vehicle;
15 specifying a period during which the sale of such vehicles
16 is exempt from certain sales tax; providing eligibility
17 requirements; requiring the department to adopt rules;
18 providing an exclusion; providing for future repeal of the
19 exemption; amending s. 220.192, F.S., relating to the
20 renewable energy technologies investment tax credit;
21 providing a definition; providing for the transferability
22 of such tax credit; providing requirements and procedures
23 therefor; providing rulemaking requirements and authority;
24 amending s. 220.193, F.S.; providing a definition;
25 providing that a taxpayer's use of certain credits does
26 not prohibit the use of other authorized credits; amending
27 s. 255.251, F.S.; revising a short title; amending s.
28 255.252, F.S.; revising criteria for energy conservation

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

57 | 377.806, F.S.; revising rebate eligibility and application
58 | requirements for solar photovoltaic systems; requiring
59 | applicants to apply for rebate reservations and rebate
60 | payments; providing a limitation; revising rulemaking
61 | authority; creating s. 403.0874, F.S.; providing a
62 | definition; directing the Department of Environmental
63 | Protection to develop greenhouse gas inventories;
64 | providing requirements for such inventories; authorizing
65 | the department to require emission reports; requiring the
66 | department to adopt rules; amending s. 403.50663, F.S.;
67 | revising the requirements for notice of certain
68 | informational public meetings by local governments and
69 | regional planning councils relating to power plant siting;
70 | amending s. 403.50665, F.S.; authorizing local governments
71 | to determine incompleteness of information on certain
72 | siting applications as inconsistent with land use plans
73 | and zoning ordinances; revising provisions for the filing
74 | of certain petitions relating to land use; amending s.
75 | 403.508, F.S.; revising provisions for land use
76 | certification hearings relating to power plant siting;
77 | amending s. 403.509, F.S.; revising provisions for the
78 | final disposition of power plant siting applications;
79 | amending s. 403.5113, F.S.; revising provisions relating
80 | to power plant siting postcertification amendments and
81 | review; amending s. 403.5115, F.S.; revising provisions
82 | for public notice of activities relating to power plant
83 | siting; specifying requirements for such notice; amending
84 | s. 403.5252, F.S.; revising the timeframes for agencies

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

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

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

CS/HB 7123

2007

169 requirements and procedures therefor; requiring the
170 Florida Energy Commission to conduct a study and recommend
171 a renewable portfolio standard; providing requirements and
172 procedures therefor; requiring the Florida Energy
173 Commission to conduct a study to recommend the
174 establishment of an energy efficiency and solar energy
175 initiative; providing requirements and procedures
176 therefor; requiring the Public Service Commission to
177 submit a report to the Legislature on methods used to
178 evaluate the conservation goals, plans, and programs of
179 utilities subject to the Florida Energy Efficiency and
180 Conservation Act; requiring the Department of Agriculture
181 and Consumer Services to conduct a study and recommend a
182 Florida Loan Guarantee Program for cellulosic ethanol
183 facilities; requiring a report to the Legislature;
184 requiring the Department of Community Affairs to convene a
185 workgroup to identify and review certain energy
186 conservation standards for specified products; providing
187 requirements and procedures therefor; providing
188 appropriations; providing an effective date.

189

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

191

192 Section 1. Section 196.175, Florida Statutes, is amended
193 to read:

194 196.175 Renewable energy source exemption.--

CS/HB 7123

2007

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

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

200 ~~(b) the original cost of the device, including the~~
201 ~~installation cost thereof, but excluding the cost of replacing~~
202 ~~previously existing property removed or improved in the course~~
203 ~~of such installation; or~~

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

206 (2) The exempt amount authorized under subsection (1)
207 shall apply in full if the device was installed and operative
208 throughout the 12-month period preceding January 1 of the year
209 of application for this exemption. If the device was operative
210 for a portion of that period, the exempt amount authorized under
211 this section shall be reduced proportionally.

212 (3) It shall be the responsibility of the applicant for an
213 exemption pursuant to this section to demonstrate affirmatively
214 to the satisfaction of the property appraiser that he or she
215 meets the requirements for exemption under this section and that
216 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
217 for which the device was operative, as indicated on the
218 exemption application, are correct.

219 (4) No exemption authorized pursuant to this section shall
220 be granted for a period of more than 10 years. No exemption
221 shall be granted with respect to renewable energy source devices

222 installed before July 1, 2007 ~~January 1, 1980, or after December~~
 223 ~~31, 1990.~~

224 Section 2. Paragraph (ccc) of subsection (7) of section
 225 212.08, Florida Statutes, is amended to read:

226 212.08 Sales, rental, use, consumption, distribution, and
 227 storage tax; specified exemptions.--The sale at retail, the
 228 rental, the use, the consumption, the distribution, and the
 229 storage to be used or consumed in this state of the following
 230 are hereby specifically exempt from the tax imposed by this
 231 chapter.

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

250 (ccc) Equipment, machinery, and other materials for
 251 renewable energy technologies.--

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

253 a. "Biodiesel" means the mono-alkyl esters of long-chain
 254 fatty acids derived from plant or animal matter for use as a
 255 source of energy and meeting the specifications for biodiesel
 256 and biodiesel blends with petroleum products as adopted by the
 257 Department of Agriculture and Consumer Services. Biodiesel may
 258 refer to biodiesel blends designated BXX, where XX represents
 259 the volume percentage of biodiesel fuel in the blend.

260 b. "Ethanol" means an ~~nominal~~ly anhydrous denatured
 261 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 262 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 263 fuel ethanol blends with petroleum products as adopted by the
 264 Department of Agriculture and Consumer Services. Ethanol may
 265 refer to fuel ethanol blends designated EXX, where XX represents
 266 the volume percentage of fuel ethanol in the blend.

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

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

272 a. Hydrogen-powered vehicles, materials incorporated into
 273 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 274 a limit of \$2 million in tax each state fiscal year for all
 275 taxpayers.

CS/HB 7123

2007

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

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

285 3. The Department of Environmental Protection shall
286 provide to the department a list of items eligible for the
287 exemption provided in this paragraph.

288 4.a. The exemption provided in this paragraph shall be
289 available to a purchaser only through a refund of previously
290 paid taxes. Only one purchase of an eligible item is subject to
291 refund. A purchaser who has received a refund on an eligible
292 item must notify any subsequent purchaser of the item that the
293 item is no longer eligible for a refund of tax paid. This
294 notification must be provided to the purchaser on the sales
295 invoice or other proof of purchase.

296 b. To be eligible to receive the exemption provided in
297 this paragraph, a purchaser shall file an application with the
298 Department of Environmental Protection. The application shall be
299 developed by the Department of Environmental Protection, in
300 consultation with the department, and shall require:

301 (I) The name and address of the person claiming the
302 refund.

303 (II) A specific description of the purchase for which a
304 refund is sought, including, when applicable, a serial number or
305 other permanent identification number.

306 (III) The sales invoice or other proof of purchase showing
307 the amount of sales tax paid, the date of purchase, and the name
308 and address of the sales tax dealer from whom the property was
309 purchased.

310 (IV) A sworn statement that the information provided is
311 accurate and that the requirements of this paragraph have been
312 met.

313 c. Within 30 days after receipt of an application, the
314 Department of Environmental Protection shall review the
315 application and shall notify the applicant of any deficiencies.
316 Upon receipt of a completed application, the Department of
317 Environmental Protection shall evaluate the application for
318 exemption and issue a written certification that the applicant
319 is eligible for a refund or issue a written denial of such
320 certification within 60 days after receipt of the application.
321 The Department of Environmental Protection shall provide the
322 department with a copy of each certification issued upon
323 approval of an application.

324 d. Each certified applicant shall be responsible for
325 forwarding a certified copy of the application and copies of all
326 required documentation to the department within 6 months after
327 certification by the Department of Environmental Protection.

328 e. The provisions of s. 212.095 do not apply to any refund
329 application made pursuant to this paragraph. A refund approved

330 pursuant to this paragraph shall be made within 30 days after
 331 formal approval by the department.

332 f. The department may adopt all rules pursuant to ss.
 333 120.536(1) and 120.54 to administer this paragraph, including
 334 rules establishing forms and procedures for claiming this
 335 exemption.

336 g. The Department of Environmental Protection shall be
 337 responsible for ensuring that the total amounts of the
 338 exemptions authorized do not exceed the limits as specified in
 339 subparagraph 2.

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

343 6. This paragraph expires July 1, 2010.

344 Section 3. Section 212.086, Florida Statutes, is created
 345 to read:

346 212.086 Energy-Efficient Motor Vehicle Sales Tax
 347 Holiday.--

348 (1) The Energy-Efficient Motor Vehicle Sales Tax Holiday
 349 is established to provide financial incentives for the purchase
 350 of alternative motor vehicles as specified in this section.

351 (2) The sale or purchase of a new alternative motor
 352 vehicle during the period from 12:01 a.m., October 1, through
 353 11:59 p.m., October 31, in any year is eligible for a partial
 354 exemption from the taxes imposed under this chapter. The partial
 355 exemption is limited to the first \$10,000 of the sales price of
 356 the new alternative motor vehicle. This partial exemption does
 357 not apply to the lease or rental of a new alternative motor

358 vehicle.

359 (3) To qualify for the exemption under this section, the
 360 new alternative motor vehicle must be certified as a qualified
 361 hybrid motor vehicle, a qualified alternative fuel motor
 362 vehicle, a qualified fuel cell motor vehicle, or an advanced
 363 lean-burn technology motor vehicle by the Internal Revenue
 364 Service for the income tax credit for alternative motor vehicles
 365 under s. 30B of the Internal Revenue Code of 1986, as amended.

366 (4) The department may adopt rules pursuant to ss.
 367 120.536(1) and 120.54 to administer this section, including
 368 rules establishing forms and procedures for claiming the refund.

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

371 (6) This section expires July 1, 2010.

372 Section 4. Subsection (1) of section 220.192, Florida
 373 Statutes, is amended, subsection (6) is renumbered as subsection
 374 (7) and amended, subsection (7) is renumbered as subsection (8),
 375 and a new subsection (6) is added to that section, to read:

376 220.192 Renewable energy technologies investment tax
 377 credit.--

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

379 (a) "Biodiesel" means biodiesel as defined in s.
 380 212.08(7)(ccc).

381 (b) "Corporation" means a general partnership, limited
 382 partnership, limited liability company, unincorporated business,
 383 or other business entity in which a taxpayer owns an interest
 384 and which is taxed as a partnership or is disregarded as a
 385 separate entity from the taxpayer for tax purposes.

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

387 1. Seventy-five percent of all capital costs, operation
388 and maintenance costs, and research and development costs
389 incurred between July 1, 2006, and June 30, 2010, up to a limit
390 of \$3 million per state fiscal year for all taxpayers, in
391 connection with an investment in hydrogen-powered vehicles and
392 hydrogen vehicle fueling stations in the state, including, but
393 not limited to, the costs of constructing, installing, and
394 equipping such technologies in the state.

395 2. Seventy-five percent of all capital costs, operation
396 and maintenance costs, and research and development costs
397 incurred between July 1, 2006, and June 30, 2010, up to a limit
398 of \$1.5 million per state fiscal year for all taxpayers, and
399 limited to a maximum of \$12,000 per fuel cell, in connection
400 with an investment in commercial stationary hydrogen fuel cells
401 in the state, including, but not limited to, the costs of
402 constructing, installing, and equipping such technologies in the
403 state.

404 3. 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 \$6.5 million per state fiscal year for all taxpayers, in
408 connection with an investment in the production, storage, and
409 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
410 the state, including the costs of constructing, installing, and
411 equipping such technologies in the state. Gasoline fueling
412 station pump retrofits for ethanol (E10-E100) distribution
413 qualify as an eligible cost under this subparagraph.

414 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
415 212.08(7)(ccc).

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

418 (6) TRANSFERABILITY OF CREDIT.--

419 (a) Any corporation and any subsequent transferee allowed
420 the tax credit may transfer the tax credit, in whole or in part,
421 to any taxpayer by written agreement, without the requirement of
422 transferring any ownership interest in the property generating
423 the tax credit or any interest in the entity which owns the
424 property. Transferees are entitled to apply the credits against
425 the tax with the same effect as if the transferee had incurred
426 the eligible costs.

427 (b) To perfect the transfer, the transferor shall provide
428 a written transfer statement providing notice to the Department
429 of Revenue of the assignor's intent to transfer the tax credits
430 to the assignee, the date the transfer is effective, the
431 assignee's name, address, federal taxpayer identification number
432 and tax period, and the amount of tax credits to be transferred.
433 The Department of Revenue shall issue, upon receipt of a
434 transfer statement conforming to the requirements of this
435 section, a certificate to the assignee reflecting the tax credit
436 amounts transferred, a copy of which shall be attached to each
437 tax return by an assignee in which such tax credits are used.

438 (c) Tax credits derived by such entities treated as
439 corporations pursuant to this section that are not transferred
440 by such entities to other taxpayers pursuant to this subsection
441 shall be passed through to the taxpayers designated as partners,

442 members, or owners, respectively, in any manner agreed to by
 443 such persons, whether or not such persons are allocated or
 444 allowed any portion of the federal energy tax credit with
 445 respect to the eligible costs.

446 (7)~~(6)~~ RULES.--The Department of Revenue shall have the
 447 authority to adopt rules relating to:

448 (a) The forms required to claim a tax credit under this
 449 section, the requirements and basis for establishing an
 450 entitlement to a credit, and the examination and audit
 451 procedures required to administer this section.

452 (b) The implementation and administration of the
 453 provisions allowing a transfer of tax credits, including rules
 454 prescribing forms, reporting requirements, and the specific
 455 procedures, guidelines, and requirements necessary for a tax
 456 credit to be transferred.

457 (c) The implementation and administration of the
 458 provisions allowing a pass through of tax credits, including
 459 rules prescribing forms, reporting requirements, and the
 460 specific procedures, guidelines, and requirements necessary for
 461 a tax credit to be passed through to an owner, member, or
 462 partner.

463 (8)~~(7)~~ PUBLICATION.--The Department of Environmental
 464 Protection shall determine and publish on a regular basis the
 465 amount of available tax credits remaining in each fiscal year.

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

469 220.193 Florida renewable energy production credit.--

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

471 (f) "Sale" or "sold" includes the use of the electricity
 472 by the producer of the electricity when such use decreases the
 473 amount of electricity that would otherwise be purchased by the
 474 producer thereof.

475 (3) An annual credit against the tax imposed by this
 476 section shall be allowed to a taxpayer, based on the taxpayer's
 477 production and sale of electricity from a new or expanded
 478 Florida renewable energy facility. For a new facility, the
 479 credit shall be based on the taxpayer's sale of the facility's
 480 entire electrical production. For an expanded facility, the
 481 credit shall be based on the increases in the facility's
 482 electrical production that are achieved after May 1, 2006.

483 (j) A taxpayer's use of the credit granted pursuant to
 484 this section shall not reduce the amount of any credit
 485 authorized by s. 220.186 that would otherwise be available to
 486 that taxpayer.

487 Section 6. Section 255.251, Florida Statutes, is amended
 488 to read:

489 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 490 Act; short title.--This act shall be cited as the "Florida
 491 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

492 Section 7. Section 255.252, Florida Statutes, is amended
 493 to read:

494 255.252 Findings and intent.--

495 (1) Operating and maintenance expenditures associated with
 496 energy equipment and with energy consumed in state-financed and
 497 leased buildings represent a significant cost over the life of a

498 building. Energy conserved by appropriate building design not
499 only reduces the demand for energy but also reduces costs for
500 building operation. ~~For example, commercial buildings are~~
501 ~~estimated to use from 20 to 80 percent more energy than would be~~
502 ~~required if energy-conserving designs were used.~~ The size,
503 design, orientation, and operability of windows, the ratio of
504 ventilating air to air heated or cooled, the level of lighting
505 consonant with space-use requirements, the handling of occupancy
506 loads, and the ability to zone off areas not requiring
507 equivalent levels of heating or cooling are but a few of the
508 considerations necessary to conserving energy.

509 (2) Significant efforts are needed to build energy-
510 efficient state-owned buildings that meet environmental
511 standards ~~underway by the General Services Administration, the~~
512 ~~National Institute of Standards and Technology, and others to~~
513 ~~detail the considerations and practices for energy conservation~~
514 ~~in buildings.~~ Most important is that energy-efficient designs
515 provide energy savings over the life of the building structure.
516 ~~Conversely, energy-inefficient designs cause excess and wasteful~~
517 ~~energy use and high costs over that life.~~ With buildings lasting
518 many decades and with energy costs escalating rapidly, it is
519 essential that the costs of operation and maintenance for
520 energy-using equipment and sustainable materials be included in
521 all design proposals for state-owned ~~state~~ buildings.

522 (3) In order that such energy-efficiency and sustainable
523 materials considerations become a function of building design,
524 and also a model for future application in the private sector,
525 it shall be the policy of the state that buildings constructed

526 and financed by the state be designed and constructed to meet
527 the United States Green Building Council (USGBC) Leadership in
528 Energy and Environmental Design (LEED) rating system, Green
529 Building Initiative's Green Globes rating system, or a
530 nationally recognized, high-performance green building rating
531 system as approved by the department ~~in a manner which will~~
532 ~~minimize the consumption of energy used in the operation and~~
533 ~~maintenance of such buildings~~. It is further the policy of the
534 state, when economically feasible, to retrofit existing state-
535 owned buildings in a manner that ~~which~~ will minimize the
536 consumption of energy used in the operation and maintenance of
537 such buildings.

538 (4) In addition to designing and constructing new
539 buildings to be energy efficient ~~energy efficient~~, it shall be
540 the policy of the state to operate, maintain, and renovate
541 existing state-owned ~~state~~ facilities, or provide for their
542 renovation, in a manner that ~~which~~ will minimize energy
543 consumption and maximize their sustainability as well as ensure
544 that facilities leased by the state are operated so as to
545 minimize energy use. Agencies are encouraged to consider shared
546 savings financing of such energy projects, using contracts that
547 ~~which~~ split the resulting savings for a specified period of time
548 between the agency and the private firm or cogeneration
549 contracts which otherwise permit the state to lower its energy
550 costs. Such energy contracts may be funded from the operating
551 budget.

552 (5) Each state agency must identify and compile a list of
553 all state-owned buildings within its inventory that it

CS/HB 7123

2007

554 determines are suitable for a guaranteed energy performance
555 savings contract pursuant to s. 489.145. Such list shall be
556 submitted to the Department of Management Services by December
557 31, 2007, and shall include any criteria used to determine
558 suitability. The list of suitable buildings shall be developed
559 from the list of state-owned facilities over 5,000 square feet
560 in area and for which the agency is responsible for paying the
561 expenses of utilities and other operating expenses as they
562 relate to energy use. In consultation with each department
563 secretary or director, by March 1, 2008, the Department of
564 Management Services shall evaluate each agency's facilities
565 suitable for energy conservation projects and shall develop an
566 energy efficiency project schedule based on factors such as
567 project magnitude, efficiency and effectiveness of energy
568 conservation measures to be implemented, and other factors that
569 may prove to be advantageous to pursue. Such schedule shall
570 provide the deadline for guaranteed energy performance savings
571 contract improvements to be made to the state-owned buildings.

572 Section 8. Subsections (6) and (7) are added to section
573 255.253, Florida Statutes, to read:

574 255.253 Definitions; ss. 255.251-255.258.--

575 (6) "Sustainable building" means a building that is
576 healthy and comfortable for its occupants and is economical to
577 operate while conserving resources, including energy, water, raw
578 materials, and land, and minimizing the generation of toxic
579 materials and waste in its design, construction, landscaping,
580 and operation.

CS/HB 7123

2007

581 (7) "Sustainable building rating" means a rating
582 established by the United States Green Building Council (USGBC)
583 Leadership in Energy and Environmental Design (LEED) rating
584 system, Green Building Initiative's Green Globes rating system,
585 or a nationally recognized, high-performance green building
586 rating system as approved by the department.

587 Section 9. Section 255.254, Florida Statutes, is amended
588 to read:

589 255.254 No facility constructed ~~or leased~~ without life-
590 cycle costs.--

591 (1) No state agency shall ~~lease,~~ construct, or have
592 constructed, within limits prescribed herein, a facility without
593 having secured from the department an a proper evaluation of
594 life-cycle costs based on sustainable building ratings, ~~as~~
595 ~~computed by an architect or engineer.~~ Furthermore, construction
596 shall proceed only upon disclosing, for the facility chosen, the
597 life-cycle costs as determined in s. 255.255, its sustainable
598 building rating goal, and the capitalization of the initial
599 construction costs of the building. The life-cycle costs shall
600 be a primary consideration in the selection of a building design
601 in addition to its sustainable building rating goal. ~~Such~~
602 ~~analysis shall be required only for construction of buildings~~
603 ~~with an area of 5,000 square feet or greater.~~ For leased
604 buildings 5,000 square feet or greater ~~areas of 20,000 square~~
605 ~~feet or greater~~ within a given building boundary, an energy
606 performance analysis ~~a life cycle analysis~~ shall be performed,
607 and a lease shall only be made where there is a showing that the

608 energy life-cycle costs incurred by the state are minimal
 609 compared to available like facilities.

610 (2) On and after January 1, 1979, no state agency shall
 611 initiate construction or have construction initiated, prior to
 612 approval thereof by the department, on a facility or self-
 613 contained unit of any facility, the design and construction of
 614 which incorporates or contemplates the use of an energy system
 615 other than a solar energy system when the life-cycle costs
 616 analysis prepared by the department has determined that a solar
 617 energy system is the most cost-efficient energy system for the
 618 facility or unit.

619 (3) After September 30, 1985, when any state agency must
 620 replace or supplement major items of energy-consuming equipment
 621 in existing state-owned ~~or leased~~ facilities or any self-
 622 contained unit of any facility with other major items of energy-
 623 consuming equipment, the selection of such items shall be made
 624 on the basis of a life-cycle cost analysis of alternatives in
 625 accordance with rules promulgated by the department under s.
 626 255.255.

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

629 255.255 Life-cycle costs.--

630 (1) The department shall promulgate rules and procedures,
 631 including energy conservation performance guidelines based on
 632 sustainable building ratings, for conducting a life-cycle cost
 633 analysis of alternative architectural and engineering designs
 634 and alternative major items of energy-consuming equipment to be
 635 retrofitted in existing state-owned or leased facilities and for

CS/HB 7123

2007

636 developing energy performance indices to evaluate the efficiency
637 of energy utilization for competing designs in the construction
638 of state-financed and leased facilities.

639 Section 11. Subsections (10) and (11) of section 287.064,
640 Florida Statutes, are amended to read:

641 287.064 Consolidated financing of deferred-payment
642 purchases.--

643 (10) Costs incurred pursuant to a guaranteed energy
644 performance savings contract, including the cost of energy
645 conservation measures, each as defined in s. 489.145, may be
646 financed pursuant to a master equipment financing agreement;
647 however, the costs of training, operation, and maintenance may
648 not be financed. The period of time for repayment of the funds
649 drawn pursuant to the master equipment financing agreement under
650 this subsection may exceed 5 years but may not exceed 20 ~~10~~
651 years for energy conservation measures pursuant to s. 489.145,
652 excluding the costs of training, operation, and maintenance. The
653 guaranteed energy performance savings contractor shall provide
654 for the replacement or the extension of the useful life of the
655 equipment during the term of the contract.

656 (11) For purposes of consolidated financing of deferred
657 payment commodity contracts under this section by a state
658 agency, the annualized amount of any such contract must be
659 supported from available recurring funds appropriated to the
660 agency in an appropriation category, ~~other than the expense~~
661 ~~appropriation category~~ as defined in chapter 216, that the Chief
662 Financial Officer has determined is appropriate or that the

663 Legislature has designated for payment of the obligation
 664 incurred under this section.

665 Section 12. Section 377.802, Florida Statutes, is amended
 666 to read:

667 377.802 Purposes ~~Purpose~~.--

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

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

684 Section 13. Subsection (2) of section 377.803, Florida
 685 Statutes, is amended, and subsections (3) through (10) of that
 686 section are renumbered as subsections (2) through (9),
 687 respectively, to read:

688 377.803 Definitions.--As used in ss. 377.801-377.806, the
 689 term:

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

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

695 377.804 Renewable Energy Technologies Grants Program.--

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

705 ~~(a) The project stimulates in-state capital investment and~~
 706 ~~economic development in metropolitan and rural areas, including~~
 707 ~~the creation of jobs and the future development of a commercial~~
 708 ~~market for bioenergy.~~

709 ~~(b) The project produces bioenergy from Florida grown~~
 710 ~~crops or biomass.~~

711 ~~(c) The project demonstrates efficient use of energy and~~
 712 ~~material resources.~~

713 ~~(d) The project fosters overall understanding and~~
 714 ~~appreciation of bioenergy technologies.~~

715 ~~(e) Matching funds and in kind contributions from an~~
 716 ~~applicant are available.~~

717 ~~(f) The project duration and the timeline for expenditures~~
 718 ~~are acceptable.~~

719 ~~(g) The project has a reasonable assurance of enhancing~~
 720 ~~the value of agricultural products or will expand agribusiness~~
 721 ~~in the state.~~

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

725 Section 15. Subsections (2) and (3) of section 377.806,
 726 Florida Statutes, are amended, present subsection (6) is
 727 renumbered as subsection (7), present subsection (7) is
 728 renumbered as subsection (8) and amended, and a new subsection
 729 (6) is added to that section, to read:

730 377.806 Solar Energy System Incentives Program.--

731 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

732 (a) Eligibility requirements.--A solar photovoltaic system
 733 qualifies for a rebate if:

734 1. The system is installed by a state-licensed master
 735 electrician, electrical contractor, or solar contractor.

736 2. The system complies with state interconnection
 737 standards as provided by the commission.

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

740 (b) Rebate amounts.--The rebate amount shall be set at \$4
 741 per watt based on the total wattage rating of the system. The
 742 maximum allowable rebate per solar photovoltaic system
 743 installation shall be as follows:

744 1. Twenty thousand dollars for a residence.

745 2. One hundred thousand dollars for a place of business, a
 746 publicly owned or operated facility, or a facility owned or
 747 operated by a private, not-for-profit organization, including
 748 condominiums or apartment buildings.

749 (c) Application.--To be eligible to receive a rebate,
 750 applicants must file with the department a preapplication form
 751 demonstrating that the planned system will meet applicable
 752 requirements of this section. The department shall review the
 753 preapplication to determine if it complies with the requirements
 754 of this section, shall notify the applicant within 30 days after
 755 receipt of the preapplication that the preapplication has been
 756 received and meets such requirements, and shall reserve funding
 757 for the preapplication for up to 90 days following the date of
 758 issuance of notification to the applicant. Within 90 days after
 759 the purchase of the solar photovoltaic system, the applicant
 760 must submit to the department a separate application for a
 761 rebate payment.

762 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

765 1. The system is installed by a state-licensed solar or
 766 plumbing contractor.

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

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

771 1. Five hundred dollars for a residence.

CS/HB 7123

2007

772 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 773 for a place of business, a publicly owned or operated facility,
 774 or a facility owned or operated by a private, not-for-profit
 775 organization, including condominiums or apartment buildings. ~~Btu~~
 776 ~~must be verified by approved metering equipment.~~

777 (6) LIMITATION.--Rebates are limited to one type of system
 778 per resident per state fiscal year.

779 ~~(8)(7)~~ RULES.--The department shall adopt rules pursuant
 780 to ss. 120.536(1) and 120.54 to develop rebate applications for
 781 rebate reservations and rebate payments and administer the
 782 issuance of rebates.

783 Section 16. Section 403.0874, Florida Statutes, is created
 784 to read:

785 403.0874 Greenhouse gas inventories.--

786 (1) "Greenhouse gases" means gases that trap heat in the
 787 atmosphere. The principal greenhouse gases are: carbon dioxide
 788 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases
 789 (such as hydrofluorocarbons, perfluorocarbons, and sulfur
 790 hexafluoride).

791 (2) The department shall develop greenhouse gas
 792 inventories that account for annual greenhouse gases emitted to
 793 and removed from the atmosphere, and forecast gases emitted and
 794 removed, for all major greenhouse gases, for time periods
 795 determined sufficient by the department to provide for adequate
 796 analysis and planning.

797 (3) By rule, the department shall define which greenhouse
 798 gases are to be included in each inventory, the criteria for
 799 defining major emitters, which emitters must report emissions,

800 and what methodologies shall be used to estimate gases emitted
801 and removed from those not required to report.

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

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

810 403.50663 Informational public meetings.--

811 (3) A local government or regional planning council that
812 intends to conduct an informational public meeting must provide
813 notice of the meeting to all parties not less than 15 5 days
814 prior to the meeting and to the general public, in accordance
815 with the provisions of s. 403.5115(5).

816 Section 18. Subsections (2), (3), and (4) of section
817 403.50665, Florida Statutes, are amended to read:

818 403.50665 Land use consistency.--

819 (2) Within 45 days after the filing of the application,
820 each local government shall file a determination with the
821 department, the applicant, the administrative law judge, and all
822 parties on the consistency of the site or any directly
823 associated facilities with existing land use plans and zoning
824 ordinances that were in effect on the date the application was
825 filed, based on the information provided in the application. The
826 local government may issue its determination up to 35 days later
827 if the local government has requested additional information on

CS/HB 7123

2007

828 land use and zoning consistency as part of the local
829 government's statement on completeness of the application
830 submitted pursuant to s. 403.5066(1)(a). Incompleteness of
831 information necessary for a local government to evaluate an
832 application may be claimed by the local government as cause for
833 a statement of inconsistency with existing land use plans and
834 zoning ordinances. Notice of the consistency determination shall
835 be published in accordance with the requirements of s. 403.5115.

836 (3) If the local government issues a determination that
837 the proposed electrical power plant is not consistent or in
838 compliance with local land use plans and zoning ordinances, the
839 applicant may apply to the local government for the necessary
840 local approval to address the inconsistencies in the local
841 government's determination. If the applicant makes such an
842 application to the local government, the time schedules under
843 this act shall be tolled until the local government issues its
844 revised determination on land use and zoning or the applicant
845 otherwise withdraws its application to the local government. If
846 the applicant applies to the local government for necessary
847 local land use or zoning approval, the local government shall
848 issue a revised determination within 30 days following the
849 conclusion of any that local proceeding held by the local
850 government to consider the application for land use or zoning
851 approval, and the time schedules and notice requirements under
852 this act shall apply to such revised determination.

853 (4) If any substantially affected person wishes to dispute
854 the local government's determination, he or she shall file a
855 petition with the designated administrative law judge ~~department~~

CS/HB 7123

2007

856 within 21 days after the publication of notice of the local
857 government's determination. If a hearing is requested, the
858 provisions of s. 403.508(1) shall apply.

859 Section 19. Paragraph (a) of subsection (1) and paragraph
860 (a) of subsection (2) of section 403.508, Florida Statutes, are
861 amended to read:

862 403.508 Land use and certification hearings, parties,
863 participants.--

864 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
865 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
866 the designated administrative law judge shall schedule ~~conduct~~ a
867 land use hearing to be conducted in the county of the proposed
868 site or directly associated facility, as applicable, as
869 expeditiously as possible, but not later than 30 days after the
870 department's receipt of the petition. The place of such hearing
871 shall be as close as possible to the proposed site or directly
872 associated facility. If a petition is filed, the hearing shall
873 be held regardless of the status of the completeness of the
874 application. ~~However, incompleteness of information necessary~~
875 ~~for a local government to evaluate an application may be claimed~~
876 ~~by the local government as cause for a statement of~~
877 ~~inconsistency with existing land use plans and zoning ordinances~~
878 ~~under s. 403.50665.~~

879 (2) (a) A certification hearing shall be held by the
880 designated administrative law judge no later than 265 days after
881 the application is filed with the department. The certification
882 hearing shall be held at a location in proximity to the proposed
883 site. ~~At the conclusion of the certification hearing, the~~

884 ~~designated administrative law judge shall, after consideration~~
 885 ~~of all evidence of record, submit to the board a recommended~~
 886 ~~order no later than 45 days after the filing of the hearing~~
 887 ~~transcript.~~

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

890 403.509 Final disposition of application.--

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

911 Section 21. Section 403.5113, Florida Statutes, is amended
 912 to read:

913 403.5113 Postcertification amendments and review.--

914 (1) POSTCERTIFICATION AMENDMENTS.--

915 (a) If, subsequent to certification by the board, a
 916 licensee proposes any material change to the application and
 917 revisions or amendments thereto, as certified, the licensee
 918 shall submit a written request for amendment and a description
 919 of the proposed change to the application to the department.
 920 Within 30 days after the receipt of the request for the
 921 amendment, the department shall determine whether the proposed
 922 change to the application requires a modification of the
 923 conditions of certification.

924 (b) ~~(2)~~ If the department concludes that the change would
 925 not require a modification of the conditions of certification,
 926 the department shall provide written notification of the
 927 determination on approval ~~of~~ the proposed amendment to the
 928 licensee, all agencies, and all other parties.

929 (c) ~~(3)~~ If the department concludes that the change would
 930 require a modification of the conditions of certification, the
 931 department shall provide written notification to the licensee
 932 that the proposed change to the application requires a request
 933 for modification pursuant to s. 403.516.

934 (2) ~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
 935 submittals filed by the licensee with one or more agencies are
 936 for the purpose of monitoring for compliance with the issued
 937 certification and must be reviewed by the agencies on an
 938 expedited and priority basis because each facility certified

939 | under this act is a critical infrastructure facility. In no
 940 | event shall a postcertification review be completed in more than
 941 | 90 days after complete information is submitted to the reviewing
 942 | agencies.

943 | Section 22. Section 403.5115, Florida Statutes, is amended
 944 | to read:

945 | 403.5115 Public notice.--

946 | (1) The following notices are to be published by the
 947 | applicant for all applications:

948 | (a) Notice of the filing of a notice of intent under s.
 949 | 403.5063, which shall be published within 21 days after the
 950 | filing of the notice. The notice shall be published as specified
 951 | by subsection (2), except that the newspaper notice shall be
 952 | one-fourth page in size in a standard size newspaper or one-half
 953 | page in size in a tabloid size newspaper.

954 | (b) Notice of filing of the application, which shall
 955 | include a description of the proceedings required by this act,
 956 | within 21 days after the date of the application filing. Such
 957 | notice shall give notice of the provisions of s. 403.511(1) and
 958 | (2).

959 | (c) If applicable, notice of the land use determination
 960 | made pursuant to s. 403.50665(1) within 21 days after the
 961 | determination is filed.

962 | (d) If applicable, notice of the land use hearing, which
 963 | shall be published as specified in subsection (2), no later than
 964 | 15 days before the hearing.

965 | (e) Notice of the certification hearing and notice of the
 966 | deadline for filing notice of intent to be a party, which shall

967 be published as specified in subsection (2), at least 65 days
968 before the date set for the certification hearing.

969 (f) Notice of the cancellation of the certification
970 hearing, if applicable, no later than 3 days before the date of
971 the originally scheduled certification hearing.

972 (g) Notice of modification when required by the
973 department, based on whether the requested modification of
974 certification will significantly increase impacts to the
975 environment or the public. Such notice shall be published as
976 specified under subsection (2):

977 1. Within 21 days after receipt of a request for
978 modification. The newspaper notice shall be of a size as
979 directed by the department commensurate with the scope of the
980 modification.

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

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

986 ~~(i) Notice of existing site certification pursuant to s.
987 403.5175. Notices shall be published as specified in paragraph
988 (b) and subsection (2).~~

989 (2) Notices provided by the applicant shall be published
990 in newspapers of general circulation within the county or
991 counties in which the proposed electrical power plant will be
992 located. The newspaper notices shall be at least one-half page
993 in size in a standard size newspaper or a full page in a tabloid
994 size newspaper. These notices shall include a map generally

CS/HB 7123

2007

995 depicting the project and all associated facilities corridors. A
 996 newspaper of general circulation shall be the newspaper which
 997 has the largest daily circulation in that county and has its
 998 principal office in that county. If the newspaper with the
 999 largest daily circulation has its principal office outside the
 1000 county, the notices shall appear in both the newspaper having
 1001 the largest circulation in that county and in a newspaper
 1002 authorized to publish legal notices in that county.

1003 (3) All notices published by the applicant shall be paid
 1004 for by the applicant and shall be in addition to the application
 1005 fee.

1006 (4) The department shall arrange for publication of the
 1007 following notices in the manner specified by chapter 120 and
 1008 provide copies of those notices to any persons who have
 1009 requested to be placed on the departmental mailing list for this
 1010 purpose for each case for which an application has been received
 1011 by the department:

1012 (a) Notice of the filing of the notice of intent within 15
 1013 days after receipt of the notice.

1014 (b) Notice of the filing of the application, no later than
 1015 21 days after the application filing.

1016 (c) Notice of the land use determination made pursuant to
 1017 s. 403.50665(1) within 21 days after the determination is filed.

1018 (d) Notice of the land use hearing before the
 1019 administrative law judge, if applicable, no later than 15 days
 1020 before the hearing.

1021 (e) Notice of the land use hearing before the board, if
 1022 applicable.

1023 (f) Notice of the certification hearing at least 45 days
 1024 before the date set for the certification hearing.

1025 (g) Notice of the cancellation of the certification
 1026 hearing, if applicable, no later than 3 days prior to the date
 1027 of the originally scheduled certification hearing.

1028 (h) Notice of the hearing before the board, if applicable.

1029 (i) Notice of stipulations, proposed agency action, or
 1030 petitions for modification.

1031 (5) A local government or regional planning council that
 1032 proposes to conduct an informational public meeting pursuant to
 1033 s. 403.50663 must publish notice of the meeting in a newspaper
 1034 of general circulation within the county or counties in which
 1035 the proposed electrical power plant will be located no later
 1036 than 7 days prior to the meeting. A newspaper of general
 1037 circulation shall be the newspaper which has the largest daily
 1038 circulation in that county and has its principal office in that
 1039 county. If the newspaper with the largest daily circulation has
 1040 its principal office outside the county, the notices shall
 1041 appear in both the newspaper having the largest circulation in
 1042 that county and in a newspaper authorized to publish legal
 1043 notices in that county.

1044 Section 23. Subsection (1) of section 403.5252, Florida
 1045 Statutes, is amended to read:

1046 403.5252 Determination of completeness.--

1047 (1)(a) Within 30 days after the filing ~~distribution~~ of an
 1048 application, the affected agencies shall file a statement with
 1049 the department containing the recommendations of each agency

1050 concerning the completeness of the application for
 1051 certification.

1052 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 1053 application ~~completeness statements of each agency~~, the
 1054 department shall file a statement with the Division of
 1055 Administrative Hearings, with the applicant, and with all
 1056 parties declaring its position with regard to the completeness
 1057 of the application. The statement of the department shall be
 1058 based upon its consultation with the affected agencies.

1059 Section 24. Paragraph (a) of subsection (6) of section
 1060 403.527, Florida Statutes, is amended to read:

1061 403.527 Certification hearing, parties, participants.--

1062 (6) (a) No later than 29 ~~25~~ days before the certification
 1063 hearing, the department or the applicant may request that the
 1064 administrative law judge cancel the certification hearing and
 1065 relinquish jurisdiction to the department if all parties to the
 1066 proceeding stipulate that there are no disputed issues of
 1067 material fact or law to be raised at the certification hearing.

1068 Section 25. Paragraph (e) of subsection (1) of section
 1069 403.5271, Florida Statutes, is amended to read:

1070 403.5271 Alternate corridors.--

1071 (1) No later than 45 days before the originally scheduled
 1072 certification hearing, any party may propose alternate
 1073 transmission line corridor routes for consideration under the
 1074 provisions of this act.

1075 (e)1. Reviewing agencies shall advise the department of
 1076 any issues concerning completeness no later than 15 days after
 1077 the submittal of the data required by paragraph (d). Within 22

CS/HB 7123

2007

1078 days after receipt of the data, the department shall issue a
 1079 determination of completeness.

1080 2. If the department determines that the data required by
 1081 paragraph (d) is not complete, the party proposing the alternate
 1082 corridor must file such additional data to correct the
 1083 incompleteness. This additional data must be submitted within 14
 1084 days after the determination by the department.

1085 3. Reviewing agencies may advise the department of any
 1086 issues concerning completeness of the additional data within 10
 1087 days after the filing by the party proposing the alternate
 1088 corridor. If the department, within 14 days after receiving the
 1089 additional data, determines that the data remains incomplete,
 1090 the incompleteness of the data is deemed a withdrawal of the
 1091 proposed alternate corridor. The department may make its
 1092 determination based on recommendations made by other affected
 1093 agencies.

1094 Section 26. Subsection (3) of section 403.5272, Florida
 1095 Statutes, is amended to read:

1096 403.5272 Informational public meetings.--

1097 (3) A local government or regional planning council that
 1098 intends to conduct an informational public meeting must provide
 1099 notice of the meeting, with notice sent to all parties listed in
 1100 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting, to
 1101 the general public, in accordance with the provisions of s.
 1102 403.5363(4).

1103 Section 27. Paragraph (b) of subsection (1) of section
 1104 403.5317, Florida Statutes, is amended to read:

1105 403.5317 Postcertification activities.--

CS/HB 7123

2007

1106 (1)
 1107 (b) If the department concludes that the change would not
 1108 require a modification of the conditions of certification, the
 1109 department shall notify, in writing, the licensee, all agencies,
 1110 and all parties of the determination on approval of the
 1111 amendment.

1112 Section 28. Paragraph (c) of subsection (3) of section
 1113 403.5363, Florida Statutes, is amended, and subsection (4) is
 1114 added to that section, to read:

1115 403.5363 Public notices; requirements.--

1116 (3) The department shall arrange for the publication of
 1117 the following notices in the manner specified by chapter 120:

1118 (c) The notice of the cancellation of a certification
 1119 hearing, if applicable. The notice must be published not later
 1120 than 3 ~~7~~ days before the date of the originally scheduled
 1121 certification hearing.

1122 (4) A local government or regional planning council that
 1123 proposes to conduct an informational public meeting pursuant to
 1124 s. 403.5272 must publish notice of the meeting in a newspaper of
 1125 general circulation within the county or counties in which the
 1126 proposed electrical transmission line will be located no later
 1127 than 7 days prior to the meeting. A newspaper of general
 1128 circulation shall be the newspaper which has the largest daily
 1129 circulation in that county and has its principal office in that
 1130 county. If the newspaper with the largest daily circulation has
 1131 its principal office outside the county, the notices shall
 1132 appear in both the newspaper having the largest circulation in

1133 that county and in a newspaper authorized to publish legal
 1134 notices in that county.

1135 Section 29. Section 489.145, Florida Statutes, is amended
 1136 to read:

1137 489.145 Guaranteed energy performance savings
 1138 contracting.--

1139 (1) SHORT TITLE.--This section may be cited as the
 1140 "Guaranteed Energy Performance Savings Contracting Act."

1141 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 1142 investment in energy conservation measures in agency facilities
 1143 can reduce the amount of energy consumed and produce immediate
 1144 and long-term savings. It is the policy of this state to
 1145 encourage agencies to invest in energy conservation measures
 1146 ~~that reduce energy consumption, produce a cost savings for the~~
 1147 ~~agency, and improve the quality of indoor air in public~~
 1148 ~~facilities and to operate, maintain, and, when economically~~
 1149 ~~feasible, build or renovate existing agency facilities in such a~~
 1150 ~~manner as~~ to minimize energy consumption and maximize energy
 1151 savings. It is further the policy of this state to encourage
 1152 agencies to reinvest any energy savings resulting from energy
 1153 conservation measures in additional energy conservation efforts.

1154 (3) DEFINITIONS.--As used in this section, the term:

1155 (a) "Agency" means the state, a municipality, or a
 1156 political subdivision.

1157 (b) "Energy conservation measure" means a ~~training~~
 1158 ~~program,~~ facility alteration, or an equipment purchase to be
 1159 used in new construction, including an addition to an existing

CS/HB 7123

2007

1160 facility, which reduces energy or energy-related operating costs
 1161 and includes, but is not limited to:

1162 1. Insulation of the facility structure and systems within
 1163 the facility.

1164 2. Storm windows and doors, caulking or weatherstripping,
 1165 multiglazed windows and doors, heat-absorbing, or heat-
 1166 reflective, glazed and coated window and door systems,
 1167 additional glazing, reductions in glass area, and other window
 1168 and door system modifications that reduce energy consumption.

1169 3. Automatic energy control systems.

1170 4. Heating, ventilating, or air-conditioning system
 1171 modifications or replacements.

1172 5. Replacement or modifications of lighting fixtures to
 1173 increase the energy efficiency of the lighting system, which, at
 1174 a minimum, must conform to the applicable state or local
 1175 building code.

1176 6. Energy recovery systems.

1177 7. Cogeneration systems that produce steam or forms of
 1178 energy such as heat, as well as electricity, for use primarily
 1179 within a facility or complex of facilities.

1180 8. Energy conservation measures that reduce Btu, kW, or
 1181 kWh consumed or provide long-term operating cost reductions ~~or~~
 1182 ~~significantly reduce Btu consumed.~~

1183 9. Renewable energy systems, such as solar, biomass, or
 1184 wind systems.

1185 10. Devices that reduce water consumption or sewer
 1186 charges.

- 1187 11. Storage systems, such as fuel cells and thermal
 1188 storage.
 1189 12. Generating technologies, such as microturbines.
 1190 13. Any other repair, replacement, or upgrade of existing
 1191 equipment.

1192 (c) "Energy cost savings" means a measured reduction in
 1193 the cost of fuel, energy consumption, and stipulated operation
 1194 and maintenance created from the implementation of one or more
 1195 energy conservation measures when compared with an established
 1196 baseline for the previous cost of fuel, energy consumption, and
 1197 stipulated operation and maintenance.

1198 (d) "Guaranteed energy performance savings contract" means
 1199 a contract for the evaluation, recommendation, and
 1200 implementation of energy conservation measures or energy-related
 1201 operational saving measures, which, at a minimum, shall include:

1202 1. The design and installation of equipment to implement
 1203 one or more of such measures and, if applicable, operation and
 1204 maintenance of such measures.

1205 2. The amount of any actual annual savings that meet or
 1206 exceed total annual contract payments made by the agency for the
 1207 contract and may include allowable cost avoidance. As used in
 1208 this section, allowable cost avoidance calculations include, but
 1209 are not limited to, avoided provable budgeted costs contained in
 1210 a capital replacement plan less the current undepreciated value
 1211 of replaced equipment and the replacement cost of the new
 1212 equipment.

1213 3. The finance charges incurred by the agency over the
 1214 life of the contract.

1215 (e) "Guaranteed energy performance savings contractor"
 1216 means a person or business that is licensed under chapter 471,
 1217 chapter 481, or this chapter, and is experienced in the
 1218 analysis, design, implementation, or installation of energy
 1219 conservation measures through energy performance contracts.

1220 (4) PROCEDURES.--

1221 (a) An agency may enter into a guaranteed energy
 1222 performance savings contract with a guaranteed energy
 1223 performance savings contractor to ~~significantly~~ reduce energy
 1224 consumption or energy-related operating costs of an agency
 1225 facility through one or more energy conservation measures.

1226 (b) Before design and installation of energy conservation
 1227 measures, the agency must obtain from a guaranteed energy
 1228 performance savings contractor a report that summarizes the
 1229 costs associated with the energy conservation measures or
 1230 energy-related operational cost saving measures and provides an
 1231 estimate of the amount of the ~~energy~~ cost savings. The agency
 1232 and the guaranteed energy performance savings contractor may
 1233 enter into a separate agreement to pay for costs associated with
 1234 the preparation and delivery of the report; however, payment to
 1235 the contractor shall be contingent upon the report's projection
 1236 of energy or operational cost savings being equal to or greater
 1237 than the total projected costs of the design and installation of
 1238 the report's energy conservation measures.

1239 (c) The agency may enter into a guaranteed energy
 1240 performance savings contract with a guaranteed energy
 1241 performance savings contractor if the agency finds that the
 1242 amount the agency would spend on the energy conservation or

1243 energy-related cost saving measures will not likely exceed the
1244 amount of the energy or energy-related cost savings for up to 20
1245 years from the date of installation, based on the life cycle
1246 cost calculations provided in s. 255.255, if the recommendations
1247 in the report were followed and if the qualified provider or
1248 providers give a written guarantee that the energy or energy-
1249 related cost savings will meet or exceed the costs of the
1250 system. However, actual computed cost savings must meet or
1251 exceed the estimated cost savings provided in program approval.
1252 Baseline adjustments used in calculations must be specified in
1253 the contract. The contract may provide for installment payments
1254 for a period not to exceed 20 years.

1255 (d) A guaranteed energy performance savings contractor
1256 must be selected in compliance with s. 287.055; except that if
1257 fewer than three firms are qualified to perform the required
1258 services, the requirement for agency selection of three firms,
1259 as provided in s. 287.055(4)(b), and the bid requirements of s.
1260 287.057 do not apply.

1261 (e) Before entering into a guaranteed energy performance
1262 savings contract, an agency must provide published notice of the
1263 meeting in which it proposes to award the contract, the names of
1264 the parties to the proposed contract, and the contract's
1265 purpose.

1266 (f) A guaranteed energy performance savings contract may
1267 provide for financing, including tax exempt financing, by a
1268 third party. The contract for third party financing may be
1269 separate from the energy performance contract. A separate
1270 contract for third party financing pursuant to this paragraph

1271 must include a provision that the third party financier must not
 1272 be granted rights or privileges that exceed the rights and
 1273 privileges available to the guaranteed energy performance
 1274 savings contractor.

1275 (g) Financing for guaranteed energy performance savings
 1276 contracts may be provided under the authority of s. 287.064.

1277 (h) The Office of the Chief Financial Officer shall review
 1278 proposals to ensure that the most effective financing is being
 1279 used.

1280 (i)~~(g)~~ In determining the amount the agency will finance
 1281 to acquire the energy conservation measures, the agency may
 1282 reduce such amount by the application of any grant moneys,
 1283 rebates, or capital funding available to the agency for the
 1284 purpose of buying down the cost of the guaranteed energy
 1285 performance savings contract. However, in calculating the life
 1286 cycle cost as required in paragraph (c), the agency shall not
 1287 apply any grants, rebates, or capital funding.

1288 (5) CONTRACT PROVISIONS.--

1289 (a) A guaranteed energy performance savings contract must
 1290 include a written guarantee that may include, but is not limited
 1291 to the form of, a letter of credit, insurance policy, or
 1292 corporate guarantee by the guaranteed energy performance savings
 1293 contractor that annual energy cost savings will meet or exceed
 1294 the amortized cost of energy conservation measures.

1295 (b) The guaranteed energy performance savings contract
 1296 must provide that all payments, except obligations on
 1297 termination of the contract before its expiration, may be made
 1298 over time, but not to exceed 20 years from the date of complete

CS/HB 7123

2007

1299 installation and acceptance by the agency, and that the annual
1300 savings are guaranteed to the extent necessary to make annual
1301 payments to satisfy the guaranteed energy performance savings
1302 contract.

1303 (c) The guaranteed energy performance savings contract
1304 must require that the guaranteed energy performance savings
1305 contractor to whom the contract is awarded provide a 100-percent
1306 public construction bond to the agency for its faithful
1307 performance, as required by s. 255.05.

1308 (d) The guaranteed energy performance savings contract may
1309 contain a provision allocating to the parties to the contract
1310 any annual energy cost savings that exceed the amount of the
1311 energy cost savings guaranteed in the contract.

1312 (e) The guaranteed energy performance savings contract
1313 shall require the guaranteed energy performance savings
1314 contractor to provide to the agency an annual reconciliation of
1315 the guaranteed energy or energy-related cost savings. If the
1316 reconciliation reveals a shortfall in annual energy or energy-
1317 related cost savings, the guaranteed energy performance savings
1318 contractor is liable for such shortfall. If the reconciliation
1319 reveals an excess in annual ~~energy~~ cost savings, the excess
1320 savings may be allocated under paragraph (d) but may not be used
1321 to cover potential energy cost savings shortages in subsequent
1322 contract years.

1323 (f) The guaranteed energy performance savings contract
1324 must provide for payments of not less than one-twentieth of the
1325 price to be paid within 2 years from the date of the complete
1326 installation and acceptance by the agency using straight-line

1327 amortization for the term of the loan, and the remaining costs
 1328 to be paid at least quarterly, not to exceed a 20-year term,
 1329 based on life cycle cost calculations.

1330 (g) The guaranteed energy performance savings contract may
 1331 extend beyond the fiscal year in which it becomes effective;
 1332 however, the term of any contract expires at the end of each
 1333 fiscal year and may be automatically renewed annually for up to
 1334 20 years, subject to the agency making sufficient annual
 1335 appropriations based upon continued realized energy savings.

1336 (h) The guaranteed energy performance savings contract
 1337 must stipulate that it does not constitute a debt, liability, or
 1338 obligation of the state.

1339 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 1340 Department of Management Services, with the assistance of the
 1341 Office of the Chief Financial Officer, shall ~~may~~, within
 1342 available resources, provide technical content assistance to
 1343 state agencies contracting for energy conservation measures and
 1344 engage in other activities considered appropriate by the
 1345 department for promoting and facilitating guaranteed energy
 1346 performance contracting by state agencies. The Office of the
 1347 Chief Financial Officer, with the assistance of the Department
 1348 of Management Services, shall ~~may, within available resources,~~
 1349 develop model contractual and related documents for use by state
 1350 agencies. Prior to entering into a guaranteed energy performance
 1351 savings contract, any contract or lease for third-party
 1352 financing, or any combination of such contracts, a state agency
 1353 shall submit such proposed contract or lease to the Office of

1354 the Chief Financial Officer for review and approval. A proposed
 1355 contract or lease shall include:

1356 (a) Supporting information required by s. 216.023(4)(a)9.

1357 (b) Documentation supporting recurring funds requirements
 1358 in ss. 287.063(5) and 287.064(11).

1359 (c) Approval by the agency head or his or her designee.

1360 (d) An agency measurement and verification plan to monitor
 1361 costs savings.

1362 (7) FUNDING SUPPORT.--For purposes of consolidated
 1363 financing of deferred payment commodity contracts under this
 1364 section by a state agency, any such contract must be supported
 1365 from available recurring funds appropriated to the agency in an
 1366 appropriation category, other than the expense appropriation
 1367 category as defined in chapter 216, that the Chief Financial
 1368 Officer has determined is appropriate or that the Legislature
 1369 has designated for payment of the obligation incurred under this
 1370 section.

1371
 1372 The Office of the Chief Financial Officer may not approve any
 1373 contract submitted under this section that does not meet the
 1374 requirements of this section.

1375 Section 30. Section 570.956, Florida Statutes, is created
 1376 to read:

1377 570.956 Farm-to-Fuel Advisory Council.--

1378 (1) The Farm-to-Fuel Advisory Council is created within
 1379 the department to provide advice and counsel to the commissioner
 1380 concerning the production of renewable energy in this state. The
 1381 advisory council shall consist of 15 members, 14 of whom shall

1382 be appointed by the commissioner and one of whom shall be
 1383 appointed the Governor for 4-year terms or until a successor is
 1384 duly qualified and appointed. Members shall include:

1385 (a) One citizen-at-large member who shall represent the
 1386 views of the public toward renewable energy.

1387 (b) Six members each of whom is a producer or grower
 1388 actively engaged in the agricultural area of one of the
 1389 following industries:

- 1390 1. Sugarcane.
- 1391 2. Citrus.
- 1392 3. Field crops.
- 1393 4. Dairy.
- 1394 5. Livestock or poultry.
- 1395 6. Forestry.

1396 (c) One member who represents the petroleum industry or
 1397 who is actively engaged in the trade of petroleum products.

1398 (d) One member who represents public utilities or the
 1399 electric power industry.

1400 (e) Two members who represent colleges and universities in
 1401 this state and who are engaged in research involving alternative
 1402 fuels or renewable energy.

1403 (f) One member who represents the environmental community
 1404 or an environmental organization.

1405 (g) One member who represents the ethanol industry or who
 1406 has expertise in the production of ethanol.

1407 (h) One member who represents the biodiesel industry or
 1408 who has expertise in the production of biodiesel.

1409 (i) One member appointed by the Governor.

1410 (2) The council is an advisory committee the operation of
 1411 which is governed by s. 570.0705.

1412 Section 31. Section 570.957, Florida Statutes, is created
 1413 to read:

1414 570.957 Farm-to-Fuel Grants Program.--

1415 (1) As used in this section, the term:

1416 (a) "Bioenergy" means useful, renewable energy produced
 1417 from organic matter through the conversion of the complex
 1418 carbohydrates in organic matter to energy. Organic matter may
 1419 either be used directly as a fuel, processed into liquids and
 1420 gases, or be a residue of processing and conversion.

1421 (b) "Department" means the Department of Agriculture and
 1422 Consumer Services.

1423 (c) "Person" means an individual, partnership, joint
 1424 venture, private or public corporation, association, firm,
 1425 public service company, or any other public or private entity.

1426 (d) "Renewable energy" means electrical, mechanical, or
 1427 thermal energy produced from a method that uses one or more of
 1428 the following fuels or energy sources: hydrogen, biomass, solar
 1429 energy, geothermal energy, wind energy, ocean energy, waste
 1430 heat, or hydroelectric power.

1431 (2) The Farm-to-Fuel Grants Program is established within
 1432 the department to provide renewable energy matching grants for
 1433 demonstration, commercialization, research, and development
 1434 projects relating to bioenergy projects.

1435 (a) Matching grants for bioenergy demonstration,
 1436 commercialization, research, and development projects may be
 1437 made to any of the following:

- 1438 1. Municipalities and county governments.
- 1439 2. Established for-profit companies licensed to do
 1440 business in the state.
- 1441 3. Universities and colleges in the state.
- 1442 4. Utilities located and operating within the state.
- 1443 5. Not-for-profit organizations.
- 1444 6. Other qualified persons, as determined by the
 1445 Department of Agriculture and Consumer Services.
- 1446 (b) The department may adopt rules to provide for
 1447 allocation of grant funds by project type, application
 1448 requirements, ranking of applications, and awarding of grants
 1449 under this program.
- 1450 (c) Factors for consideration in awarding grants may
 1451 include, but are not limited to, the degree to which:
- 1452 1. The project produces bioenergy from Florida-grown crops
 1453 or biomass.
- 1454 2. The project demonstrates efficient use of energy and
 1455 material resources.
- 1456 3. Matching funds and in-kind contributions from an
 1457 applicant are available.
- 1458 4. The project has a reasonable assurance of enhancing the
 1459 value of agricultural products or will expand agribusiness in
 1460 the state.
- 1461 5. Preliminary market and feasibility research has been
 1462 conducted by the applicant or others and shows there is a
 1463 reasonable assurance of a potential market.
- 1464 6. The project stimulates in-state capital investment and
 1465 economic development in metropolitan and rural areas, including

CS/HB 7123

2007

1466 the creation of jobs and the future development of a commercial
1467 market for bioenergy.

1468 7. The project incorporates an innovative new technology
1469 or an innovative application of an existing technology.

1470 (d) In evaluating and awarding grants under this section,
1471 the department shall consult with and solicit input from the
1472 Department of Environmental Protection.

1473 (e) In determining the technical feasibility of grant
1474 applications, the department shall coordinate and actively
1475 consult with persons having expertise in renewable energy
1476 technologies.

1477 (f) In determining the economic feasibility of bioenergy
1478 grant applications, the department shall consult with the Office
1479 of Tourism, Trade, and Economic Development.

1480 Section 32. Section 570.958, Florida Statutes, is created
1481 to read:

1482 570.958 Biofuel Retail Sales Incentive Program.--

1483 (1) The purpose of this section is to encourage the retail
1484 sale of biofuels in this state and replace petroleum consumption
1485 in the state by the following percentages over the specified
1486 periods:

1487 (a) Three percent from January 1, 2008, through December
1488 31, 2008.

1489 (b) Five percent from January 1, 2009, through December
1490 31, 2009.

1491 (c) Seven percent from January 1, 2010, through December
1492 31, 2010.

1493 (d) Ten percent from January 1, 2011, through December 31,

1494 2011.

1495 (2) As used in this section:

1496 (a) "Biodiesel" means the mono-alkyl esters of long-chain
 1497 fatty acids derived from plant or animal matter for use as a
 1498 source of energy and meeting the specifications for biodiesel
 1499 and biodiesel blended with petroleum products as adopted by the
 1500 department.

1501 (b) "Biofuel" means E85 fuel ethanol, E10 motor fuel,
 1502 biodiesel, and diesel blended fuel.

1503 (c) "Diesel blended fuel" means a fuel mixture containing
 1504 10 percent or more biodiesel or renewable diesel fuel with the
 1505 balance comprised of diesel fuel and meeting the specifications
 1506 for diesel blends as adopted by the department.

1507 (d) "E85 fuel ethanol" means ethanol blended with gasoline
 1508 and formulated with a nominal percentage of 85 percent ethanol
 1509 by volume and meeting the applicable fuel quality specifications
 1510 as adopted by the department.

1511 (e) "E10 motor fuel" means a motor fuel blend consisting
 1512 of nominal percentages of 90 percent gasoline by volume and 10
 1513 percent ethanol by volume and meeting the fuel quality
 1514 specifications for gasoline as adopted by the department.

1515 (f) "Ethanol or fuel ethanol" means an anhydrous denatured
 1516 alcohol produced by the conversion of carbohydrates and meeting
 1517 the specifications for fuel ethanol as adopted by the
 1518 department.

1519 (g) "Fuel dispenser" means a pump, meter, or similar
 1520 device used to measure and deliver motor fuel or diesel fuel on
 1521 a retail basis.

1522 (h) "Renewable diesel fuel" means a fuel that meets the
1523 registration requirements for fuels and fuel additives
1524 established by the Environmental Protection Agency in the Clean
1525 Air Act; is not a mono-alkyl ester; is intended for use in
1526 engines that are designed to run on conventional, petroleum
1527 derived diesel fuel; is derived from nonpetroleum renewable
1528 resources, including, but not limited to, vegetable oils, animal
1529 wastes, including poultry fats and poultry wastes, and other
1530 waste materials, or municipal solid waste and sludges and oils
1531 derived from wastewater and the treatment of wastewater; and
1532 meets the specifications for diesel fuel as adopted by the
1533 department.

1534 (i) "Retail dealer" means any person who is engaged in the
1535 business of selling fuel at retail at posted retail prices.

1536 (j) "Retail motor fuel site" means a geographic location
1537 in this state where a retail dealer sells or offers for sale
1538 motor fuel, diesel fuel, or biofuel to the general public.

1539 (3)(a) Subject to specific appropriation, a retail dealer
1540 who sells biofuel through fuel dispensers at retail motor fuel
1541 sites is entitled to an incentive payment that shall be computed
1542 as follows:

1543 1. An incentive of 1 cent for each gallon of E10 motor
1544 fuel sold through a fuel dispenser.

1545 2. An incentive of 5 cents for each gallon of E85 fuel
1546 ethanol sold through a fuel dispenser.

1547 3. An incentive of 1 cent for each gallon of diesel
1548 blended fuel sold through a fuel dispenser.

1549 4. An incentive of 3 cents for each gallon of biodiesel
 1550 sold through a fuel dispenser.

1551 (b) The incentive may be claimed for biofuel sold on or
 1552 after January 1, 2008. Beginning in 2009, each applicant
 1553 claiming an incentive under this section must first apply to the
 1554 department by February 1 of each year for an allocation of the
 1555 available incentive for the preceding calendar year. The
 1556 department shall develop an application form. The application
 1557 form shall, at a minimum, require a sworn affidavit from each
 1558 retail dealer certifying the following information:

1559 1. The name and principal address of the retail dealer.
 1560 2. The address of the retail dealer's retail motor fuel
 1561 sites from which it sold biofuels during the preceding calendar
 1562 year.

1563 3. The total gallons of E10 ethanol sold through fuel
 1564 dispensers.

1565 4. The total gallons of E85 ethanol sold through fuel
 1566 dispensers.

1567 5. The total gallons of diesel blended fuel sold through
 1568 fuel dispensers.

1569 6. The total gallons of biodiesel sold through fuel
 1570 dispensers.

1571 7. Any other information deemed necessary by the
 1572 department to adequately ensure that the incentive allowed under
 1573 this section shall be made only to qualified Florida retail
 1574 dealers.

1575 (c) The department shall determine the amount of the
 1576 incentive allowed under this section.

1577 (4) If the amount of incentives applied for each year
 1578 exceeds the amount appropriated, the department shall pay to
 1579 each applicant a prorated amount based on each applicant's
 1580 gallongage of qualified biofuel sold and dispensed that is
 1581 eligible for the incentive under this section.

1582 (5) The department may adopt rules pursuant to ss.
 1583 120.536(1) and 120.54 to implement and administer this section,
 1584 including rules prescribing forms, the documentation needed to
 1585 substantiate a claim for the incentive, and the specific
 1586 procedures and guidelines for claiming the incentive.

1587 Section 33. Section 570.959, Florida Statutes, is created
 1588 to read:

1589 570.959 Florida Biofuel Production Incentive Program.--

1590 (1) The purpose of this section is to encourage the
 1591 development and expansion of facilities that produce biofuels in
 1592 this state from crops, agricultural waste and residues, and
 1593 other biomass produced in Florida by providing economic
 1594 incentives to do so.

1595 (2) As used in this section, the term:

1596 (a) "Biodiesel" means the mono-alkyl esters of long-chain
 1597 fatty acids derived from plant or animal matter for use as a
 1598 source of energy and meeting the specifications for biodiesel
 1599 and biodiesel blended with petroleum products as adopted by the
 1600 department.

1601 (b) "Biofuel" means ethanol or biodiesel.

1602 (c) "Ethanol" or "fuel ethanol" means an anhydrous
 1603 denatured alcohol produced by the conversion of carbohydrates
 1604 and meeting the specifications for fuel ethanol adopted by the

1605 department.

1606 (d) "Florida biofuel production" means production of
1607 biofuel in the state from crops, agricultural waste and
1608 residues, and other biomass produced in Florida.

1609 (3) In order to be eligible for the incentive provided in
1610 this section, a producer must have registered and have met the
1611 requirements contained in chapter 206.

1612 (4) An incentive, subject to appropriation, shall be paid
1613 to a producer based on Florida biofuel production as follows:

1614 (a) The incentive shall be 5 cents for each gallon of
1615 unblended Florida biofuel produced, exclusive of denaturant,
1616 during a given calendar year and sold to an unrelated blender of
1617 biofuel.

1618 (b) The incentive may be earned for production on or after
1619 January 1, 2008. Beginning in 2009, each producer claiming an
1620 incentive under this section must first apply to the department
1621 by February 1 of each year for an allocation of available
1622 incentives. The department shall develop an application form
1623 that shall, at a minimum, require a sworn affidavit from each
1624 producer certifying the production that forms the basis of the
1625 application and certifying that all information contained in the
1626 application is true and correct.

1627 (c) The department shall determine whether or not such
1628 production is eligible for the incentive under this section.

1629 (d) If the amount of incentives applied for each year
1630 exceeds the amount appropriated, the department shall pay to
1631 each applicant a prorated amount based on the percentage of
1632 biofuel produced that is eligible for the incentive under this

CS/HB 7123

2007

1633 section.

1634 (5) The department may adopt rules pursuant to ss.
 1635 120.536(1) and 120.54 to implement and administer this section,
 1636 including rules prescribing forms, the documentation needed to
 1637 substantiate a claim for the incentive, and the specific
 1638 procedures and guidelines for claiming the incentive.

1639 Section 34. (1) The Florida Building Commission shall
 1640 convene a workgroup comprised of representatives from the
 1641 Florida Energy Commission, the Department of Community Affairs,
 1642 the Building Officials Association of Florida, the Florida
 1643 Energy Office, the Florida Home Builders Association, the
 1644 Association of Counties, the League of Cities, and other
 1645 stakeholders to develop a model residential energy efficiency
 1646 ordinance that provides incentives to meet energy efficiency
 1647 standards. The commission must report back to the Legislature
 1648 with a developed ordinance by March 1, 2008.

1649 (2) The Florida Building Commission shall, in consultation
 1650 with the Florida Energy Commission, the Building Officials
 1651 Association of Florida, the Florida Energy Office, the Florida
 1652 Home Builders Association, the Association of Counties, the
 1653 League of Cities, and other stakeholders, review the Florida
 1654 Energy Code for Building Construction. Specifically, the
 1655 commission shall revisit the analysis of cost-effectiveness that
 1656 serves as the basis for energy efficiency levels for residential
 1657 buildings, identify cost-effective means to improve energy
 1658 efficiency in commercial buildings, and compare the code to the
 1659 International Energy Conservation Code and the American Society
 1660 of Heating Air-Conditioning and Refrigeration Engineers

CS/HB 7123

2007

1661 Standards 90.1 and 90.2. The commission shall provide a report
1662 with a standard to the Legislature by March 1, 2008, that may be
1663 adopted for the construction of all new residential, commercial,
1664 and government buildings.

1665 (3) The Florida Building Commission, in consultation with
1666 the Florida Solar Energy Center, the Florida Energy Commission,
1667 the Florida Energy Office, the United States Department of
1668 Energy, and the Florida Home Builders Association, shall develop
1669 and implement a public awareness campaign that promotes energy
1670 efficiency and the benefits of building green by January 1,
1671 2008. The campaign shall include enhancement of an existing web
1672 site from which all citizens can obtain information pertaining
1673 to green building practices, calculate anticipated savings from
1674 use of those options, as well as learn about energy efficiency
1675 strategies that may be used in their existing home or when
1676 building a home. The campaign shall focus on the benefits of
1677 promoting energy efficiency to the purchasers of new homes, the
1678 various green building ratings available, and the promotion of
1679 various energy-efficient products through existing trade shows.
1680 The campaign shall also include strategies for utilizing print
1681 advertising, press releases, and television advertising to
1682 promote voluntary utilization of green building practices.

1683 Section 35. (1) The Legislature declares that there is an
1684 important state interest in promoting the construction of
1685 energy-efficient and sustainable buildings. Government
1686 leadership in promoting these standards is vital to demonstrate
1687 the state's commitment to energy conservation, saving taxpayers
1688 money, and raising public awareness of energy-rating systems.

1689 (2) All county, municipal, and public community college
 1690 buildings shall be constructed to meet the United States Green
 1691 Building Council (USGBC) Leadership in Energy and Environmental
 1692 Design (LEED) rating system, Green Building Initiative's Green
 1693 Globes rating system, or a nationally recognized, high-
 1694 performance green building rating system as approved by the
 1695 Department of Management Services. This section shall apply to
 1696 all county, municipal, and public community college buildings
 1697 whose architectural plans are started after July 1, 2008.

1698 Section 36. The tax levied under chapter 212, Florida
 1699 Statutes, may not be collected on the first \$1,500 of the
 1700 selling price of a new energy-efficient product during the
 1701 period from 12:01 a.m., October 1, 2007, through midnight,
 1702 October 14, 2007. Such period shall be designated as the
 1703 "Energy-Efficient Products Sales Tax Holiday." As used in this
 1704 section, the term "energy-efficient product" means a dishwasher,
 1705 clothes washer, air conditioner, ceiling fan, ventilating fan,
 1706 compact fluorescent light bulb, dehumidifier, programmable
 1707 thermostat, or refrigerator that has been designated by the
 1708 United States Environmental Protection Agency or by the United
 1709 States Department of Energy as meeting or exceeding the
 1710 requirements under the Energy Star Program of either agency. The
 1711 Department of Revenue may adopt rules under ss. 120.536(1) and
 1712 120.54, Florida Statutes, to administer this section.

1713 Section 37. State fleet biodiesel usage.--

1714 (1) By July 1, 2008, a minimum of 5 percent, by January 1,
 1715 2009, a minimum of 10 percent, and by January 1, 2010, a minimum
 1716 of 20 percent of total diesel fuel purchases for use by state-

1717 owned diesel vehicles and equipment shall be biodiesel fuel
 1718 (B20), subject to availability.

1719 (2) By July 1, 2008, a minimum of 5 percent, by January 1,
 1720 2009, a minimum of 10 percent, and by January 1, 2010, a minimum
 1721 of 20 percent of total fuel purchases for use by state-owned
 1722 flex-fuel vehicles shall be ethanol, subject to availability.

1723 (3) The Department of Management Services shall provide
 1724 for the proper administration, implementation, and enforcement
 1725 of this section.

1726 (4) The Department of Management Services shall report to
 1727 the Legislature on or before March 1, 2008, and annually
 1728 thereafter, the extent of biodiesel and ethanol use in the state
 1729 fleet. The report shall contain the number of gallons purchased
 1730 since July 1, 2007, the average price of biodiesel and ethanol,
 1731 and a description of fleet performance.

1732 Section 38. School district biodiesel usage.--

1733 (1) By January 1, 2008, a minimum of 20 percent of total
 1734 diesel fuel purchases for use by school districts shall be
 1735 biodiesel fuel (B20), subject to availability.

1736 (2) If a school district contracts with another government
 1737 entity or private entity to provide transportation services for
 1738 any of its pupils, the biodiesel blend fuel requirement
 1739 established pursuant to subsection (1) shall be part of that
 1740 contract. However, this requirement shall apply only to
 1741 contracts entered into on or after July 1, 2007.

1742 Section 39. (1) The Legislature recognizes the need for
 1743 expanded collaboration between the public and private sectors
 1744 and increased public-private joint ventures in the areas of

CS/HB 7123

2007

1745 energy research, alternative fuel production, space exploration,
1746 and technological advances in the energy and aerospace
1747 industries.

1748 (2) Subject to appropriation, there is created within the
1749 Executive Office of the Governor the Florida Energy, Aerospace,
1750 and Technology (F.E.A.T.) Fund, a program to encourage a state
1751 partnership with the Federal Government and the private sector,
1752 to identify business and investment opportunities, and to target
1753 performance goals for those investments in the areas of
1754 alternative energy development and production infrastructure;
1755 biofuel, wind power, and solar energy technology development and
1756 applications; ethanol production and systems for conversion and
1757 use of ethanol fuels; cryogenics and hydrogen-based technology
1758 applications, storage, and conversion systems; hybrid engine
1759 power systems conversion technologies and production facilities;
1760 aerospace industry expansion or development opportunities;
1761 aerospace facility modifications and upgrades; build outs; new
1762 spaceport, range, and ground support infrastructure; new
1763 aerospace facilities and laboratories; new simulation,
1764 communications, and command and control systems; and other
1765 aerospace manufacturing and maintenance support infrastructure.

1766 (3) A complete and detailed report shall be provided to
1767 the Governor, the President of the Senate, and the Speaker of
1768 the House of Representatives by March 1, 2008, setting forth all
1769 of the following:

1770 (a) An accounting of all state funds committed and
1771 invested by the fund.

CS/HB 7123

2007

1772 (b) A qualitative and quantitative assessment of each fund
1773 investment against the investment performance goals established
1774 for investment, as well as an assessment of overall fund
1775 performance against investment objectives established for the
1776 fund.

1777 (c) An evaluation of all activities of the fund and
1778 recommendations for change.

1779 Section 40. Research and demonstration cellulosic ethanol
1780 plant.--

1781 (1) There shall be constructed a multifaceted research and
1782 demonstration cellulosic ethanol plant designed to conduct
1783 research and to demonstrate and advance the commercialization of
1784 cellulose-to-ethanol technology, including technology licensed
1785 from the University of Florida, and to facilitate further
1786 research and testing of multiple cellulosic feedstocks in the
1787 state.

1788 (2) The University of Florida shall act as the owner and
1789 proprietor of the facility, which shall include a permanent
1790 research and development laboratory operated as a satellite
1791 facility of the Institute of Food and Agricultural Sciences at
1792 the University of Florida. This facility shall be used to
1793 convert the initially treated material to the final ethanol
1794 product.

1795 (3) The facility shall be located near an industrial site
1796 with infrastructure already developed to avoid or reduce
1797 significant capital costs for waste treatment and roads, shall
1798 be served by a range of suppliers and transportation companies,
1799 and shall be in good proximity to gasoline and ethanol blending

CS/HB 7123

2007

1800 facilities on either coast of the state. The industrial site
1801 shall have the capacity to provide steam and electric power,
1802 waste treatment, and a steady stream of feedstocks, including,
1803 but not limited to, bagasse, woody biomass, and cane field
1804 residues, to allow a commercial scale plant to operate year
1805 around.

1806 (4) The facility shall be located near preexisting onsite
1807 technical support staff and other resources for electrical,
1808 mechanical, and instrumentation services. In addition, the
1809 facility shall have access to preexisting onsite laboratory
1810 facilities and scientific personnel and shall include the
1811 critical aspects of connecting to existing facilities and
1812 meeting construction codes and permit requirements.

1813 (5) There shall be a scientific and technical advisory
1814 panel to advise on the technology to be applied.

1815 (6) Ownership of all patents, copyrights, trademarks,
1816 licenses, and rights or interests shall vest in the state. The
1817 university, pursuant to s. 1004.23, Florida Statutes, shall have
1818 full right of use and full right to retain derived revenues.

1819 (7) The Senior Vice President for the Institute of Food
1820 and Agricultural Sciences at the University of Florida shall
1821 ensure that applicable, nonproprietary research results and
1822 technologies from the plant authorized under this initiative are
1823 adapted, made available, and disseminated through its respective
1824 services, as appropriate.

1825 (8) Within 2 years after enactment of this act, the Senior
1826 Vice President for the Institute of Food and Agricultural
1827 Sciences at the University of Florida shall submit to the

CS/HB 7123

2007

1828 President of the Senate and the Speaker of the House of
1829 Representatives a report on the activities conducted under this
1830 section.

1831 Section 41. (1) The Florida Energy Commission shall
1832 conduct a study in conjunction with the Florida Public Service
1833 Commission and the Department of Agriculture and Consumer
1834 Services to recommend an appropriate renewable portfolio
1835 standard for the state.

1836 (2) The study shall include current and future
1837 availability of renewable fuels, incentives to attract large
1838 scale renewable energy development, proposed changes to current
1839 regulatory and market practices to encourage renewable energy
1840 development, the impact on utility costs and rates,
1841 environmental benefits of a renewable portfolio standard, and
1842 economic development associated with renewable energy in the
1843 state.

1844 (3) The Florida Energy Commission shall hold public
1845 hearings on these and other related issues and submit a report
1846 containing specific recommendations to the President of the
1847 Senate and the Speaker of the House of Representatives by
1848 January 1, 2008.

1849 Section 42. (1) The Florida Energy Commission shall
1850 conduct a study in conjunction with the Florida Energy Office,
1851 the Department of Agriculture and Consumer Services, and the
1852 Public Service Commission to recommend the establishment of an
1853 energy efficiency and solar energy initiative.

1854 (2) The study shall include recommendations for the
1855 administration, design, implementation, and ongoing measurement

1856 and evaluation of programs that promote energy efficiency and
1857 conservation activities and market transformation efforts for
1858 solar energy technologies through a public benefits fund. The
1859 study shall include incentives for investment in energy
1860 efficiency and customer-sited solar energy systems, suggest
1861 changes to current regulatory and market practice to encourage
1862 solar energy and energy efficiency investment in residential and
1863 commercial applications, including standards for net metering
1864 and interconnection.

1865 (3) The Florida Energy Commission will hold public
1866 hearings on these issues and submit a report containing specific
1867 recommendations to the President of the Senate and the Speaker
1868 of the House of Representatives by January 1, 2008.

1869 Section 43. The Florida Public Service Commission shall
1870 submit to the President of the Senate and the Speaker of the
1871 House of Representatives by February 28, 2008, a report that
1872 provides a detailed description of the methods used to evaluate
1873 the conservation goals, plans, and programs of utilities subject
1874 to the Florida Energy Efficiency and Conservation Act. The
1875 commission shall compare methods and policies employed in other
1876 states that could be implemented to ensure that utilities in
1877 this state acquire all energy efficiency resources that cost
1878 less than new electric power generation. As used in the section,
1879 the term "energy efficiency resources" means a reduction in
1880 kilowatt hours used by the existing and emerging fleet of
1881 buildings and equipment in this state that is achieved by
1882 providing incentives to producers, distributors, sellers, or

1883 consumers that promote the development of and investment in
 1884 energy-efficient technologies.

1885 Section 44. (1) The Department of Agriculture and
 1886 Consumer Services shall conduct a study in conjunction with the
 1887 Department of Environmental Protection and Enterprise Florida,
 1888 Inc., to recommend an appropriate Florida Loan Guarantee Program
 1889 for cellulosic ethanol facilities developed in the state.

1890 (2) The Department of Agriculture and Consumer Services
 1891 shall submit a report containing specific recommendations to the
 1892 President of the Senate and the Speaker of the House of
 1893 Representatives no later than January 1, 2008.

1894 Section 45. The Department of Community Affairs shall
 1895 convene a workgroup comprised of representatives of the Florida
 1896 Building Commission, the Florida Energy Commission, the Florida
 1897 Energy Office, consumers, and affected industries to identify
 1898 and review new or updated energy conservation standards for
 1899 products that consume electricity, including, but not limited
 1900 to, residential pool pumps, pool heaters, spas, and commercial
 1901 and residential appliances. The workgroup shall identify
 1902 efficiency improvements that could be anticipated by
 1903 implementation of new standards and the anticipated costs of
 1904 implementing and enforcing the standards and shall further
 1905 consider methods and processes for the regular review of new
 1906 standards and implementation, if warranted. No later than March
 1907 1, 2008, the department shall report to the President of the
 1908 Senate and Speaker of the House of Representatives on findings
 1909 of the workgroup together with any recommended statutory changes
 1910 required to implement those findings.

1911 Section 46. For the 2007-2008 fiscal year, the sum of
 1912 \$65,763 in nonrecurring funds is appropriated from the General
 1913 Revenue Fund to the Department of Revenue for the purpose of
 1914 administering the Energy-Efficient Products Sales Tax Holiday.

1915 Section 47. For the 2007-2008 fiscal year, the sum of \$20
 1916 million in nonrecurring funds is appropriated from the General
 1917 Revenue Fund to the University of Florida, Institute of Food and
 1918 Agricultural Sciences, for the purpose of establishing a
 1919 research and demonstration cellulosic ethanol plant.

1920 Section 48. For the 2007-2008 fiscal year, the sum of \$10
 1921 million in nonrecurring funds is appropriated from the General
 1922 Revenue Fund to the Department of Environmental Protection for
 1923 the purpose of funding the Renewable Energy Technologies Grants
 1924 Program authorized in s. 377.804, Florida Statutes.

1925 Section 49. For the 2007-2008 fiscal year, the sum of \$2.5
 1926 million in nonrecurring funds is appropriated from the General
 1927 Revenue Fund to the Department of Environmental Protection for
 1928 the purpose of funding the Solar Energy System Incentives
 1929 Program authorized in s. 377.806, Florida Statutes.

1930 Section 50. For the 2007-2008 fiscal year, the sum of \$40
 1931 million in nonrecurring funds is appropriated from the General
 1932 Revenue Fund to the Department of Agriculture and Consumer
 1933 Services for the purpose of funding the Farm-to-Fuel Grants
 1934 Program authorized in s. 570.957, Florida Statutes.

1935 Section 51. For the 2007-2008 fiscal year, the sum of
 1936 \$100,000 in nonrecurring funds is appropriated from the General
 1937 Revenue Fund to the Department of Community Affairs for the
 1938 purposes of convening a workgroup to develop a model residential

CS/HB 7123

2007

1939 energy efficiency ordinance and to review the cost-effectiveness
1940 of energy efficiency measures in the construction of certain
1941 buildings.

1942 Section 52. For the 2007-2008 fiscal year, the sum of
1943 \$334,237 in nonrecurring funds is appropriated from the General
1944 Revenue Fund to the Department of Community Affairs for the
1945 purposes of developing and implementing a public awareness
1946 campaign that promotes energy efficiency and the benefits of
1947 building green.

1948 Section 53. For the 2007-2008 fiscal year, the sum of
1949 \$120,000 from the General Revenue Fund is appropriated and one
1950 full-time equivalent position is authorized to the Department of
1951 Management Services for the purposes of implementing the
1952 provisions of s. 255.252, Florida Statutes, as amended by this
1953 act.

1954 Section 54. For the 2007-2008 fiscal year, the sum of
1955 \$68,000 from the General Revenue Fund is appropriated and one
1956 full-time equivalent position is authorized to the Department of
1957 Financial Services for the purposes of implementing the
1958 provisions of s. 489.145, Florida Statutes, as amended by this
1959 act.

1960 Section 55. This act shall take effect July 1, 2007.