

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 | authorizing the Executive Office of the Governor to
167 | procure the services of a private business entity;
168 | providing requirements and procedures therefor; requiring

169 | that certain funds be deposited in the Grants and
170 | Donations Trust Fund; providing requirements and
171 | procedures therefor; providing for the construction and
172 | operation of a research and demonstration cellulosic
173 | ethanol plant; providing requirements and procedures
174 | therefor; requiring the Florida Energy Commission to
175 | conduct a study and recommend a renewable portfolio
176 | standard; providing requirements and procedures therefor;
177 | requiring the Florida Energy Commission to conduct a study
178 | to recommend the establishment of an energy efficiency and
179 | solar energy initiative; providing requirements and
180 | procedures therefor; requiring the Public Service
181 | Commission to submit a report to the Legislature on
182 | methods used to evaluate the conservation goals, plans,
183 | and programs of utilities subject to the Florida Energy
184 | Efficiency and Conservation Act; requiring the Department
185 | of Agriculture and Consumer Services to conduct a study
186 | and recommend a Florida Loan Guarantee Program for
187 | cellulosic ethanol facilities; requiring a report to the
188 | Legislature; requiring the Department of Community Affairs
189 | to convene a workgroup to identify and review certain
190 | energy conservation standards for specified products;
191 | providing requirements and procedures therefor; creating
192 | s. 1013.441, F.S.; establishing the Green Schools Pilot
193 | Project to enable selected school districts to comply with
194 | certain building-certification standards; defining the
195 | term "additional costs"; providing for an application and
196 | selection process for participation in the pilot project;

197 providing requirements for school districts to
 198 participate; providing for evaluation criteria that may be
 199 used during the selection process; providing for the
 200 distribution of funds by the Department of Education;
 201 providing for prorated distribution of funds under
 202 specified circumstances; providing authority to distribute
 203 excess funds for specified purposes; requiring the
 204 reporting of expenditures by participating school
 205 districts; authorizing inspection and evaluation of the
 206 reports by the Auditor General; providing for the return
 207 of improperly expended funds and of specified funds if a
 208 constructed or renovated school fails to achieve specified
 209 certification standards; providing that appropriated funds
 210 do not revert to the General Revenue Fund; requiring a
 211 report by each participating school district; providing
 212 appropriations; providing an effective date.

213

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

215

216 Section 1. Section 196.175, Florida Statutes, is amended
 217 to read:

218 196.175 Renewable energy source exemption.--

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

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

224 ~~(b)~~ the original cost of the device, including the
 225 installation cost thereof, but excluding the cost of replacing
 226 previously existing property removed or improved in the course
 227 of such installation; ~~or~~

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

230 (2) The exempt amount authorized under subsection (1)
 231 shall apply in full if the device was installed and operative
 232 throughout the 12-month period preceding January 1 of the year
 233 of application for this exemption. If the device was operative
 234 for a portion of that period, the exempt amount authorized under
 235 this section shall be reduced proportionally.

236 (3) It shall be the responsibility of the applicant for an
 237 exemption pursuant to this section to demonstrate affirmatively
 238 to the satisfaction of the property appraiser that he or she
 239 meets the requirements for exemption under this section and that
 240 the original cost ~~pursuant to paragraph (1)(b)~~ and the period
 241 for which the device was operative, as indicated on the
 242 exemption application, are correct.

243 (4) No exemption authorized pursuant to this section shall
 244 be granted for a period of more than 10 years. No exemption
 245 shall be granted with respect to renewable energy source devices
 246 installed before July 1, 2007 ~~January 1, 1980, or after December~~
 247 ~~31, 1990.~~

248 Section 2. Paragraph (ccc) of subsection (7) of section
 249 212.08, Florida Statutes, is amended to read:

250 212.08 Sales, rental, use, consumption, distribution, and
 251 storage tax; specified exemptions.--The sale at retail, the

252 rental, the use, the consumption, the distribution, and the
 253 storage to be used or consumed in this state of the following
 254 are hereby specifically exempt from the tax imposed by this
 255 chapter.

256 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
 257 entity by this chapter do not inure to any transaction that is
 258 otherwise taxable under this chapter when payment is made by a
 259 representative or employee of the entity by any means,
 260 including, but not limited to, cash, check, or credit card, even
 261 when that representative or employee is subsequently reimbursed
 262 by the entity. In addition, exemptions provided to any entity by
 263 this subsection do not inure to any transaction that is
 264 otherwise taxable under this chapter unless the entity has
 265 obtained a sales tax exemption certificate from the department
 266 or the entity obtains or provides other documentation as
 267 required by the department. Eligible purchases or leases made
 268 with such a certificate must be in strict compliance with this
 269 subsection and departmental rules, and any person who makes an
 270 exempt purchase with a certificate that is not in strict
 271 compliance with this subsection and the rules is liable for and
 272 shall pay the tax. The department may adopt rules to administer
 273 this subsection.

274 (ccc) Equipment, machinery, and other materials for
 275 renewable energy technologies.--

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

277 a. "Biodiesel" means the mono-alkyl esters of long-chain
 278 fatty acids derived from plant or animal matter for use as a
 279 source of energy and meeting the specifications for biodiesel

280 and biodiesel blends with petroleum products as adopted by the
 281 Department of Agriculture and Consumer Services. Biodiesel may
 282 refer to biodiesel blends designated BXX, where XX represents
 283 the volume percentage of biodiesel fuel in the blend.

284 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
 285 alcohol produced by the conversion of carbohydrates ~~fermentation~~
 286 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
 287 fuel ethanol blends with petroleum products as adopted by the
 288 Department of Agriculture and Consumer Services. Ethanol may
 289 refer to fuel ethanol blends designated EXX, where XX represents
 290 the volume percentage of fuel ethanol in the blend.

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

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

296 a. Hydrogen-powered vehicles, materials incorporated into
 297 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
 298 a limit of \$2 million in tax each state fiscal year for all
 299 taxpayers.

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

303 c. Materials used in the distribution of biodiesel (B10-
 304 B100) and ethanol (E10-100), including fueling infrastructure,
 305 transportation, and storage, up to a limit of \$2 ~~\$1~~ million in
 306 tax each state fiscal year for all taxpayers. Gasoline fueling

307 station pump retrofits for ethanol (E10-E100) distribution
308 qualify for the exemption provided in this sub-subparagraph.

309 3. The Department of Environmental Protection shall
310 provide to the department a list of items eligible for the
311 exemption provided in this paragraph.

312 4.a. The exemption provided in this paragraph shall be
313 available to a purchaser only through a refund of previously
314 paid taxes. Only one purchase of an eligible item is subject to
315 refund. A purchaser who has received a refund on an eligible
316 item must notify any subsequent purchaser of the item that the
317 item is no longer eligible for a refund of tax paid. This
318 notification must be provided to the purchaser on the sales
319 invoice or other proof of purchase.

320 b. To be eligible to receive the exemption provided in
321 this paragraph, a purchaser shall file an application with the
322 Department of Environmental Protection. The application shall be
323 developed by the Department of Environmental Protection, in
324 consultation with the department, and shall require:

325 (I) The name and address of the person claiming the
326 refund.

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

330 (III) The sales invoice or other proof of purchase showing
331 the amount of sales tax paid, the date of purchase, and the name
332 and address of the sales tax dealer from whom the property was
333 purchased.

334 (IV) A sworn statement that the information provided is
335 accurate and that the requirements of this paragraph have been
336 met.

337 c. Within 30 days after receipt of an application, the
338 Department of Environmental Protection shall review the
339 application and shall notify the applicant of any deficiencies.
340 Upon receipt of a completed application, the Department of
341 Environmental Protection shall evaluate the application for
342 exemption and issue a written certification that the applicant
343 is eligible for a refund or issue a written denial of such
344 certification within 60 days after receipt of the application.
345 The Department of Environmental Protection shall provide the
346 department with a copy of each certification issued upon
347 approval of an application.

348 d. Each certified applicant shall be responsible for
349 forwarding a certified copy of the application and copies of all
350 required documentation to the department within 6 months after
351 certification by the Department of Environmental Protection.

352 e. The provisions of s. 212.095 do not apply to any refund
353 application made pursuant to this paragraph. A refund approved
354 pursuant to this paragraph shall be made within 30 days after
355 formal approval by the department.

356 f. The department may adopt all rules pursuant to ss.
357 120.536(1) and 120.54 to administer this paragraph, including
358 rules establishing forms and procedures for claiming this
359 exemption.

360 g. The Department of Environmental Protection shall be
361 responsible for ensuring that the total amounts of the

362 exemptions authorized do not exceed the limits as specified in
 363 subparagraph 2.

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

367 6. This paragraph expires July 1, 2010.

368 Section 3. Section 212.086, Florida Statutes, is created
 369 to read:

370 212.086 Energy-Efficient Motor Vehicle Sales Tax
 371 Holiday.--

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

375 (2) The sale or purchase of a new alternative motor
 376 vehicle during the period from 12:01 a.m., October 1, through
 377 11:59 p.m., October 31, in any year is eligible for a partial
 378 exemption from the taxes imposed under this chapter. The partial
 379 exemption is limited to the first \$10,000 of the sales price of
 380 the new alternative motor vehicle. This partial exemption does
 381 not apply to the lease or rental of a new alternative motor
 382 vehicle.

383 (3) To qualify for the exemption under this section, the
 384 new alternative motor vehicle must be certified as a qualified
 385 hybrid motor vehicle, a qualified alternative fuel motor
 386 vehicle, a qualified fuel cell motor vehicle, or an advanced
 387 lean-burn technology motor vehicle by the Internal Revenue
 388 Service for the income tax credit for alternative motor vehicles
 389 under s. 30B of the Internal Revenue Code of 1986, as amended.

390 (4) The department may adopt rules pursuant to ss.
 391 120.536(1) and 120.54 to administer this section and may
 392 establish guidelines as to the requisites for a dealer's
 393 documentation of such exempt sales.

394 (5) A motor vehicle or materials incorporated into such
 395 motor vehicle on which an application for refund has been filed
 396 or paid pursuant to s. 212.08(7)(ccc) is not eligible for an
 397 exemption provided in this section. Likewise, a motor vehicle on
 398 which a partial exemption is received under this section is not
 399 eligible for the exemption under s. 212.08(7)(ccc).

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

401 Section 4. Subsection (1) of section 220.192, Florida
 402 Statutes, is amended, subsection (6) is renumbered as subsection
 403 (7) and amended, subsection (7) is renumbered as subsection (8),
 404 and a new subsection (6) is added to that section, to read:

405 220.192 Renewable energy technologies investment tax
 406 credit.--

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

408 (a) "Biodiesel" means biodiesel as defined in s.
 409 212.08(7)(ccc).

410 (b) "Corporation" means a general partnership, limited
 411 partnership, limited liability company, unincorporated business,
 412 or other business entity in which a taxpayer owns an interest
 413 and which is taxed as a partnership or is disregarded as a
 414 separate entity from the taxpayer for tax purposes.

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

416 1. Seventy-five percent of all capital costs, operation
 417 and maintenance costs, and research and development costs

418 incurred between July 1, 2006, and June 30, 2010, up to a limit
 419 of \$3 million per state fiscal year for all taxpayers, in
 420 connection with an investment in hydrogen-powered vehicles and
 421 hydrogen vehicle fueling stations in the state, including, but
 422 not limited to, the costs of constructing, installing, and
 423 equipping such technologies in the state.

424 2. Seventy-five percent of all capital costs, operation
 425 and maintenance costs, and research and development costs
 426 incurred between July 1, 2006, and June 30, 2010, up to a limit
 427 of \$1.5 million per state fiscal year for all taxpayers, and
 428 limited to a maximum of \$12,000 per fuel cell, in connection
 429 with an investment in commercial stationary hydrogen fuel cells
 430 in the state, including, but not limited to, the costs of
 431 constructing, installing, and equipping such technologies in the
 432 state.

433 3. Seventy-five percent of all capital costs, operation
 434 and maintenance costs, and research and development costs
 435 incurred between July 1, 2006, and June 30, 2010, up to a limit
 436 of \$6.5 million per state fiscal year for all taxpayers, in
 437 connection with an investment in the production, storage, and
 438 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
 439 the state, including the costs of constructing, installing, and
 440 equipping such technologies in the state. Gasoline fueling
 441 station pump retrofits for ethanol (E10-E100) distribution
 442 qualify as an eligible cost under this subparagraph.

443 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
 444 212.08 (7) (ccc) .

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

447 (6) TRANSFERABILITY OF CREDIT.--

448 (a) Any corporation and any subsequent transferee allowed
449 the tax credit may transfer the tax credit, in whole or in part,
450 to any taxpayer by written agreement, without the requirement of
451 transferring any ownership interest in the property generating
452 the tax credit or any interest in the entity which owns the
453 property. Transferees are entitled to apply the credits against
454 the tax with the same effect as if the transferee had incurred
455 the eligible costs.

456 (b) To perfect the transfer, the transferor shall provide
457 a written transfer statement providing notice to the Department
458 of Revenue of the assignor's intent to transfer the tax credits
459 to the assignee, the date the transfer is effective, the
460 assignee's name, address, federal taxpayer identification number
461 and tax period, and the amount of tax credits to be transferred.
462 The Department of Revenue shall issue, upon receipt of a
463 transfer statement conforming to the requirements of this
464 section, a certificate to the assignee reflecting the tax credit
465 amounts transferred, a copy of which shall be attached to each
466 tax return by an assignee in which such tax credits are used.

467 (c) Tax credits derived by such entities treated as
468 corporations pursuant to this section that are not transferred
469 by such entities to other taxpayers pursuant to this subsection
470 shall be passed through to the taxpayers designated as partners,
471 members, or owners, respectively, in any manner agreed to by
472 such persons, whether or not such persons are allocated or

473 allowed any portion of the federal energy tax credit with
 474 respect to the eligible costs.

475 (7)~~(6)~~ RULES.--The Department of Revenue shall have the
 476 authority to adopt rules relating to:

477 (a) The forms required to claim a tax credit under this
 478 section, the requirements and basis for establishing an
 479 entitlement to a credit, and the examination and audit
 480 procedures required to administer this section.

481 (b) The implementation and administration of the
 482 provisions allowing a transfer of tax credits, including rules
 483 prescribing forms, reporting requirements, and the specific
 484 procedures, guidelines, and requirements necessary for a tax
 485 credit to be transferred.

486 (c) The implementation and administration of the
 487 provisions allowing a pass through of tax credits, including
 488 rules prescribing forms, reporting requirements, and the
 489 specific procedures, guidelines, and requirements necessary for
 490 a tax credit to be passed through to an owner, member, or
 491 partner.

492 (8)~~(7)~~ PUBLICATION.--The Department of Environmental
 493 Protection shall determine and publish on a regular basis the
 494 amount of available tax credits remaining in each fiscal year.

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

498 220.193 Florida renewable energy production credit.--

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

500 (f) "Sale" or "sold" includes the use of the electricity

501 by the producer of the electricity when such use decreases the
 502 amount of electricity that would otherwise be purchased by the
 503 producer thereof.

504 (3) An annual credit against the tax imposed by this
 505 section shall be allowed to a taxpayer, based on the taxpayer's
 506 production and sale of electricity from a new or expanded
 507 Florida renewable energy facility. For a new facility, the
 508 credit shall be based on the taxpayer's sale of the facility's
 509 entire electrical production. For an expanded facility, the
 510 credit shall be based on the increases in the facility's
 511 electrical production that are achieved after May 1, 2006.

512 (j) A taxpayer's use of the credit granted pursuant to
 513 this section shall not reduce the amount of any credit
 514 authorized by s. 220.186 that would otherwise be available to
 515 that taxpayer.

516 Section 6. Section 255.251, Florida Statutes, is amended
 517 to read:

518 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
 519 Act; short title.--This act shall be cited as the "Florida
 520 Energy Conservation and Sustainable ~~in~~ Buildings Act ~~of 1974.~~"

521 Section 7. Section 255.252, Florida Statutes, is amended
 522 to read:

523 255.252 Findings and intent.--

524 (1) Operating and maintenance expenditures associated with
 525 energy equipment and with energy consumed in state-financed and
 526 leased buildings represent a significant cost over the life of a
 527 building. Energy conserved by appropriate building design not
 528 only reduces the demand for energy but also reduces costs for

529 building operation. ~~For example, commercial buildings are~~
530 ~~estimated to use from 20 to 80 percent more energy than would be~~
531 ~~required if energy conserving designs were used.~~ The size,
532 design, orientation, and operability of windows, the ratio of
533 ventilating air to air heated or cooled, the level of lighting
534 consonant with space-use requirements, the handling of occupancy
535 loads, and the ability to zone off areas not requiring
536 equivalent levels of heating or cooling are but a few of the
537 considerations necessary to conserving energy.

538 (2) Significant efforts are needed to build energy-
539 efficient state-owned buildings that meet environmental
540 standards ~~underway by the General Services Administration, the~~
541 ~~National Institute of Standards and Technology, and others to~~
542 ~~detail the considerations and practices for energy conservation~~
543 ~~in buildings.~~ Most important is that energy-efficient designs
544 provide energy savings over the life of the building structure.
545 ~~Conversely, energy inefficient designs cause excess and wasteful~~
546 ~~energy use and high costs over that life.~~ With buildings lasting
547 many decades and with energy costs escalating rapidly, it is
548 essential that the costs of operation and maintenance for
549 energy-using equipment and sustainable materials be included in
550 all design proposals for state-owned ~~state~~ buildings.

551 (3) In order that such energy-efficiency and sustainable
552 materials considerations become a function of building design,
553 and also a model for future application in the private sector,
554 it shall be the policy of the state that buildings constructed
555 and financed by the state be designed and constructed to meet
556 the United States Green Building Council (USGBC) Leadership in

557 Energy and Environmental Design (LEED) rating system, Green
558 Building Initiative's Green Globes rating system, or a
559 nationally recognized, high-performance green building rating
560 system as approved by the department ~~in a manner which will~~
561 ~~minimize the consumption of energy used in the operation and~~
562 ~~maintenance of such buildings.~~ It is further the policy of the
563 state, when economically feasible, to retrofit existing state-
564 owned buildings in a manner that ~~which~~ will minimize the
565 consumption of energy used in the operation and maintenance of
566 such buildings.

567 (4) In addition to designing and constructing new
568 buildings to be energy efficient ~~energy efficient~~, it shall be
569 the policy of the state to operate, maintain, and renovate
570 existing state-owned ~~state~~ facilities, or provide for their
571 renovation, in a manner that ~~which~~ will minimize energy
572 consumption and maximize their sustainability as well as ensure
573 that facilities leased by the state are operated so as to
574 minimize energy use. Agencies are encouraged to consider shared
575 savings financing of such energy projects, using contracts that
576 ~~which~~ split the resulting savings for a specified period of time
577 between the agency and the private firm or cogeneration
578 contracts which otherwise permit the state to lower its energy
579 costs. Such energy contracts may be funded from the operating
580 budget.

581 (5) Each state agency must identify and compile a list of
582 all state-owned buildings within its inventory that it
583 determines are suitable for a guaranteed energy performance
584 savings contract pursuant to s. 489.145. Such list shall be

585 submitted to the Department of Management Services by December
586 31, 2007, and shall include any criteria used to determine
587 suitability. The list of suitable buildings shall be developed
588 from the list of state-owned facilities over 5,000 square feet
589 in area and for which the agency is responsible for paying the
590 expenses of utilities and other operating expenses as they
591 relate to energy use. In consultation with each department
592 secretary or director, by March 1, 2008, the Department of
593 Management Services shall evaluate each agency's facilities
594 suitable for energy conservation projects and shall develop an
595 energy efficiency project schedule based on factors such as
596 project magnitude, efficiency and effectiveness of energy
597 conservation measures to be implemented, and other factors that
598 may prove to be advantageous to pursue. Such schedule shall
599 provide the deadline for guaranteed energy performance savings
600 contract improvements to be made to the state-owned buildings.

601 Section 8. Subsections (6) and (7) are added to section
602 255.253, Florida Statutes, to read:

603 255.253 Definitions; ss. 255.251-255.258.--

604 (6) "Sustainable building" means a building that is
605 healthy and comfortable for its occupants and is economical to
606 operate while conserving resources, including energy, water, raw
607 materials, and land, and minimizing the generation of toxic
608 materials and waste in its design, construction, landscaping,
609 and operation.

610 (7) "Sustainable building rating" means a rating
611 established by the United States Green Building Council (USGBC)
612 Leadership in Energy and Environmental Design (LEED) rating

613 system, Green Building Initiative's Green Globes rating system,
614 or a nationally recognized, high-performance green building
615 rating system as approved by the department.

616 Section 9. Section 255.254, Florida Statutes, is amended
617 to read:

618 255.254 No facility constructed ~~or leased~~ without life-
619 cycle costs.--

620 (1) No state agency shall ~~lease,~~ construct, or have
621 constructed, within limits prescribed herein, a facility without
622 having secured from the department an a proper evaluation of
623 life-cycle costs based on sustainable building ratings, ~~as~~
624 ~~computed by an architect or engineer.~~ Furthermore, construction
625 shall proceed only upon disclosing, for the facility chosen, the
626 life-cycle costs as determined in s. 255.255, its sustainable
627 building rating goal, and the capitalization of the initial
628 construction costs of the building. The life-cycle costs shall
629 be a primary consideration in the selection of a building design
630 in addition to its sustainable building rating goal. ~~Such~~
631 ~~analysis shall be required only for construction of buildings~~
632 ~~with an area of 5,000 square feet or greater.~~ For leased
633 buildings 5,000 square feet or greater ~~areas of 20,000 square~~
634 ~~feet or greater~~ within a given building boundary, an energy
635 performance analysis ~~a life-cycle analysis~~ shall be performed,
636 and a lease shall only be made where there is a showing that the
637 energy life-cycle costs incurred by the state are minimal
638 compared to available like facilities.

639 (2) On and after January 1, 1979, no state agency shall
640 initiate construction or have construction initiated, prior to

641 approval thereof by the department, on a facility or self-
642 contained unit of any facility, the design and construction of
643 which incorporates or contemplates the use of an energy system
644 other than a solar energy system when the life-cycle costs
645 analysis prepared by the department has determined that a solar
646 energy system is the most cost-efficient energy system for the
647 facility or unit.

648 (3) After September 30, 1985, when any state agency must
649 replace or supplement major items of energy-consuming equipment
650 in existing state-owned ~~or leased~~ facilities or any self-
651 contained unit of any facility with other major items of energy-
652 consuming equipment, the selection of such items shall be made
653 on the basis of a life-cycle cost analysis of alternatives in
654 accordance with rules promulgated by the department under s.
655 255.255.

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

658 255.255 Life-cycle costs.--

659 (1) The department shall promulgate rules and procedures,
660 including energy conservation performance guidelines based on
661 sustainable building ratings, for conducting a life-cycle cost
662 analysis of alternative architectural and engineering designs
663 and alternative major items of energy-consuming equipment to be
664 retrofitted in existing state-owned or leased facilities and for
665 developing energy performance indices to evaluate the efficiency
666 of energy utilization for competing designs in the construction
667 of state-financed and leased facilities.

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

670 287.064 Consolidated financing of deferred-payment
 671 purchases.--

672 (10) Costs incurred pursuant to a guaranteed energy
 673 performance savings contract, including the cost of energy
 674 conservation measures, each as defined in s. 489.145, may be
 675 financed pursuant to a master equipment financing agreement;
 676 however, the costs of training, operation, and maintenance may
 677 not be financed. The period of time for repayment of the funds
 678 drawn pursuant to the master equipment financing agreement under
 679 this subsection may exceed 5 years but may not exceed 20 ~~10~~
 680 years for energy conservation measures pursuant to s. 489.145,
 681 excluding the costs of training, operation, and maintenance. The
 682 guaranteed energy performance savings contractor shall provide
 683 for the replacement or the extension of the useful life of the
 684 equipment during the term of the contract.

685 (11) For purposes of consolidated financing of deferred
 686 payment commodity contracts under this section by a state
 687 agency, the annualized amount of any such contract must be
 688 supported from available recurring funds appropriated to the
 689 agency in an appropriation category, ~~other than the expense~~
 690 ~~appropriation category~~ as defined in chapter 216, that the Chief
 691 Financial Officer has determined is appropriate or that the
 692 Legislature has designated for payment of the obligation
 693 incurred under this section.

694 Section 12. Section 377.802, Florida Statutes, is amended
 695 to read:

696 377.802 Purposes ~~Purpose~~.--

697 (1) This act is intended to provide matching grants to
 698 stimulate capital investment in the state and to enhance the
 699 market for and promote the statewide utilization of renewable
 700 energy technologies. The targeted grants program is designed to
 701 advance the already growing establishment of renewable energy
 702 technologies in the state and encourage the use of other
 703 incentives such as tax exemptions and regulatory certainty to
 704 attract additional renewable energy technology producers,
 705 developers, and users to the state.

706 (2) This act is ~~also~~ intended to provide incentives for
 707 the purchase of energy-efficient appliances and rebates for
 708 solar energy equipment installations for residential and
 709 commercial buildings. In order to promote energy efficiency and
 710 conservation of the state's resources, the month of October
 711 shall annually be designated "Energy Efficiency and Conservation
 712 Month."

713 Section 13. Subsection (2) of section 377.803, Florida
 714 Statutes, is amended, and subsections (3) through (10) of that
 715 section are renumbered as subsections (2) through (9),
 716 respectively, to read:

717 377.803 Definitions.--As used in ss. 377.801-377.806, the
 718 term:

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

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

724 377.804 Renewable Energy Technologies Grants Program.--
725 ~~(6) The department shall coordinate and actively consult~~
726 ~~with the Department of Agriculture and Consumer Services during~~
727 ~~the review and approval process of grants relating to bioenergy~~
728 ~~projects for renewable energy technology, and the departments~~
729 ~~shall jointly determine the grant awards to these bioenergy~~
730 ~~projects. No grant funding shall be awarded to any bioenergy~~
731 ~~project without such joint approval. Factors for consideration~~
732 ~~in awarding grants may include, but are not limited to, the~~
733 ~~degree to which:~~

734 ~~(a) The project stimulates in-state capital investment and~~
735 ~~economic development in metropolitan and rural areas, including~~
736 ~~the creation of jobs and the future development of a commercial~~
737 ~~market for bioenergy.~~

738 ~~(b) The project produces bioenergy from Florida grown~~
739 ~~crops or biomass.~~

740 ~~(c) The project demonstrates efficient use of energy and~~
741 ~~material resources.~~

742 ~~(d) The project fosters overall understanding and~~
743 ~~appreciation of bioenergy technologies.~~

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

746 ~~(f) The project duration and the timeline for expenditures~~
747 ~~are acceptable.~~

748 ~~(g) The project has a reasonable assurance of enhancing~~
749 ~~the value of agricultural products or will expand agribusiness~~
750 ~~in the state.~~

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

754 Section 15. Subsections (2) and (3) of section 377.806,
 755 Florida Statutes, are amended, present subsection (6) is
 756 renumbered as subsection (7), present subsection (7) is
 757 renumbered as subsection (8) and amended, and a new subsection
 758 (6) is added to that section, to read:

759 377.806 Solar Energy System Incentives Program.--

760 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

765 2. The system complies with state interconnection
 766 standards as provided by the commission.

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

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

773 1. Twenty thousand dollars for a residence.

774 2. One hundred thousand dollars for a place of business, a
 775 publicly owned or operated facility, or a facility owned or
 776 operated by a private, not-for-profit organization, including
 777 condominiums or apartment buildings.

778 (c) Application.--To be eligible to receive a rebate,

779 applicants must file with the department a preapplication form
 780 demonstrating that the planned system will meet applicable
 781 requirements of this section. The department shall review the
 782 preapplication to determine if it complies with the requirements
 783 of this section, shall notify the applicant within 30 days after
 784 receipt of the preapplication that the preapplication has been
 785 received and meets such requirements, and shall reserve funding
 786 for the preapplication for up to 90 days following the date of
 787 issuance of notification to the applicant. Within 90 days after
 788 the purchase of the solar photovoltaic system, the applicant
 789 must submit to the department a separate application for a
 790 rebate payment.

791 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

794 1. The system is installed by a state-licensed solar or
 795 plumbing contractor.

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

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

800 1. Five hundred dollars for a residence.

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

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

808 (8)~~(7)~~ RULES.--The department shall adopt rules pursuant
 809 to ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for
 810 rebate reservations and rebate payments and administer the
 811 issuance of rebates.

812 Section 16. Section 403.0874, Florida Statutes, is created
 813 to read:

814 403.0874 Greenhouse gas inventories.--

815 (1) "Greenhouse gases" means gases that trap heat in the
 816 atmosphere. The principal greenhouse gases are: carbon dioxide
 817 (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated gases
 818 (such as hydrofluorocarbons, perfluorocarbons, and sulfur
 819 hexafluoride).

820 (2) The department shall develop greenhouse gas
 821 inventories that account for annual greenhouse gases emitted to
 822 and removed from the atmosphere, and forecast gases emitted and
 823 removed, for all major greenhouse gases, for time periods
 824 determined sufficient by the department to provide for adequate
 825 analysis and planning.

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

831 (4) The department is authorized to require all major
 832 emitters of defined greenhouse gases to report emissions
 833 according to methodologies and reporting systems approved by the

834 department and established by rule, which may include the use of
835 quality-assured data from continuous emissions monitoring
836 systems.

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

839 403.50663 Informational public meetings.--

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

845 Section 18. Subsections (2), (3), and (4) of section
846 403.50665, Florida Statutes, are amended to read:

847 403.50665 Land use consistency.--

848 (2) Within 45 days after the filing of the application,
849 each local government shall file a determination with the
850 department, the applicant, the administrative law judge, and all
851 parties on the consistency of the site or any directly
852 associated facilities with existing land use plans and zoning
853 ordinances that were in effect on the date the application was
854 filed, based on the information provided in the application. The
855 local government may issue its determination up to 35 days later
856 if the local government has requested additional information on
857 land use and zoning consistency as part of the local
858 government's statement on completeness of the application
859 submitted pursuant to s. 403.5066(1)(a). Incompleteness of
860 information necessary for a local government to evaluate an
861 application may be claimed by the local government as cause for

862 a statement of inconsistency with existing land use plans and
 863 zoning ordinances. Notice of the consistency determination shall
 864 be published in accordance with the requirements of s. 403.5115.

865 (3) If the local government issues a determination that
 866 the proposed electrical power plant is not consistent or in
 867 compliance with local land use plans and zoning ordinances, the
 868 applicant may apply to the local government for the necessary
 869 local approval to address the inconsistencies in the local
 870 government's determination. If the applicant makes such an
 871 application to the local government, the time schedules under
 872 this act shall be tolled until the local government issues its
 873 revised determination on land use and zoning or the applicant
 874 otherwise withdraws its application to the local government. If
 875 the applicant applies to the local government for necessary
 876 local land use or zoning approval, the local government shall
 877 issue a revised determination within 30 days following the
 878 conclusion of any that local proceeding held by the local
 879 government to consider the application for land use or zoning
 880 approval, and the time schedules and notice requirements under
 881 this act shall apply to such revised determination.

882 (4) If any substantially affected person wishes to dispute
 883 the local government's determination, he or she shall file a
 884 petition with the designated administrative law judge ~~department~~
 885 within 21 days after the publication of notice of the local
 886 government's determination. If a hearing is requested, the
 887 provisions of s. 403.508(1) shall apply.

888 Section 19. Paragraph (a) of subsection (1) and paragraph
 889 (a) of subsection (2) of section 403.508, Florida Statutes, are
 890 amended to read:

891 403.508 Land use and certification hearings, parties,
 892 participants.--

893 (1) (a) Within 5 days after the filing of ~~If~~ a petition for
 894 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,
 895 the designated administrative law judge shall schedule ~~conduct~~ a
 896 land use hearing to be conducted in the county of the proposed
 897 site or directly associated facility, as applicable, as
 898 expeditiously as possible, but not later than 30 days after the
 899 department's receipt of the petition. The place of such hearing
 900 shall be as close as possible to the proposed site or directly
 901 associated facility. If a petition is filed, the hearing shall
 902 be held regardless of the status of the completeness of the
 903 application. ~~However, incompleteness of information necessary~~
 904 ~~for a local government to evaluate an application may be claimed~~
 905 ~~by the local government as cause for a statement of~~
 906 ~~inconsistency with existing land use plans and zoning ordinances~~
 907 ~~under s. 403.50665.~~

908 (2) (a) A certification hearing shall be held by the
 909 designated administrative law judge no later than 265 days after
 910 the application is filed with the department. The certification
 911 hearing shall be held at a location in proximity to the proposed
 912 site. ~~At the conclusion of the certification hearing, the~~
 913 ~~designated administrative law judge shall, after consideration~~
 914 ~~of all evidence of record, submit to the board a recommended~~

915 ~~order no later than 45 days after the filing of the hearing~~
 916 ~~transcript.~~

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

919 403.509 Final disposition of application.--

920 (5) For certifications issued by the board in regard to
 921 the properties and works of any agency which is a party to the
 922 certification hearing, the board shall have the authority to
 923 decide issues relating to the use, the connection thereto, or
 924 the crossing thereof, for the electrical power plant and
 925 directly associated facilities and to direct any such agency to
 926 execute, within 30 days after the entry of certification, the
 927 necessary license or easement for such use, connection, or
 928 crossing, subject only to the conditions set forth in such
 929 certification. For certifications issued by the department in
 930 regard to the properties and works of any agency which is a
 931 party to the proceeding, any stipulation filed pursuant to s.
 932 403.508(6)(a) must include a stipulation regarding any issues
 933 relating to the use, the connection thereto, or the crossing
 934 thereof, for the electrical power plant and directly associated
 935 facilities. Any agency stipulating to the use, connection to, or
 936 crossing of its property must agree to execute, within 30 days
 937 after the entry of certification, the necessary license or
 938 easement for such use, connection, or crossing, subject only to
 939 the conditions set forth in such certification.

940 Section 21. Section 403.5113, Florida Statutes, is amended
 941 to read:

942 403.5113 Postcertification amendments and review.--

943 (1) POSTCERTIFICATION AMENDMENTS.--

944 (a) If, subsequent to certification by the board, a

945 licensee proposes any material change to the application and

946 revisions or amendments thereto, as certified, the licensee

947 shall submit a written request for amendment and a description

948 of the proposed change to the application to the department.

949 Within 30 days after the receipt of the request for the

950 amendment, the department shall determine whether the proposed

951 change to the application requires a modification of the

952 conditions of certification.

953 (b)~~(2)~~ If the department concludes that the change would

954 not require a modification of the conditions of certification,

955 the department shall provide written notification of the

956 determination on approval ~~of the proposed amendment to the~~

957 licensee, all agencies, and all other parties.

958 (c)~~(3)~~ If the department concludes that the change would

959 require a modification of the conditions of certification, the

960 department shall provide written notification to the licensee

961 that the proposed change to the application requires a request

962 for modification pursuant to s. 403.516.

963 (2)~~(4)~~ POSTCERTIFICATION REVIEW.--Postcertification

964 submittals filed by the licensee with one or more agencies are

965 for the purpose of monitoring for compliance with the issued

966 certification and must be reviewed by the agencies on an

967 expedited and priority basis because each facility certified

968 under this act is a critical infrastructure facility. In no

969 event shall a postcertification review be completed in more than

970 90 days after complete information is submitted to the reviewing
 971 agencies.

972 Section 22. Section 403.5115, Florida Statutes, is amended
 973 to read:

974 403.5115 Public notice.--

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

977 (a) Notice of the filing of a notice of intent under s.
 978 403.5063, which shall be published within 21 days after the
 979 filing of the notice. The notice shall be published as specified
 980 by subsection (2), except that the newspaper notice shall be
 981 one-fourth page in size in a standard size newspaper or one-half
 982 page in size in a tabloid size newspaper.

983 (b) Notice of filing of the application, which shall
 984 include a description of the proceedings required by this act,
 985 within 21 days after the date of the application filing. Such
 986 notice shall give notice of the provisions of s. 403.511(1) and
 987 (2).

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

991 (d) If applicable, notice of the land use hearing, which
 992 shall be published as specified in subsection (2), no later than
 993 15 days before the hearing.

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

998 (f) Notice of the cancellation of the certification
 999 hearing, if applicable, no later than 3 days before the date of
 1000 the originally scheduled certification hearing.

1001 (g) Notice of modification when required by the
 1002 department, based on whether the requested modification of
 1003 certification will significantly increase impacts to the
 1004 environment or the public. Such notice shall be published as
 1005 specified under subsection (2):

1006 1. Within 21 days after receipt of a request for
 1007 modification. The newspaper notice shall be of a size as
 1008 directed by the department commensurate with the scope of the
 1009 modification.

1010 2. If a hearing is to be conducted in response to the
 1011 request for modification, then notice shall be published no
 1012 later than 30 days before the hearing.

1013 ~~(h) Notice of a supplemental application, which shall be~~
 1014 ~~published as specified in paragraph (b) and subsection (2).~~

1015 ~~(i) Notice of existing site certification pursuant to s.~~
 1016 ~~403.5175. Notices shall be published as specified in paragraph~~
 1017 ~~(b) and subsection (2).~~

1018 (2) Notices provided by the applicant shall be published
 1019 in newspapers of general circulation within the county or
 1020 counties in which the proposed electrical power plant will be
 1021 located. The newspaper notices shall be at least one-half page
 1022 in size in a standard size newspaper or a full page in a tabloid
 1023 size newspaper. These notices shall include a map generally
 1024 depicting the project and all associated facilities corridors. A
 1025 newspaper of general circulation shall be the newspaper which

1026 has the largest daily circulation in that county and has its
1027 principal office in that county. If the newspaper with the
1028 largest daily circulation has its principal office outside the
1029 county, the notices shall appear in both the newspaper having
1030 the largest circulation in that county and in a newspaper
1031 authorized to publish legal notices in that county.

1032 (3) All notices published by the applicant shall be paid
1033 for by the applicant and shall be in addition to the application
1034 fee.

1035 (4) The department shall arrange for publication of the
1036 following notices in the manner specified by chapter 120 and
1037 provide copies of those notices to any persons who have
1038 requested to be placed on the departmental mailing list for this
1039 purpose for each case for which an application has been received
1040 by the department:

1041 (a) Notice of the filing of the notice of intent within 15
1042 days after receipt of the notice.

1043 (b) Notice of the filing of the application, no later than
1044 21 days after the application filing.

1045 (c) Notice of the land use determination made pursuant to
1046 s. 403.50665(1) within 21 days after the determination is filed.

1047 (d) Notice of the land use hearing before the
1048 administrative law judge, if applicable, no later than 15 days
1049 before the hearing.

1050 (e) Notice of the land use hearing before the board, if
1051 applicable.

1052 (f) Notice of the certification hearing at least 45 days
1053 before the date set for the certification hearing.

1054 (g) Notice of the cancellation of the certification
 1055 hearing, if applicable, no later than 3 days prior to the date
 1056 of the originally scheduled certification hearing.

1057 (h) Notice of the hearing before the board, if applicable.

1058 (i) Notice of stipulations, proposed agency action, or
 1059 petitions for modification.

1060 (5) A local government or regional planning council that
 1061 proposes to conduct an informational public meeting pursuant to
 1062 s. 403.50663 must publish notice of the meeting in a newspaper
 1063 of general circulation within the county or counties in which
 1064 the proposed electrical power plant will be located no later
 1065 than 7 days prior to the meeting. A newspaper of general
 1066 circulation shall be the newspaper which has the largest daily
 1067 circulation in that county and has its principal office in that
 1068 county. If the newspaper with the largest daily circulation has
 1069 its principal office outside the county, the notices shall
 1070 appear in both the newspaper having the largest circulation in
 1071 that county and in a newspaper authorized to publish legal
 1072 notices in that county.

1073 Section 23. Subsection (1) of section 403.5252, Florida
 1074 Statutes, is amended to read:

1075 403.5252 Determination of completeness.--

1076 (1) (a) Within 30 days after the filing ~~distribution~~ of an
 1077 application, the affected agencies shall file a statement with
 1078 the department containing the recommendations of each agency
 1079 concerning the completeness of the application for
 1080 certification.

1081 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 1082 application ~~completeness statements of each agency~~, the
 1083 department shall file a statement with the Division of
 1084 Administrative Hearings, with the applicant, and with all
 1085 parties declaring its position with regard to the completeness
 1086 of the application. The statement of the department shall be
 1087 based upon its consultation with the affected agencies.

1088 Section 24. Paragraph (a) of subsection (6) of section
 1089 403.527, Florida Statutes, is amended to read:

1090 403.527 Certification hearing, parties, participants.--

1091 (6) (a) No later than 29 ~~25~~ days before the certification
 1092 hearing, the department or the applicant may request that the
 1093 administrative law judge cancel the certification hearing and
 1094 relinquish jurisdiction to the department if all parties to the
 1095 proceeding stipulate that there are no disputed issues of
 1096 material fact or law to be raised at the certification hearing.

1097 Section 25. Paragraph (e) of subsection (1) of section
 1098 403.5271, Florida Statutes, is amended to read:

1099 403.5271 Alternate corridors.--

1100 (1) No later than 45 days before the originally scheduled
 1101 certification hearing, any party may propose alternate
 1102 transmission line corridor routes for consideration under the
 1103 provisions of this act.

1104 (e)1. Reviewing agencies shall advise the department of
 1105 any issues concerning completeness no later than 15 days after
 1106 the submittal of the data required by paragraph (d). Within 22
 1107 days after receipt of the data, the department shall issue a
 1108 determination of completeness.

1109 2. If the department determines that the data required by
 1110 paragraph (d) is not complete, the party proposing the alternate
 1111 corridor must file such additional data to correct the
 1112 incompleteness. This additional data must be submitted within 14
 1113 days after the determination by the department.

1114 3. Reviewing agencies may advise the department of any
 1115 issues concerning completeness of the additional data within 10
 1116 days after the filing by the party proposing the alternate
 1117 corridor. If the department, within 14 days after receiving the
 1118 additional data, determines that the data remains incomplete,
 1119 the incompleteness of the data is deemed a withdrawal of the
 1120 proposed alternate corridor. The department may make its
 1121 determination based on recommendations made by other affected
 1122 agencies.

1123 Section 26. Subsection (3) of section 403.5272, Florida
 1124 Statutes, is amended to read:

1125 403.5272 Informational public meetings.--

1126 (3) A local government or regional planning council that
 1127 intends to conduct an informational public meeting must provide
 1128 notice of the meeting, with notice sent to all parties listed in
 1129 s. 403.527(2) (a), not less than 15 ~~5~~ days before the meeting, to
 1130 the general public, in accordance with the provisions of s.
 1131 403.5363(4).

1132 Section 27. Paragraph (b) of subsection (1) of section
 1133 403.5317, Florida Statutes, is amended to read:

1134 403.5317 Postcertification activities.--

1135 (1)

1136 (b) If the department concludes that the change would not
 1137 require a modification of the conditions of certification, the
 1138 department shall notify, in writing, the licensee, all agencies,
 1139 and all parties of the determination on approval of the
 1140 amendment.

1141 Section 28. Paragraph (c) of subsection (3) of section
 1142 403.5363, Florida Statutes, is amended, and subsection (4) is
 1143 added to that section, to read:

1144 403.5363 Public notices; requirements.--

1145 (3) The department shall arrange for the publication of
 1146 the following notices in the manner specified by chapter 120:

1147 (c) The notice of the cancellation of a certification
 1148 hearing, if applicable. The notice must be published not later
 1149 than 3 7 days before the date of the originally scheduled
 1150 certification hearing.

1151 (4) A local government or regional planning council that
 1152 proposes to conduct an informational public meeting pursuant to
 1153 s. 403.5272 must publish notice of the meeting in a newspaper of
 1154 general circulation within the county or counties in which the
 1155 proposed electrical transmission line will be located no later
 1156 than 7 days prior to the meeting. A newspaper of general
 1157 circulation shall be the newspaper which has the largest daily
 1158 circulation in that county and has its principal office in that
 1159 county. If the newspaper with the largest daily circulation has
 1160 its principal office outside the county, the notices shall
 1161 appear in both the newspaper having the largest circulation in
 1162 that county and in a newspaper authorized to publish legal
 1163 notices in that county.

1164 Section 29. Section 489.145, Florida Statutes, is amended
 1165 to read:

1166 489.145 Guaranteed energy performance savings
 1167 contracting.--

1168 (1) SHORT TITLE.--This section may be cited as the
 1169 "Guaranteed Energy Performance Savings Contracting Act."

1170 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
 1171 investment in energy conservation measures in agency facilities
 1172 can reduce the amount of energy consumed and produce immediate
 1173 and long-term savings. It is the policy of this state to
 1174 encourage agencies to invest in energy conservation measures
 1175 ~~that reduce energy consumption, produce a cost savings for the~~
 1176 ~~agency, and improve the quality of indoor air in public~~
 1177 ~~facilities and to operate, maintain, and, when economically~~
 1178 ~~feasible, build or renovate existing agency facilities in such a~~
 1179 ~~manner as~~ to minimize energy consumption and maximize energy
 1180 savings. It is further the policy of this state to encourage
 1181 agencies to reinvest any energy savings resulting from energy
 1182 conservation measures in additional energy conservation efforts.

1183 (3) DEFINITIONS.--As used in this section, the term:

1184 (a) "Agency" means the state, a municipality, or a
 1185 political subdivision.

1186 (b) "Energy conservation measure" means a ~~training~~
 1187 ~~program,~~ facility alteration, or an equipment purchase to be
 1188 used in new construction, including an addition to an existing
 1189 facility, which reduces energy or energy-related operating costs
 1190 and includes, but is not limited to:

- 1191 | 1. Insulation of the facility structure and systems within
1192 | the facility.
- 1193 | 2. Storm windows and doors, caulking or weatherstripping,
1194 | multiglazed windows and doors, heat-absorbing, or heat-
1195 | reflective, glazed and coated window and door systems,
1196 | additional glazing, reductions in glass area, and other window
1197 | and door system modifications that reduce energy consumption.
- 1198 | 3. Automatic energy control systems.
- 1199 | 4. Heating, ventilating, or air-conditioning system
1200 | modifications or replacements.
- 1201 | 5. Replacement or modifications of lighting fixtures to
1202 | increase the energy efficiency of the lighting system, which, at
1203 | a minimum, must conform to the applicable state or local
1204 | building code.
- 1205 | 6. Energy recovery systems.
- 1206 | 7. Cogeneration systems that produce steam or forms of
1207 | energy such as heat, as well as electricity, for use primarily
1208 | within a facility or complex of facilities.
- 1209 | 8. Energy conservation measures that reduce Btu, kW, or
1210 | kWh consumed or provide long-term operating cost reductions or
1211 | ~~significantly reduce Btu consumed.~~
- 1212 | 9. Renewable energy systems, such as solar, biomass, or
1213 | wind systems.
- 1214 | 10. Devices that reduce water consumption or sewer
1215 | charges.
- 1216 | 11. Storage systems, such as fuel cells and thermal
1217 | storage.
- 1218 | 12. Generating technologies, such as microturbines.

1219 13. Any other repair, replacement, or upgrade of existing
 1220 equipment.

1221 (c) "Energy cost savings" means a measured reduction in
 1222 the cost of fuel, energy consumption, and stipulated operation
 1223 and maintenance created from the implementation of one or more
 1224 energy conservation measures when compared with an established
 1225 baseline for the previous cost of fuel, energy consumption, and
 1226 stipulated operation and maintenance.

1227 (d) "Guaranteed energy performance savings contract" means
 1228 a contract for the evaluation, recommendation, and
 1229 implementation of energy conservation measures or energy-related
 1230 operational saving measures, which, at a minimum, shall include:

1231 1. The design and installation of equipment to implement
 1232 one or more of such measures and, if applicable, operation and
 1233 maintenance of such measures.

1234 2. The amount of any actual annual savings that meet or
 1235 exceed total annual contract payments made by the agency for the
 1236 contract and may include allowable cost avoidance. As used in
 1237 this section, allowable cost avoidance calculations include, but
 1238 are not limited to, avoided provable budgeted costs contained in
 1239 a capital replacement plan less the current undepreciated value
 1240 of replaced equipment and the replacement cost of the new
 1241 equipment.

1242 3. The finance charges incurred by the agency over the
 1243 life of the contract.

1244 (e) "Guaranteed energy performance savings contractor"
 1245 means a person or business that is licensed under chapter 471,
 1246 chapter 481, or this chapter, and is experienced in the

1247 analysis, design, implementation, or installation of energy
1248 conservation measures through energy performance contracts.

1249 (4) PROCEDURES.--

1250 (a) An agency may enter into a guaranteed energy
1251 performance savings contract with a guaranteed energy
1252 performance savings contractor to ~~significantly~~ reduce energy
1253 consumption or energy-related operating costs of an agency
1254 facility through one or more energy conservation measures.

1255 (b) Before design and installation of energy conservation
1256 measures, the agency must obtain from a guaranteed energy
1257 performance savings contractor a report that summarizes the
1258 costs associated with the energy conservation measures or
1259 energy-related operational cost saving measures and provides an
1260 estimate of the amount of the ~~energy~~ cost savings. The agency
1261 and the guaranteed energy performance savings contractor may
1262 enter into a separate agreement to pay for costs associated with
1263 the preparation and delivery of the report; however, payment to
1264 the contractor shall be contingent upon the report's projection
1265 of energy or operational cost savings being equal to or greater
1266 than the total projected costs of the design and installation of
1267 the report's energy conservation measures.

1268 (c) The agency may enter into a guaranteed energy
1269 performance savings contract with a guaranteed energy
1270 performance savings contractor if the agency finds that the
1271 amount the agency would spend on the energy conservation or
1272 energy-related cost saving measures will not likely exceed the
1273 amount of the energy or energy-related cost savings for up to 20
1274 years from the date of installation, based on the life cycle

1275 cost calculations provided in s. 255.255, if the recommendations
1276 in the report were followed and if the qualified provider or
1277 providers give a written guarantee that the energy or energy-
1278 related cost savings will meet or exceed the costs of the
1279 system. However, actual computed cost savings must meet or
1280 exceed the estimated cost savings provided in program approval.
1281 Baseline adjustments used in calculations must be specified in
1282 the contract. The contract may provide for installment payments
1283 for a period not to exceed 20 years.

1284 (d) A guaranteed energy performance savings contractor
1285 must be selected in compliance with s. 287.055; except that if
1286 fewer than three firms are qualified to perform the required
1287 services, the requirement for agency selection of three firms,
1288 as provided in s. 287.055(4)(b), and the bid requirements of s.
1289 287.057 do not apply.

1290 (e) Before entering into a guaranteed energy performance
1291 savings contract, an agency must provide published notice of the
1292 meeting in which it proposes to award the contract, the names of
1293 the parties to the proposed contract, and the contract's
1294 purpose.

1295 (f) A guaranteed energy performance savings contract may
1296 provide for financing, including tax exempt financing, by a
1297 third party. The contract for third party financing may be
1298 separate from the energy performance contract. A separate
1299 contract for third party financing pursuant to this paragraph
1300 must include a provision that the third party financier must not
1301 be granted rights or privileges that exceed the rights and

1302 | privileges available to the guaranteed energy performance
1303 | savings contractor.

1304 | (g) Financing for guaranteed energy performance savings
1305 | contracts may be provided under the authority of s. 287.064.

1306 | (h) The Office of the Chief Financial Officer shall review
1307 | proposals to ensure that the most effective financing is being
1308 | used.

1309 | (i)~~(g)~~ In determining the amount the agency will finance
1310 | to acquire the energy conservation measures, the agency may
1311 | reduce such amount by the application of any grant moneys,
1312 | rebates, or capital funding available to the agency for the
1313 | purpose of buying down the cost of the guaranteed energy
1314 | performance savings contract. However, in calculating the life
1315 | cycle cost as required in paragraph (c), the agency shall not
1316 | apply any grants, rebates, or capital funding.

1317 | (5) CONTRACT PROVISIONS.--

1318 | (a) A guaranteed energy performance savings contract must
1319 | include a written guarantee that may include, but is not limited
1320 | to the form of, a letter of credit, insurance policy, or
1321 | corporate guarantee by the guaranteed energy performance savings
1322 | contractor that annual energy cost savings will meet or exceed
1323 | the amortized cost of energy conservation measures.

1324 | (b) The guaranteed energy performance savings contract
1325 | must provide that all payments, except obligations on
1326 | termination of the contract before its expiration, may be made
1327 | over time, but not to exceed 20 years from the date of complete
1328 | installation and acceptance by the agency, and that the annual
1329 | savings are guaranteed to the extent necessary to make annual

1330 payments to satisfy the guaranteed energy performance savings
 1331 contract.

1332 (c) The guaranteed energy performance savings contract
 1333 must require that the guaranteed energy performance savings
 1334 contractor to whom the contract is awarded provide a 100-percent
 1335 public construction bond to the agency for its faithful
 1336 performance, as required by s. 255.05.

1337 (d) The guaranteed energy performance savings contract may
 1338 contain a provision allocating to the parties to the contract
 1339 any annual energy cost savings that exceed the amount of the
 1340 energy cost savings guaranteed in the contract.

1341 (e) The guaranteed energy performance savings contract
 1342 shall require the guaranteed energy performance savings
 1343 contractor to provide to the agency an annual reconciliation of
 1344 the guaranteed energy or energy-related cost savings. If the
 1345 reconciliation reveals a shortfall in annual energy or energy-
 1346 related cost savings, the guaranteed energy performance savings
 1347 contractor is liable for such shortfall. If the reconciliation
 1348 reveals an excess in annual ~~energy~~ cost savings, the excess
 1349 savings may be allocated under paragraph (d) but may not be used
 1350 to cover potential energy cost savings shortages in subsequent
 1351 contract years.

1352 (f) The guaranteed energy performance savings contract
 1353 must provide for payments of not less than one-twentieth of the
 1354 price to be paid within 2 years from the date of the complete
 1355 installation and acceptance by the agency using straight-line
 1356 amortization for the term of the loan, and the remaining costs

1357 to be paid at least quarterly, not to exceed a 20-year term,
 1358 based on life cycle cost calculations.

1359 (g) The guaranteed energy performance savings contract may
 1360 extend beyond the fiscal year in which it becomes effective;
 1361 however, the term of any contract expires at the end of each
 1362 fiscal year and may be automatically renewed annually for up to
 1363 20 years, subject to the agency making sufficient annual
 1364 appropriations based upon continued realized energy savings.

1365 (h) The guaranteed energy performance savings contract
 1366 must stipulate that it does not constitute a debt, liability, or
 1367 obligation of the state.

1368 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
 1369 Department of Management Services, with the assistance of the
 1370 Office of the Chief Financial Officer, shall ~~may~~, within
 1371 available resources, provide technical content assistance to
 1372 state agencies contracting for energy conservation measures and
 1373 engage in other activities considered appropriate by the
 1374 department for promoting and facilitating guaranteed energy
 1375 performance contracting by state agencies. The Office of the
 1376 Chief Financial Officer, with the assistance of the Department
 1377 of Management Services, shall ~~may, within available resources,~~
 1378 develop model contractual and related documents for use by state
 1379 agencies. Prior to entering into a guaranteed energy performance
 1380 savings contract, any contract or lease for third-party
 1381 financing, or any combination of such contracts, a state agency
 1382 shall submit such proposed contract or lease to the Office of
 1383 the Chief Financial Officer for review and approval. A proposed
 1384 contract or lease shall include:

1385 (a) Supporting information required by s. 216.023(4)(a)9.
 1386 (b) Documentation supporting recurring funds requirements
 1387 in ss. 287.063(5) and 287.064(11).
 1388 (c) Approval by the agency head or his or her designee.
 1389 (d) An agency measurement and verification plan to monitor
 1390 costs savings.
 1391 (7) FUNDING SUPPORT.--For purposes of consolidated
 1392 financing of deferred payment commodity contracts under this
 1393 section by a state agency, any such contract must be supported
 1394 from available recurring funds appropriated to the agency in an
 1395 appropriation category, other than the expense appropriation
 1396 category as defined in chapter 216, that the Chief Financial
 1397 Officer has determined is appropriate or that the Legislature
 1398 has designated for payment of the obligation incurred under this
 1399 section.
 1400
 1401 The Office of the Chief Financial Officer may not approve any
 1402 contract submitted under this section that does not meet the
 1403 requirements of this section.
 1404 Section 30. Section 570.956, Florida Statutes, is created
 1405 to read:
 1406 570.956 Farm-to-Fuel Advisory Council.--
 1407 (1) The Farm-to-Fuel Advisory Council is created within
 1408 the department to provide advice and counsel to the commissioner
 1409 concerning the production of renewable energy in this state. The
 1410 advisory council shall consist of 15 members, 14 of whom shall
 1411 be appointed by the commissioner and one of whom shall be

1412 appointed the Governor for 4-year terms or until a successor is
 1413 duly qualified and appointed. Members shall include:

1414 (a) One citizen-at-large member who shall represent the
 1415 views of the public toward renewable energy.

1416 (b) Six members each of whom is a producer or grower
 1417 actively engaged in the agricultural area of one of the
 1418 following industries:

- 1419 1. Sugarcane.
- 1420 2. Citrus.
- 1421 3. Field crops.
- 1422 4. Dairy.
- 1423 5. Livestock or poultry.
- 1424 6. Forestry.

1425 (c) One member who represents the petroleum industry or
 1426 who is actively engaged in the trade of petroleum products.

1427 (d) One member who represents public utilities or the
 1428 electric power industry.

1429 (e) Two members who represent colleges and universities in
 1430 this state and who are engaged in research involving alternative
 1431 fuels or renewable energy.

1432 (f) One member who represents the environmental community
 1433 or an environmental organization.

1434 (g) One member who represents the ethanol industry or who
 1435 has expertise in the production of ethanol.

1436 (h) One member who represents the biodiesel industry or
 1437 who has expertise in the production of biodiesel.

1438 (i) One member appointed by the Governor.

1439 (2) The council is an advisory committee the operation of
 1440 which is governed by s. 570.0705.

1441 Section 31. Section 570.957, Florida Statutes, is created
 1442 to read:

1443 570.957 Farm-to-Fuel Grants Program.--

1444 (1) As used in this section, the term:

1445 (a) "Bioenergy" means useful, renewable energy produced
 1446 from organic matter through the conversion of the complex
 1447 carbohydrates in organic matter to energy. Organic matter may
 1448 either be used directly as a fuel, processed into liquids and
 1449 gases, or be a residue of processing and conversion.

1450 (b) "Department" means the Department of Agriculture and
 1451 Consumer Services.

1452 (c) "Person" means an individual, partnership, joint
 1453 venture, private or public corporation, association, firm,
 1454 public service company, or any other public or private entity.

1455 (d) "Renewable energy" means electrical, mechanical, or
 1456 thermal energy produced from a method that uses one or more of
 1457 the following fuels or energy sources: hydrogen, biomass, solar
 1458 energy, geothermal energy, wind energy, ocean energy, waste
 1459 heat, or hydroelectric power.

1460 (2) The Farm-to-Fuel Grants Program is established within
 1461 the department to provide renewable energy matching grants for
 1462 demonstration, commercialization, research, and development
 1463 projects relating to bioenergy projects.

1464 (a) Matching grants for bioenergy demonstration,
 1465 commercialization, research, and development projects may be
 1466 made to any of the following:

- 1467 1. Municipalities and county governments.
- 1468 2. Established for-profit companies licensed to do
 1469 business in the state.
- 1470 3. Universities and colleges in the state.
- 1471 4. Utilities located and operating within the state.
- 1472 5. Not-for-profit organizations.
- 1473 6. Other qualified persons, as determined by the
 1474 Department of Agriculture and Consumer Services.
- 1475 (b) The department may adopt rules to provide for
 1476 allocation of grant funds by project type, application
 1477 requirements, ranking of applications, and awarding of grants
 1478 under this program.
- 1479 (c) Factors for consideration in awarding grants may
 1480 include, but are not limited to, the degree to which:
- 1481 1. The project produces bioenergy from Florida-grown crops
 1482 or biomass.
- 1483 2. The project demonstrates efficient use of energy and
 1484 material resources.
- 1485 3. Matching funds and in-kind contributions from an
 1486 applicant are available.
- 1487 4. The project has a reasonable assurance of enhancing the
 1488 value of agricultural products or will expand agribusiness in
 1489 the state.
- 1490 5. Preliminary market and feasibility research has been
 1491 conducted by the applicant or others and shows there is a
 1492 reasonable assurance of a potential market.
- 1493 6. The project stimulates in-state capital investment and
 1494 economic development in metropolitan and rural areas, including

1495 the creation of jobs and the future development of a commercial
 1496 market for bioenergy.

1497 7. The project incorporates an innovative new technology
 1498 or an innovative application of an existing technology.

1499 (d) In evaluating and awarding grants under this section,
 1500 the department shall consult with and solicit input from the
 1501 Department of Environmental Protection.

1502 (e) In determining the technical feasibility of grant
 1503 applications, the department shall coordinate and actively
 1504 consult with persons having expertise in renewable energy
 1505 technologies.

1506 (f) In determining the economic feasibility of bioenergy
 1507 grant applications, the department shall consult with the Office
 1508 of Tourism, Trade, and Economic Development.

1509 Section 32. Section 570.958, Florida Statutes, is created
 1510 to read:

1511 570.958 Biofuel Retail Sales Incentive Program.--

1512 (1) The purpose of this section is to encourage the retail
 1513 sale of biofuels in this state and replace petroleum consumption
 1514 in the state by the following percentages over the specified
 1515 periods:

1516 (a) Three percent from January 1, 2008, through December
 1517 31, 2008.

1518 (b) Five percent from January 1, 2009, through December
 1519 31, 2009.

1520 (c) Seven percent from January 1, 2010, through December
 1521 31, 2010.

1522 (d) Ten percent from January 1, 2011, through December 31,

1523 2011.

1524 (2) As used in this section:

1525 (a) "Biodiesel" means the mono-alkyl esters of long-chain
1526 fatty acids derived from plant or animal matter for use as a
1527 source of energy and meeting the specifications for biodiesel
1528 and biodiesel blended with petroleum products as adopted by the
1529 department.

1530 (b) "Biofuel" means E85 fuel ethanol, E10 motor fuel,
1531 biodiesel, and diesel blended fuel.

1532 (c) "Diesel blended fuel" means a fuel mixture containing
1533 10 percent or more biodiesel or renewable diesel fuel with the
1534 balance comprised of diesel fuel and meeting the specifications
1535 for diesel blends as adopted by the department.

1536 (d) "E85 fuel ethanol" means ethanol blended with gasoline
1537 and formulated with a nominal percentage of 85 percent ethanol
1538 by volume and meeting the applicable fuel quality specifications
1539 as adopted by the department.

1540 (e) "E10 motor fuel" means a motor fuel blend consisting
1541 of nominal percentages of 90 percent gasoline by volume and 10
1542 percent ethanol by volume and meeting the fuel quality
1543 specifications for gasoline as adopted by the department.

1544 (f) "Ethanol or fuel ethanol" means an anhydrous denatured
1545 alcohol produced by the conversion of carbohydrates and meeting
1546 the specifications for fuel ethanol as adopted by the
1547 department.

1548 (g) "Fuel dispenser" means a pump, meter, or similar
1549 device used to measure and deliver motor fuel or diesel fuel on
1550 a retail basis.

1551 (h) "Renewable diesel fuel" means a fuel that meets the
1552 registration requirements for fuels and fuel additives
1553 established by the Environmental Protection Agency in the Clean
1554 Air Act; is not a mono-alkyl ester; is intended for use in
1555 engines that are designed to run on conventional, petroleum
1556 derived diesel fuel; is derived from nonpetroleum renewable
1557 resources, including, but not limited to, vegetable oils, animal
1558 wastes, including poultry fats and poultry wastes, and other
1559 waste materials, or municipal solid waste and sludges and oils
1560 derived from wastewater and the treatment of wastewater; and
1561 meets the specifications for diesel fuel as adopted by the
1562 department.

1563 (i) "Retail dealer" means any person who is engaged in the
1564 business of selling fuel at retail at posted retail prices.

1565 (j) "Retail motor fuel site" means a geographic location
1566 in this state where a retail dealer sells or offers for sale
1567 motor fuel, diesel fuel, or biofuel to the general public.

1568 (3)(a) Subject to specific appropriation, a retail dealer
1569 who sells biofuel through fuel dispensers at retail motor fuel
1570 sites is entitled to an incentive payment that shall be computed
1571 as follows:

1572 1. An incentive of 1 cent for each gallon of E10 motor
1573 fuel sold through a fuel dispenser.

1574 2. An incentive of 5 cents for each gallon of E85 fuel
1575 ethanol sold through a fuel dispenser.

1576 3. An incentive of 1 cent for each gallon of diesel
1577 blended fuel sold through a fuel dispenser.

1578 4. An incentive of 3 cents for each gallon of biodiesel
1579 sold through a fuel dispenser.

1580 (b) The incentive may be claimed for biofuel sold on or
1581 after January 1, 2008. Beginning in 2009, each applicant
1582 claiming an incentive under this section must first apply to the
1583 department by February 1 of each year for an allocation of the
1584 available incentive for the preceding calendar year. The
1585 department shall develop an application form. The application
1586 form shall, at a minimum, require a sworn affidavit from each
1587 retail dealer certifying the following information:

1588 1. The name and principal address of the retail dealer.

1589 2. The address of the retail dealer's retail motor fuel
1590 sites from which it sold biofuels during the preceding calendar
1591 year.

1592 3. The total gallons of E10 ethanol sold through fuel
1593 dispensers.

1594 4. The total gallons of E85 ethanol sold through fuel
1595 dispensers.

1596 5. The total gallons of diesel blended fuel sold through
1597 fuel dispensers.

1598 6. The total gallons of biodiesel sold through fuel
1599 dispensers.

1600 7. Any other information deemed necessary by the
1601 department to adequately ensure that the incentive allowed under
1602 this section shall be made only to qualified Florida retail
1603 dealers.

1604 (c) The department shall determine the amount of the
1605 incentive allowed under this section.

1606 (4) If the amount of incentives applied for each year
 1607 exceeds the amount appropriated, the department shall pay to
 1608 each applicant a prorated amount based on each applicant's
 1609 gallorage of qualified biofuel sold and dispensed that is
 1610 eligible for the incentive under this section.

1611 (5) The department may adopt rules pursuant to ss.
 1612 120.536(1) and 120.54 to implement and administer this section,
 1613 including rules prescribing forms, the documentation needed to
 1614 substantiate a claim for the incentive, and the specific
 1615 procedures and guidelines for claiming the incentive.

1616 Section 33. Section 570.959, Florida Statutes, is created
 1617 to read:

1618 570.959 Florida Biofuel Production Incentive Program.--

1619 (1) The purpose of this section is to encourage the
 1620 development and expansion of facilities that produce biofuels in
 1621 this state from crops, agricultural waste and residues, and
 1622 other biomass produced in Florida by providing economic
 1623 incentives to do so.

1624 (2) As used in this section, the term:

1625 (a) "Biodiesel" means the mono-alkyl esters of long-chain
 1626 fatty acids derived from plant or animal matter for use as a
 1627 source of energy and meeting the specifications for biodiesel
 1628 and biodiesel blended with petroleum products as adopted by the
 1629 department.

1630 (b) "Biofuel" means ethanol or biodiesel.

1631 (c) "Ethanol" or "fuel ethanol" means an anhydrous
 1632 denatured alcohol produced by the conversion of carbohydrates
 1633 and meeting the specifications for fuel ethanol adopted by the

1634 department.

1635 (d) "Florida biofuel production" means production of
1636 biofuel in the state from crops, agricultural waste and
1637 residues, and other biomass produced in Florida.

1638 (3) In order to be eligible for the incentive provided in
1639 this section, a producer must have registered and have met the
1640 requirements contained in chapter 206.

1641 (4) An incentive, subject to appropriation, shall be paid
1642 to a producer based on Florida biofuel production as follows:

1643 (a) The incentive shall be 5 cents for each gallon of
1644 unblended Florida biofuel produced, exclusive of denaturant,
1645 during a given calendar year and sold to an unrelated blender of
1646 biofuel.

1647 (b) The incentive may be earned for production on or after
1648 January 1, 2008. Beginning in 2009, each producer claiming an
1649 incentive under this section must first apply to the department
1650 by February 1 of each year for an allocation of available
1651 incentives. The department shall develop an application form
1652 that shall, at a minimum, require a sworn affidavit from each
1653 producer certifying the production that forms the basis of the
1654 application and certifying that all information contained in the
1655 application is true and correct.

1656 (c) The department shall determine whether or not such
1657 production is eligible for the incentive under this section.

1658 (d) If the amount of incentives applied for each year
1659 exceeds the amount appropriated, the department shall pay to
1660 each applicant a prorated amount based on the percentage of
1661 biofuel produced that is eligible for the incentive under this

1662 section.

1663 (5) The department may adopt rules pursuant to ss.
 1664 120.536(1) and 120.54 to implement and administer this section,
 1665 including rules prescribing forms, the documentation needed to
 1666 substantiate a claim for the incentive, and the specific
 1667 procedures and guidelines for claiming the incentive.

1668 Section 34. (1) The Florida Building Commission shall
 1669 convene a workgroup comprised of representatives from the
 1670 Florida Energy Commission, the Department of Community Affairs,
 1671 the Building Officials Association of Florida, the Florida
 1672 Energy Office, the Florida Home Builders Association, the
 1673 Association of Counties, the League of Cities, and other
 1674 stakeholders to develop a model residential energy efficiency
 1675 ordinance that provides incentives to meet energy efficiency
 1676 standards. The commission must report back to the Legislature
 1677 with a developed ordinance by March 1, 2008.

1678 (2) The Florida Building Commission shall, in consultation
 1679 with the Florida Energy Commission, the Building Officials
 1680 Association of Florida, the Florida Energy Office, the Florida
 1681 Home Builders Association, the Association of Counties, the
 1682 League of Cities, and other stakeholders, review the Florida
 1683 Energy Code for Building Construction. Specifically, the
 1684 commission shall revisit the analysis of cost-effectiveness that
 1685 serves as the basis for energy efficiency levels for residential
 1686 buildings, identify cost-effective means to improve energy
 1687 efficiency in commercial buildings, and compare the code to the
 1688 International Energy Conservation Code and the American Society
 1689 of Heating Air-Conditioning and Refrigeration Engineers

1690 Standards 90.1 and 90.2. The commission shall provide a report
1691 with a standard to the Legislature by March 1, 2008, that may be
1692 adopted for the construction of all new residential, commercial,
1693 and government buildings.

1694 (3) The Florida Building Commission, in consultation with
1695 the Florida Solar Energy Center, the Florida Energy Commission,
1696 the Florida Energy Office, the United States Department of
1697 Energy, and the Florida Home Builders Association, shall develop
1698 and implement a public awareness campaign that promotes energy
1699 efficiency and the benefits of building green by January 1,
1700 2008. The campaign shall include enhancement of an existing web
1701 site from which all citizens can obtain information pertaining
1702 to green building practices, calculate anticipated savings from
1703 use of those options, as well as learn about energy efficiency
1704 strategies that may be used in their existing home or when
1705 building a home. The campaign shall focus on the benefits of
1706 promoting energy efficiency to the purchasers of new homes, the
1707 various green building ratings available, and the promotion of
1708 various energy-efficient products through existing trade shows.
1709 The campaign shall also include strategies for utilizing print
1710 advertising, press releases, and television advertising to
1711 promote voluntary utilization of green building practices.

1712 Section 35. (1) The Legislature declares that there is an
1713 important state interest in promoting the construction of
1714 energy-efficient and sustainable buildings. Government
1715 leadership in promoting these standards is vital to demonstrate
1716 the state's commitment to energy conservation, saving taxpayers
1717 money, and raising public awareness of energy-rating systems.

1718 (2) All county, municipal, and public community college
1719 buildings shall be constructed to meet the United States Green
1720 Building Council (USGBC) Leadership in Energy and Environmental
1721 Design (LEED) rating system, Green Building Initiative's Green
1722 Globes rating system, or a nationally recognized, high-
1723 performance green building rating system as approved by the
1724 Department of Management Services. This section shall apply to
1725 all county, municipal, and public community college buildings
1726 whose architectural plans are started after July 1, 2008.

1727 Section 36. The tax levied under chapter 212, Florida
1728 Statutes, may not be collected on the first \$1,500 of the
1729 selling price of a new energy-efficient product during the
1730 period from 12:01 a.m., October 1, 2007, through midnight,
1731 October 14, 2007. Such period shall be designated as the
1732 "Energy-Efficient Products Sales Tax Holiday." As used in this
1733 section, the term "energy-efficient product" means a dishwasher,
1734 clothes washer, air conditioner, ceiling fan, ventilating fan,
1735 compact fluorescent light bulb, dehumidifier, programmable
1736 thermostat, or refrigerator that has been designated by the
1737 United States Environmental Protection Agency or by the United
1738 States Department of Energy as meeting or exceeding the
1739 requirements under the Energy Star Program of either agency. The
1740 Department of Revenue may adopt rules under ss. 120.536(1) and
1741 120.54, Florida Statutes, to administer this section.

1742 Section 37. State fleet biodiesel usage.--

1743 (1) By July 1, 2008, a minimum of 5 percent, by January 1,
1744 2009, a minimum of 10 percent, and by January 1, 2010, a minimum
1745 of 20 percent of total diesel fuel purchases for use by state-

1746 owned diesel vehicles and equipment shall be biodiesel fuel
 1747 (B20), subject to availability.

1748 (2) By July 1, 2008, a minimum of 5 percent, by January 1,
 1749 2009, a minimum of 10 percent, and by January 1, 2010, a minimum
 1750 of 20 percent of total fuel purchases for use by state-owned
 1751 flex-fuel vehicles shall be ethanol, subject to availability.

1752 (3) The Department of Management Services shall provide
 1753 for the proper administration, implementation, and enforcement
 1754 of this section.

1755 (4) The Department of Management Services shall report to
 1756 the Legislature on or before March 1, 2008, and annually
 1757 thereafter, the extent of biodiesel and ethanol use in the state
 1758 fleet. The report shall contain the number of gallons purchased
 1759 since July 1, 2007, the average price of biodiesel and ethanol,
 1760 and a description of fleet performance.

1761 Section 38. School district biodiesel usage.--

1762 (1) By January 1, 2008, a minimum of 20 percent of total
 1763 diesel fuel purchases for use by school districts shall be
 1764 biodiesel fuel (B20), subject to availability.

1765 (2) If a school district contracts with another government
 1766 entity or private entity to provide transportation services for
 1767 any of its pupils, the biodiesel blend fuel requirement
 1768 established pursuant to subsection (1) shall be part of that
 1769 contract. However, this requirement shall apply only to
 1770 contracts entered into on or after July 1, 2007.

1771 Section 39. (1) The Legislature recognizes the need for
 1772 expanded collaboration between the public and private sectors
 1773 and increased public-private joint ventures in the areas of

1774 energy research, alternative fuel production, space exploration,
 1775 and technological advances in the energy and aerospace
 1776 industries.

1777 (2) Subject to appropriation, there is created within the
 1778 Executive Office of the Governor the Florida Energy, Aerospace,
 1779 and Technology (F.E.A.T.) Fund, a program to encourage a state
 1780 partnership with the Federal Government, Space Florida,
 1781 Enterprise Florida, Inc., and the private sector, to identify
 1782 business and investment opportunities, and to target performance
 1783 goals for those investments in the areas of alternative energy
 1784 development and production infrastructure; biofuel, wind power,
 1785 and solar energy technology development and applications;
 1786 ethanol production and systems for conversion and use of ethanol
 1787 fuels; cryogenics and hydrogen-based technology applications,
 1788 storage, and conversion systems; hybrid engine power systems
 1789 conversion technologies and production facilities; aerospace
 1790 industry expansion or development opportunities; aerospace
 1791 facility modifications and upgrades; build outs; new spaceport,
 1792 range, and ground support infrastructure; new aerospace
 1793 facilities and laboratories; new simulation, communications, and
 1794 command and control systems; and other aerospace manufacturing
 1795 and maintenance support infrastructure.

1796 (3) The Executive Office of the Governor is authorized to
 1797 competitively procure the services of a private business entity
 1798 for the purposes of identifying, evaluating, and executing
 1799 investment instruments in appropriate energy and aerospace
 1800 opportunities and will be responsible for conduct of investment
 1801 due diligence, execution, and monitoring of investment

1802 instruments on behalf of the F.E.A.T. Fund, either in direct
1803 investment or through participation in investment partnerships
1804 established for the purposes of advancing the objectives of the
1805 fund.

1806 (4) The entity selected to represent the F.E.A.T. Fund
1807 shall have investment discretion in any investment or
1808 partnership that it enters into on behalf of the F.E.A.T. Fund,
1809 subject to the limit of the funds made available to it for
1810 investment purposes, and shall not represent or commit the full
1811 faith and credit of the state.

1812 (5) A complete and detailed report shall be provided to
1813 the Governor, the President of the Senate, and the Speaker of
1814 the House of Representatives by March 1, 2008, setting forth all
1815 of the following:

1816 (a) An accounting of all state funds committed and
1817 invested by the fund.

1818 (b) A qualitative and quantitative assessment of each fund
1819 investment against the investment performance goals established
1820 for investment, as well as an assessment of overall fund
1821 performance against investment objectives established for the
1822 fund.

1823 (c) An evaluation of all activities of the fund and
1824 recommendations for change.

1825 (6) Funds appropriated for the purposes of the F.E.A.T.
1826 Fund shall be deposited in the Grants and Donations Trust Fund
1827 in the Executive Office of the Governor.

1828 Section 40. Research and demonstration cellulosic ethanol
1829 plant.--

1830 (1) There shall be constructed a multifaceted research and
1831 demonstration cellulosic ethanol plant designed to conduct
1832 research and to demonstrate and advance the commercialization of
1833 cellulose-to-ethanol technology, including technology licensed
1834 from the University of Florida, and to facilitate further
1835 research and testing of multiple cellulosic feedstocks in the
1836 state.

1837 (2) The University of Florida shall act as the owner and
1838 proprietor of the facility, which shall include a permanent
1839 research and development laboratory operated as a satellite
1840 facility of the Institute of Food and Agricultural Sciences at
1841 the University of Florida. This facility shall be used to
1842 convert the initially treated material to the final ethanol
1843 product.

1844 (3) The facility shall be located near an industrial site
1845 with infrastructure already developed to avoid or reduce
1846 significant capital costs for waste treatment and roads, shall
1847 be served by a range of suppliers and transportation companies,
1848 and shall be in good proximity to gasoline and ethanol blending
1849 facilities on either coast of the state. The industrial site
1850 shall have the capacity to provide steam and electric power,
1851 waste treatment, and a steady stream of feedstocks, including,
1852 but not limited to, bagasse, woody biomass, and cane field
1853 residues, to allow a commercial scale plant to operate year
1854 around.

1855 (4) The facility shall be located near preexisting onsite
1856 technical support staff and other resources for electrical,
1857 mechanical, and instrumentation services. In addition, the

1858 facility shall have access to preexisting onsite laboratory
1859 facilities and scientific personnel and shall include the
1860 critical aspects of connecting to existing facilities and
1861 meeting construction codes and permit requirements.

1862 (5) There shall be a scientific and technical advisory
1863 panel to advise on the technology to be applied.

1864 (6) Subject to the rights of any third parties arising
1865 under any licenses granted by the university or its affiliates
1866 prior to the effective date of this act, ownership of all
1867 patents, copyrights, trademarks, licenses, and rights or
1868 interests shall vest in the university on behalf of the state.
1869 The university, pursuant to s. 1004.23, Florida Statutes, shall
1870 have the right to use and the right to retain derived revenues
1871 subject to the continuing approval of the Legislature.

1872 (7) The Senior Vice President for the Institute of Food
1873 and Agricultural Sciences at the University of Florida shall
1874 ensure that applicable, nonproprietary research results and
1875 technologies from the plant authorized under this initiative are
1876 adapted, made available, and disseminated through its respective
1877 services, as appropriate.

1878 (8) Within 2 years after enactment of this act, the Senior
1879 Vice President for the Institute of Food and Agricultural
1880 Sciences at the University of Florida shall submit to the
1881 President of the Senate and the Speaker of the House of
1882 Representatives a report on the activities conducted under this
1883 section.

1884 Section 41. (1) The Florida Energy Commission shall
1885 conduct a study in conjunction with the Florida Public Service

1886 Commission and the Department of Agriculture and Consumer
 1887 Services to recommend an appropriate renewable portfolio
 1888 standard for the state.

1889 (2) The study shall include current and future
 1890 availability of renewable fuels, incentives to attract large
 1891 scale renewable energy development, proposed changes to current
 1892 regulatory and market practices to encourage renewable energy
 1893 development, the impact on utility costs and rates,
 1894 environmental benefits of a renewable portfolio standard, and
 1895 economic development associated with renewable energy in the
 1896 state.

1897 (3) The Florida Energy Commission shall hold public
 1898 hearings on these and other related issues and submit a report
 1899 containing specific recommendations to the President of the
 1900 Senate and the Speaker of the House of Representatives by
 1901 January 1, 2008.

1902 Section 42. (1) The Florida Energy Commission shall
 1903 conduct a study in conjunction with the Florida Energy Office,
 1904 the Department of Agriculture and Consumer Services, and the
 1905 Public Service Commission to recommend the establishment of an
 1906 energy efficiency and solar energy initiative.

1907 (2) The study shall include recommendations for the
 1908 administration, design, implementation, and ongoing measurement
 1909 and evaluation of programs that promote energy efficiency and
 1910 conservation activities and market transformation efforts for
 1911 solar energy technologies through a public benefits fund. The
 1912 study shall include incentives for investment in energy
 1913 efficiency and customer-sited solar energy systems, suggest

1914 changes to current regulatory and market practice to encourage
 1915 solar energy and energy efficiency investment in residential and
 1916 commercial applications, including standards for net metering
 1917 and interconnection.

1918 (3) The Florida Energy Commission will hold public
 1919 hearings on these issues and submit a report containing specific
 1920 recommendations to the President of the Senate and the Speaker
 1921 of the House of Representatives by January 1, 2008.

1922 Section 43. The Florida Public Service Commission shall
 1923 submit to the President of the Senate and the Speaker of the
 1924 House of Representatives by February 28, 2008, a report that
 1925 provides a detailed description of the methods used to evaluate
 1926 the conservation goals, plans, and programs of utilities subject
 1927 to the Florida Energy Efficiency and Conservation Act. The
 1928 commission shall compare methods and policies employed in other
 1929 states that could be implemented to ensure that utilities in
 1930 this state acquire all energy efficiency resources that cost
 1931 less than new electric power generation. As used in the section,
 1932 the term "energy efficiency resources" means a reduction in
 1933 kilowatt hours used by the existing and emerging fleet of
 1934 buildings and equipment in this state that is achieved by
 1935 providing incentives to producers, distributors, sellers, or
 1936 consumers that promote the development of and investment in
 1937 energy-efficient technologies.

1938 Section 44. (1) The Department of Agriculture and
 1939 Consumer Services shall conduct a study in conjunction with the
 1940 Department of Environmental Protection and Enterprise Florida,
 1941 Inc., to recommend an appropriate Florida Loan Guarantee Program

1942 for cellulosic ethanol facilities developed in the state.

1943 (2) The Department of Agriculture and Consumer Services
 1944 shall submit a report containing specific recommendations to the
 1945 President of the Senate and the Speaker of the House of
 1946 Representatives no later than January 1, 2008.

1947 Section 45. The Department of Community Affairs shall
 1948 convene a workgroup comprised of representatives of the Florida
 1949 Building Commission, the Florida Energy Commission, the Florida
 1950 Energy Office, consumers, and affected industries to identify
 1951 and review new or updated energy conservation standards for
 1952 products that consume electricity, including, but not limited
 1953 to, residential pool pumps, pool heaters, spas, and commercial
 1954 and residential appliances. The workgroup shall identify
 1955 efficiency improvements that could be anticipated by
 1956 implementation of new standards and the anticipated costs of
 1957 implementing and enforcing the standards and shall further
 1958 consider methods and processes for the regular review of new
 1959 standards and implementation, if warranted. No later than March
 1960 1, 2008, the department shall report to the President of the
 1961 Senate and Speaker of the House of Representatives on findings
 1962 of the workgroup together with any recommended statutory changes
 1963 required to implement those findings.

1964 Section 46. Section 1013.441, Florida Statutes, is
 1965 created to read:

1966 1013.441 Green Schools Pilot Project.--

1967 (1) The Legislature finds that it is cost-effective and
 1968 healthy for the public and the environment to build schools that
 1969 maximize low-water usage and incorporate energy efficiencies,

1970 renewable energy, and recycling technologies into the
 1971 construction of schools. Therefore, the Green Schools Pilot
 1972 Project is established for selected school districts for the
 1973 purpose of incorporating the Leadership in Energy and
 1974 Environmental Design (LEED) silver-level or the Green Globes
 1975 two-globe rating or better building-certification standards into
 1976 every new educational building construction project and, when
 1977 feasible, every educational building renovation project.

1978 (2) LEED building certification standards are defined by
 1979 the United States Green Building Council and the Green Globes
 1980 certification standards are defined by the Green Building
 1981 Initiative. Both standards address the total effect that new
 1982 buildings have on the environment so as to maximize energy
 1983 efficiency and to minimize adverse effects on the environment.

1984 (3) For purposes of this section, the term "additional
 1985 costs" means the expenditures that are necessary to build a
 1986 complete school to LEED silver-level or Green Globes two-globe
 1987 or better building-certification standards but that exceed the
 1988 expenditures necessary to build a complete school in compliance
 1989 with this chapter. Such additional costs may include, but are
 1990 not limited to, registration and certification fees charged for
 1991 certification of the school to LEED silver-level or Green Globes
 1992 two-globe or better building-certification standards.

1993 (4) (a) The Department of Education, in consultation with
 1994 the Florida Energy Office, shall develop by August 1, 2007, an
 1995 application process for school districts to participate in the
 1996 pilot project. Three school districts shall be selected by the
 1997 State Board of Education by January 1, 2008, to participate in

1998 the pilot project. One school district shall be in a county
 1999 having a population of 1 million or more residents; one school
 2000 district shall be in a county having a population of 250,000 to
 2001 999,999 residents; and one school district shall be in a county
 2002 having a population of fewer than 250,000 residents. School
 2003 districts selected to participate in the pilot project shall, to
 2004 the greatest extent possible, represent geographically different
 2005 regions of the state.

2006 (b) At a minimum, each school district selected by the
 2007 State Board of Education to participate in the pilot project
 2008 must:

2009 1. Demonstrate that it implements sound financial
 2010 management practices by producing documentation that indicates
 2011 that the school district for the preceding 3 years has had no
 2012 material weaknesses or instances of material noncompliance noted
 2013 in its annual audits required under s. 218.39.

2014 2. Engage a design team that has demonstrated knowledge
 2015 and experience in high-performance green building construction.

2016 3. Commit to building at least one complete school to LEED
 2017 silver-level or Green Globes two-globe or better building-
 2018 certification standards. A school built to such building-
 2019 certification standards shall be designated as a "Green School."

2020 (c) When selecting school districts to participate in the
 2021 pilot project, evaluation criteria implemented by the State
 2022 Board of Education may include, but need not be limited to,
 2023 school districts that demonstrate a high percentage of
 2024 environmentally inefficient schools or school districts that
 2025 propose innovative methods for improving water savings, energy

2026 efficiency, or indoor environmental quality.

2027 (5) (a) From funds appropriated for the Green Schools Pilot
 2028 Program, the department shall distribute to each participating
 2029 school district an amount sufficient to fund the additional
 2030 costs required to build one complete school to LEED silver-level
 2031 or Green Globes two-globe or better building-certification
 2032 standards.

2033 1. If appropriated funds are insufficient to fund the
 2034 total of additional costs required to build three complete
 2035 schools to LEED silver-level or Green Globes two-globe or better
 2036 building-certification standards, the department shall prorate
 2037 funds available and make distributions based on the ratio of
 2038 each school's additional costs relative to the total of
 2039 additional costs for the three schools.

2040 2. If appropriated funds remain after the distribution,
 2041 such funds may be distributed by the department to one or more
 2042 of the participating school districts to fund the additional
 2043 costs required to build other new schools or to renovate
 2044 existing schools to LEED silver-level or Green Globes two-globe
 2045 or better building-certification standards.

2046 (b) Participating school districts must annually report to
 2047 the department the expenditure of funds received under paragraph
 2048 (a). The reports must be open to inspection and examination by
 2049 the Auditor General. A participating school district must return
 2050 to the department:

2051 1. Any funds found by the Auditor General to have been
 2052 improperly expended.

2053 2. Funds received under paragraph (a) for the construction

2054 or renovation of a school if LEED silver-level or Green Globes
 2055 two-globe certification or better is not obtained for the school
 2056 within 1 year after its completion.

2057 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 2058 undisbursed balances of appropriations for the Green Schools
 2059 Pilot Program do not revert to the General Revenue Fund but
 2060 shall be retained by the department to be used for purposes of
 2061 this section.

2062 (6) Each participating school district shall deliver to
 2063 the Governor, the President of the Senate, the Speaker of the
 2064 House of Representatives, and the Commissioner of Education a
 2065 report on the effects Green Schools have had on student
 2066 performance and health, operational costs, energy consumption,
 2067 and the environment in the district. This report shall be
 2068 submitted by July 1 of the year after a Green School has been in
 2069 full operation for 3 years.

2070 Section 47. For the 2007-2008 fiscal year, the sum of \$3.5
 2071 million in nonrecurring funds is appropriated from the Public
 2072 Education Capital Outlay and Debt Service Trust Fund to the
 2073 Department of Education for the purpose of funding the
 2074 additional costs required for the new construction of three
 2075 complete schools to LEED silver-level or Green Globes two-globe
 2076 or better building-certification standards under the Green
 2077 Schools Pilot Project.

2078 Section 48. For the 2007-2008 fiscal year, the sum of
 2079 \$65,763 in nonrecurring funds is appropriated from the General
 2080 Revenue Fund to the Department of Revenue for the purpose of
 2081 administering the Energy-Efficient Products Sales Tax Holiday.

2082 Section 49. For the 2007-2008 fiscal year, the sum of \$20
 2083 million in nonrecurring funds is appropriated from the General
 2084 Revenue Fund to the University of Florida, Institute of Food and
 2085 Agricultural Sciences, for the purpose of establishing a
 2086 research and demonstration cellulosic ethanol plant.

2087 Section 50. For the 2007-2008 fiscal year, the sum of \$10
 2088 million in nonrecurring funds is appropriated from the General
 2089 Revenue Fund to the Department of Environmental Protection for
 2090 the purpose of funding the Renewable Energy Technologies Grants
 2091 Program authorized in s. 377.804, Florida Statutes.

2092 Section 51. For the 2007-2008 fiscal year, the sum of \$2.5
 2093 million in nonrecurring funds is appropriated from the General
 2094 Revenue Fund to the Department of Environmental Protection for
 2095 the purpose of funding the Solar Energy System Incentives
 2096 Program authorized in s. 377.806, Florida Statutes.

2097 Section 52. For the 2007-2008 fiscal year, the sum of \$40
 2098 million in nonrecurring funds is appropriated from the General
 2099 Revenue Fund to the Department of Agriculture and Consumer
 2100 Services for the purpose of funding the Farm-to-Fuel Grants
 2101 Program authorized in s. 570.957, Florida Statutes.

2102 Section 53. For the 2007-2008 fiscal year, the sum of
 2103 \$100,000 in nonrecurring funds is appropriated from the General
 2104 Revenue Fund to the Department of Community Affairs for the
 2105 purposes of convening a workgroup to develop a model residential
 2106 energy efficiency ordinance and to review the cost-effectiveness
 2107 of energy efficiency measures in the construction of certain
 2108 buildings.

2109 Section 54. For the 2007-2008 fiscal year, the sum of
2110 \$334,237 in nonrecurring funds is appropriated from the General
2111 Revenue Fund to the Department of Community Affairs for the
2112 purposes of developing and implementing a public awareness
2113 campaign that promotes energy efficiency and the benefits of
2114 building green.

2115 Section 55. For the 2007-2008 fiscal year, the sum of
2116 \$120,000 from the General Revenue Fund is appropriated and one
2117 full-time equivalent position is authorized to the Department of
2118 Management Services for the purposes of implementing the
2119 provisions of s. 255.252, Florida Statutes, as amended by this
2120 act.

2121 Section 56. For the 2007-2008 fiscal year, the sum of
2122 \$68,000 from the General Revenue Fund is appropriated and one
2123 full-time equivalent position is authorized to the Department of
2124 Financial Services for the purposes of implementing the
2125 provisions of s. 489.145, Florida Statutes, as amended by this
2126 act.

2127 Section 57. This act shall take effect July 1, 2007.