

Bill No. CS for CS for SB 996

Barcode 941308

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development
Appropriations (Margolis) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective upon this act becoming a law,
section 288.10894, Florida Statutes, is created to read:

288.10894 Florida Alternative Energy Center; findings;
creation; membership; organization; purpose; duties; powers.--

(1) The Legislature finds that it is in the public
interest to promote alternative energy technologies in this
state, including alternative fuels and technologies for
electric power plants and motor vehicles, energy conservation,
distributed generation, advanced transmission methods, and
pollution and greenhouse gas control. Both Florida and the
United States in general are overly dependent on foreign oil
to meet the energy needs of buildings and motor vehicles.
Alternative energy and energy conservation technologies have
the potential to decrease this dependency, minimize volatility

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1 of fuel cost, and improve environmental conditions. In-state
2 research, development, deployment, and use of these
3 technologies can make the state a leader in new and innovative
4 technologies and encourage investment and economic development
5 in this state.

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

7 (a) "Center" means the Florida Alternative Energy
8 Center.

9 (b) "Alternative energy" means energy technologies
10 that are undeveloped or less than established in current
11 markets. The term includes, but is not limited to: biomass;
12 agricultural products and byproducts; municipal solid waste,
13 including landfill injection, landfill mining, and landfill
14 gas; solar thermal and solar photovoltaic energy; geothermal;
15 ocean energy, including wave or thermal; hydrogen fuel; fuel
16 cells; energy conservation, including building, equipment, and
17 appliance efficiency technologies; enhancements to the
18 transmission of electricity, including advanced transmission
19 lines; distributed generation; ethanol, biodiesel, and similar
20 synthetic fuels; and technologies relating to impacts of
21 pollutants and greenhouse gases.

22 (3)(a) There is created a public corporation and a
23 public body corporate and politic, to be known as the "Florida
24 Alternative Energy Center." It is declared to be the intent of
25 and constitutional construction by the Legislature that the
26 Florida Alternative Energy Center constitutes an
27 entrepreneurial public corporation organized to provide and
28 promote the public welfare by administering the governmental
29 function of promoting the development of alternative energy in
30 Florida and that the corporation is not a department of the
31 executive branch of state government within the scope and

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1 meaning of s. 6, Art. IV of the State Constitution, and is not
2 functionally located within any state agency or department.

3 (b) The corporation is constituted as a public
4 instrumentality, and the exercise by the corporation of the
5 power conferred by this act is considered to be the
6 performance of an essential public function. The corporation
7 shall constitute an agency for the purposes of s. 120.52. The
8 corporation is subject to chapter 119, subject to exceptions
9 applicable to the corporation, and to the provisions of
10 chapter 286; however, the corporation shall be entitled to
11 provide notice of internal review committee meetings for
12 competitive proposals or procurement to applicants by mail or
13 facsimile rather than by means of publication. The corporation
14 is not governed by chapter 607, but by the provisions of this
15 section. If for any reason the establishment of the
16 corporation is deemed in violation of law, such provision is
17 severable and the remainder of this act remains in full force
18 and effect.

19 (c) The corporation is a corporation primarily acting
20 as an instrumentality of the state, within the meaning of s.
21 768.28.

22 (4) The center is the principal organization in the
23 state for promotion of alternative energy technology. Its
24 goals are to minimize dependence on foreign oil, with the
25 maximum overall benefit to the State of Florida, and, where
26 possible, to minimize the impact of greenhouse gases. It is to
27 accomplish these goals by consolidating in-state resources and
28 activities into a unified forum to better coordinate,
29 facilitate, and fund research, development, deployment, and
30 use of alternative energy technologies. To make better use of
31 limited resources, the center should focus on projects having

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1 near-term, in-state benefits. Additionally, in making
 2 decisions concerning research, development, or deployment
 3 projects, and in awarding grants and other outlays, the center
 4 should determine which of the following elements of product
 5 and market development to focus upon in order to achieve the
 6 greatest benefit with respect to research and manufacturing,
 7 in the wholesale and retail markets, and for consumers. More
 8 specifically, the center shall:

9 (a) Bring together existing resources by:

10 1. Assisting in the integration of state-government
 11 energy programs.

12 2. Developing an information exchange system,
 13 including:

14 a. Creating a computer database, accessible by any
 15 interested person, by gathering and indexing all information
 16 concerning activities in this state related to programs of
 17 alternative energy technology research, development, and
 18 deployment in universities, at all levels of government
 19 agencies, and in private industry. The database must include a
 20 current index and profile of all research activities,
 21 identified by alternative energy technology area, including a
 22 summary of the project, the amount and sources of funding,
 23 anticipated completion dates, or, in case of completed
 24 research, the conclusions, recommendations, and applicability
 25 of research to state government and private-sector functions.

26 b. Developing an interactive electronic information
 27 point where interested persons can find information and
 28 connect with other interested persons.

29 c. Holding conferences for the purpose of providing
 30 additional information exchange and educating the public.

31 (b) Administer state-funded grants and capital outlay

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1 programs, including developing an application program to
2 determine awards of those grants and outlays, and assist
3 interested persons in obtaining additional funding for
4 alternative energy technology projects.

5 (c) Explore the problems faced by those developing
6 technology in Florida and determine where the problems lie,
7 i.e., in research, development, obtaining start-up capital and
8 financing, or finding buyers for the technology, and then
9 assist in resolving these problems.

10 (d) In cooperation with Enterprise Florida, Inc.,
11 promote the state as a location for businesses having
12 operations related to alternative energy technologies.

13 (e) Develop recommendations for legislation to
14 establish a state energy policy. The center shall continually
15 review the state energy policy and recommend to the
16 Legislature any additional necessary changes or improvements.
17 The recommendations of the center shall be based on the
18 guiding principles of reliability, efficiency, affordability,
19 and diversity, and more specifically on the following
20 principles:

21 1. The state should have a reliable electric supply
22 with adequate reserves.

23 2. The transmission and delivery of electricity should
24 be reliable.

25 3. The generation, transmission, and delivery of
26 electricity should be accomplished with the least detriment to
27 the environment and public health.

28 4. The generation, transmission, and delivery of
29 electricity should be accomplished compatibly with the goals
30 of growth management.

31 5. Electricity generation, transmission, and delivery

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1 facilities should be reasonably secure from damage, taking all
2 factors into consideration, and recovery from damage should be
3 prompt.

4 6. Electric rates should be affordable as to base
5 rates and all recovery-clause additions, with sufficient
6 incentives for utilities to achieve this goal.

7 7. The state should have a reliable supply of motor
8 vehicle fuels under normal circumstances and during hurricanes
9 and other emergency situations.

10 8. In-state research, development, and deployment of
11 alternative energy technologies and alternative motor vehicle
12 fuels should be encouraged.

13 9. When possible, the resources of the state should be
14 used in achieving the goals enumerated in this subsection.

15 10. Consumers of energy should be encouraged and given
16 incentives to be more efficient in their use of energy.

17
18 It is the specific intent of the Legislature that this section
19 does not in any way change the powers, duties, and
20 responsibilities of the Public Service Commission or the
21 powers, duties, and responsibilities assigned by the Florida
22 Electrical Power Plant Siting Act, ss. 403.501-403.518.

23 (5) The center shall establish one or more corporate
24 offices, at least one of which must be located in Leon County.

25 (6) The center shall be governed by a board of
26 directors consisting of the following members:

27 (a) The Governor or his or her designee.

28 (b) The Commissioner of Agriculture or his or her
29 designee.

30 (c) The Chief Financial Officer or his or her
31 designee.

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1 (d) The Attorney General or his or her designee.

2 (e) A member appointed by the President of the Senate.

3 (f) A member appointed by the Speaker of the House of
4 Representatives.

5 (g) The chairman of the Florida Public Service
6 Commission or his or her designee.

7 (h) The president of Enterprise Florida, Inc., or his
8 or her designee.

9 (i) A representative from the State Board of
10 Education, selected by the members of that board.

11 (j) For one initial term, the current chairman of the
12 Florida Energy Commission and one other member of that
13 commission to be selected by the commission members.

14 (k) Any additional board members selected by a
15 consensus of all existing members of the governing board to
16 assist the center in carrying out its functions and duties
17 under this section.

18 (7) A member's term of office may not exceed 4 years,
19 and a member may not serve more than two consecutive terms.

20 (8) The Governor shall serve as chairperson of the
21 board. The members of the board of directors must select a
22 vice chairperson biennially, upon selection of any new
23 members. The center's president shall keep a record of the
24 proceedings of the board of directors, act as custodian of all
25 books, documents, and papers filed with the board of
26 directors, and keep the minutes of the board of directors.

27 (9) The board of directors must meet at least once
28 each year, upon the call of the chairperson, at the request of
29 the vice chairperson, or at the request of a majority of the
30 membership. A majority of the total number of all directors
31 constitutes a quorum. The board may take official action by a

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1 majority vote of the members present at any meeting at which a
2 quorum is present.

3 (10) Members of the board of directors serve without
4 compensation, but members, the president, and staff may be
5 reimbursed for all reasonable, necessary, and actual expenses,
6 as determined by the board.

7 (11) Each member of the board of directors who is not
8 otherwise required to file a financial disclosure pursuant to
9 s. 8, Art. II of the State Constitution or s. 112.3144 must
10 file a disclosure of financial interests pursuant to s.
11 112.3145.

12 (12) The center's board of directors must appoint a
13 corporate president and establish and adjust the president's
14 compensation. The president is the chief administrative and
15 operational officer of the board of directors and of the
16 center, and shall direct and supervise other employees in
17 accomplishing the goals and tasks set forth in this section.

18 (13) State officers, agencies, departments, boards,
19 and commissions may provide such services to the center within
20 each entity's respective functions as may be requested by the
21 center. Upon request of the center, the Governor may
22 temporarily transfer to the center any officers or employees
23 as are considered necessary from time to time in order to
24 assist the center in carrying out its functions and duties
25 under this section. Officers and employees so transferred do
26 not lose their career service, select exempt, or senior
27 management status or rights.

28 (14) The center shall receive funding from the state
29 through the Florida Alternative Energy Center Trust Fund
30 pursuant to general law. The board of directors, officers, and
31 employees of the center are responsible for the prudent use of

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1 all public and private funds within the center's control and
 2 must ensure that the use of such funds is in accordance with
 3 applicable laws, bylaws, and contractual requirements. In
 4 performing all of its functions, the center shall take all
 5 possible steps to ensure the maximum benefit to the state. As
 6 part of its duties, the center shall establish strategic
 7 priorities, consistent with this section, to guide funding and
 8 resource allocations and ensure the best use of available
 9 resources.

10 (15) By December 31 each year, the center must submit
 11 an annual report to the Governor, the Commissioner of
 12 Agriculture, the Chief Financial Officer, the Attorney
 13 General, the President of the Senate, and the Speaker of the
 14 House of Representatives containing:

15 (a) A detailed description of the center's activities
 16 and accomplishments for the year.

17 (b) A certified audit by an independent public
 18 accountant of resources and expenditures prepared by an
 19 independent certified public accountant.

20 (c) A statement of the center's strategic priorities
 21 and an explanation of their use in guiding resource
 22 allocations.

23 Section 2. Effective upon this act becoming a law,
 24 section 288.10895, Florida Statutes, is created to read:

25 288.10895 Alternative Energy Incentive Program.--

26 (1) PROGRAM CREATED.--The Alternative Energy Incentive
 27 Program is created and shall be operated by the Florida
 28 Alternative Energy Center. The program shall encourage
 29 economic development and research and development in the state
 30 which will commercialize alternative energy innovations and
 31 develop new alternative energy manufacturing, blending, power

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1 generation, and distribution facilities.

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

3 (a) "Alternative energy" means electrical, mechanical,
4 or thermal energy produced from a method that uses one or more
5 of the following fuels or energy sources: ethanol, biodiesel,
6 biomass, biogas, waste heat, fuel cells, hydrogen, solar,
7 hydro, wind, or geothermal.

8 (b) "Average private-sector wage" means the statewide
9 average wage in the private sector or the average of all
10 private-sector wages in the county or in the standard
11 metropolitan area in which the project is located as
12 determined by the Agency for Workforce Innovation.

13 (c) "Center" means the Florida Alternative Energy
14 Center.

15 (d) "Commission" means the Administration Commission,
16 as set forth in s. 14.202.

17 (e) "Jobs" means full-time equivalent positions, as
18 that term is consistent with terms used by the Agency for
19 Workforce Innovation and the United States Department of Labor
20 for purposes of unemployment compensation tax administration
21 and employment estimation, resulting directly from a project
22 in this state. The term does not include temporary
23 construction jobs.

24 (f) "Match" or "matching funds" means actual cash
25 outlays contributed, including, but not limited to, cash
26 outlays for wages, rental expenses, travel expenses,
27 unrecovered indirect costs, and purchases of material and
28 supplies as a direct benefit to the project, or noncash
29 contributions necessary and reasonable for proper and
30 efficient accomplishment of project objectives. The value of
31 noncash contributions shall be established using the following

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1 guidelines:

2 1. Rates for donated or volunteer services of any
3 person must be consistent with their regular rate of pay, or
4 the rate of pay of those paid for similar work at a similar
5 level of experience in the labor market, including the value
6 of fringe benefits.

7 2. The value of donated expendable property, such as
8 office supplies or workshop supplies, may not exceed the fair
9 market value of the property.

10 3. The value of donated real property, such as land,
11 may not exceed the fair market value of the property.

12 4. Donated space must be valued at fair rental value
13 of comparable space and facilities in a privately owned
14 building in the same locale.

15 5. The value of loaned equipment may not exceed its
16 fair rental value.

17 6. Rates for donated travel expense must be valued at
18 the approved state rate as defined in s. 112.061.

19 (g) "President" means the president of the Florida
20 Alternative Energy Center.

21 (3) ALTERNATIVE ENERGY BUSINESS PROJECT.--

22 (a) "Business project" is defined as the location to
23 or expansion in this state of a business that grows, harvests,
24 and processes feedstock or other raw materials used in the
25 creation of alternative energy; manufactures, blends, or
26 distributes alternative energy; generates power for sale in
27 this state from an alternative energy source; or develops new
28 or expanded infrastructure in this state for the
29 commercialization or distribution of alternative energy.

30 (b) In order to qualify for consideration under the
31 Alternative Energy Incentive Program, a business project must,

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1 at a minimum, establish to the satisfaction of the center

2 that:

3 1. The business project is located in this state;

4 2. The jobs created by the business project pay an
5 estimated annual average wage that equals at least 130 percent

6 of the average private-sector wage. The average wage
7 requirement may be waived if the center determines that the
8 merits of the individual project or the specific circumstances

9 warrant such action;

10 3. The business project includes matching funds
11 provided by the applicant, the local community, or other
12 available sources. The match requirement may be waived if the
13 center determines that the merits of the individual project or
14 the specific circumstances warrant such action; and

15 4. The business project meets one of the following
16 criteria:

17 a. Results in the creation of at least 20 direct, new
18 jobs at the business;

19 b. Consists of an activity that grows, harvests, and
20 processes feedstock or other raw materials in this state which
21 are then used in the production of alternative energy or is
22 the activity or product that uses such feedstock or other raw
23 materials grown or produced in this state;

24 c. Has a cumulative investment of at least \$50 million
25 within a 5-year period; or

26 d. Incorporates an innovative new technology or an
27 innovative application of an existing technology.

28 (4) ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT
29 PROJECT.--

30 (a) "Research and development project" is defined as
31 basic and applied research that is conducted in this state in

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1 the sciences or engineering and that relates to the
 2 development, manufacturing, blending, or use of new and
 3 existing alternative energy technologies. A research and
 4 development project does not include market research, routine
 5 consumer product testing, sales research, research in the
 6 social sciences or psychology, nontechnological activities, or
 7 technical services.

8 (b) In order to qualify for consideration under the
 9 Alternative Energy Incentive Program, a research and
 10 development project must, at a minimum, establish to the
 11 satisfaction of the center that:

12 1. The research and development project will be
 13 located in this state;

14 2. The jobs created by the research and development
 15 project will pay an estimated annual average wage that equals
 16 at least 130 percent of the average private-sector wage. The
 17 average wage requirement may be waived if the center
 18 determines that the merits of the individual project or the
 19 specific circumstances warrant such action;

20 3. The research and development project includes
 21 matching funds provided by the applicant, a public or private
 22 university or research institution, the local community, or
 23 other available sources. The match requirement may be waived
 24 if the center determines that the merits of the individual
 25 project or the specific circumstances warrant such action;

26 4. The research and development project includes a
 27 plan for significant collaboration with a higher education
 28 institution in the state; and

29 5. The research and development project includes a
 30 plan for the commercialization of the research through direct
 31 use by the applicant in this state or the transfer or

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1 licensing of new technology to Florida-based businesses that
2 produce alternative energy for use or sale within the state.

3 (5) APPLICATION REQUIREMENTS.--A business project or
4 research and development project applicant must submit a
5 written application to the center showing how the award would
6 support the location of new operations in this state or the
7 expansion of an existing operation in this state. The
8 application must include, but need not be limited to:

9 (a) The applicant's federal employer identification
10 number, unemployment account number, state sales tax
11 registration number, or related documentation. If such numbers
12 are not available at the time of application, the numbers must
13 be submitted to the center in writing before the disbursement
14 of any payments under this section.

15 (b) The location in this state at which the business
16 project or the research and development project is located or
17 is to be located.

18 (c) A description of the type of business activity,
19 product, or research and development undertaken by the
20 applicant, including six-digit North American Industry
21 Classification System codes for all activities included in the
22 project.

23 (d) The applicant's projected investment in the
24 business project or the research and development project.

25 (e) The total investment, from all sources, in the
26 business project or the research and development project.

27 (f) The number of net new full-time equivalent jobs in
28 this state the applicant anticipates having created as of
29 December 31 of each year in the business project or the
30 research and development project and the average annual wage
31 of such jobs.

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1 (g) The total number of full-time equivalent employees
2 currently employed by the applicant in this state, if
3 applicable.

4 (h) The anticipated commencement date of the business
5 project or the research and development project.

6 (i) A detailed explanation of why funding under the
7 Alternative Energy Incentive Program is needed to induce the
8 applicant to expand or locate in the state and whether an
9 award would cause the applicant to locate or expand in this
10 state.

11 (j) If applicable, an estimate of the proportion of
12 the revenues resulting from the business project or the
13 research and development project which will be generated
14 outside this state.

15 (k) A recommendation for specific performance criteria
16 the applicant would be expected to achieve in order to receive
17 payments from the fund and penalties or sanctions for failure
18 to meet or maintain performance conditions.

19 (l) The potential for the business project or the
20 research and development project to stimulate additional
21 investment and employment opportunities that equal or exceed
22 130 percent of the average private-sector wage.

23 (m) A description of the extent to which the research
24 and development project:

25 1. Is likely to develop a new, emerging, or evolving
26 form of alternative energy.

27 2. Has or could have a significant collaborative
28 research and development relationship with one or more
29 universities or community colleges in this state.

30 3. Will be used by the applicant within this state or
31 transferred or licensed to Florida-based businesses.

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1 (6) AWARD AMOUNT.--The center may negotiate the
 2 proposed amount of an award for any applicant meeting the
 3 requirements of this section. In negotiating such award, the
 4 center shall consider the amount of the incentive needed to
 5 cause the applicant to locate or expand in this state in
 6 conjunction with other relevant effect and cost information
 7 and analysis as described in this section.

8 (7) RECOMMENDATION.--After fully considering all of
 9 the criteria identified in this section and completing the
 10 evaluation, the president shall recommend to the commission
 11 the approval or disapproval of an award. In recommending
 12 approval of an award, the president shall include proposed
 13 performance conditions that the applicant must meet in order
 14 to obtain incentive funds and any other conditions that must
 15 be met before the receipt of any incentive funds. The
 16 commission shall consult with the President of the Senate and
 17 the Speaker of the House of Representatives before giving
 18 approval for an award. Upon approval of an award, the center
 19 shall release the funds pursuant to the legislative
 20 consultation and review requirements set forth in s. 216.177.

21 (8) CERTIFICATION.--Upon approval by the commission
 22 and release of the funds as set forth in subsection (7), the
 23 president shall issue a letter certifying the applicant as
 24 qualified for an award. The center and the applicant shall
 25 enter into an agreement that sets forth the conditions for
 26 payment of funds under the Alternative Energy Incentive
 27 Program, including, but not limited to, the total amount of
 28 funds awarded, the performance conditions that must be met in
 29 order to obtain the award or portions of the award, the
 30 methodology for validating performance, the schedule of
 31 payments, and sanctions for failure to meet performance

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1 conditions, including any clawback provisions.

2 (9) VALIDATION.--The center shall validate the
3 performance of business projects and research and development
4 projects that have received an award under the Alternative
5 Energy Incentive Program. At the conclusion of an award
6 agreement, or its earlier termination, the center shall,
7 within 90 days, report the results of the award under the
8 Alternative Energy Incentive Program to the members of the
9 commission, the President of the Senate, and the Speaker of
10 the House of Representatives.

11 Section 3. Effective upon this act becoming a law,
12 subsection (3) of section 377.703, Florida Statutes, is
13 amended to read:

14 377.703 Additional functions of the Department of
15 Environmental Protection; energy emergency contingency plan;
16 federal and state conservation programs.--

17 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION;
18 DUTIES.--The Department of Environmental Protection shall, in
19 addition to assuming the duties and responsibilities provided
20 by ss. 20.255 and 377.701, perform the following functions
21 consistent with the development of a state energy policy:

22 (a) The department shall assume the responsibility for
23 development of an energy emergency contingency plan to respond
24 to serious shortages of primary and secondary energy sources.
25 Upon a finding by the Governor, implementation of any
26 emergency program shall be upon order of the Governor that a
27 particular kind or type of fuel is, or that the occurrence of
28 an event which is reasonably expected within 30 days will make
29 the fuel, in short supply. The department shall then respond
30 by instituting the appropriate measures of the contingency
31 plan to meet the given emergency or energy shortage. The

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1 Governor may utilize the provisions of s. 252.36(5) to carry
2 out any emergency actions required by a serious shortage of
3 energy sources.

4 (b) The department shall constitute the responsible
5 state agency for performing or coordinating the functions of
6 any federal energy programs delegated to the state, including
7 energy supply, demand, conservation, or allocation.

8 (c) The department shall analyze present and proposed
9 federal energy programs and make recommendations regarding
10 those programs to the Governor.

11 (d) The department shall coordinate efforts to seek
12 federal support or other support for state energy conservation
13 activities, ~~including energy conservation, research, or~~
14 ~~development~~, and shall be the state agency responsible for the
15 coordination of multiagency energy conservation programs and
16 plans.

17 ~~(e) The department shall analyze energy data collected~~
18 ~~and prepare long-range forecasts of energy supply and demand~~
19 ~~in coordination with the Florida Public Service Commission,~~
20 ~~which shall have responsibility for electricity and natural~~
21 ~~gas forecasts. To this end, the forecasts shall contain:~~

22 1. ~~An analysis of the relationship of state economic~~
23 ~~growth and development to energy supply and demand, including~~
24 ~~the constraints to economic growth resulting from energy~~
25 ~~supply constraints.~~

26 2. ~~Plans for the development of renewable energy~~
27 ~~resources and reduction in dependence on depletable energy~~
28 ~~resources, particularly oil and natural gas, and an analysis~~
29 ~~of the extent to which renewable energy sources are being~~
30 ~~utilized in the state.~~

31 3. ~~Consideration of alternative scenarios of statewide~~

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1 ~~energy supply and demand for 5, 10, and 20 years, to identify~~
2 ~~strategies for long-range action, including identification of~~
3 ~~potential social, economic, and environmental effects.~~

4 ~~4. An assessment of the state's energy resources,~~
5 ~~including examination of the availability of commercially~~
6 ~~developable and imported fuels, and an analysis of anticipated~~
7 ~~effects on the state's environment and social services~~
8 ~~resulting from energy resource development activities or from~~
9 ~~energy supply constraints, or both.~~

10 (e)(f) The department shall make a report, as
11 requested by the Governor or the Legislature, reflecting its
12 activities and making recommendations of policies for
13 improvement of the state's response to energy supply and
14 demand and its effect on the health, safety, and welfare of
15 the people of Florida. The report shall include a report from
16 the Florida Public Service Commission on electricity and
17 natural gas and information on energy conservation programs
18 conducted and under way in the past year and shall include
19 recommendations for energy conservation programs for the
20 state, including, but not limited to, the following factors:

21 1. Formulation of specific recommendations for
22 improvement in the efficiency of energy utilization in
23 governmental, residential, commercial, industrial, and
24 transportation sectors.

25 2. Collection and dissemination of information
26 relating to energy conservation.

27 3. Development and conduct of educational and training
28 programs relating to energy conservation.

29 4. An analysis of the ways in which state agencies are
30 seeking to implement s. 377.601(4), the state energy policy,
31 and recommendations for better fulfilling this policy.

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1 ~~(f)(g)~~ The department has authority to adopt rules
2 pursuant to ss. 120.536(1) and 120.54 to implement the
3 provisions of this act.

4 ~~(h)~~ ~~Promote the development and use of renewable~~
5 ~~energy resources, in conformance with the provisions of~~
6 ~~chapter 187 and s. 377.601, by:~~

7 ~~1. Establishing goals and strategies for increasing~~
8 ~~the use of solar energy in this state.~~

9 ~~2. Aiding and promoting the commercialization of solar~~
10 ~~energy technology, in cooperation with the Florida Solar~~
11 ~~Energy Center, Enterprise Florida, Inc., and any other~~
12 ~~federal, state, or local governmental agency which may seek to~~
13 ~~promote research, development, and demonstration of solar~~
14 ~~energy equipment and technology.~~

15 ~~3. Identifying barriers to greater use of solar energy~~
16 ~~systems in this state, and developing specific recommendations~~
17 ~~for overcoming identified barriers, with findings and~~
18 ~~recommendations to be submitted annually in the report to the~~
19 ~~Legislature required under paragraph (f).~~

20 ~~4. In cooperation with the Department of~~
21 ~~Transportation, the Department of Community Affairs,~~
22 ~~Enterprise Florida, Inc., the Florida Solar Energy Center, and~~
23 ~~the Florida Solar Energy Industries Association, investigating~~
24 ~~opportunities, pursuant to the National Energy Policy Act of~~
25 ~~1992 and the Housing and Community Development Act of 1992,~~
26 ~~for solar electric vehicles and other solar energy~~
27 ~~manufacturing, distribution, installation, and financing~~
28 ~~efforts which will enhance this state's position as the leader~~
29 ~~in solar energy research, development, and use.~~

30 ~~5. Undertaking other initiatives to advance the~~
31 ~~development and use of renewable energy resources in this~~

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1 ~~state.~~

2

3 ~~In the exercise of its responsibilities under this paragraph,~~
4 ~~the department shall seek the assistance of the solar energy~~
5 ~~industry in this state and other interested parties and is~~
6 ~~authorized to enter into contracts, retain professional~~
7 ~~consulting services, and expend funds appropriated by the~~
8 ~~Legislature for such purposes.~~

9 (g)(i) The department shall promote energy
10 conservation in all energy use sectors throughout the state
11 and shall constitute the state agency primarily responsible
12 for this function. To this end, the department shall
13 coordinate the energy conservation programs of all state
14 agencies and review and comment on the energy conservation
15 programs of all state agencies.

16 (j) ~~The department shall serve as the state~~
17 ~~clearinghouse for indexing and gathering all information~~
18 ~~related to energy programs in state universities, in private~~
19 ~~universities, in federal, state, and local government~~
20 ~~agencies, and in private industry and shall prepare and~~
21 ~~distribute such information in any manner necessary to inform~~
22 ~~and advise the citizens of the state of such programs and~~
23 ~~activities. This shall include developing and maintaining a~~
24 ~~current index and profile of all research activities, which~~
25 ~~shall be identified by energy area and may include a summary~~
26 ~~of the project, the amount and sources of funding, anticipated~~
27 ~~completion dates, or, in case of completed research,~~
28 ~~conclusions, recommendations, and applicability to state~~
29 ~~government and private sector functions. The department shall~~
30 ~~coordinate, promote, and respond to efforts by all sectors of~~
31 ~~the economy to seek financial support for energy activities.~~

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1 ~~The department shall provide information to consumers~~
 2 ~~regarding the anticipated energy-use and energy-saving~~
 3 ~~characteristics of products and services in coordination with~~
 4 ~~any federal, state, or local governmental agencies as may~~
 5 ~~provide such information to consumers.~~

6 (h)(k) The department shall coordinate energy-related
 7 programs of state government, including, but not limited to,
 8 the programs provided in this section. To this end, the
 9 department shall:

10 1. Provide assistance to other state agencies,
 11 counties, municipalities, and regional planning agencies to
 12 further and promote their energy planning activities.

13 2. Require, in cooperation with the Department of
 14 Management Services, all state agencies to operate state-owned
 15 and state-leased buildings in accordance with energy
 16 conservation standards as adopted by the Department of
 17 Management Services. Every 3 months, the Department of
 18 Management Services shall furnish the department data on
 19 agencies' energy consumption in a format mutually agreed upon
 20 by the two departments.

21 3. Promote the development and use of ~~renewable energy~~
 22 ~~resources, energy efficiency technologies, and~~ conservation
 23 measures.

24 4. Promote the recovery of energy from wastes,
 25 including, but not limited to, the use of waste heat, the use
 26 of agricultural products as a source of energy, and recycling
 27 of manufactured products. Such promotion shall be conducted in
 28 conjunction with, and after consultation with, the Department
 29 of Environmental Protection, the Florida Public Service
 30 Commission where electrical generation or natural gas is
 31 involved, and any other relevant federal, state, or local

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1 governmental agency having responsibility for resource
2 recovery programs.

3 ~~(i)(1)~~ The department shall develop, coordinate, and
4 promote a comprehensive research plan for state programs. Such
5 plan shall be consistent with state energy policy and shall be
6 updated on a biennial basis.

7 ~~(j)(m)~~ In recognition of the devastation to the
8 economy of this state and the dangers to the health and
9 welfare of residents of this state caused by Hurricane Andrew,
10 and the potential for such impacts caused by other natural
11 disasters, the department shall include in its energy
12 emergency contingency plan and provide to the Department of
13 Community Affairs for inclusion in the state model energy
14 efficiency building code specific provisions to facilitate the
15 use of cost-effective solar energy technologies as emergency
16 remedial and preventive measures for providing electric power,
17 street lighting, and water heating service in the event of
18 electric power outages.

19 Section 4. The tax levied under chapter 212, Florida
20 Statutes, may not be collected during the 14-day period
21 beginning at 12:01 a.m., on the first Saturday in October
22 2007, on the sale of a new energy-efficient product having a
23 selling price of \$1,500 or less per product during that
24 period. This exemption applies only when the energy-efficient
25 product is purchased for noncommercial home or personal use
26 and does not apply when the product is purchased for trade,
27 business, or resale. As used in this section, the term
28 "energy-efficient product" means a dishwasher, clothes washer,
29 air conditioner, ceiling fan, compact florescent light bulb,
30 dehumidifier, programmable thermostat, or refrigerator that
31 has been designated by the United States Environmental

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1 Protection Agency or by the United States Department of Energy
2 as meeting or exceeding the requirements under the Energy Star
3 Program of either agency. Purchases made under this subsection
4 may not be made using a business or company credit or debit
5 card or check. Any construction company, building contractor,
6 or commercial business or entity that purchases or attempts to
7 purchase the energy-efficient products as exempt under this
8 section commits the offense of engaging in an unfair method of
9 competition in violation of s. 501.204, Florida Statutes,
10 punishable as provided in s. 501.2075, Florida Statutes.
11 Notwithstanding chapter 120, Florida Statutes, the Department
12 of Revenue may adopt rules to administer this section.

13 Section 5. Effective July 1, 2007, paragraph (ccc) of
14 subsection (7) of section 212.08, Florida Statutes, is amended
15 to read:

16 212.08 Sales, rental, use, consumption, distribution,
17 and storage tax; specified exemptions.--The sale at retail,
18 the rental, the use, the consumption, the distribution, and
19 the storage to be used or consumed in this state of the
20 following are hereby specifically exempt from the tax imposed
21 by this chapter.

22 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to
23 any entity by this chapter do not inure to any transaction
24 that is otherwise taxable under this chapter when payment is
25 made by a representative or employee of the entity by any
26 means, including, but not limited to, cash, check, or credit
27 card, even when that representative or employee is
28 subsequently reimbursed by the entity. In addition, exemptions
29 provided to any entity by this subsection do not inure to any
30 transaction that is otherwise taxable under this chapter
31 unless the entity has obtained a sales tax exemption

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1 certificate from the department or the entity obtains or
 2 provides other documentation as required by the department.
 3 Eligible purchases or leases made with such a certificate must
 4 be in strict compliance with this subsection and departmental
 5 rules, and any person who makes an exempt purchase with a
 6 certificate that is not in strict compliance with this
 7 subsection and the rules is liable for and shall pay the tax.
 8 The department may adopt rules to administer this subsection.

9 (ccc) Equipment, machinery, and other materials for
 10 renewable energy technologies.--

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

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

20 b. "Ethanol" means nominally anhydrous denatured
 21 alcohol produced by the conversion of carbohydrates
 22 ~~fermentation of plant sugars~~ meeting the specifications for
 23 fuel ethanol and fuel ethanol blends with petroleum products
 24 as adopted by the Department of Agriculture and Consumer
 25 Services. Ethanol may refer to fuel ethanol blends designated
 26 EXX, where XX represents the volume percentage of fuel ethanol
 27 in the blend.

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

31 2. The sale or use of the following in the state is

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1 exempt from the tax imposed by this chapter:

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

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

9 c. Materials used in the distribution of biodiesel
10 (B10-B100) and ethanol (E10-100), including fueling
11 infrastructure, transportation, and storage, up to a limit of
12 \$1 million in tax each state fiscal year for all taxpayers.
13 Gasoline fueling station pump retrofits for ethanol (E10-E100)
14 distribution qualify for the exemption provided in this
15 sub-subparagraph.

16 3. The Florida Alternative Energy Center ~~Department of~~
17 ~~Environmental Protection~~ shall provide to the department a
18 list of items eligible for the exemption provided in this
19 paragraph.

20 4. The exemption provided in this paragraph shall be
21 available only to the end user of the equipment, machinery, or
22 other materials.

23 5.4.a. The exemption provided in this paragraph shall
24 be available to a purchaser only through a refund of
25 previously paid taxes. Only one purchase of an eligible item
26 is subject to refund. A purchaser who has received a refund on
27 an eligible item must notify any subsequent purchaser of the
28 item that the item is no longer eligible for the refund of tax
29 paid. This notification must be provided to the purchaser on
30 the sales invoice or other proof of purchase.

31 b. To be eligible to receive the exemption provided in

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1 this paragraph, a purchaser shall file an application with the
 2 Florida Alternative Energy Center ~~Department of Environmental~~
 3 ~~Protection~~. The application shall be developed by the Florida
 4 Alternative Energy Center ~~Department of Environmental~~
 5 ~~Protection~~, in consultation with the department, and shall
 6 require:

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

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

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

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

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

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1 d. Each certified applicant shall be responsible for
 2 forwarding a certified copy of the application and copies of
 3 all required documentation to the department within 6 months
 4 after certification by the Florida Alternative Energy Center
 5 ~~Department of Environmental Protection~~.

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

10 f. The department may adopt all rules pursuant to ss.
 11 120.536(1) and 120.54 to administer this paragraph, including
 12 rules establishing forms and procedures for claiming this
 13 exemption.

14 g. The Florida Alternative Energy Center ~~Department of~~
 15 ~~Environmental Protection~~ shall be responsible for ensuring
 16 that the total amounts of the exemptions authorized do not
 17 exceed the limits as specified in subparagraph 2.

18 ~~6.5.~~ The Department of Environmental Protection shall
 19 determine and publish on a regular basis the amount of sales
 20 tax funds remaining in each fiscal year.

21 ~~7.6.~~ This paragraph expires July 1, 2010.

22 Section 6. Effective July 1, 2007, paragraph (y) of
 23 subsection (8) of section 213.053, Florida Statutes, is
 24 amended to read:

25 213.053 Confidentiality and information sharing.--

26 (8) Notwithstanding any other provision of this
 27 section, the department may provide:

28 (y) Information relative to ss. 212.08(7)(ccc) and
 29 220.192 to the Florida Alternative Energy Center ~~Department of~~
 30 ~~Environmental Protection~~ for use in the conduct of its
 31 official business.

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Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 7. Effective July 1, 2007, section 220.192, Florida Statutes, is amended to read:

220.192 Renewable energy technologies investment tax credit.--

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

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

(b) "Eligible costs" means:

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

2. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of \$1.5 million per state fiscal year for all taxpayers, and limited to a maximum of \$12,000 per fuel cell, in connection with an investment in commercial stationary

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1 hydrogen fuel cells in the state, including, but not limited
2 to, the costs of constructing, installing, and equipping such
3 technologies in the state.

4 3. Seventy-five percent of all capital costs,
5 operation and maintenance costs, and research and development
6 costs incurred between July 1, 2006, and June 30, 2010, up to
7 a limit of \$6.5 million per state fiscal year for all
8 taxpayers, in connection with an investment in the production,
9 storage, and distribution of biodiesel (B10-B100) and ethanol
10 (E10-E100) in the state, including the costs of constructing,
11 installing, and equipping such technologies in the state.
12 Gasoline fueling station pump retrofits for ethanol (E10-E100)
13 distribution qualify as an eligible cost under this
14 subparagraph.

15 (c) "Ethanol" means ethanol as defined in s.
16 212.08(7)(ccc).

17 (d) "Hydrogen fuel cell" means hydrogen fuel cell as
18 defined in s. 212.08(7)(ccc).

19 (2) TAX CREDIT.--For tax years beginning on or after
20 January 1, 2007, a credit against the tax imposed by this
21 chapter shall be granted in an amount equal to the eligible
22 costs. Credits may be used in tax years beginning January 1,
23 2007, and ending December 31, 2010, after which the credit
24 shall expire. If the credit is not fully used in any one tax
25 year because of insufficient tax liability on the part of the
26 corporation, the unused amount may be carried forward and used
27 in tax years beginning January 1, 2007, and ending December
28 31, 2012, after which the credit carryover expires and may not
29 be used. A taxpayer that files a consolidated return in this
30 state as a member of an affiliated group under s. 220.131(1)
31 may be allowed the credit on a consolidated return basis up to

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1 the amount of tax imposed upon the consolidated group. Any
 2 eligible cost for which a credit is claimed and which is
 3 deducted or otherwise reduces federal taxable income shall be
 4 added back in computing adjusted federal income under s.
 5 220.13.

6 (3) CORPORATE APPLICATION PROCESS.--Any corporation
 7 wishing to obtain tax credits available under this section
 8 must submit to the Florida Alternative Energy Center
 9 ~~Department of Environmental Protection~~ an application for tax
 10 credit which ~~that~~ includes a complete description of all
 11 eligible costs for which the corporation is seeking a credit
 12 and a description of the total amount of credits sought. The
 13 Florida Alternative Energy Center ~~Department of Environmental~~
 14 ~~Protection~~ shall make a determination on the eligibility of
 15 the applicant for the credits sought and certify the
 16 determination to the applicant and the Department of Revenue.
 17 The corporation must attach the Florida Alternative Energy
 18 Center's ~~Department of Environmental Protection's~~
 19 certification to the tax return on which the credit is
 20 claimed. The Florida Alternative Energy Center is ~~Department~~
 21 ~~of Environmental Protection shall be~~ responsible for ensuring
 22 that the corporate income tax credits granted in each fiscal
 23 year do not exceed the limits provided for in this section.
 24 The Florida Alternative Energy Center may ~~Department of~~
 25 ~~Environmental Protection is authorized to~~ adopt the necessary
 26 rules, guidelines, and application materials for the
 27 application process.

28 (4) TAXPAYER APPLICATION PROCESS.--To claim a credit
 29 under this section, each taxpayer must apply to the Florida
 30 Alternative Energy Center ~~Department of Environmental~~
 31 ~~Protection~~ for an allocation of each type of annual credit by

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1 the date established by the Florida Alternative Energy Center
2 ~~Department of Environmental Protection~~. The application form
3 may be established by the Florida Alternative Energy Center
4 ~~Department of Environmental Protection~~ and shall include an
5 affidavit from each taxpayer certifying that all information
6 contained in the application, including all records of
7 eligible costs claimed as the basis for the tax credit, are
8 true and correct. Approval of the credits under this section
9 shall be accomplished on a first-come, first-served basis,
10 based upon the date complete applications are received by the
11 Florida Alternative Energy Center ~~Department of Environmental~~
12 ~~Protection~~. A taxpayer shall submit only one complete
13 application based upon eligible costs incurred within a
14 particular state fiscal year. The center may not accept
15 incomplete placeholder applications ~~will not be accepted~~ and
16 such an application does ~~will~~ not secure a place in the
17 first-come, first-served application line. If a taxpayer does
18 not receive a tax credit allocation due to the exhaustion of
19 the annual tax credit authorizations, ~~then~~ such taxpayer may
20 reapply in the following year for those eligible costs and
21 shall be given ~~will have~~ priority over other applicants for
22 the allocation of credits.

23 (5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF
24 CREDITS.--

25 (a) In addition to its existing audit and
26 investigation authority, the Department of Revenue may perform
27 any additional financial and technical audits and
28 investigations, including examining the accounts, books, and
29 records of the tax credit applicant, which ~~that~~ are necessary
30 to verify the eligible costs included in the tax credit return
31 and to ensure compliance with this section. The Florida

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1 Alternative Energy Center ~~Department of Environmental~~

2 ~~Protection~~ shall provide technical assistance when requested
3 by the Department of Revenue on any technical audits or
4 examinations performed pursuant to this section.

5 (b) It is grounds for forfeiture of previously claimed
6 and received tax credits if the Department of Revenue
7 determines, as a result of either an audit or examination or
8 from information received from the Florida Alternative Energy
9 Center ~~Department of Environmental Protection~~, that a taxpayer
10 received tax credits pursuant to this section to which the
11 taxpayer was not entitled. The taxpayer is responsible for
12 returning forfeited tax credits to the Department of Revenue,
13 and such funds shall be paid into the General Revenue Fund of
14 the state.

15 (c) The Florida Alternative Energy Center ~~Department~~
16 ~~of Environmental Protection~~ may revoke or modify any written
17 decision granting eligibility for tax credits under this
18 section if it is discovered that the tax credit applicant
19 submitted any false statement, representation, or
20 certification in any application, record, report, plan, or
21 other document filed in an attempt to receive tax credits
22 under this section. The Florida Alternative Energy Center
23 ~~Department of Environmental Protection~~ shall immediately
24 notify the Department of Revenue of any revoked or modified
25 orders affecting previously granted tax credits. Additionally,
26 the taxpayer must notify the Department of Revenue of any
27 change in its tax credit claimed.

28 (d) The taxpayer shall file with the Department of
29 Revenue an amended return or such other report as the
30 Department of Revenue prescribes by rule and shall pay any
31 required tax and interest within 60 days after the taxpayer

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1 receives notification from the Florida Alternative Energy
 2 Center ~~Department of Environmental Protection~~ that previously
 3 approved tax credits have been revoked or modified. If the
 4 revocation or modification order is contested, the taxpayer
 5 shall file an amended return or other report as provided in
 6 this paragraph within 60 days after a final order is issued
 7 following proceedings.

8 (e) A notice of deficiency may be issued by the
 9 Department of Revenue at any time within 3 years after the
 10 taxpayer receives formal notification from the Florida
 11 Alternative Energy Center ~~Department of Environmental~~
 12 ~~Protection~~ that previously approved tax credits have been
 13 revoked or modified. If a taxpayer fails to notify the
 14 Department of Revenue of any changes to its tax credit
 15 claimed, a notice of deficiency may be issued at any time.

16 (6) RULES.--The Department of Revenue may ~~shall have~~
 17 ~~the authority to~~ adopt rules relating to the forms required to
 18 claim a tax credit under this section, the requirements and
 19 basis for establishing an entitlement to a credit, and the
 20 examination and audit procedures required to administer this
 21 section.

22 (7) PUBLICATION.--The Florida Alternative Energy
 23 Center ~~Department of Environmental Protection~~ shall determine
 24 and publish on a regular basis the amount of available tax
 25 credits remaining in each fiscal year.

26 Section 8. Effective July 1, 2007, section 377.803,
 27 Florida Statutes, is amended to read:

28 377.803 Definitions.--As used in ss. 377.801-377.806,
 29 the term:

30 (1) "Act" means the Florida Renewable Energy
 31 Technologies and Energy Efficiency Act.

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1 (2) "Center" means the Florida Alternative Energy
2 Center.

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

6 (3) "Commission" means the Florida Public Service
7 Commission.

8 ~~(4) "Department" means the Department of Environmental~~
9 ~~Protection.~~

10 (4)(5) "Person" means an individual, partnership,
11 joint venture, private or public corporation, association,
12 firm, public service company, or any other public or private
13 entity.

14 (5)(6) "Renewable energy" means electrical,
15 mechanical, or thermal energy produced from a method that uses
16 one or more of the following fuels or energy sources:
17 hydrogen, biomass, solar energy, geothermal energy, wind
18 energy, ocean energy, waste heat, ~~or~~ hydroelectric power,
19 ethanol, or biodiesel.

20 (6)(7) "Renewable energy technology" means any
21 technology that generates or utilizes a renewable energy
22 resource.

23 (7)(8) "Solar energy system" means equipment that
24 provides for the collection and use of incident solar energy
25 for water heating, space heating or cooling, or other
26 applications that would normally require a conventional source
27 of energy such as petroleum products, natural gas, or
28 electricity that performs primarily with solar energy. In
29 other systems in which solar energy is used in a supplemental
30 way, only those components that collect and transfer solar
31 energy shall be included in this definition.

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1 ~~(8)(9)~~ "Solar photovoltaic system" means a device that
2 converts incident sunlight into electrical current.

3 ~~(9)(10)~~ "Solar thermal system" means a device that
4 traps heat from incident sunlight in order to heat water.

5 Section 9. Effective July 1, 2007, section 377.804,
6 Florida Statutes, is amended to read:

7 377.804 Renewable Energy Technologies Grants
8 Program.--

9 (1) The Renewable Energy Technologies Grants Program
10 is established within the center ~~department~~ to provide
11 renewable energy matching grants for demonstration,
12 commercialization, research, and development projects relating
13 to renewable energy technologies.

14 (2) Matching grants for renewable energy technology
15 demonstration, commercialization, research, and development
16 projects may be made to any of the following:

- 17 (a) Municipalities and county governments.
- 18 (b) Established for-profit companies licensed to do
19 business in the state.
- 20 (c) Universities and colleges in the state.
- 21 (d) Utilities located and operating within the state.
- 22 (e) Not-for-profit organizations.
- 23 (f) Other qualified persons, as determined by the
24 center ~~department~~.

25 (3) The center ~~department~~ may adopt rules pursuant to
26 ss. 120.536(1) and 120.54 to provide for application
27 requirements, provide for ranking of applications, and
28 administer the awarding of grants under this program.

29 (4) Factors the center ~~department~~ shall consider in
30 awarding grants include, but are not limited to:

- 31 (a) The availability of matching funds or other

1 in-kind contributions applied to the total project from an
 2 applicant. The center ~~department~~ shall give greater preference
 3 to projects that provide such matching funds or other in-kind
 4 contributions.

5 (b) The degree to which the project stimulates
 6 in-state capital investment and economic development in
 7 metropolitan and rural areas, including the creation of jobs
 8 and the future development of a commercial market for
 9 renewable energy technologies.

10 (c) The extent to which the proposed project has been
 11 demonstrated to be technically feasible based on pilot project
 12 demonstrations, laboratory testing, scientific modeling, or
 13 engineering or chemical theory that supports the proposal.

14 (d) The degree to which the project incorporates an
 15 innovative new technology or an innovative application of an
 16 existing technology.

17 (e) The degree to which a project generates thermal,
 18 mechanical, or electrical energy by means of a renewable
 19 energy resource that has substantial long-term production
 20 potential.

21 (f) The degree to which a project demonstrates
 22 efficient use of energy and material resources.

23 (g) The degree to which the project fosters overall
 24 understanding and appreciation of renewable energy
 25 technologies.

26 (h) The ability to administer a complete project.

27 (i) Project duration and timeline for expenditures.

28 (j) The geographic area in which the project is to be
 29 conducted in relation to other projects.

30 (k) The degree of public visibility and interaction.

31 (5) The center ~~department~~ shall solicit the expertise

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1 of other state agencies in evaluating project proposals. State
2 agencies shall cooperate with the Department of Environmental
3 Protection and provide such assistance as requested.

4 ~~(6) The department shall coordinate and actively~~
5 ~~consult with the Department of Agriculture and Consumer~~
6 ~~Services during the review and approval process of grants~~
7 ~~relating to bioenergy projects for renewable energy~~
8 ~~technology, and the departments shall jointly determine the~~
9 ~~grant awards to these bioenergy projects. No grant funding~~
10 ~~shall be awarded to any bioenergy project without such joint~~
11 ~~approval. Factors for consideration in awarding grants may~~
12 ~~include, but are not limited to, the degree to which:~~

13 ~~(a) The project stimulates in-state capital investment~~
14 ~~and economic development in metropolitan and rural areas,~~
15 ~~including the creation of jobs and the future development of a~~
16 ~~commercial market for bioenergy.~~

17 ~~(b) The project produces bioenergy from Florida-grown~~
18 ~~crops or biomass.~~

19 ~~(c) The project demonstrates efficient use of energy~~
20 ~~and material resources.~~

21 ~~(d) The project fosters overall understanding and~~
22 ~~appreciation of bioenergy technologies.~~

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

25 ~~(f) The project duration and the timeline for~~
26 ~~expenditures are acceptable.~~

27 ~~(g) The project has a reasonable assurance of~~
28 ~~enhancing the value of agricultural products or will expand~~
29 ~~agribusiness in the state.~~

30 ~~(h) Preliminary market and feasibility research has~~
31 ~~been conducted by the applicant or others and shows there is a~~

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1 ~~reasonable assurance of a potential market.~~

2 Section 10. Effective July 1, 2007, section 377.806,
3 Florida Statutes, is amended to read:

4 377.806 Solar Energy System Incentives Program.--

5 (1) PURPOSE.--The Solar Energy System Incentives
6 Program is established within the center ~~department~~ to provide
7 financial incentives for the purchase and installation of
8 solar energy systems. Any resident of the state who purchases
9 and installs a new solar energy system of 2 kilowatts or
10 larger for a solar photovoltaic system, a solar energy system
11 that provides at least 50 percent of a building's hot water
12 consumption for a solar thermal system, or a solar thermal
13 pool heater, from July 1, 2006, through June 30, 2010, is
14 eligible for a rebate on a portion of the purchase price of
15 that solar energy system. Payment of a rebate may be made only
16 to the end user of an eligible system.

17 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

22 2. The system complies with state interconnection
23 standards as provided by the commission.

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

26 (b) Rebate amounts.--The rebate amount shall be set at
27 \$4 per watt based on the total wattage rating of the system.
28 The maximum allowable rebate per solar photovoltaic system
29 installation shall be as follows:

30 1. Twenty thousand dollars for a residence.

31 2. One hundred thousand dollars for a place of

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1 business, a publicly owned or operated facility, or a facility
2 owned or operated by a private, not-for-profit organization,
3 including condominiums or apartment buildings.

4 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

7 1. The system is installed by a state-licensed solar
8 or plumbing contractor.

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

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

13 1. Five hundred dollars for a residence.

14 2. Fifteen dollars per 1,000 Btu up to a maximum of
15 \$5,000 for a place of business, a publicly owned or operated
16 facility, or a facility owned or operated by a private,
17 not-for-profit organization, including condominiums or
18 apartment buildings. ~~Btu must be verified by approved metering
19 equipment.~~

20 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

21 (a) Eligibility requirements.--A solar thermal pool
22 heater qualifies for a rebate if the system is installed by a
23 state-licensed solar or plumbing contractor and the system
24 complies with all applicable building codes as defined by the
25 local jurisdictional authority.

26 (b) Rebate amount.--Authorized rebates for
27 installation of solar thermal pool heaters shall be \$100 per
28 installation.

29 (5) APPLICATION.--Application for a rebate must be
30 made within 90 days after the purchase of the solar energy
31 equipment.

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1 (6) LIMITS.--Rebates are limited to one per type of
2 system described in paragraph (2)(a) per resident, per state
3 fiscal year.

4 (7)(6) REBATE AVAILABILITY.--The center department
5 shall determine and publish on a regular basis the amount of
6 rebate funds remaining in each fiscal year. The total dollar
7 amount of all rebates issued by the department is subject to
8 the total amount of appropriations in any fiscal year for this
9 program. If funds are insufficient during the current fiscal
10 year, any requests for rebates received during that fiscal
11 year may be processed during the following fiscal year.
12 Requests for rebates received in a fiscal year that are
13 processed during the following fiscal year shall be given
14 priority over requests for rebates received during the
15 following fiscal year.

16 (7) RULES.--The center department shall adopt rules
17 pursuant to ss. 120.536(1) and 120.54 to develop rebate
18 applications and administer the issuance of rebates.

19 Section 11. Effective upon this act becoming a law,
20 section 366.915, Florida Statutes, is created to read:

21 366.915 Advanced Energy Portfolio Standard.--

22 (1) This section may be cited as the "Florida Advanced
23 Energy Portfolio Standard Act."

24 (2)(a) The Legislature finds that it is in the
25 public's interest to:

26 1. Encourage investment in renewable energy resources
27 in order to expand environmentally sustainable methods of
28 generating electricity.

29 2. Stimulate the economic growth of this state.

30 3. Enhance the continued diversification of the fuel
31 sources for electricity used in the state.

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1 (b) The Legislature further finds and declares that a
 2 program requiring public utilities to use renewable energy is
 3 a way to encourage investments in renewable energy resources,
 4 stimulate economic growth within the state, and enhance the
 5 continued diversification of the state's energy resources.

6 (3) As used in this section, the term:

7 (a) "Biomass" means a power source that is comprised
 8 of, but not limited to, combustible residues or gases from
 9 forest products manufacturing, agricultural and orchard crops,
 10 waste products from livestock and poultry operations and food
 11 processing, urban wood waste, municipal solid waste, municipal
 12 liquid waste treatment operations, and landfill gas.

13 (b) "Advanced energy" means electrical energy produced
 14 from a method that uses one or more of the following fuels or
 15 energy sources: hydrogen produced from sources other than
 16 fossil fuels, biomass, solar energy, geothermal energy, wind
 17 energy, ocean energy, and hydroelectric power. The term also
 18 includes energy-efficiency resources, such as waste heat from
 19 sulfuric acid manufacturing operations and combined heat and
 20 power. It also includes nuclear and coal fuel when coal is
 21 used in a facility having potential carbon-capturing
 22 technology.

23 (4) Each public utility, as defined in s. 366.02,
 24 shall ensure that by 2015 and for each year thereafter, at
 25 least 50 percent of all new net energy for load, using 2006 as
 26 a base year, is derived from advanced energy produced in this
 27 state. If a utility retrofits an existing plant to produce
 28 advanced energy, this energy counts toward meeting this
 29 requirement.

30 (5) If a public utility must purchase advanced energy
 31 in order to satisfy the requirements of this section, the

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1 public utility shall use a competitive-procurement process and
2 give priority to entities that produce advanced energy in this
3 state.

4 (6) The Public Service Commission may adopt rules to
5 ensure that the purchase of advanced energy by public
6 utilities is conducted in a fair and impartial manner,
7 consistent with the goals set forth in this section. The
8 Public Service Commission also may develop an accreditation
9 process to ensure that any entities providing renewable energy
10 in this state satisfy the goals of this section.

11 (7) The requirements of this section shall be held in
12 abeyance if the reasons for a utility's failure to comply are
13 beyond the utility's control, including, but not limited to,
14 actions of a governmental entity or agency or weather-related
15 damage.

16 Section 12. Effective upon this act becoming a law,
17 paragraph (b) of subsection (2) of section 366.91, Florida
18 Statutes, is amended to read:

19 366.91 Renewable energy.--

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

21 (b) "Renewable energy" means electrical energy
22 produced from a method that uses one or more of the following
23 fuels or energy sources: hydrogen produced from sources other
24 than fossil fuels, biomass, solar energy, geothermal energy,
25 wind energy, ocean energy, and hydroelectric power. The term
26 also includes the ~~alternative~~ energy efficiency resources
27 resource, waste heat, from sulfuric acid manufacturing
28 operations, and combined heat and power.

29 Section 13. Effective upon this act becoming a law,
30 section 366.925, Florida Statutes, is created to read:

31 366.925 Electric utilities; net metering.--

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1 (1) This section may be cited as the "Florida Net
2 Metering Conservation Act."

3 (2) The commission shall develop rules requiring all
4 public utilities to develop net-metering programs that meet
5 the requirements of this subsection. Each utility shall make
6 available meters that measure both energy production and
7 consumption by the customer. The customer shall receive credit
8 at the full retail rate for energy generated by an eligible
9 system and consumed by that customer behind the meter. If the
10 customer's system or systems behind the meter generates more
11 energy than the customer consumes behind the meter during a
12 billing cycle, the utility shall pay the customer for the
13 excess generation at its full avoided cost, as set forth in s.
14 366.051. Net metering is available only at a single metering
15 point and shall not be available as a part of conjunctive
16 billing of multiple points for a customer or group of
17 customers.

18 (3) The commission shall develop rules setting the
19 interconnection requirements and other standards that
20 renewable energy systems must meet in order to ensure public
21 safety and reliability for customers who participate in the
22 net-metering program.

23 Section 14. Effective upon this act becoming a law,
24 every wholesaler of diesel to a marina within this state must
25 offer biodiesel for sale.

26 Section 15. Effective upon this act becoming a law,
27 section 403.0874, Florida Statutes, is created to read:

28 403.0874 Greenhouse gas inventories.--

29 (1) The department shall develop greenhouse gas
30 inventories that account for annual greenhouse gases emitted
31 into and removed from the atmosphere, and that forecast gases

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1 emitted into and removed from the atmosphere, for all major
2 greenhouse gases and for time periods that are determined
3 sufficient by the department to provide for adequate analysis
4 and planning.

5 (2) By rule, the department shall define what
6 greenhouse gases are to be included in each inventory, the
7 criteria for defining major emitters, which emitters must
8 report emissions, and what methodologies shall be used to
9 estimate gases emitted into and removed from the atmosphere
10 and determine those that are not required to be reported.

11 (3) The department may require all major emitters of
12 defined greenhouse gases to report emissions according to
13 methodologies and reporting systems approved by the department
14 and established by rule, which may include the use of
15 quality-assured data from continuous emissions-monitoring
16 systems.

17 Section 16. Effective upon this act becoming a law,
18 subsection (7) is added to section 366.04, Florida Statutes,
19 to read:

20 366.04 Jurisdiction of commission.--

21 (7) The commission has specific authority to approve,
22 conditionally approve, or deny a proposed transfer of utility
23 assets or a proposed merger between a public utility and
24 another entity or the public utility's parent company or
25 holding company and another entity.

26 (a) A transfer of a utility asset or a merger or
27 combination between a public utility and another entity or the
28 utility's parent company or holding company and another entity
29 may not occur through acquisition or change in control by
30 stock purchase or otherwise without the approval of the
31 commission and a determination that the proposed asset

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1 transfer or the proposed merger or combination is not
2 detrimental to the public interest. However, a proposed asset
3 transfer or a proposed merger or combination of a public
4 utility and another entity or the public utility's parent or
5 holding company and another entity may be made prior to the
6 commission's approval if such action is made contingent upon
7 commission approval.

8 (b) The commission may establish, by rule, minimum
9 values of asset transfers which, because the value involved
10 would not adversely affect the utility, would be deemed
11 immaterial, and therefore would not be subject to commission
12 review and approval.

13 (c) The commission may approve an asset transfer or a
14 merger or combination as not being detrimental to the public
15 interest if it finds, after full review of all relevant facts,
16 that none of the following conditions exist or will exist if
17 such asset transfer or merger or combination is consummated:

18 1. The transaction will adversely affect the adequacy
19 and reliability of the electric service that is provided to
20 the public utility's end-use customers;

21 2. The transaction will materially adversely affect
22 the financial condition of the public utility; or

23 3. The public utility's plans for managing the costs
24 and benefits of the merger or combination will unreasonably
25 increase the rates of the end-use customers.

26 (d) A public utility seeking review under this
27 subsection shall file a petition with the commission
28 concurrent with or prior to filing a similar petition to the
29 Federal Energy Regulatory Commission pursuant to s. 1289,
30 EPACT 2005 s. 203(a) of the Federal Power Act, 16 U.S.C. s.
31 824b(a). In support of the petition, the public utility shall

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1 file direct testimony and supporting documents at the time the
2 initial petition is filed with the commission.

3 (e) The commission shall enter its final order within
4 150 days after the filing of the petition unless the
5 commission and the utility agree to extend this time.

6 (f) The commission may adopt rules to administer this
7 subsection.

8 Section 17. Section 212.086, Florida Statutes, is
9 created to read:

10 212.086 Energy Efficient Motor Vehicle Sales Tax
11 Refund Program.--

12 (1) The Energy Efficient Motor Vehicle Sales Tax
13 Refund Program is established to provide financial incentives
14 for the purchase of alternative motor vehicles as specified by
15 this section.

16 (2) Any person who purchases an alternative motor
17 vehicle from a sales tax dealer in the state is eligible for a
18 refund of the sales tax paid under this chapter. The sales tax
19 that is eligible for refund shall be computed on the sales
20 price of the alternative motor vehicle up to a maximum sales
21 price of \$15,000.

22 (3) In order to qualify for the sales tax refund under
23 this section, the alternative motor vehicle must be certified
24 as a new qualified hybrid motor vehicle, new qualified
25 alternative fuel motor vehicle, new qualified fuel cell motor
26 vehicle, or new advanced lean-burn technology motor vehicle by
27 the Internal Revenue Service for the income tax credit for
28 alternative motor vehicles under s. 30B of the Internal
29 Revenue Code of 1986, as amended.

30 (4) Notwithstanding ss. 212.095 and 215.26, an
31 application for refund must be filed with the department

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1 within 90 days after purchase of the alternative motor vehicle
2 and must contain the following:

3 (a) The name and address of the person claiming the
4 refund.

5 (b) A specific description of the alternative motor
6 vehicle for which a refund is sought, including the vehicle
7 identification number.

8 (c) The sales invoice or other proof of purchase
9 showing the amount of sales tax paid, the date of purchase,
10 and the name and address of the sales tax dealer from whom the
11 alternative motor vehicle was purchased.

12 (d) A sworn statement that the information provided is
13 accurate and that the requirements of this section have been
14 met.

15 (5) The total dollar amount of all refunds issued by
16 the department is limited to the total amount of
17 appropriations in any fiscal year for this program. The
18 department may approve refunds up to the amount appropriated
19 for this refund program based on the date of filing an
20 application for refund pursuant to subsection (4). If the
21 funds are insufficient during the current fiscal year, any
22 requests for refund received during that fiscal year may be
23 processed during the following fiscal year, subject to the
24 appropriation, and have priority over new applications for
25 refund filed in the following fiscal year. The provisions of
26 s. 213.255 do not apply to requests for refund which are held
27 for payment in the following fiscal year.

28 (6) The department shall adopt rules pursuant to ss.
29 120.536(1) and 120.54 to administer this section, including
30 rules establishing forms and procedures for claiming this
31 refund.

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1 (7) A taxpayer who receives a refund pursuant to s.
2 212.08(7)(ccc) may not be allowed a refund provided in this
3 section.

4 (8) This section is repealed July 1, 2010.

5 Section 18. Subsection (5) is added to section
6 255.252, Florida Statutes, to read:

7 255.252 Findings and intent.--

8 (5) Each state agency must identify and compile a list
9 of all state-owned buildings within its inventory which it
10 determines are suitable to consider for a guaranteed
11 energy-performance savings contract pursuant to s. 489.145.
12 Such list shall be submitted to the Department of Management
13 Services by December 31, 2007, and shall include any criteria
14 used to determine suitability. The list of suitable buildings
15 shall be developed from the list of state-owned facilities of
16 more than 5,000 square feet in area for which the agency pays
17 for the expenses of utilities and other operating expenses as
18 they relate to energy use. In consultation with each
19 department secretary or director, by March 1, 2008, the
20 Department of Management Services shall evaluate each agency's
21 facilities found suitable for energy conservation projects,
22 and shall develop an energy efficiency project schedule based
23 on factors such as project magnitude, efficiency and
24 effectiveness of energy conservation measures to be
25 implemented, and other factors that may be advantageous to
26 pursue. Such schedule shall provide the deadline for
27 guaranteed energy-performance savings contract improvements to
28 be made to the state-owned buildings.

29 Section 19. Paragraph (b) of subsection (2) and
30 subsection (5) of section 287.063, Florida Statutes, are
31 amended to read:

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1 287.063 Deferred-payment commodity contracts; preaudit
2 review.--

3 (b) The Chief Financial Officer shall establish, by
4 rule, criteria for approving purchases made under
5 deferred-payment contracts which require the payment of
6 interest. Criteria shall include, but not be limited to, the
7 following provisions:

8 1. No contract shall be approved in which interest
9 exceeds the statutory ceiling contained in this section.
10 However, the interest component of any master equipment
11 financing agreement entered into for the purpose of
12 consolidated financing of a deferred-payment, installment
13 sale, or lease-purchase shall be deemed to comply with the
14 interest rate limitation of this section so long as the
15 interest component of every interagency agreement under such
16 master equipment financing agreement complies with the
17 interest rate limitation of this section.

18 2. No deferred-payment purchase for less than \$30,000
19 shall be approved, 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 However, the Chief Financial Officer may approve any
24 deferred-payment purchase if the Chief Financial Officer
25 determines that such purchase is economically beneficial to
26 the state.

27 ~~3. No agency shall obligate an annualized amount of~~
28 ~~payments for deferred payment purchases in excess of current~~
29 ~~operating capital outlay appropriations, unless specifically~~
30 ~~authorized by law or unless it can be satisfactorily~~
31 ~~demonstrated and documented to the Chief Financial Officer~~

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1 ~~that failure to make such deferred-payment purchase would~~
2 ~~adversely affect an agency in the performance of its duties.~~

3 ~~3.4.~~ No contract shall be approved which extends
4 payment beyond 5 years, unless it can be satisfactorily
5 demonstrated and documented to the Chief Financial Officer
6 that failure to make such deferred-payment purchase would
7 adversely affect an agency in the performance of its duties.

8 The payment term may not exceed the useful life of the
9 equipment unless the contract provides for the replacement or
10 the extension of the useful life of the equipment during the
11 term of the loan.

12 (5) For purposes of this section, the annualized
13 amount of any such deferred payment commodity contract must be
14 supported from available recurring funds appropriated to the
15 agency in an appropriation category, ~~other than the expense~~
16 ~~appropriation category~~ as defined in chapter 216, that the
17 Chief Financial Officer has determined is appropriate or that
18 the Legislature has designated for payment of the obligation
19 incurred under this section.

20 Section 20. Subsections (10) and (11) of section
21 287.064, Florida Statutes, are amended to read:

22 287.064 Consolidated financing of deferred-payment
23 purchases.--

24 (10) Costs incurred pursuant to a guaranteed energy
25 performance savings contract, including the cost of energy
26 conservation measures, each as defined in s. 489.145, may be
27 financed pursuant to a master equipment financing agreement;
28 however, the costs of training, operation, and maintenance may
29 not be financed. The period of time for repayment of the funds
30 drawn pursuant to the master equipment financing agreement
31 under this subsection may exceed 5 years but may not exceed 20

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1 ~~10~~ years for energy conservation measures pursuant to s.
2 489.145, excluding the costs of training, operation, and
3 maintenance. The guaranteed energy performance savings
4 contractor shall provide for the replacement or the extension
5 of the useful life of the equipment during the term of the
6 contract.

7 (11) For purposes of consolidated financing of
8 deferred payment commodity contracts under this section by a
9 state agency, the annualized amount of any such contract must
10 be supported from available recurring funds appropriated to
11 the agency in an appropriation category, ~~other than the~~
12 ~~expense appropriation category~~ as defined in chapter 216, that
13 the Chief Financial Officer has determined is appropriate or
14 that the Legislature has designated for payment of the
15 obligation incurred under this section.

16 Section 21. Section 489.145, Florida Statutes, is
17 amended to read:

18 489.145 Guaranteed energy performance savings
19 contracting.--

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

22 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
23 investment in energy conservation measures in agency
24 facilities can reduce the amount of energy consumed and
25 produce immediate and long-term savings. It is the policy of
26 this state to encourage agencies to invest in energy
27 conservation measures ~~that reduce energy consumption, produce~~
28 ~~a cost savings for the agency, and improve the quality of~~
29 ~~indoor air in public facilities and to operate, maintain, and,~~
30 ~~when economically feasible, build or renovate existing agency~~
31 ~~facilities in such a manner as~~ to minimize energy consumption

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1 and maximize energy savings. It is further the policy of this
2 state to encourage agencies to reinvest any energy savings
3 resulting from energy conservation measures in additional
4 energy conservation efforts.

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

6 (a) "Agency" means the state, a municipality, or a
7 political subdivision.

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

13 1. Insulation of the facility structure and systems
14 within the facility.

15 2. Storm windows and doors, caulking or
16 weatherstripping, multiglazed windows and doors,
17 heat-absorbing, or heat-reflective, glazed and coated window
18 and door systems, additional glazing, reductions in glass
19 area, and other window and door system modifications that
20 reduce energy consumption.

21 3. Automatic energy control systems.

22 4. Heating, ventilating, or air-conditioning system
23 modifications or replacements.

24 5. Replacement or modifications of lighting fixtures
25 to increase the energy efficiency of the lighting system,
26 which, at a minimum, must conform to the applicable state or
27 local building code.

28 6. Energy recovery systems.

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

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1 8. Energy conservation measures that reduce Btu, kW,
2 or kWh consumed or provide long-term operating cost reductions
3 ~~or significantly reduce Btu consumed.~~

4 9. Renewable energy systems, such as solar, biomass,
5 or wind systems.

6 10. Devices that reduce water consumption or sewer
7 charges.

8 11. Storage systems, such as fuel cells and thermal
9 storage.

10 12. Generating technologies, such as microturbines.

11 13. Any other repair, replacement, or upgrade of
12 existing equipment.

13 (c) "Energy cost savings" means a measured reduction
14 in the cost of fuel, energy consumption, and stipulated
15 operation and maintenance created from the implementation of
16 one or more energy conservation measures when compared with an
17 established baseline for the previous cost of fuel, energy
18 consumption, and stipulated operation and maintenance.

19 (d) "Guaranteed energy performance savings contract"
20 means a contract for the evaluation, recommendation, and
21 implementation of energy conservation measures or
22 energy-related operational savings measures, which, at a
23 minimum, shall include:

24 1. The design and installation of equipment to
25 implement one or more of such measures and, if applicable,
26 operation and maintenance of such measures.

27 2. The amount of any actual annual savings that meet
28 or exceed total annual contract payments made by the agency
29 for the contract and may include allowable cost avoidance. As
30 used in this section, allowable cost-avoidance calculations
31 include, but are not limited to, avoided provable budgeted

1 costs contained in a capital replacement plan less the current
2 undepreciated value of replaced equipment and the replacement
3 cost of the new equipment.

4 3. The finance charges incurred by the agency over the
5 life of the contract.

6 (e) "Guaranteed energy performance savings contractor"
7 means a person or business that is licensed under chapter 471,
8 chapter 481, or this chapter, and is experienced in the
9 analysis, design, implementation, or installation of energy
10 conservation measures through energy performance contracts.

11 (4) PROCEDURES.--

12 (a) An agency may enter into a guaranteed energy
13 performance savings contract with a guaranteed energy
14 performance savings contractor to ~~significantly~~ reduce energy
15 consumption or energy-related operating costs of an agency
16 facility through one or more energy conservation measures.

17 (b) Before design and installation of energy
18 conservation measures, the agency must obtain from a
19 guaranteed energy performance savings contractor a report that
20 summarizes the costs associated with the energy conservation
21 measures or energy-related operational cost savings measures
22 and provides an estimate of the amount of the ~~energy~~ cost
23 savings. The agency and the guaranteed energy performance
24 savings contractor may enter into a separate agreement to pay
25 for costs associated with the preparation and delivery of the
26 report; however, payment to the contractor shall be contingent
27 upon the report's projection of energy or operational cost
28 savings being equal to or greater than the total projected
29 costs of the design and installation of the report's energy
30 conservation measures.

31 (c) The agency may enter into a guaranteed energy

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1 performance savings contract with a guaranteed energy
 2 performance savings contractor if the agency finds that the
 3 amount the agency would spend on the energy conservation or
 4 energy-related cost saving measures will not likely exceed the
 5 amount of the energy or energy-related cost savings for up to
 6 20 years from the date of installation, based on the life
 7 cycle cost calculations provided in s. 255.255, if the
 8 recommendations in the report were followed and if the
 9 qualified provider or providers give a written guarantee that
 10 the energy or energy-related cost savings will meet or exceed
 11 the costs of the system. However, actual computed cost savings
 12 must meet or exceed the estimated cost savings provided in
 13 program approval. Baseline adjustments used in calculations
 14 must be specified in the contract. The contract may provide
 15 for installment payments for a period not to exceed 20 years.

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

22 (e) Before entering into a guaranteed energy
 23 performance savings contract, an agency must provide published
 24 notice of the meeting in which it proposes to award the
 25 contract, the names of the parties to the proposed contract,
 26 and the contract's purpose.

27 (f) A guaranteed energy performance savings contract
 28 may provide for financing, including tax exempt financing, by
 29 a third party. The contract for third party financing may be
 30 separate from the energy performance contract. A separate
 31 contract for third party financing pursuant to this paragraph

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1 must include a provision that the third party financier must
2 not be granted rights or privileges that exceed the rights and
3 privileges available to the guaranteed energy performance
4 savings contractor.

5 (g) Financing for guaranteed energy performance
6 savings contracts may be provided under the authority of s.
7 287.064.

8 (h)(g) In determining the amount the agency will
9 finance to acquire the energy conservation measures, the
10 agency may reduce such amount by the application of any grant
11 moneys, rebates, or capital funding available to the agency
12 for the purpose of buying down the cost of the guaranteed
13 energy performance savings contract. However, in calculating
14 the life cycle cost as required in paragraph (c), the agency
15 shall not apply any grants, rebates, or capital funding. The
16 Office of the Chief Financial Officer shall review proposals
17 to ensure that the most effective financing is being used.

18 (5) CONTRACT PROVISIONS.--

19 (a) A guaranteed energy performance savings contract
20 must include a written guarantee that may include, but is not
21 limited to the form of, a letter of credit, insurance policy,
22 or corporate guarantee by the guaranteed energy performance
23 savings contractor that annual energy cost savings will meet
24 or exceed the amortized cost of energy conservation measures.

25 (b) The guaranteed energy performance savings contract
26 must provide that all payments, except obligations on
27 termination of the contract before its expiration, may be made
28 over time, but not to exceed 20 years from the date of
29 complete installation and acceptance by the agency, and that
30 the annual savings are guaranteed to the extent necessary to
31 make annual payments to satisfy the guaranteed energy

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1 performance savings contract.

2 (c) The guaranteed energy performance savings contract
 3 must require that the guaranteed energy performance savings
 4 contractor to whom the contract is awarded provide a
 5 100-percent public construction bond to the agency for its
 6 faithful performance, as required by s. 255.05.

7 (d) The guaranteed energy performance savings contract
 8 may contain a provision allocating to the parties to the
 9 contract any annual energy cost savings that exceed the amount
 10 of the energy cost savings guaranteed in the contract.

11 (e) The guaranteed energy performance savings contract
 12 shall require the guaranteed energy performance savings
 13 contractor to provide to the agency an annual reconciliation
 14 of the guaranteed energy or energy-related cost savings. If
 15 the reconciliation reveals a shortfall in annual energy or
 16 energy-related cost savings, the guaranteed energy performance
 17 savings contractor is liable for such shortfall. If the
 18 reconciliation reveals an excess in annual ~~energy~~ cost
 19 savings, the excess savings may be allocated under paragraph
 20 (d) but may not be used to cover potential energy cost savings
 21 shortages in subsequent contract years.

22 (f) The guaranteed energy performance savings contract
 23 must provide for payments of not less than one-twentieth of
 24 the price to be paid within 2 years from the date of the
 25 complete installation and acceptance by the agency using
 26 straight-line amortization for the term of the loan, and the
 27 remaining costs to be paid at least quarterly, not to exceed a
 28 20-year term, based on life cycle cost calculations.

29 (g) The guaranteed energy performance savings contract
 30 may extend beyond the fiscal year in which it becomes
 31 effective; however, the term of any contract expires at the

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1 end of each fiscal year and may be automatically renewed
2 annually for up to 20 years, subject to the agency making
3 sufficient annual appropriations based upon continued realized
4 energy savings.

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

8 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
9 Department of Management Services, with the assistance of the
10 Office of the Chief Financial Officer, may, within available
11 resources, provide technical assistance to state agencies
12 contracting for energy conservation measures and engage in
13 other activities considered appropriate by the department for
14 promoting and facilitating guaranteed energy performance
15 contracting by state agencies. The Office of the Chief
16 Financial Officer, with the assistance of the Department of
17 Management Services, shall ~~may, within available resources,~~
18 develop model contractual and related documents for use by
19 state agencies. Prior to entering into a guaranteed energy
20 performance savings contract, any contract or lease for
21 third-party financing, or any combination of such contracts, a
22 state agency shall submit such proposed contract or lease to
23 the Office of the Chief Financial Officer for review and
24 approval that includes the following:-

25 (a) Supporting information required by s.
26 216.023(4)(a)9.

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

29 (c) Approval by agency head or designee.

30 (d) An agency measurement and verification plan to
31 monitor costs savings.

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1 (7) FUNDING REPORT.--For purposes of consolidated
2 financing of deferred payment commodity contracts under this
3 section by a state agency, the annualized amount of any such
4 contract must be supported from available recurring funds
5 appropriated to the agency in an appropriation category, as
6 defined in chapter 216, which the Chief Financial Officer has
7 determined is appropriate or which the Legislature has
8 designated for payment of the obligation incurred under this
9 section.

10
11 The Office of the Chief Financial Officer may not approve any
12 contract submitted under this section which does not meet the
13 requirements of this section.

14 Section 22. Section 366.93, Florida Statutes, is
15 amended to read:

16 366.93 Cost recovery for the siting, design,
17 licensing, and construction of nuclear and advanced technology
18 coal power plants.--

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

20 (a) "Advanced technology coal power plant" means an
21 electrical power plant as defined in s. 403.503 which uses
22 coal as a fuel and uses advanced technology that has the
23 potential for the capture of carbon.

24 (b)(a) "Cost" includes, but is not limited to, all
25 capital investments, including rate of return, any applicable
26 taxes, and all expenses, including operation and maintenance
27 expenses, related to or resulting from the siting, licensing,
28 design, construction, or operation of the nuclear or advanced
29 technology coal power plant.

30 (c)(b) "Electric utility" or "utility" has the same
31 meaning as that provided in s. 366.8255(1)(a).

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1 ~~(d)(c)~~ "Nuclear power plant" ~~or "plant"~~ is an
2 electrical power plant as defined in s. 403.503(13) which ~~s.~~
3 ~~403.503(12)~~ that uses nuclear materials for fuel.

4 (e) "Power plant" or "plant" means a nuclear power
5 plant or an advanced technology coal power plant.

6 ~~(f)(d)~~ "Preconstruction" is that period of time after
7 a site has been selected through and including the date the
8 utility completes site clearing work. Preconstruction costs
9 shall be afforded deferred accounting treatment and shall
10 accrue a carrying charge equal to the utility's allowance for
11 funds during construction (AFUDC) rate until recovered in
12 rates.

13 (2) Within 6 months after the enactment of this act,
14 the commission shall establish, by rule, alternative cost
15 recovery mechanisms for the recovery of costs incurred in the
16 siting, design, licensing, and construction of a nuclear or
17 advanced technology coal power plant. Such mechanisms shall be
18 designed to promote utility investment in nuclear or advanced
19 technology coal power plants and allow for the recovery in
20 rates of all prudently incurred costs, and shall include, but
21 are not limited to:

22 (a) Recovery through the capacity cost recovery clause
23 of any preconstruction costs.

24 (b) Recovery through an incremental increase in the
25 utility's capacity cost recovery clause rates of the carrying
26 costs on the utility's projected construction cost balance
27 associated with the nuclear or advanced technology coal power
28 plant. To encourage investment and provide certainty, for
29 nuclear or advanced technology coal power plant need petitions
30 submitted on or before December 31, 2010, associated carrying
31 costs shall be equal to the pretax AFUDC in effect upon this

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1 act becoming law. For nuclear or advanced technology coal
2 power plants for which need petitions are submitted after
3 December 31, 2010, the utility's existing pretax AFUDC rate is
4 presumed to be appropriate unless determined otherwise by the
5 commission in the determination of need for the nuclear or
6 advanced technology coal power plant.

7 (3) After a petition for determination of need is
8 granted, a utility may petition the commission for cost
9 recovery as permitted by this section and commission rules.

10 (4) When the nuclear or advanced technology coal power
11 plant is placed in commercial service, the utility shall be
12 allowed to increase its base rate charges by the projected
13 annual revenue requirements of the nuclear or advanced
14 technology coal power plant based on the jurisdictional annual
15 revenue requirements of the plant for the first 12 months of
16 operation. The rate of return on capital investments shall be
17 calculated using the utility's rate of return last approved by
18 the commission prior to the commercial inservice date of the
19 nuclear or advanced technology coal power plant. If any
20 existing generating plant is retired as a result of operation
21 of the nuclear or advanced technology coal power plant, the
22 commission shall allow for the recovery, through an increase
23 in base rate charges, of the net book value of the retired
24 plant over a period not to exceed 5 years.

25 (5) The utility shall report to the commission
26 annually the budgeted and actual costs as compared to the
27 estimated inservice cost of the nuclear or advanced technology
28 coal power plant provided by the utility pursuant to s.
29 403.519(4), until the commercial operation of the nuclear or
30 advanced technology coal power plant. The utility shall
31 provide such information on an annual basis following the

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1 final order by the commission approving the determination of
 2 need for the nuclear or advanced technology coal power plant,
 3 with the understanding that some costs may be higher than
 4 estimated and other costs may be lower.

5 (6) In the event the utility elects not to complete or
 6 is precluded from completing construction of the nuclear or
 7 advanced technology coal power plant, the utility shall be
 8 allowed to recover all prudent preconstruction and
 9 construction costs incurred following the commission's
 10 issuance of a final order granting a determination of need for
 11 the nuclear or advanced technology coal power plant. The
 12 utility shall recover such costs through the capacity cost
 13 recovery clause over a period equal to the period during which
 14 the costs were incurred or 5 years, whichever is greater. The
 15 unrecovered balance during the recovery period will accrue
 16 interest at the utility's weighted average cost of capital as
 17 reported in the commission's earnings surveillance reporting
 18 requirement for the prior year.

19 Section 23. Subsection (4) of section 403.519, Florida
 20 Statutes, is amended to read:

21 403.519 Exclusive forum for determination of need.--

22 (4) In making its determination on a proposed
 23 electrical power plant using nuclear materials as fuel or an
 24 advanced technology coal power plant, the commission shall
 25 hold a hearing within 90 days after the filing of the petition
 26 to determine need and shall issue an order granting or denying
 27 the petition within 135 days after the date of the filing of
 28 the petition. The commission shall be the sole forum for the
 29 determination of this matter and the issues addressed in the
 30 petition, which accordingly shall not be reviewed in any other
 31 forum, or in the review of proceedings in such other forum. In

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1 making its determination to either grant or deny the petition,
2 the commission shall consider the need for electric system
3 reliability and integrity, including fuel diversity, the need
4 for base-load generating capacity, and the need for adequate
5 electricity at a reasonable cost.

6 (a) The applicant's petition shall include:

7 1. A description of the need for the generation
8 capacity.

9 2. A description of how the proposed nuclear or
10 advanced technology coal power plant will enhance the
11 reliability of electric power production within the state by
12 improving the balance of power plant fuel diversity and
13 reducing Florida's dependence on fuel oil and natural gas.

14 3. A description of and a nonbinding estimate of the
15 cost of the nuclear or advanced technology coal power plant.

16 4. The annualized base revenue requirement for the
17 first 12 months of operation of the nuclear or advanced
18 technology coal power plant.

19 5. Information on whether there were any discussions
20 with any electric utilities regarding ownership of a portion
21 of the nuclear or advanced technology coal power plant by such
22 electric utilities.

23 (b) In making its determination, the commission shall
24 take into account matters within its jurisdiction, which it
25 deems relevant, including whether the nuclear or advanced
26 technology coal power plant will:

27 1. Provide needed base-load capacity.

28 2. Enhance the reliability of electric power
29 production within the state by improving the balance of power
30 plant fuel diversity and reducing Florida's dependence on fuel
31 oil and natural gas.

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1 3. Provide the most cost-effective source of power,
2 taking into account the need to improve the balance of fuel
3 diversity, reduce Florida's dependence on fuel oil and natural
4 gas, reduce air emission compliance costs, and contribute to
5 the long-term stability and reliability of the electric grid.

6 (c) No provision of rule 25-22.082, Florida
7 Administrative Code, shall be applicable to a nuclear or
8 advanced technology coal power plant sited under this act,
9 including provisions for cost recovery, and an applicant shall
10 not otherwise be required to secure competitive proposals for
11 power supply prior to making application under this act or
12 receiving a determination of need from the commission.

13 (d) The commission's determination of need for a
14 nuclear or advanced technology coal power plant shall create a
15 presumption of public need and necessity and shall serve as
16 the commission's report required by s. 403.507(4)(a). An order
17 entered pursuant to this section constitutes final agency
18 action. Any petition for reconsideration of a final order on a
19 petition for need determination shall be filed within 5 days
20 after the date of such order. The commission's final order,
21 including any order on reconsideration, shall be reviewable on
22 appeal in the Florida Supreme Court. Inasmuch as delay in the
23 determination of need will delay siting of a nuclear or
24 advanced technology coal power plant or diminish the
25 opportunity for savings to customers under the federal Energy
26 Policy Act of 2005, the Supreme Court shall proceed to hear
27 and determine the action as expeditiously as practicable and
28 give the action precedence over matters not accorded similar
29 precedence by law.

30 (e) After a petition for determination of need for a
31 nuclear or advanced technology coal power plant has been

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1 granted, the right of a utility to recover any costs incurred
2 prior to commercial operation, including, but not limited to,
3 costs associated with the siting, design, licensing, or
4 construction of the plant, shall not be subject to challenge
5 unless and only to the extent the commission finds, based on a
6 preponderance of the evidence adduced at a hearing before the
7 commission under s. 120.57, that certain costs were
8 imprudently incurred. Proceeding with the construction of the
9 nuclear or advanced technology coal power plant following an
10 order by the commission approving the need for the nuclear or
11 advanced technology coal power plant under this act shall not
12 constitute or be evidence of imprudence. Imprudence shall not
13 include any cost increases due to events beyond the utility's
14 control. Further, a utility's right to recover costs
15 associated with a nuclear or advanced technology coal power
16 plant may not be raised in any other forum or in the review of
17 proceedings in such other forum. Costs incurred prior to
18 commercial operation shall be recovered pursuant to chapter
19 366.

20 Section 24. The Department of Community Affairs shall,
21 on or before September 1, 2007, review and if warranted under
22 part VI of chapter 533, Florida Statutes, establish, by rule,
23 new or updated energy-conservation standards to improve the
24 energy efficiency of the following products: residential pool
25 pumps, pool heaters and spas, commercial and residential
26 appliances, and electronic equipment. If the department
27 determines that new or updated standards are not so warranted,
28 it shall, on or before September 1, 2007, provide a written
29 report to the Governor and Legislature describing in detail
30 the reason for its determination and, separately for each
31 product, the efficiency improvements considered for the

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1 product, the expected life of the product and each improvement
 2 considered, how much less electricity would be used in this
 3 state if the improvement were established as an energy
 4 conservation standard, the cost-effectiveness of each
 5 improvement considered, and the method used to determine cost
 6 effectiveness.

7 Section 25. Section 287.151, Florida Statutes, is
 8 amended to read:

9 287.151 Limitation on classes of motor vehicles
 10 procured.--

11 (1) All motor vehicles purchased or leased by the
 12 state with funds provided in the General Appropriations Act
 13 shall be of the subcompact class except vehicles used for law
 14 enforcement purposes by law enforcement officers of the state,
 15 used as tow vehicles, routinely used to transport more than
 16 three adults or bulk materials, or vehicles operated
 17 frequently on unpaved roads. All vehicles purchased shall be
 18 of the smallest class that can safely and adequately meet the
 19 transportation requirements.

20 (2) No funds in the General Appropriations Act shall
 21 be used to purchase any vehicle at prices in excess of the
 22 standard prices negotiated by the Department of Management
 23 Services.

24 (3) As used in this section, the term:

25 (a) "Hybrid vehicle" means a hybrid vehicle, as
 26 defined in s. 316.0741.

27 (b) "Flex-fuel vehicle" means a vehicle that:

28 1. Is designed to run on gasoline or a blend of up to
 29 85 percent ethanol (E85); and

30 2. Can be operated on a locally available supply of
 31 ethanol.

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1 (c) "Biodiesel vehicle" means a diesel vehicle that
2 runs on mono-alkyl esters of long chain fatty acids derived
3 from vegetable oils or animal fats which conform to ASTM D6751
4 specifications for use in diesel engines. Biodiesel refers to
5 the pure fuel before blending with diesel fuel. Biodiesel
6 blends are denoted as "BXX" with "XX," representing the
7 percentage of biodiesel contained in the blend. For example,
8 B100 is pure biodiesel and B20 is a blend of 20-percent
9 biodiesel and 80-percent petroleum diesel.

10 (4)(a) By July 1, 2008, at least 25 percent of all new
11 motor vehicles purchased in the prior 12 months by a state
12 agency, state university, or local government through any
13 state purchasing plan must be hybrid, flex-fuel, biodiesel, or
14 compressed natural gas vehicles if the type of vehicle being
15 purchased is available with such propulsion system and
16 otherwise meets the requirements for the vehicle's intended
17 use.

18 (b) By July 1, 2009, at least 50 percent of all new
19 motor vehicles purchased in the prior 12 months by a state
20 agency, state university, or local government through any
21 state purchasing plan must be hybrid, flex-fuel, biodiesel, or
22 compressed natural gas vehicles if the type of vehicle being
23 purchased is available with such propulsion system and
24 otherwise meets the requirements for the vehicle's intended
25 use.

26 (c) By July 1, 2010, at least 75 percent of all new
27 motor vehicles purchased in the prior 12 months by a state
28 agency, state university, or local government through any
29 state purchasing plan must be hybrid, flex-fuel, biodiesel, or
30 compressed natural gas vehicles if the type of vehicle being
31 purchased is available with such propulsion system and

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1 otherwise meets the requirements for the vehicle's intended
2 use.

3 (d) By July 1, 2011, at least 90 percent of all new
4 motor vehicles purchased in the prior 12 months by a state
5 agency, state university, or local government through any
6 state purchasing plan must be hybrid, flex-fuel, biodiesel, or
7 compressed natural gas vehicles if the type of vehicle being
8 purchased is available with such propulsion system and
9 otherwise meets the requirements for the vehicle's intended
10 use.

11 (e) Any new motor vehicle purchased after July 1,
12 2011, by a state agency, state university, or local government
13 through any state purchasing plan must be a hybrid, flex-fuel,
14 biodiesel, or compressed natural gas vehicle if the type of
15 vehicle being purchased is available with such propulsion
16 system and otherwise meets the requirements for the vehicle's
17 intended use.

18 Section 26. For the 2007-2008 fiscal year, the sum of
19 \$65,763 is appropriated from the General Revenue Fund to the
20 Department of Revenue for the purpose of administering the
21 energy-efficient products sales tax holiday.

22 Section 27. Except as otherwise expressly provided in
23 this act, this act shall take effect upon becoming a law.

24
25

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

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29

30 and insert:

31 A bill to be entitled

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1 An act relating to energy; creating s.
2 288.10894, F.S.; creating the Florida
3 Alternative Energy Center; providing
4 legislative findings; providing definitions;
5 requiring that the center comply with
6 public-meetings and public-records laws;
7 providing for the organization, purpose, and
8 duties of the center; providing for the
9 membership of the board of directors of the
10 center; requiring the disclosure of financial
11 interests by board members; requiring an annual
12 report; creating s. 288.10895, F.S.; creating
13 the Alternative Energy Incentive Program for
14 the purpose of encouraging economic development
15 and research; providing definitions; providing
16 for the program to be operated by the Florida
17 Alternative Energy Center; providing the
18 qualification criteria for a business to
19 receive an award under the program; providing a
20 grant-application process and requirements for
21 such application; providing for an evaluation
22 and award process; requiring that the center
23 validate the performance of projects funded
24 under the program; amending s. 377.703, F.S.;
25 deleting provisions requiring that the
26 Department of Environmental Protection conduct
27 energy research and development, plan for the
28 development of renewable energy resources,
29 promote the development and use of renewable
30 energy resources, and create a database of all
31 energy programs in the state; providing a sales

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1 tax holiday for energy-efficient products;
2 amending s. 212.08, F.S.; increasing the
3 limitation on a tax exemption for materials
4 used in the distribution of biodiesel and
5 ethanol; clarifying the definition of the term
6 "ethanol"; requiring the Florida Alternative
7 Energy Center rather than the Department of
8 Environmental Protection to certify eligibility
9 for the sales tax exemption for equipment,
10 technology, and other materials for renewable
11 energy; amending s. 213.053, F.S.; providing
12 for the Department of Revenue to provide
13 information to the Florida Alternative Energy
14 Center rather than the Department of
15 Environmental Protection for purposes of
16 administering the sales tax exemption and the
17 corporate income tax credit; amending s.
18 220.192, F.S.; requiring the Florida
19 Alternative Energy Center rather than the
20 Department of Environmental Protection to
21 determine eligibility for the corporate income
22 tax credits for investments in renewable energy
23 technologies; amending s. 377.803, F.S.;
24 defining the term "center" for purposes of the
25 Florida Florida Renewable Energy Technologies
26 and Energy Efficiency Act; amending s. 377.804,
27 F.S.; providing for the Florida Alternative
28 Energy Center rather than the Department of
29 Environmental Protection to administer the
30 Renewable Energy Technologies Grants Program;
31 amending s. 377.806, F.S.; requiring the

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1 Florida Alternative Energy Center rather than
2 the Department of Environmental Protection to
3 administer the Solar Energy Incentives Program;
4 creating s. 366.915, F.S.; creating the Florida
5 Advanced Energy Portfolio Standard Act;
6 providing legislative findings; providing
7 definitions; requiring public utilities to sell
8 a minimum amount of renewable energy;
9 authorizing the Public Service Commission to
10 adopt rules; amending s. 366.91, F.S.;

11 redefining the term "renewable energy";
12 creating s. 366.925, F.S.; providing a short
13 title; directing the Public Service Commission
14 to develop rules requiring all public utilities
15 to develop net-metering programs; providing for
16 a customer to receive credit for electricity
17 generated by renewable energy systems owned by
18 the customer; directing the commission to adopt
19 rules setting the standards that renewable
20 energy systems must meet in order for customers
21 to qualify for the program; requiring every
22 wholesaler of diesel fuel to a marina within
23 the state to offer biodiesel for sale; creating
24 s. 403.0874, F.S.; requiring the Department of
25 Environmental Protection to conduct an
26 inventory of greenhouse gas emissions; amending
27 s. 366.04, F.S.; authorizing the Public Service
28 Commission to review and approve an asset
29 transfer or a merger or combination between a
30 public utility and another entity; authorizing
31 the commission to adopt rules; creating s.

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1 212.086, F.S.; providing a financial incentive
2 for the purchase of an alternative motor
3 vehicle; providing that any person who
4 purchases an alternative motor vehicle from a
5 sales tax dealer is eligible for a refund of
6 the sales tax paid; requiring that the
7 alternative motor vehicle be certified under
8 the Internal Revenue Code of 1986, as amended,
9 as a new qualified hybrid motor vehicle, new
10 qualified alternative fuel motor vehicle, new
11 qualified fuel cell motor vehicle, or new
12 advanced lean-burn technology motor vehicle;
13 requiring that an application for refund be
14 filed with the Department of Revenue; providing
15 that the total dollar amount of refunds is
16 limited to the total amount of appropriations
17 in any fiscal year; authorizing a request for a
18 refund to be held for payment in the following
19 fiscal year under certain circumstances;
20 requiring the department to adopt rules;
21 providing for future repeal of the program;
22 amending s. 255.252, F.S.; requiring an
23 inventory of state-owned buildings and an
24 energy efficiency project schedule for
25 guaranteed energy-performance savings contract
26 improvements; amending s. 287.063, F.S.;
27 requiring that the term of payment for
28 consolidated equipment finance contracts may
29 not extend beyond the anticipated useful life
30 of the equipment financed; deleting the
31 requirement that the Chief Financial Officer

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1 establish criteria that prohibits a state
2 agency from obligating an annualized amount of
3 payments for certain deferred payment
4 purchases; amending s. 287.064, F.S.; extending
5 the period of time allowed for repayment of
6 funds under the guaranteed energy-performance
7 savings contract; amending s. 489.145, F.S.;
8 clarifying certain definitions; providing
9 additional requirements for a state agency to
10 enter into a guaranteed energy-performance
11 savings contract; providing for financing of
12 contracts related to guaranteed
13 energy-performance savings; requiring the
14 Department of Financial Services to review
15 proposals to ensure that the most effective
16 financing is used; requiring the Office of the
17 Chief Financial Officer to develop model
18 contractual and related documents; requiring
19 that contracts or leases submitted by a state
20 agency to the Office of Chief Financial Officer
21 meet certain criteria; amending s. 366.93,
22 F.S.; revising definitions related to certain
23 power plants to include advanced technology
24 coal power plants; requiring the Public Service
25 Commission to implement rules related to cost
26 recovery for advanced technology coal power
27 plants; requiring a report; amending s.
28 403.519, F.S.; providing requirements and
29 procedures for determination of need for
30 advanced technology coal power plants;
31 providing an exemption from purchased power

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1 supply bid rules under certain circumstances;
2 requiring a study, rulemaking, and a report by
3 the Department of Community Affairs; amending
4 s. 287.151, F.S.; providing definitions;
5 providing a schedule of deadlines by which
6 certain percentages of the vehicles purchased
7 by a state agency, state university, or local
8 government within the 12 months immediately
9 preceding each deadline must be hybrid,
10 flex-fuel, biodiesel, or compressed natural gas
11 vehicles; providing that all vehicles purchased
12 by such entities after July 1, 2011, must be
13 hybrid, flex-fuel, biodiesel, or compressed
14 natural gas vehicles; providing an
15 appropriation; providing effective dates.

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