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CHAMBER ACTION

Senate

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 2, between lines 9 & 10,

insert:

Section 2. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.--

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

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

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

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

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

7 (3) It shall be the responsibility of the applicant
 8 for an exemption pursuant to this section to demonstrate
 9 affirmatively to the satisfaction of the property appraiser
 10 that he or she meets the requirements for exemption under this
 11 section and that the original cost ~~pursuant to paragraph~~
 12 ~~(1)(b)~~ and the period for which the device was operative, as
 13 indicated on the exemption application, are correct.

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

19 Section 3. Paragraph (ccc) of subsection (7) of
 20 section 212.08, Florida Statutes, is amended to read:

21 212.08 Sales, rental, use, consumption, distribution,
 22 and storage tax; specified exemptions.--The sale at retail,
 23 the rental, the use, the consumption, the distribution, and
 24 the storage to be used or consumed in this state of the
 25 following are hereby specifically exempt from the tax imposed
 26 by this chapter.

27 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to
 28 any entity by this chapter do not inure to any transaction
 29 that is otherwise taxable under this chapter when payment is
 30 made by a representative or employee of the entity by any
 31 means, including, but not limited to, cash, check, or credit

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1 card, even when that representative or employee is
 2 subsequently reimbursed by the entity. In addition, exemptions
 3 provided to any entity by this subsection do not inure to any
 4 transaction that is otherwise taxable under this chapter
 5 unless the entity has obtained a sales tax exemption
 6 certificate from the department or the entity obtains or
 7 provides other documentation as required by the department.
 8 Eligible purchases or leases made with such a certificate must
 9 be in strict compliance with this subsection and departmental
 10 rules, and any person who makes an exempt purchase with a
 11 certificate that is not in strict compliance with this
 12 subsection and the rules is liable for and shall pay the tax.
 13 The department may adopt rules to administer this subsection.

14 (ccc) Equipment, machinery, and other materials for
 15 renewable energy technologies.--

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

17 a. "Biodiesel" means the mono-alkyl esters of
 18 long-chain fatty acids derived from plant or animal matter for
 19 use as a source of energy and meeting the specifications for
 20 biodiesel and biodiesel blends with petroleum products as
 21 adopted by the Department of Agriculture and Consumer
 22 Services. Biodiesel may refer to biodiesel blends designated
 23 BXX, where XX represents the volume percentage of biodiesel
 24 fuel in the blend.

25 b. "Ethanol" means an ~~nominaly~~ anhydrous denatured
 26 alcohol produced by the conversion of carbohydrates
 27 ~~fermentation of plant sugars~~ meeting the specifications for
 28 fuel ethanol and fuel ethanol blends with petroleum products
 29 as adopted by the Department of Agriculture and Consumer
 30 Services. Ethanol may refer to fuel ethanol blends designated
 31 EXX, where XX represents the volume percentage of fuel ethanol

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1 in the blend.

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

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

7 a. Hydrogen-powered vehicles, materials incorporated
8 into hydrogen-powered vehicles, and hydrogen-fueling stations,
9 up to a limit of \$2 million in tax each state fiscal year for
10 all taxpayers.

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

14 c. Materials used in the distribution of biodiesel
15 (B10-B100) and ethanol (E10-100), including fueling
16 infrastructure, transportation, and storage, up to a limit of
17 \$1 million in tax each state fiscal year for all taxpayers.
18 Gasoline fueling station pump retrofits for ethanol (E10-E100)
19 distribution qualify for the exemption provided in this
20 sub-subparagraph.

21 3. The Department of Environmental Protection shall
22 provide to the department a list of items eligible for the
23 exemption provided in this paragraph.

24 4.a. The exemption provided in this paragraph shall be
25 available to a purchaser only through a refund of previously
26 paid taxes. Only one purchase of an eligible item is subject
27 to refund. A purchaser who has received a refund on an
28 eligible item must notify any subsequent purchaser of the item
29 that the item is no longer eligible for a refund of tax paid.
30 This notification must be provided to the purchaser on the
31 sales invoice or other proof of purchase.

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1 b. To be eligible to receive the exemption provided in
2 this paragraph, a purchaser shall file an application with the
3 Department of Environmental Protection. The application shall
4 be developed by the Department of Environmental Protection, in
5 consultation with the department, and shall require:

6 (I) The name and address of the person claiming the
7 refund.

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

11 (III) The sales invoice or other proof of purchase
12 showing the amount of sales tax paid, the date of purchase,
13 and the name and address of the sales tax dealer from whom the
14 property was purchased.

15 (IV) A sworn statement that the information provided
16 is accurate and that the requirements of this paragraph have
17 been met.

18 c. Within 30 days after receipt of an application, the
19 Department of Environmental Protection shall review the
20 application and shall notify the applicant of any
21 deficiencies. Upon receipt of a completed application, the
22 Department of Environmental Protection shall evaluate the
23 application for exemption and issue a written certification
24 that the applicant is eligible for a refund or issue a written
25 denial of such certification within 60 days after receipt of
26 the application. The Department of Environmental Protection
27 shall provide the department with a copy of each certification
28 issued upon approval of an application.

29 d. Each certified applicant shall be responsible for
30 forwarding a certified copy of the application and copies of
31 all required documentation to the department within 6 months

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1 after certification by the Department of Environmental
2 Protection.

3 e. The provisions of s. 212.095 do not apply to any
4 refund application made pursuant to this paragraph. A refund
5 approved pursuant to this paragraph shall be made within 30
6 days after formal approval by the department.

7 f. The department may adopt all rules pursuant to ss.
8 120.536(1) and 120.54 to administer this paragraph, including
9 rules establishing forms and procedures for claiming this
10 exemption.

11 g. The Department of Environmental Protection shall be
12 responsible for ensuring that the total amounts of the
13 exemptions authorized do not exceed the limits as specified in
14 subparagraph 2.

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

18 6. This paragraph expires July 1, 2010.

19 Section 4. Subsection (1) of section 220.192, Florida
20 Statutes, is amended, subsection (6) is renumbered as
21 subsection (7) and amended, subsection (7) is renumbered as
22 subsection (8), and a new subsection (6) is added to that
23 section, to read:

24 220.192 Renewable energy technologies investment tax
25 credit.--

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

28 (a) "Biodiesel" means biodiesel as defined in s.
29 212.08(7)(ccc).

30 (b) "Corporation" means a general partnership, limited
31 partnership, limited liability company, unincorporated

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1 business, or other business entity in which a taxpayer owns an
2 interest and which is taxed as a partnership or is disregarded
3 as a separate entity from the taxpayer for tax purposes.

4 (c)(b) "Eligible costs" means:

5 1. Seventy-five percent of all capital costs,
6 operation and maintenance costs, and research and development
7 costs incurred between July 1, 2006, and June 30, 2010, up to
8 a limit of \$3 million per state fiscal year for all taxpayers,
9 in connection with an investment in hydrogen-powered vehicles
10 and hydrogen vehicle fueling stations in the state, including,
11 but not limited to, the costs of constructing, installing, and
12 equipping such technologies in the state.

13 2. Seventy-five percent of all capital costs,
14 operation and maintenance costs, and research and development
15 costs incurred between July 1, 2006, and June 30, 2010, up to
16 a limit of \$1.5 million per state fiscal year for all
17 taxpayers, and limited to a maximum of \$12,000 per fuel cell,
18 in connection with an investment in commercial stationary
19 hydrogen fuel cells in the state, including, but not limited
20 to, the costs of constructing, installing, and equipping such
21 technologies in the state.

22 3. Seventy-five percent of all capital costs,
23 operation and maintenance costs, and research and development
24 costs incurred between July 1, 2006, and June 30, 2010, up to
25 a limit of \$6.5 million per state fiscal year for all
26 taxpayers, in connection with an investment in the production,
27 storage, and distribution of biodiesel (B10-B100) and ethanol
28 (E10-E100) in the state, including the costs of constructing,
29 installing, and equipping such technologies in the state.
30 Gasoline fueling station pump retrofits for ethanol (E10-E100)
31 distribution qualify as an eligible cost under this

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1 subparagraph.

2 (d)(c) "Ethanol" means ethanol as defined in s.
3 212.08(7)(ccc).

4 (e)(d) "Hydrogen fuel cell" means hydrogen fuel cell
5 as defined in s. 212.08(7)(ccc).

6 (6) TRANSFERABILITY OF CREDIT.--

7 (a) Any corporation and any subsequent transferee
8 allowed the tax credit may transfer the tax credit, in whole
9 or in part, to any taxpayer by written agreement, without the
10 requirement of transferring any ownership interest in the
11 property generating the tax credit or any interest in the
12 entity which owns the property. Transferees are entitled to
13 apply the credits against the tax with the same effect as if
14 the transferee had incurred the eligible costs.

15 (b) To perfect the transfer, the transferor shall
16 provide a written transfer statement providing notice to the
17 Department of Revenue of the assignor's intent to transfer the
18 tax credits to the assignee, the date the transfer is
19 effective, the assignee's name, address, federal taxpayer
20 identification number and tax period, and the amount of tax
21 credits to be transferred. The Department of Revenue shall
22 issue, upon receipt of a transfer statement conforming to the
23 requirements of this section, a certificate to the assignee
24 reflecting the tax credit amounts transferred, a copy of which
25 shall be attached to each tax return by an assignee in which
26 such tax credits are used.

27 (c) Tax credits derived by such entities treated as
28 corporations pursuant to this section that are not transferred
29 by such entities to other taxpayers pursuant to this
30 subsection shall be passed through to the taxpayers designated
31 as partners, members, or owners, respectively, in any manner

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1 agreed to by such persons, whether or not such persons are
2 allocated or allowed any portion of the federal energy tax
3 credit with respect to the eligible costs.

4 (7)(6) RULES.--The Department of Revenue shall have
5 the authority to adopt rules relating to:

6 (a) The forms required to claim a tax credit under
7 this section, the requirements and basis for establishing an
8 entitlement to a credit, and the examination and audit
9 procedures required to administer this section.

10 (b) The implementation and administration of the
11 provisions allowing a transfer of tax credits, including rules
12 prescribing forms, reporting requirements, and the specific
13 procedures, guidelines, and requirements necessary for a tax
14 credit to be transferred.

15 (c) The implementation and administration of the
16 provisions allowing a pass through of tax credits, including
17 rules prescribing forms, reporting requirements, and the
18 specific procedures, guidelines, and requirements necessary
19 for a tax credit to be passed through to an owner, member, or
20 partner.

21 (8)(7) PUBLICATION.--The Department of Environmental
22 Protection shall determine and publish on a regular basis the
23 amount of available tax credits remaining in each fiscal year.

24 Section 5. Paragraph (f) is added to subsection (2)
25 and paragraph (j) is added to subsection (3) of section
26 220.193, Florida Statutes, to read:

27 220.193 Florida renewable energy production credit.--

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

29 (f) "Sale" or "sold" includes the use of the
30 electricity by the producer of the electricity when such use
31 decreases the amount of electricity that would otherwise be

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1 purchased by the producer thereof.

2 (3) An annual credit against the tax imposed by this
3 section shall be allowed to a taxpayer, based on the
4 taxpayer's production and sale of electricity from a new or
5 expanded Florida renewable energy facility. For a new
6 facility, the credit shall be based on the taxpayer's sale of
7 the facility's entire electrical production. For an expanded
8 facility, the credit shall be based on the increases in the
9 facility's electrical production that are achieved after May
10 1, 2006.

11 (j) A taxpayer's use of the credit granted pursuant to
12 this section shall not reduce the amount of any credit
13 authorized by s. 220.186 that would otherwise be available to
14 that taxpayer.

15 Section 6. Section 255.251, Florida Statutes, is
16 amended to read:

17 255.251 Energy Conservation and Sustainable ~~in~~
18 Buildings Act; short title.--This act shall be cited as the
19 "Florida Energy Conservation and Sustainable ~~in~~ Buildings Act
20 ~~of 1974.~~"

21 Section 7. Section 255.252, Florida Statutes, is
22 amended to read:

23 255.252 Findings and intent.--

24 (1) Operating and maintenance expenditures associated
25 with energy equipment and with energy consumed in
26 state-financed and leased buildings represent a significant
27 cost over the life of a building. Energy conserved by
28 appropriate building design not only reduces the demand for
29 energy but also reduces costs for building operation. ~~For~~
30 ~~example, commercial buildings are estimated to use from 20 to~~
31 ~~80 percent more energy than would be required if~~

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1 ~~energy-conserving designs were used.~~ The size, design,
 2 orientation, and operability of windows, the ratio of
 3 ventilating air to air heated or cooled, the level of lighting
 4 consonant with space-use requirements, the handling of
 5 occupancy loads, and the ability to zone off areas not
 6 requiring equivalent levels of heating or cooling are but a
 7 few of the considerations necessary to conserving energy.

8 (2) Significant efforts are needed to build
 9 energy-efficient state-owned buildings that meet environmental
 10 standards ~~underway by the General Services Administration, the~~
 11 ~~National Institute of Standards and Technology, and others to~~
 12 ~~detail the considerations and practices for energy~~
 13 ~~conservation in buildings.~~ Most important is that
 14 energy-efficient designs provide energy savings over the life
 15 of the building structure. ~~Conversely, energy-inefficient~~
 16 ~~designs cause excess and wasteful energy use and high costs~~
 17 ~~over that life.~~ With buildings lasting many decades and with
 18 energy costs escalating rapidly, it is essential that the
 19 costs of operation and maintenance for energy-using equipment
 20 and sustainable materials be included in all design proposals
 21 for state-owned ~~state~~ buildings.

22 (3) In order that such energy-efficiency and
 23 sustainable materials considerations become a function of
 24 building design, and also a model for future application in
 25 the private sector, it shall be the policy of the state that
 26 buildings constructed and financed by the state be designed
 27 and constructed to meet the United States Green Building
 28 Council (USGBC) Leadership in Energy and Environmental Design
 29 (LEED) rating system, Green Building Initiative's Green Globes
 30 rating system, or a nationally recognized, high-performance
 31 green building rating system as approved by the department in

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1 ~~a manner which will minimize the consumption of energy used in~~
2 ~~the operation and maintenance of such buildings.~~ It is further
3 the policy of the state, when economically feasible, to
4 retrofit existing state-owned buildings in a manner that ~~which~~
5 will minimize the consumption of energy used in the operation
6 and maintenance of such buildings.

7 (4) In addition to designing and constructing new
8 buildings to be energy efficient ~~energy-efficient~~, it shall
9 be the policy of the state to operate, maintain, and renovate
10 existing state-owned ~~state~~ facilities, or provide for their
11 renovation, in a manner that ~~which~~ will minimize energy
12 consumption and maximize their sustainability as well as
13 ensure that facilities leased by the state are operated so as
14 to minimize energy use. Agencies are encouraged to consider
15 shared savings financing of such energy projects, using
16 contracts that~~which~~ split the resulting savings for a
17 specified period of time between the agency and the private
18 firm or cogeneration contracts which otherwise permit the
19 state to lower its energy costs. Such energy contracts may be
20 funded from the operating budget.

21 (5) Each state agency must identify and compile a list
22 of all state-owned buildings within its inventory that it
23 determines are suitable for a guaranteed energy performance
24 savings contract pursuant to s. 489.145. Such list shall be
25 submitted to the Department of Management Services by December
26 31, 2007, and shall include any criteria used to determine
27 suitability. The list of suitable buildings shall be developed
28 from the list of state-owned facilities over 5,000 square feet
29 in area and for which the agency is responsible for paying the
30 expenses of utilities and other operating expenses as they
31 relate to energy use. In consultation with each department

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1 secretary or director, by March 1, 2008, the Department of
 2 Management Services shall evaluate each agency's facilities
 3 suitable for energy conservation projects and shall develop an
 4 energy efficiency project schedule based on factors such as
 5 project magnitude, efficiency and effectiveness of energy
 6 conservation measures to be implemented, and other factors
 7 that may prove to be advantageous to pursue. Such schedule
 8 shall provide the deadline for guaranteed energy performance
 9 savings contract improvements to be made to the state-owned
 10 buildings.

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

13 255.253 Definitions; ss. 255.251-255.258.--

14 (6) "Sustainable building" means a building that is
 15 healthy and comfortable for its occupants and is economical to
 16 operate while conserving resources, including energy, water,
 17 raw materials, and land, and minimizing the generation of
 18 toxic materials and waste in its design, construction,
 19 landscaping, and operation.

20 (7) "Sustainable building rating" means a rating
 21 established by the United States Green Building Council
 22 (USGBC) Leadership in Energy and Environmental Design (LEED)
 23 rating system, Green Building Initiative's Green Globes rating
 24 system, or a nationally recognized, high-performance green
 25 building rating system as approved by the department.

26 Section 9. Section 255.254, Florida Statutes, is
 27 amended to read:

28 255.254 No facility constructed ~~or leased~~ without
 29 life-cycle costs.--

30 (1) No state agency shall ~~lease~~, construct, or have
 31 constructed, within limits prescribed herein, a facility

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1 without having secured from the department ~~an a proper~~
2 evaluation of life-cycle costs based on sustainable building
3 ratings, as computed by an architect or engineer. Furthermore,
4 construction shall proceed only upon disclosing, for the
5 facility chosen, the life-cycle costs as determined in s.
6 255.255, its sustainable building rating goal, and the
7 capitalization of the initial construction costs of the
8 building. The life-cycle costs shall be a primary
9 consideration in the selection of a building design in
10 addition to its sustainable building rating goal. ~~Such~~
11 ~~analysis shall be required only for construction of buildings~~
12 ~~with an area of 5,000 square feet or greater.~~ For leased
13 buildings 5,000 square feet or greater ~~areas of 20,000 square~~
14 ~~feet or greater~~ within a given building boundary, an energy
15 performance analysis ~~a life-cycle analysis~~ shall be performed,
16 and a lease shall only be made where there is a showing that
17 the energy ~~life-cycle~~ costs incurred by the state are minimal
18 compared to available like facilities.

19 (2) On and after January 1, 1979, no state agency
20 shall initiate construction or have construction initiated,
21 prior to approval thereof by the department, on a facility or
22 self-contained unit of any facility, the design and
23 construction of which incorporates or contemplates the use of
24 an energy system other than a solar energy system when the
25 life-cycle costs analysis prepared by the department has
26 determined that a solar energy system is the most
27 cost-efficient energy system for the facility or unit.

28 (3) After September 30, 1985, when any state agency
29 must replace or supplement major items of energy-consuming
30 equipment in existing state-owned ~~or leased~~ facilities or any
31 self-contained unit of any facility with other major items of

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1 energy-consuming equipment, the selection of such items shall
2 be made on the basis of a life-cycle cost analysis of
3 alternatives in accordance with rules promulgated by the
4 department under s. 255.255.

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

7 255.255 Life-cycle costs.--

8 (1) The department shall promulgate rules and
9 procedures, including energy conservation performance
10 guidelines based on sustainable building ratings, for
11 conducting a life-cycle cost analysis of alternative
12 architectural and engineering designs and alternative major
13 items of energy-consuming equipment to be retrofitted in
14 existing state-owned or leased facilities and for developing
15 energy performance indices to evaluate the efficiency of
16 energy utilization for competing designs in the construction
17 of state-financed and leased facilities.

18 Section 11. Paragraph (b) of subsection (2) and
19 subsection (5) of section 287.063, Florida Statutes, are
20 amended to read:

21 287.063 Deferred-payment commodity contracts; preaudit
22 review.--

23 (b) The Chief Financial Officer shall establish, by
24 rule, criteria for approving purchases made under
25 deferred-payment contracts which require the payment of
26 interest. Criteria shall include, but not be limited to, the
27 following provisions:

28 1. No contract shall be approved in which interest
29 exceeds the statutory ceiling contained in this section.
30 However, the interest component of any master equipment
31 financing agreement entered into for the purpose of

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1 consolidated financing of a deferred-payment, installment
2 sale, or lease-purchase shall be deemed to comply with the
3 interest rate limitation of this section so long as the
4 interest component of every interagency agreement under such
5 master equipment financing agreement complies with the
6 interest rate limitation of this section.

7 2. No deferred-payment purchase for less than \$30,000
8 shall be approved, unless it can be satisfactorily
9 demonstrated and documented to the Chief Financial Officer
10 that failure to make such deferred-payment purchase would
11 adversely affect an agency in the performance of its duties.
12 However, the Chief Financial Officer may approve any
13 deferred-payment purchase if the Chief Financial Officer
14 determines that such purchase is economically beneficial to
15 the state.

16 ~~3. No agency shall obligate an annualized amount of~~
17 ~~payments for deferred payment purchases in excess of current~~
18 ~~operating capital outlay appropriations, unless specifically~~
19 ~~authorized by law or unless it can be satisfactorily~~
20 ~~demonstrated and documented to the Chief Financial Officer~~
21 ~~that failure to make such deferred-payment purchase would~~
22 ~~adversely affect an agency in the performance of its duties.~~

23 3.4. No contract shall be approved which extends
24 payment beyond 5 years, unless it can be satisfactorily
25 demonstrated and documented to the Chief Financial Officer
26 that failure to make such deferred-payment purchase would
27 adversely affect an agency in the performance of its duties.
28 The payment term may not exceed the useful life of the
29 equipment unless the contract provides for the replacement or
30 the extension of the useful life of the equipment during the
31 term of the loan.

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1 (5) For purposes of this section, the annualized
2 amount of any such deferred payment commodity contract must be
3 supported from available recurring funds appropriated to the
4 agency in an appropriation category, ~~other than the expense~~
5 ~~appropriation category~~ as defined in chapter 216, that the
6 Chief Financial Officer has determined is appropriate or that
7 the Legislature has designated for payment of the obligation
8 incurred under this section.

9 Section 12. Subsections (10) and (11) of section
10 287.064, Florida Statutes, are amended to read:

11 287.064 Consolidated financing of deferred-payment
12 purchases.--

13 (10) Costs incurred pursuant to a guaranteed energy
14 performance savings contract, including the cost of energy
15 conservation measures, each as defined in s. 489.145, may be
16 financed pursuant to a master equipment financing agreement;
17 however, the costs of training, operation, and maintenance may
18 not be financed. The period of time for repayment of the funds
19 drawn pursuant to the master equipment financing agreement
20 under this subsection may exceed 5 years but may not exceed 20
21 10 years for energy conservation measures pursuant to s.
22 489.145, excluding the costs of training, operation, and
23 maintenance. The guaranteed energy performance savings
24 contractor shall provide for the replacement or the extension
25 of the useful life of the equipment during the term of the
26 contract.

27 (11) For purposes of consolidated financing of
28 deferred payment commodity contracts under this section by a
29 state agency, the annualized amount of any such contract must
30 be supported from available recurring funds appropriated to
31 the agency in an appropriation category, ~~other than the~~

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1 ~~expense appropriation category~~ as defined in chapter 216, that
2 the Chief Financial Officer has determined is appropriate or
3 that the Legislature has designated for payment of the
4 obligation incurred under this section.

5 Section 13. Subsection (2) of section 377.803, Florida
6 Statutes, is amended, and subsections (3) through (10) of that
7 section are renumbered as subsections (2) through (9),
8 respectively, to read:

9 377.803 Definitions.--As used in ss. 377.801-377.806,
10 the term:

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

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

16 377.804 Renewable Energy Technologies Grants
17 Program.--

18 ~~(6) The department shall coordinate and actively~~
19 ~~consult with the Department of Agriculture and Consumer~~
20 ~~Services during the review and approval process of grants~~
21 ~~relating to bioenergy projects for renewable energy~~
22 ~~technology, and the departments shall jointly determine the~~
23 ~~grant awards to these bioenergy projects. No grant funding~~
24 ~~shall be awarded to any bioenergy project without such joint~~
25 ~~approval. Factors for consideration in awarding grants may~~
26 ~~include, but are not limited to, the degree to which:~~

27 ~~(a) The project stimulates in-state capital investment~~
28 ~~and economic development in metropolitan and rural areas,~~
29 ~~including the creation of jobs and the future development of a~~
30 ~~commercial market for bioenergy.~~

31 ~~(b) The project produces bioenergy from Florida-grown~~

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1 ~~crops or biomass.~~

2 ~~(c) The project demonstrates efficient use of energy~~
3 ~~and material resources.~~

4 ~~(d) The project fosters overall understanding and~~
5 ~~appreciation of bioenergy technologies.~~

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

8 ~~(f) The project duration and the timeline for~~
9 ~~expenditures are acceptable.~~

10 ~~(g) The project has a reasonable assurance of~~
11 ~~enhancing the value of agricultural products or will expand~~
12 ~~agribusiness in the state.~~

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

16 Section 15. Subsections (2) and (3) of section
17 377.806, Florida Statutes, are amended, present subsection (6)
18 is renumbered as subsection (7), present subsection (7) is
19 renumbered as subsection (8) and amended, and a new subsection
20 (6) is added to that section, to read:

21 377.806 Solar Energy System Incentives Program.--

22 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

27 2. The system complies with state interconnection
28 standards as provided by the commission.

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

31 (b) Rebate amounts.--The rebate amount shall be set at

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1 \$4 per watt based on the total wattage rating of the system.

2 The maximum allowable rebate per solar photovoltaic system

3 installation shall be as follows:

4 1. Twenty thousand dollars for a residence.

5 2. One hundred thousand dollars for a place of

6 business, a publicly owned or operated facility, or a facility

7 owned or operated by a private, not-for-profit organization,

8 including condominiums or apartment buildings.

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

10 applicants must file with the department a preapplication form

11 demonstrating that the planned system will meet applicable

12 requirements of this section. The department shall review the

13 preapplication to determine if it complies with the

14 requirements of this section, shall notify the applicant

15 within 30 days after receipt of the preapplication that the

16 preapplication has been received and meets such requirements,

17 and shall reserve funding for the preapplication for up to 90

18 days following the date of issuance of notification to the

19 applicant. Within 90 days after the purchase of the solar

20 photovoltaic system, the applicant must submit to the

21 department a separate application for a rebate payment.

22 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

23 (a) Eligibility requirements.--A solar thermal system

24 qualifies for a rebate if:

25 1. The system is installed by a state-licensed solar

26 or plumbing contractor.

27 2. The system complies with all applicable building

28 codes as defined by the local jurisdictional authority.

29 (b) Rebate amounts.--Authorized rebates for

30 installation of solar thermal systems shall be as follows:

31 1. Five hundred dollars for a residence.

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

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

9 (8)(7) RULES.--The department shall adopt rules
 10 pursuant to ss. 120.536(1) and 120.54 to develop ~~rebate~~
 11 applications for rebate reservations and rebate payments and
 12 administer the issuance of rebates.

13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 12, after the semicolon,
 18
 19 insert:

20 amending s. 196.175, F.S.; revising provisions
 21 for the renewable energy source exemption;
 22 excluding the assessed value of certain real
 23 property for determination of such exemption;
 24 amending s. 212.08, F.S.; revising the
 25 definition of "ethanol"; increasing the cap on
 26 the sales tax exemption for materials used in
 27 the distribution of biodiesel and ethanol
 28 fuels; specifying eligible items as limited to
 29 one refund; requiring a purchaser who receives
 30 a refund to notify a subsequent purchaser of
 31 such refund; amending s. 220.192, F.S.,

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1 relating to the renewable energy technologies
2 investment tax credit; providing a definition;
3 providing for the transferability of such tax
4 credit; providing requirements and procedures
5 therefor; providing rulemaking requirements and
6 authority; amending s. 220.193, F.S.; providing
7 a definition; providing that a taxpayer's use
8 of certain credits does not prohibit the use of
9 other authorized credits; amending s. 255.251,
10 F.S.; revising a short title; amending s.
11 255.252, F.S.; revising criteria for energy
12 conservation and sustainability for state-owned
13 buildings; requiring buildings constructed and
14 financed by the state to meet certain
15 environmental standards subject to approval by
16 the Department of Management Services;
17 requiring state agencies to identify
18 state-owned buildings that are suitable for
19 guaranteed energy performance savings
20 contracts; providing requirements and
21 procedures therefor; requiring the Department
22 of Management Services to evaluate identified
23 facilities and develop an energy efficiency
24 project schedule; providing criteria for such
25 schedule; amending s. 255.253, F.S.; providing
26 definitions; amending s. 255.254, F.S.;
27 requiring certain state-owned buildings to meet
28 sustainable building ratings; amending s.
29 255.255, F.S.; requiring the department to
30 adopt rules and procedures for energy
31 conservation performance guidelines based on

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1 sustainable building ratings; amending s.
2 287.063, F.S.; requiring that the term of
3 payment for consolidated equipment finance
4 contracts may not extend beyond the anticipated
5 useful life of the equipment financed; deleting
6 the requirement that the Chief Financial
7 Officer establish criteria that prohibits a
8 state agency from obligating an annualized
9 amount of payments for certain deferred payment
10 purchases; amending s. 287.064, F.S.; extending
11 the period of time allowed for the repayment of
12 funds for certain purchases relating to energy
13 conservation measures; requiring guaranteed
14 energy performance savings contractors to
15 provide for the replacement or the extension of
16 the useful life of the equipment during the
17 term of a contract; amending s. 377.803, F.S.;
18 revising definitions; amending s. 377.804,
19 F.S.; deleting provisions relating to bioenergy
20 projects under the Renewable Energy
21 Technologies Grants Program; amending s.
22 377.806, F.S.; revising rebate eligibility and
23 application requirements for solar photovoltaic
24 systems; requiring applicants to apply for
25 rebate reservations and rebate payments;
26 providing a limitation; revising rulemaking
27 authority;

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