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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation
 2 (Saunders) recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Section 112.219, Florida Statutes, is created
 8 to read:

9 112.219 Public employee telecommuting programs.--

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

11 (a) "Public employing entity" or "entity" means any state
 12 government administrative unit listed in chapter 20 or the State
 13 Constitution, including water management districts, the Senate,
 14 the House of Representatives, the state courts system, the State
 15 University System, the Community College System, or any other

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16 agency, commission, council, office, board, authority,
17 department, or official of state government.

18 (b) "Telecommuting" means a work arrangement whereby
19 selected public employees are allowed to perform the normal
20 duties and responsibilities of their positions through the use
21 of computers or telecommunications while at home or another
22 place apart from the employees' usual place of work.

23 (c) "Qualified telecommuting employee" means an employee
24 who is selected for the telecommuting program, based on the
25 requirements of his or her employment position and his or her
26 ability to perform assigned work at an offsite location, and who
27 meets the following criteria:

28 1. The employee has demonstrated an ability to complete
29 his or her assigned work with minimal supervision;

30 2. The job classification, workload characteristics, or
31 position of the employee has been identified by the public
32 employing entity as appropriate for telecommuting; and

33 3. The employee is not under a performance-improvement
34 plan or disciplinary action that indicates a need for close
35 supervision of his or her assigned work.

36 (d) "Telecommuting schedule" means the work schedule of a
37 qualified telecommuting employee indicating the days each week,
38 or weeks each month, that the employee will be telecommuting and
39 those days or weeks that the employee will be at the onsite work
40 location. The schedule must be composed in such a way that the
41 employee's work location for any given day is readily
42 ascertainable. Occasional variations from the schedule are
43 acceptable based on the needs of the entity and the ability of



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44 the employee to accomplish assigned state business.

45 (e) "Telecommuting site" means the location of the
46 qualified telecommuting employee during the hours his or her
47 telecommuting schedule indicates he or she is telecommuting.

48 (f) "Onsite work location" means the office or location
49 that a public employing entity normally provides for its
50 qualified telecommuting employee.

51 (2) Each public employing entity shall:

52 (a) Establish and coordinate the public employee
53 telecommuting program and administer this section for its own
54 employees.

55 (b) Appoint an organization-wide telecommuting coordinator
56 to promote telecommuting and provide technical assistance within
57 the entity.

58 (c) Identify employees who are participating in the
59 telecommuting program and their job classifications through its
60 respective personnel or payroll information management system.

61 (3) By September 30, 2009, each employing public entity
62 shall complete a telecommuting plan that includes a current
63 listing of the job classifications and positions that the entity
64 considers appropriate for telecommuting. The proposed
65 telecommuting plan must give equal consideration to civil
66 service and exempt positions in the selection of employees to
67 participate in the telecommuting program. The telecommuting plan
68 must also:

69 (a) Provide measurable financial benefits associated with
70 reduced requirements for office space, reductions in energy
71 consumption, and reductions in associated emissions of



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72 greenhouse gases resulting from telecommuting. Employing public
73 entities operating in office space that is owned or managed by
74 the Department of Management Services shall consult the
75 facilities program in order to ensure its consistency with the
76 strategic leasing plan required under s. 255.249(3)(b).

77 (b) Provide that an employee's participation in a
78 telecommuting program will not adversely affect his or her
79 eligibility for advancement or any other employment rights or
80 benefits.

81 (c) Provide that participation by an employee in a
82 telecommuting program is voluntary, and that the employee may
83 elect to cease to participate in the telecommuting program at
84 any time.

85 (d) Allow for the termination of an employee's
86 participation in the program if the employee's continued
87 participation would not be in the best interests of the public
88 employing entity.

89 (e) Provide that an employee may not participate in the
90 program if the employee is under a performance-improvement plan.

91 (f) Ensure that employees participating in the program are
92 subject to the same rules regarding attendance, leave,
93 performance reviews, and separation action as are other
94 employees.

95 (g) Establish the reasonable conditions that the public
96 employing entity will impose in order to ensure the appropriate
97 use and maintenance of any equipment or items provided for use
98 at a qualified telecommuting employee's telecommuting site,
99 including the installation and maintenance of any telephone

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100 equipment and ongoing communications services at the
101 telecommuting site which must be used only for official
102 purposes.

103 (h) Prohibit public maintenance of an employee's personal
104 equipment used in telecommuting, including any liability for
105 personal equipment and costs for personal utility expenses
106 associated with telecommuting.

107 (i) Describe the security controls that the entity
108 considers appropriate for use at the telecommuting site.

109 (j) Provide that qualified telecommuting employees are
110 covered by workers' compensation under chapter 440 when
111 performing official duties at an alternate worksite, such as the
112 home.

113 (k) Prohibit employees engaged in a telecommuting program
114 from conducting face-to-face state business at the telecommuting
115 site.

116 (l) Require a written agreement specifying the terms and
117 conditions of telecommuting, including verification by the
118 employee that the telecommuting site provides work space that is
119 free of safety and fire hazards, together with an agreement that
120 holds the state harmless against all claims, excluding workers'
121 compensation claims, resulting from an employee working in the
122 telecommuting site. The agreement must be signed and agreed to
123 by the qualified telecommuting employee and the supervisor.

124 (4) The telecommuting plan for each public employing
125 entity, and pertinent supporting documents, shall be posted on
126 the entity's website to allow access by employees and the
127 public.

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128 Section 2. Subsection (3) of section 186.007, Florida
129 Statutes, is amended to read:

130 186.007 State comprehensive plan; preparation; revision.--

131 (3) In the state comprehensive plan, the Executive Office
132 of the Governor may include goals, objectives, and policies
133 related to the following program areas: economic opportunities;
134 agriculture; employment; public safety; education; energy;
135 global climate change; health concerns; social welfare concerns;
136 housing and community development; natural resources and
137 environmental management; recreational and cultural
138 opportunities; historic preservation; transportation; and
139 governmental direction and support services.

140 Section 3. Section 193.804, Florida Statutes, is created
141 to read:

142 193.804 Assessment of solar energy devices.--

143 (1) If a taxpayer adds any solar energy device to his or
144 her homestead, the value of the solar energy device shall not be
145 added to the assessed value of the property for purposes of
146 property taxes. A taxpayer claiming the right to a solar energy
147 device assessment for ad valorem taxes shall so state in a
148 return filed as provided by law giving a brief description of
149 the device. The property appraiser may require the taxpayer to
150 produce such additional evidence as may be necessary to prove
151 the taxpayer's right to have the property subject to a solar
152 energy device assessment.

153 (2) If a property appraiser questions whether a taxpayer
154 is entitled, in whole or in part, to a solar energy device
155 assessment under this section, he or she may refer the matter to

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156 the Department of Environmental Protection for a recommendation.
157 If the property appraiser refers the matter, he or she shall
158 notify the taxpayer of such action. The Department of
159 Environmental Protection shall immediately consider whether the
160 taxpayer is entitled to the solar energy device assessment and
161 certify its recommendation to the property appraiser.

162 (3) The Department of Environmental Protection shall adopt
163 rules to administer the solar energy device assessment
164 provisions of this section.

165 Section 4. Paragraph (ccc) of subsection (7) of section
166 212.08, Florida Statutes, is amended to read:

167 212.08 Sales, rental, use, consumption, distribution, and
168 storage tax; specified exemptions.--The sale at retail, the
169 rental, the use, the consumption, the distribution, and the
170 storage to be used or consumed in this state of the following
171 are hereby specifically exempt from the tax imposed by this
172 chapter.

173 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
174 entity by this chapter do not inure to any transaction that is
175 otherwise taxable under this chapter when payment is made by a
176 representative or employee of the entity by any means,
177 including, but not limited to, cash, check, or credit card, even
178 when that representative or employee is subsequently reimbursed
179 by the entity. In addition, exemptions provided to any entity by
180 this subsection do not inure to any transaction that is
181 otherwise taxable under this chapter unless the entity has
182 obtained a sales tax exemption certificate from the department
183 or the entity obtains or provides other documentation as

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184 required by the department. Eligible purchases or leases made
185 with such a certificate must be in strict compliance with this
186 subsection and departmental rules, and any person who makes an
187 exempt purchase with a certificate that is not in strict
188 compliance with this subsection and the rules is liable for and
189 shall pay the tax. The department may adopt rules to administer
190 this subsection.

191 (ccc) Equipment, machinery, and other materials for
192 renewable energy technologies.--

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

194 a. "Biodiesel" means the mono-alkyl esters of long-chain
195 fatty acids derived from plant or animal matter for use as a
196 source of energy and meeting the specifications for biodiesel
197 and biodiesel blends with petroleum products as adopted by the
198 Department of Agriculture and Consumer Services. Biodiesel may
199 refer to biodiesel blends designated BXX, where XX represents
200 the volume percentage of biodiesel fuel in the blend.

201 b. "Ethanol" means an ~~nominally~~ anhydrous denatured
202 alcohol produced by the conversion of carbohydrates ~~fermentation~~
203 ~~of plant sugars~~ meeting the specifications for fuel ethanol and
204 fuel ethanol blends with petroleum products as adopted by the
205 Department of Agriculture and Consumer Services. Ethanol may
206 refer to fuel ethanol blends designated EXX, where XX represents
207 the volume percentage of fuel ethanol in the blend.

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



211 d. "Wind energy" or "wind turbines" means rotary
212 mechanical equipment that uses wind to produce at least 10kW of
213 electrical energy.

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

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

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

223 c. Materials used in the distribution of biodiesel (B10-
224 B100) and ethanol (E10-E100), including fueling infrastructure,
225 transportation, and storage, up to a limit of \$1 million in tax
226 each state fiscal year for all taxpayers. Gasoline fueling
227 station pump retrofits for ethanol (E10-E100) distribution
228 qualify for the exemption provided in this sub-subparagraph.

229 d. Wind turbines, up to a limit of \$1 million in tax each
230 state fiscal year for all taxpayers.

231 3. The Department of Environmental Protection shall
232 provide to the department a list of items eligible for the
233 exemption provided in this paragraph.

234 4.a. The exemption provided in this paragraph shall be
235 available to a purchaser only through a refund of previously
236 paid taxes. Only the initial purchase of an eligible item from
237 the manufacturer is subject to refund. A purchaser who has
238 received a refund on an eligible item must notify any subsequent



239 purchaser of the item that the item is no longer eligible for a
240 refund of tax paid. This notification must be provided to the
241 subsequent purchaser on the sales invoice or other proof of
242 purchase.

243 b. To be eligible to receive the exemption provided in
244 this paragraph, a purchaser shall file an application with the
245 Department of Environmental Protection. The application shall be
246 developed by the Department of Environmental Protection, in
247 consultation with the department, and shall require:

248 (I) The name and address of the person claiming the
249 refund.

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

253 (III) The sales invoice or other proof of purchase showing
254 the amount of sales tax paid, the date of purchase, and the name
255 and address of the sales tax dealer from whom the property was
256 purchased.

257 (IV) A sworn statement that the information provided is
258 accurate and that the requirements of this paragraph have been
259 met.

260 c. Within 30 days after receipt of an application, the
261 Department of Environmental Protection shall review the
262 application and shall notify the applicant of any deficiencies.
263 Upon receipt of a completed application, the Department of
264 Environmental Protection shall evaluate the application for
265 exemption and issue a written certification that the applicant
266 is eligible for a refund or issue a written denial of such

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267 certification within 60 days after receipt of the application.
268 The Department of Environmental Protection shall provide the
269 department with a copy of each certification issued upon
270 approval of an application.

271 d. Each certified applicant shall be responsible for
272 forwarding a certified copy of the application and copies of all
273 required documentation to the department within 6 months after
274 certification by the Department of Environmental Protection.

275 e. The provisions of s. 212.095 do not apply to any refund
276 application made pursuant to this paragraph. A refund approved
277 pursuant to this paragraph shall be made within 30 days after
278 formal approval by the department.

279 f. The Department of Environmental Protection may adopt by
280 rule the form for the application for a certificate,
281 requirements for the content and format of information submitted
282 to the Department of Environmental Protection in support of the
283 application, other procedural requirements, and criteria by
284 which the application will be determined. The department may
285 adopt all other rules pursuant to ss. 120.536(1) and 120.54 to
286 administer this paragraph, including rules establishing
287 additional forms and procedures for claiming this exemption.

288 g. The Department of Environmental Protection shall be
289 responsible for ensuring that the total amounts of the
290 exemptions authorized do not exceed the limits as specified in
291 subparagraph 2.

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

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295 6. This paragraph expires July 1, 2010, except as it
296 relates to wind turbines. The provisions of this paragraph
297 relating to wind turbines expire July 1, 2012.

298 Section 5. Subsections (1), (2), and (6) of section
299 220.192, Florida Statutes, are amended to read:

300 220.192 Renewable energy technologies investment tax
301 credit.--

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

303 (a) "Biodiesel" means biodiesel as defined in s.

304 212.08(7)(ccc).

305 (b) "Eligible costs" means:

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

314 2. Seventy-five percent of all capital costs, operation
315 and maintenance costs, and research and development costs
316 incurred between July 1, 2006, and June 30, 2010, up to a limit
317 of \$1.5 million per state fiscal year for all taxpayers, and
318 limited to a maximum of \$12,000 per fuel cell, in connection
319 with an investment in commercial stationary hydrogen fuel cells
320 in the state, including, but not limited to, the costs of
321 constructing, installing, and equipping such technologies in the
322 state.

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323 3. Seventy-five percent of all capital costs, operation
324 and maintenance costs, and research and development costs
325 incurred between July 1, 2006, and June 30, 2010, up to a limit
326 of \$14 ~~\$6.5~~ million per state fiscal year for all taxpayers, in
327 connection with an investment in the production, storage, and
328 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
329 the state, including the costs of constructing, installing, and
330 equipping such technologies in the state. Gasoline fueling
331 station pump retrofits for ethanol (E10-E100) distribution
332 qualify as an eligible cost under this subparagraph.

333 4. Seventy-five percent of all capital costs, operation
334 and maintenance costs, and research and development costs
335 incurred between July 1, 2008, and June 30, 2012, up to a limit
336 of \$9 million per state fiscal year for all taxpayers, in
337 connection with an investment in the production of wind energy.

338 (c) "Ethanol" means ethanol as defined in s.
339 212.08(7)(ccc).

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

342 (e) "Wind energy" or "wind turbine" has the same meaning
343 as in s. 212.08(7)(ccc).

344 (2) TAX CREDIT.--

345 (a) For tax years beginning on or after January 1, 2007, a
346 credit against the tax imposed by this chapter shall be granted
347 in an amount equal to the eligible costs. Credits may be used in
348 tax years beginning January 1, 2007, and ending December 31,
349 2010, after which the credit shall expire. If the credit is not
350 fully used in any one tax year because of insufficient tax

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351 liability on the part of the corporation, the unused amount may
352 be carried forward and used in tax years beginning January 1,
353 2007, and ending December 31, 2012, after which the credit
354 carryover expires and may not be used. A taxpayer that files a
355 consolidated return in this state as a member of an affiliated
356 group under s. 220.131(1) may be allowed the credit on a
357 consolidated return basis up to the amount of tax imposed upon
358 the consolidated group. Any eligible cost for which a credit is
359 claimed and which is deducted or otherwise reduces federal
360 taxable income shall be added back in computing adjusted federal
361 income under s. 220.13.

362 1. For tax years beginning on or after January 1, 2009, a
363 credit against the tax imposed by this chapter shall be granted
364 in an amount equal to the eligible costs related to wind energy.
365 Credits may be used in tax years beginning January 1, 2009, and
366 ending December 31, 2012, after which period the credit expires.
367 If the credit is not fully used in any one tax year because of
368 insufficient tax liability on the part of the corporation, the
369 unused amount may be carried forward and used in tax years
370 beginning January 1, 2009, and ending December 31, 2014, after
371 which period the credit carryover expires and may not be used.

372 2. A taxpayer who files a consolidated return in this
373 state as a member of an affiliated group under s. 220.131(1) may
374 be allowed the credit on a consolidated return basis up to the
375 amount of tax imposed upon the consolidated group. Any eligible
376 cost for which a credit is claimed and which is deducted or
377 otherwise reduces federal taxable income shall be added back
378 when computing adjusted federal income under s. 220.13.

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379 (b) A corporation and a subsequent transferee allowed the
380 tax credit may transfer the tax credit, in whole or in part, to
381 any taxpayer by written agreement, without transferring any
382 ownership interest in the property generating the tax credit or
383 any interest in the entity that owns the property. A transferee
384 is entitled to apply the credits against the tax, and such
385 transfer has the same effect as if the transferee had incurred
386 the eligible costs.

387 1. To perfect the transfer, the transferor must provide a
388 written transfer statement providing notice to the Department of
389 Revenue of the assignor's intent to transfer the tax credits to
390 the assignee; the date the transfer is effective; the assignee's
391 name, address, federal taxpayer identification number, and tax
392 period; and the amount of tax credits to be transferred. The
393 Department of Revenue shall issue, upon receipt of a transfer
394 statement conforming to the requirements of this section, a
395 certificate to the assignee reflecting the tax credit amounts
396 transferred, a copy of which shall be attached to each tax
397 return by an assignee in which such tax credits are used.

398 2. Tax credits derived by such entities treated as
399 corporations under this section which are not transferred by
400 such entities to other taxpayers under this subsection must be
401 passed through to the taxpayers designated as partners, members,
402 or owners, respectively, in any manner agreed to by such
403 persons, whether or not the persons are allocated or allowed any
404 portion of the federal energy tax credit with respect to the
405 eligible costs.

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406 (6) RULES.--The Department of Revenue may ~~shall have the~~
407 ~~authority to~~ adopt rules relating to:

408 (a) The forms required to claim a tax credit under this
409 section, the requirements and basis for establishing an
410 entitlement to a credit, and the examination and audit
411 procedures required to administer this section.

412 (b) The implementation and administration of the
413 provisions allowing a transfer of tax credits, including rules
414 prescribing forms, reporting requirements, and the specific
415 procedures, guidelines, and requirements necessary for a tax
416 credit to be transferred.

417 Section 6. Paragraphs (f) and (g) are added to subsection
418 (2) and paragraphs (j) and (k) are added to subsection (3) of
419 section 220.193, Florida Statutes, to read:

420 220.193 Florida renewable energy production credit.--

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

422 (f) "Sale" or "sold" means the use of electricity by the
423 producer of such electricity which decreases the amount of
424 electricity that the producer would otherwise have to purchase.

425 (g) "Taxpayer" includes a general partnership, limited
426 partnership, limited liability company, trust, or other
427 artificial entity in which a corporation, as defined in s.
428 220.03(1)(e), owns an interest and is taxed as a partnership or
429 is disregarded as a separate entity from the corporation under
430 chapter 220.

431 (3) An annual credit against the tax imposed by this
432 section shall be allowed to a taxpayer, based on the taxpayer's
433 production and sale of electricity from a new or expanded

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434 Florida renewable energy facility. For a new facility, the
435 credit shall be based on the taxpayer's sale of the facility's
436 entire electrical production. For an expanded facility, the
437 credit shall be based on the increases in the facility's
438 electrical production that are achieved after May 1, 2006.

439 (j) A credit authorized by this section shall be
440 attributed to a corporation according to its proportional
441 ownership interest in a taxpayer. In addition to the authority
442 granted to the department in subsection (4), the department may
443 adopt rules and forms to implement this subsection, including
444 specific procedures and guidelines for notifying the department
445 that a credit is attributed to a corporation and for a
446 corporation to claim such credit.

447 (k) A taxpayer's use of the credit granted pursuant to
448 this section does not reduce the amount of any credit available
449 to such taxpayer under s. 220.186.

450 Section 7. Paragraph (d) of subsection (3) of section
451 255.249, Florida Statutes, is amended to read:

452 255.249 Department of Management Services; responsibility;
453 department rules.--

454 (3)

455 (d) By June 30 of each year, each state agency shall
456 annually provide to the department all information regarding
457 agency programs affecting the need for or use of space by that
458 agency, reviews of lease-expiration schedules for each
459 geographic area, active and planned full-time equivalent data,
460 business case analyses related to consolidation plans by an
461 agency, telecommuting plans, and current occupancy and

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462 relocation costs, inclusive of furnishings, fixtures and
463 equipment, data, and communications.

464 Section 8. Section 255.251, Florida Statutes, is amended
465 to read:

466 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
467 Act; short title.--Sections 255.251-255.258 may ~~This act shall~~
468 be cited as the "Florida Energy Conservation and Sustainable ~~in~~
469 Buildings Act ~~of 1974.~~"

470 Section 9. Section 255.252, Florida Statutes, is amended
471 to read:

472 255.252 Findings and intent.--

473 (1) Operating and maintenance expenditures associated with
474 energy equipment and with energy consumed in state-financed and
475 leased buildings represent a significant cost over the life of a
476 building. Energy conserved by appropriate building design not
477 only reduces the demand for energy but also reduces costs for
478 building operation. ~~For example, commercial buildings are~~
479 ~~estimated to use from 20 to 80 percent more energy than would be~~
480 ~~required if energy-conserving designs were used.~~ The size,
481 design, orientation, and operability of windows, the ratio of
482 ventilating air to air heated or cooled, the level of lighting
483 consonant with space-use requirements, the handling of occupancy
484 loads, and the ability to zone off areas not requiring
485 equivalent levels of heating or cooling are but a few of the
486 considerations necessary to conserving energy.

487 (2) Significant efforts are needed to build energy-
488 efficient state-owned buildings that meet environmental
489 standards and ~~underway by the General Services Administration,~~

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490 ~~the National Institute of Standards and Technology, and others~~
491 ~~to detail the considerations and practices for energy~~
492 ~~conservation in buildings. Most important is that energy-~~
493 ~~efficient designs provide energy savings over the life of the~~
494 ~~building structure. Conversely, energy-inefficient designs cause~~
495 ~~excess and wasteful energy use and high costs over that life.~~
496 With buildings lasting many decades and with energy costs
497 escalating rapidly, it is essential that the costs of operation
498 and maintenance for energy-using equipment and sustainable
499 materials be included in all design proposals for state-owned
500 state buildings.

501 (3) In order that such energy-efficiency and sustainable
502 materials considerations become a function of building design,
503 and also a model for future application in the private sector,
504 it shall be the policy of the state that buildings constructed
505 and financed by the state be designed and constructed in
506 accordance with the United States Green Building Council (USGBC)
507 Leadership in Energy and Environmental Design (LEED) rating
508 system, with a goal of meeting the Platinum level rating, the
509 Green Building Initiative's Green Globes rating system, or the
510 Florida Green Building Coalition standards ~~in a manner which~~
511 ~~will minimize the consumption of energy used in the operation~~
512 ~~and maintenance of such buildings.~~ It is further the policy of
513 the state, when economically feasible, to retrofit existing
514 state-owned buildings in a manner that ~~which~~ will minimize the
515 consumption of energy used in the operation and maintenance of
516 such buildings.

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517 (4) In addition to designing and constructing new
518 buildings to be energy-efficient, it shall be the policy of the
519 state to operate, maintain, and renovate existing state
520 facilities, or provide for their renovation, in accordance with
521 the United States Green Building Council's Leadership in Energy
522 and Environmental Design for Existing Buildings (LEED-EB) for
523 smaller renovations, or the United States Green Building
524 Council's Leadership in Energy and Environmental Design for New
525 Construction (LEED-NC) for major renovations, with a goal of
526 achieving the Platinum level rating, the Green Building
527 Initiative's Green Globes rating system, or the Florida Green
528 Building Coalition standards in order to ~~in a manner which will~~
529 minimize energy consumption and maximize building sustainability
530 as well as ensure that facilities leased by the state are
531 operated so as to minimize energy use. State government entities
532 ~~Agencies~~ are encouraged to consider shared savings financing of
533 such energy efficiency and conservation projects, using
534 contracts which split the resulting savings for a specified
535 period of time between the state government entity ~~agency~~ and
536 the private firm or cogeneration contracts which otherwise
537 permit the state to lower its net energy costs. Such energy
538 contracts may be funded from the operating budget.

539 (5) Each state government entity occupying space within
540 buildings owned or managed by the Department of Management
541 Services must identify and compile a list of projects determined
542 to be suitable for a guaranteed energy performance savings
543 contract pursuant to s. 489.145. The list of projects compiled
544 by each state government entity shall be submitted to the

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545 Department of Management Services by December 31, 2008, and must
546 include all criteria used to determine suitability. The list of
547 projects shall be developed from the list of state-owned
548 facilities greater than 5,000 square feet in area and for which
549 the state government entity is responsible for paying the
550 expenses of utilities and other operating expenses as they
551 relate to energy use. In consultation with each state government
552 entity executive officer, by July 1, 2009, the department shall
553 prioritize all projects deemed suitable by each state government
554 entity and shall develop an energy efficiency project schedule
555 based on factors such as project magnitude, efficiency and
556 effectiveness of energy conservation measures to be implemented,
557 and other factors that may prove to be advantageous to pursue.
558 The schedule shall provide the deadline for improvements to be
559 made to state-owned buildings under a guaranteed energy
560 performance savings contract.

561 Section 10. Section 255.253, Florida Statutes, is amended
562 to read:

563 255.253 Definitions; ss. 255.251-255.258.--

564 (1) "Department" means the Department of Management
565 Services.

566 (2) "Facility" means a building or other structure.

567 (3) "Energy performance index or indices" (EPI) means a
568 number describing the energy requirements at the building
569 boundary of a facility, per square foot of floor space or per
570 cubic foot of occupied volume, as appropriate under defined
571 internal and external ambient conditions over an entire seasonal
572 cycle. As experience develops on the energy performance achieved

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573 with state building, the indices (EPI) will serve as a measure
574 of building performance with respect to energy consumption.

575 (4) "Life-cycle costs" means the cost of owning,
576 operating, and maintaining the facility over the life of the
577 structure. This may be expressed as an annual cost for each year
578 of the facility's use.

579 (5) "Shared savings financing" means the financing of
580 energy conservation measures and maintenance services through a
581 private firm which may own any purchased equipment for the
582 duration of a contract, which may ~~shall~~ not exceed 10 years
583 unless so authorized by the department. The ~~Such~~ contract shall
584 specify that the private firm will be recompensed either out of
585 a negotiated portion of the savings resulting from the
586 conservation measures and maintenance services provided by the
587 private firm or, in the case of a cogeneration project, through
588 the payment of a rate for energy lower than would otherwise have
589 been paid for the same energy from current sources.

590 (6) "State government entity" means any state government
591 entity listed in chapter 20 or the State Constitution.

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

598 (8) "Sustainable building rating" means a rating
599 established by the United States Green Building Council (USGBC)
600 Leadership in Energy and Environmental Design (LEED) rating

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601 system, the Green Building Initiative's Green Globes rating
602 system, or the Florida Green Building Coalition standards.

603 Section 11. Section 255.254, Florida Statutes, is amended
604 to read:

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

607 (1) A No state government entity may not ~~agency shall~~
608 lease, construct, or have constructed, within limits prescribed
609 herein, a facility without having secured from the department an
610 ~~a proper~~ evaluation of life-cycle costs, ~~as computed by an~~
611 ~~architect or engineer.~~ Furthermore, construction shall proceed
612 only upon disclosing to the department, for the facility chosen,
613 the life-cycle costs as determined in s. 255.255, its
614 sustainable building rating goal, and the capitalization of the
615 initial construction costs of the building. The life-cycle costs
616 and the sustainable building rating goal shall be ~~a~~ primary
617 considerations ~~consideration~~ in the selection of a building
618 design. ~~Such analysis shall be required only for construction of~~
619 ~~buildings with an area of 5,000 square feet or greater.~~ For
620 leased buildings ~~areas~~ of 5,000 ~~20,000~~ square feet or greater
621 within a given building boundary, an energy performance ~~a life-~~
622 ~~eyele~~ analysis consisting of a projection of the annual energy
623 consumption costs in dollars per square foot of major energy-
624 consuming equipment and systems based on actual expenses, from
625 the last 3 years, and projected forward for the term of the
626 proposed lease shall be performed, and a lease shall ~~only~~ be
627 made only if ~~where~~ there is a showing that the energy life-cycle
628 costs incurred by the state are minimal compared to available

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629 like facilities. Any building leased by the state from a
630 private-sector vendor must include, as a part of the lease,
631 provisions for monthly energy-use data to be collected and
632 submitted monthly to the department by the owner of the
633 building.

634 (2) On and after January 1, 1979, a ~~no~~ state government
635 entity may not ~~agency shall~~ initiate construction or have
636 construction initiated, prior to approval thereof by the
637 department, on a facility or self-contained unit of any
638 facility, the design and construction of which incorporates or
639 contemplates the use of an energy system other than a solar
640 energy system when the life-cycle costs analysis prepared by the
641 department has determined that a solar energy system is the most
642 cost-efficient energy system for the facility or unit.

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

651 Section 12. Subsection (1) of section 255.255, Florida
652 Statutes, is amended to read:

653 255.255 Life-cycle costs.--

654 (1) The department shall adopt ~~promulgate~~ rules and
655 procedures, including energy conservation performance
656 guidelines, based on sustainable building ratings, for

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657 conducting a life-cycle cost analysis of alternative
658 architectural and engineering designs and alternative major
659 items of energy-consuming equipment to be retrofitted in
660 existing state-owned or leased facilities and for developing
661 energy performance indices to evaluate the efficiency of energy
662 utilization for competing designs in the construction of state-
663 financed ~~and leased~~ facilities.

664 Section 13. Section 255.257, Florida Statutes, is amended
665 to read:

666 255.257 Energy management; buildings occupied by state
667 government entities ~~agencies~~.--

668 (1) ENERGY CONSUMPTION AND COST DATA.--Each state
669 government entity ~~agency~~ shall collect data on energy
670 consumption and cost. The data gathered shall be on state-owned
671 facilities and metered state-leased facilities of 5,000 net
672 square feet or more. These data will be used in the computation
673 of the effectiveness of the state energy management plan and the
674 effectiveness of the energy management program of each ~~of the~~
675 state government entity ~~agencies~~. Collected data shall be
676 reported to the department annually in a format prescribed by
677 the department.

678 (2) ENERGY MANAGEMENT COORDINATORS.--Each state government
679 entity ~~agency, the Florida Public Service Commission, the~~
680 ~~Department of Military Affairs, and the judicial branch~~ shall
681 appoint a coordinator whose responsibility shall be to advise
682 the head of the state government entity ~~agency~~ on matters
683 relating to energy consumption in facilities under the control
684 of that head or in space occupied by the various units

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685 comprising that state government entity ~~agency~~, in vehicles
686 operated by that state government entity ~~agency~~, and in other
687 energy-consuming activities of the state government entity
688 ~~agency~~. The coordinator shall implement the energy management
689 program agreed upon by the state government entity ~~agency~~
690 concerned and assist the department in the development of the
691 State Energy Management Plan.

692 (3) CONTENTS OF THE STATE ENERGY MANAGEMENT PLAN.--The
693 Department of Management Services shall ~~may~~ develop a State
694 Energy Management Plan consisting of, but not limited to, the
695 following elements:

- 696 (a) Data-gathering requirements;
697 (b) Building energy audit procedures;
698 (c) Uniform data analysis procedures;
699 (d) Employee energy education program measures;
700 (e) Energy consumption reduction techniques;
701 (f) Training program for state government entity ~~agency~~
702 energy management coordinators; and
703 (g) Guidelines for building managers.

704
705 The plan shall include a description of the actions that each
706 state government entity must take in order to reduce consumption
707 of electricity and nonrenewable energy sources used for space
708 heating and cooling, ventilation, lighting, water heating, and
709 transportation. The state energy office shall provide technical
710 assistance to the department in the development of the State
711 Energy Management Plan.

712 (4) ENERGY AND ENVIRONMENTAL DESIGN.--

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713 (a) Each state government entity shall adopt the standards
714 of the United States Green Building Council's Leadership in
715 Energy and Environmental Design for New Construction (LEED-NC)
716 for all new buildings, with a goal of achieving the LEED-NC
717 Platinum level rating for each construction project the Green
718 Building Initiative's Green Globes rating system, or the Florida
719 Green Building Coalition standards.

720 (b) Each state government entity shall implement the
721 United States Green Building Council's Leadership in Energy and
722 Environmental Design for Existing Buildings (LEED-EB) the Green
723 Building Initiative's Green Globes rating system, or the Florida
724 Green Building Coalition standards. A state government entity
725 may prioritize implementation of LEED-EB standards the Green
726 Building Initiative's Green Globes rating system, or the Florida
727 Green Building Coalition standards in order to gain the greatest
728 environmental benefit within its existing budget for property
729 management.

730 (c) A state government entity may not enter into a new
731 leasing agreement for office space that does not meet Energy
732 Star building standards, except when determined by the
733 appropriate state government entity executive that no other
734 viable or cost-effective alternative exists.

735 (d) Each state government entity shall develop energy-
736 conservation measures and guidelines for new and existing office
737 space if the state government entity occupies more than 5,000
738 square feet. The conservation measures shall focus on programs
739 that reduce energy consumption and, when established, provide a
740 net reduction in occupancy costs.

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741 Section 14. Section 286.275, Florida Statutes, is created
742 to read:

743 286.275 Climate friendly public business.--

744 (1) The Legislature recognizes the importance of
745 leadership by state government in the area of energy efficiency
746 and in reducing the greenhouse gas emissions of state government
747 operations. The following shall pertain to all state government
748 entities, as defined in this section, when conducting public
749 business:

750 (a) The Department of Management Services shall develop
751 the Florida Climate Friendly Preferred Products List. In
752 maintaining that list, the department, in consultation with the
753 Department of Environmental Protection, shall continually assess
754 products that are currently available for purchase under state
755 term contracts and identify specific products and vendors that
756 provide clear energy efficiency or other environmental benefits
757 over competing products. When procuring products from state term
758 contracts, state government entities shall first consult the
759 Florida Climate Friendly Preferred Products List and procure
760 such products if the cost does not exceed by 5 percent the most
761 cost-effective alternative commodity not included on the list.

762 (b) Effective July 1, 2008, state government entities
763 shall contract for meeting and conference space only with hotels
764 or conference facilities that have received the "Green Lodging"
765 designation from the Department of Environmental Protection for
766 best practices in water, energy, and waste-efficiency standards,
767 unless the responsible state government entity's chief executive
768 officer makes a determination that no other viable alternative

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769 exists. The Department of Environmental Protection may adopt
770 rules to administer the Green Lodging Program.

771 (c) The Department of Environmental Protection is
772 authorized to establish voluntary technical assistance programs
773 in accordance with s. 403.074. Such programs may include the
774 Clean Marinas, Clean Boatyards, Clean Retailers, Clean Boaters,
775 and Green Yards Programs. The programs may include
776 certifications, designations, or other forms of recognition. The
777 department may implement some or all of these programs through
778 rulemaking; however, the rules may not impose requirements on a
779 person who does not wish to participate in a program. Each state
780 government entity shall patronize businesses that have received
781 such certifications or designations to the greatest extent
782 practical.

783 (d) Each state government entity shall ensure that all
784 maintained vehicles meet minimum maintenance schedules that have
785 been shown to reduce fuel consumption, including maintaining
786 appropriate tire pressures and tread depth, replacing fuel
787 filters and emission filters at recommended intervals, using
788 proper motor oils, and performing timely motor maintenance. Each
789 state government entity shall measure and report compliance to
790 the Department of Management Services through the equipment
791 management information system database.

792 (e) When procuring a new vehicle, each state government
793 entity shall first define the intended purpose for the vehicle
794 and determine for which of the following use classes the vehicle
795 is being procured:

796 1. State business travel, designated operator;

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- 797 2. State business travel, pool operators;
798 3. Construction, agricultural, or maintenance work;
799 4. Conveyance of passengers;
800 5. Conveyance of building or maintenance materials and
801 supplies;
802 6. Off-road vehicles, motorcycles, or all-terrain
803 vehicles;
804 7. Emergency response; or
805 8. Other.
806

807 Vehicles in subparagraphs 1. through 8., when being processed
808 for purchase or leasing agreements, must be selected for the
809 greatest fuel efficiency available for a given use class when
810 fuel-economy data are available. Exceptions may be made for
811 certain individual vehicles in subparagraph 7. when accompanied,
812 during the procurement process, by documentation indicating that
813 the operator or operators will exclusively be emergency first
814 responders or have special documented need for exceptional
815 vehicle-performance characteristics. Any request for an
816 exception must be approved by the purchasing entity's chief
817 executive officer and any exceptional vehicle-performance
818 characteristics must be denoted as a part of the procurement
819 process prior to purchase.

820 (f) All state government entities shall use ethanol and
821 biodiesel-blended fuels when available. State government
822 entities administering central fueling operations for state-
823 owned vehicles shall procure biofuels for fleet needs to the
824 greatest extent practicable.

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825 (2) As used in this section, the term "state government
826 entity" means any state government entity listed in chapter 20
827 or the State Constitution.

828 Section 15. Paragraph (b) of subsection (2) and subsection
829 (5) of section 287.063, Florida Statutes, are amended to read:

830 287.063 Deferred-payment commodity contracts; preaudit
831 review.--

832 (2)

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

837 1. No contract shall be approved in which interest exceeds
838 the statutory ceiling contained in this section. However, the
839 interest component of any master equipment financing agreement
840 entered into for the purpose of consolidated financing of a
841 deferred-payment, installment sale, or lease-purchase shall be
842 deemed to comply with the interest rate limitation of this
843 section so long as the interest component of every interagency
844 agreement under such master equipment financing agreement
845 complies with the interest rate limitation of this section.

846 2. No deferred-payment purchase for less than \$30,000
847 shall be approved, unless it can be satisfactorily demonstrated
848 and documented to the Chief Financial Officer that failure to
849 make such deferred-payment purchase would adversely affect an
850 agency in the performance of its duties. However, the Chief
851 Financial Officer may approve any deferred-payment purchase if

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852 the Chief Financial Officer determines that such purchase is
853 economically beneficial to the state.

854 ~~3. No agency shall obligate an annualized amount of~~
855 ~~payments for deferred payment purchases in excess of current~~
856 ~~operating capital outlay appropriations, unless specifically~~
857 ~~authorized by law or unless it can be satisfactorily~~
858 ~~demonstrated and documented to the Chief Financial Officer that~~
859 ~~failure to make such deferred payment purchase would adversely~~
860 ~~affect an agency in the performance of its duties.~~

861 3.4. No contract shall be approved which extends payment
862 beyond 5 years, unless it can be satisfactorily demonstrated and
863 documented to the Chief Financial Officer that failure to make
864 such deferred-payment purchase would adversely affect an agency
865 in the performance of its duties. The payment term may not
866 exceed the useful life of the equipment unless the contract
867 provides for the replacement or the extension of the useful life
868 of the equipment during the term of the deferred payment
869 contract.

870 (5) For purposes of this section, the annualized amount of
871 any such deferred payment commodity contract must be supported
872 from available recurring funds appropriated to the agency in an
873 appropriation category, ~~other than the expense appropriation~~
874 ~~category~~ as defined in chapter 216, which ~~that~~ the Chief
875 Financial Officer has determined is appropriate or that the
876 Legislature has designated for payment of the obligation
877 incurred under this section.

878 Section 16. Subsections (10) and (11) of section 287.064,
879 Florida Statutes, are amended to read:

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880 287.064 Consolidated financing of deferred-payment
881 purchases.--

882 (10) Costs incurred pursuant to a guaranteed energy
883 performance savings contract, including the cost of energy
884 conservation measures, each as defined in s. 489.145, may be
885 financed pursuant to a master equipment financing agreement;
886 however, the costs of training, operation, and maintenance may
887 not be financed. The period of time for repayment of the funds
888 drawn pursuant to the master equipment financing agreement under
889 this subsection may exceed 5 years but may not exceed 20 ~~10~~
890 years for energy conservation measures under s. 489.145,
891 excluding the costs of training, operation, and maintenance. The
892 guaranteed energy performance savings contractor shall provide
893 for the replacement or the extension of the useful life of the
894 equipment during the term of the contract.

895 (11) For purposes of consolidated financing of deferred
896 payment commodity contracts under this section by a state
897 agency, any such contract must be supported from available
898 recurring funds appropriated to the agency in an appropriation
899 category, ~~other than the expense appropriation category~~ as
900 defined in chapter 216, which ~~that~~ the Chief Financial Officer
901 has determined is appropriate or that the Legislature has
902 designated for payment of the obligation incurred under this
903 section.

904 Section 17. Present paragraphs (a) through (n) of
905 subsection (2) of section 288.1089, Florida Statutes, are
906 redesignated as paragraphs (b) through (o), respectively, and a
907 new paragraph (a) is added to that subsection, subsection (3) of

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908 that section is amended, and paragraph (d) is added to
909 subsection (4) of that section, to read:

910 288.1089 Innovation Incentive Program.--

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

912 (a) "Alternative and renewable energy" means electrical,
913 mechanical, or thermal energy produced from a method that uses
914 one or more of the following fuels or energy sources: ethanol,
915 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
916 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
917 or geothermal.

918 (3) To be eligible for consideration for an innovation
919 incentive award, an innovation business, ~~or~~ research and
920 development entity, or alternative and renewable energy project
921 must submit a written application to Enterprise Florida, Inc.,
922 before making a decision to locate new operations in this state
923 or expand an existing operation in this state. The application
924 must include, but not be limited to:

925 (a) The applicant's federal employer identification
926 number, unemployment account number, and state sales tax
927 registration number. If such numbers are not available at the
928 time of application, they must be submitted to the office in
929 writing prior to the disbursement of any payments under this
930 section.

931 (b) The location in this state at which the project is
932 located or is to be located.

933 (c) A description of the type of business activity,
934 product, or research and development undertaken by the
935 applicant, including six-digit North American Industry



936 Classification System codes for all activities included in the
937 project.

938 (d) The applicant's projected investment in the project.

939 (e) The total investment, from all sources, in the
940 project.

941 (f) The number of net new full-time equivalent jobs in
942 this state the applicant anticipates having created as of
943 December 31 of each year in the project and the average annual
944 wage of such jobs.

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

948 (h) The anticipated commencement date of the project.

949 (i) A detailed explanation of why the innovation incentive
950 is needed to induce the applicant to expand or locate in the
951 state and whether an award would cause the applicant to locate
952 or expand in this state.

953 (j) If applicable, an estimate of the proportion of the
954 revenues resulting from the project that will be generated
955 outside this state.

956 (4) To qualify for review by the office, the applicant
957 must, at a minimum, establish the following to the satisfaction
958 of Enterprise Florida, Inc., and the office:

959 (d) For an alternative and renewable energy project in
960 this state, the project must:

961 1. Demonstrate a plan for significant collaboration with
962 an institution of higher education.

963 2. Provide the state, at a minimum, a break-even return on

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964 investment within a 20-year period.

965 3. Include matching funds provided by the applicant or
966 other available sources. This requirement may be waived if the
967 office and the department determine that the merits of the
968 individual project or the specific circumstances warrant such
969 action.

970 Section 18. Subsections (1) and (7) and paragraph (b) of
971 subsection (8) of section 339.175, Florida Statutes, are amended
972 to read:

973 339.175 Metropolitan planning organization.--

974 (1) PURPOSE.--It is the intent of the Legislature to
975 encourage and promote the safe and efficient management,
976 operation, and development of surface transportation systems
977 that will serve the mobility needs of people and freight and
978 foster economic growth and development within and through
979 urbanized areas of this state while minimizing transportation-
980 related fuel consumption, ~~and~~ air pollution, and greenhouse gas
981 emissions through metropolitan transportation planning processes
982 identified in this section. To accomplish these objectives,
983 metropolitan planning organizations, referred to in this section
984 as M.P.O.'s, shall develop, in cooperation with the state and
985 public transit operators, transportation plans and programs for
986 metropolitan areas. The plans and programs for each metropolitan
987 area must provide for the development and integrated management
988 and operation of transportation systems and facilities,
989 including pedestrian walkways and bicycle transportation
990 facilities that will function as an intermodal transportation
991 system for the metropolitan area, based upon the prevailing

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992 principles provided in s. 334.046(1). The process for developing
993 such plans and programs shall provide for consideration of all
994 modes of transportation and shall be continuing, cooperative,
995 and comprehensive, to the degree appropriate, based on the
996 complexity of the transportation problems to be addressed. To
997 ensure that the process is integrated with the statewide
998 planning process, M.P.O.'s shall develop plans and programs that
999 identify transportation facilities that should function as an
1000 integrated metropolitan transportation system, giving emphasis
1001 to facilities that serve important national, state, and regional
1002 transportation functions. For the purposes of this section,
1003 those facilities include the facilities on the Strategic
1004 Intermodal System designated under s. 339.63 and facilities for
1005 which projects have been identified pursuant to s. 339.2819(4).

1006 (7) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
1007 develop a long-range transportation plan that addresses at least
1008 a 20-year planning horizon. The plan must include both long-
1009 range and short-range strategies and must comply with all other
1010 state and federal requirements. The prevailing principles to be
1011 considered in the long-range transportation plan are: preserving
1012 the existing transportation infrastructure; enhancing Florida's
1013 economic competitiveness; and improving travel choices to ensure
1014 mobility. The long-range transportation plan must be consistent,
1015 to the maximum extent feasible, with future land use elements
1016 and the goals, objectives, and policies of the approved local
1017 government comprehensive plans of the units of local government
1018 located within the jurisdiction of the M.P.O. Each M.P.O. is
1019 encouraged to consider strategies that integrate transportation

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1020 and land use planning to provide for sustainable development and
1021 reduce greenhouse gas emissions. The approved long-range
1022 transportation plan must be considered by local governments in
1023 the development of the transportation elements in local
1024 government comprehensive plans and any amendments thereto. The
1025 long-range transportation plan must, at a minimum:

1026 (a) Identify transportation facilities, including, but not
1027 limited to, major roadways, airports, seaports, spaceports,
1028 commuter rail systems, transit systems, and intermodal or
1029 multimodal terminals that will function as an integrated
1030 metropolitan transportation system. The long-range
1031 transportation plan must give emphasis to those transportation
1032 facilities that serve national, statewide, or regional
1033 functions, and must consider the goals and objectives identified
1034 in the Florida Transportation Plan as provided in s. 339.155. If
1035 a project is located within the boundaries of more than one
1036 M.P.O., the M.P.O.'s must coordinate plans regarding the project
1037 in the long-range transportation plan.

1038 (b) Include a financial plan that demonstrates how the
1039 plan can be implemented, indicating resources from public and
1040 private sources which are reasonably expected to be available to
1041 carry out the plan, and recommends any additional financing
1042 strategies for needed projects and programs. The financial plan
1043 may include, for illustrative purposes, additional projects that
1044 would be included in the adopted long-range transportation plan
1045 if reasonable additional resources beyond those identified in
1046 the financial plan were available. For the purpose of developing
1047 the long-range transportation plan, the M.P.O. and the

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1048 department shall cooperatively develop estimates of funds that
1049 will be available to support the plan implementation. Innovative
1050 financing techniques may be used to fund needed projects and
1051 programs. Such techniques may include the assessment of tolls,
1052 the use of value capture financing, or the use of value pricing.

1053 (c) Assess capital investment and other measures necessary
1054 to:

1055 1. Ensure the preservation of the existing metropolitan
1056 transportation system including requirements for the operation,
1057 resurfacing, restoration, and rehabilitation of major roadways
1058 and requirements for the operation, maintenance, modernization,
1059 and rehabilitation of public transportation facilities; and

1060 2. Make the most efficient use of existing transportation
1061 facilities to relieve vehicular congestion and maximize the
1062 mobility of people and goods.

1063 (d) Indicate, as appropriate, proposed transportation
1064 enhancement activities, including, but not limited to,
1065 pedestrian and bicycle facilities, scenic easements,
1066 landscaping, historic preservation, mitigation of water
1067 pollution due to highway runoff, and control of outdoor
1068 advertising.

1069 (e) In addition to the requirements of paragraphs (a)-(d),
1070 in metropolitan areas that are classified as nonattainment areas
1071 for ozone or carbon monoxide, the M.P.O. must coordinate the
1072 development of the long-range transportation plan with the State
1073 Implementation Plan developed pursuant to the requirements of
1074 the federal Clean Air Act.

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1076 In the development of its long-range transportation plan, each
1077 M.P.O. must provide the public, affected public agencies,
1078 representatives of transportation agency employees, freight
1079 shippers, providers of freight transportation services, private
1080 providers of transportation, representatives of users of public
1081 transit, and other interested parties with a reasonable
1082 opportunity to comment on the long-range transportation plan.
1083 The long-range transportation plan must be approved by the
1084 M.P.O.

1085 (8) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
1086 shall, in cooperation with the state and affected public
1087 transportation operators, develop a transportation improvement
1088 program for the area within the jurisdiction of the M.P.O. In
1089 the development of the transportation improvement program, each
1090 M.P.O. must provide the public, affected public agencies,
1091 representatives of transportation agency employees, freight
1092 shippers, providers of freight transportation services, private
1093 providers of transportation, representatives of users of public
1094 transit, and other interested parties with a reasonable
1095 opportunity to comment on the proposed transportation
1096 improvement program.

1097 (b) Each M.P.O. annually shall prepare a list of project
1098 priorities and shall submit the list to the appropriate district
1099 of the department by October 1 of each year; however, the
1100 department and a metropolitan planning organization may, in
1101 writing, agree to vary this submittal date. The list of project
1102 priorities must be formally reviewed by the technical and
1103 citizens' advisory committees, and approved by the M.P.O.,

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1104 before it is transmitted to the district. The approved list of
1105 project priorities must be used by the district in developing
1106 the district work program and must be used by the M.P.O. in
1107 developing its transportation improvement program. The annual
1108 list of project priorities must be based upon project selection
1109 criteria that, at a minimum, consider the following:

- 1110 1. The approved M.P.O. long-range transportation plan;
- 1111 2. The Strategic Intermodal System Plan developed under s.
1112 339.64.
- 1113 3. The priorities developed pursuant to s. 339.2819(4).
- 1114 4. The results of the transportation management systems;
1115 ~~and~~
- 1116 5. The M.P.O.'s public-involvement procedures; ~~and-~~
- 1117 6. To provide for sustainable growth and reduce greenhouse
1118 gas emissions.

1119 Section 19. Section 366.82, Florida Statutes, is amended
1120 to read:

1121 366.82 Definition; goals; plans; programs; annual reports;
1122 energy audits.--

1123 (1) For the purposes of ss. 366.80-366.85 and 403.519,
1124 "utility" means any person or entity of whatever form which
1125 provides electricity or natural gas at retail to the public,
1126 specifically including municipalities or instrumentalities
1127 thereof and cooperatives organized under the Rural Electric
1128 Cooperative Law and specifically excluding any municipality or
1129 instrumentality thereof, any cooperative organized under the
1130 Rural Electric Cooperative Law, or any other person or entity
1131 providing natural gas at retail to the public whose annual sales

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1132 volume is less than 100 million therms or any municipality or
1133 instrumentality thereof and any cooperative organized under the
1134 Rural Electric Cooperative Law providing electricity at retail
1135 to the public whose annual sales as of July 1, 1993, to end-use
1136 customers is less than 2,000 gigawatt hours.

1137 (2) The commission shall adopt appropriate goals for
1138 increasing the efficiency of energy consumption and increasing
1139 the development of cogeneration, specifically including goals
1140 designed to increase the conservation of expensive resources,
1141 such as petroleum fuels, to reduce and control the growth rates
1142 of electric consumption, and to reduce the growth rates of
1143 weather-sensitive peak demand. The Executive Office of the
1144 Governor shall be a party in the proceedings to adopt goals. The
1145 commission may change the goals for reasonable cause. The time
1146 period to review the goals, however, must ~~shall~~ not exceed 5
1147 years. After the programs and plans to meet those goals are
1148 completed, the commission shall determine what further goals,
1149 programs, or plans are warranted and, if so, shall adopt them.

1150 (3) The commission shall publish a notice of proposed
1151 rulemaking no later than July 1, 2009, requiring electric
1152 utilities to offset 20 percent of their annual load-growth
1153 through energy efficiency and conservation measures thereby
1154 constituting an energy-efficiency portfolio standard. The
1155 commission may allow efficiency investments across generation,
1156 transmission, and distribution as well as efficiencies within
1157 the user base. As part of the implementation rules, the
1158 commission shall create an in-state market for tradable credits
1159 enabling those electric utilities that exceed the standard to

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1160 sell credits to those that cannot meet the standard for a given
1161 year. This efficiency standard is separate from and exclusive of
1162 the renewable portfolio standard that requires electricity
1163 providers to obtain a minimum percentage of their power from
1164 renewable energy resources.

1165 ~~(4)~~⁽³⁾ Following adoption of goals pursuant to subsection
1166 ~~(3)~~⁽²⁾, the commission shall require each utility to develop
1167 plans and programs to meet the overall goals within its service
1168 area. If any plan or program includes loans, collection of
1169 loans, or similar banking functions by a utility and the plan is
1170 approved by the commission, the utility shall perform such
1171 functions, notwithstanding any other provision of the law. The
1172 commission may pledge up to \$5 million of the Florida Public
1173 Service Regulatory Trust Fund to guarantee such loans. However,
1174 no utility shall be required to loan its funds for the purpose
1175 of purchasing or otherwise acquiring conservation measures or
1176 devices, but nothing herein shall prohibit or impair the
1177 administration or implementation of a utility plan as submitted
1178 by a utility and approved by the commission under this
1179 subsection. If the commission disapproves a plan, it shall
1180 specify the reasons for disapproval, and the utility whose plan
1181 is disapproved shall resubmit its modified plan within 30 days.
1182 Prior approval by the commission shall be required to modify or
1183 discontinue a plan, or part thereof, which has been approved. If
1184 any utility has not implemented its programs and is not
1185 substantially in compliance with the provisions of its approved
1186 plan at any time, the commission shall adopt programs required
1187 for that utility to achieve the overall goals. Utility programs

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1188 may include variations in rate design, load control,
1189 cogeneration, residential energy conservation subsidy, or any
1190 other measure within the jurisdiction of the commission which
1191 the commission finds likely to be effective; this provision
1192 shall not be construed to preclude these measures in any plan or
1193 program.

1194 (5)~~(4)~~ The commission shall require periodic reports from
1195 each utility and shall provide the Legislature and the Governor
1196 with an annual report by March 1 of the goals it has adopted and
1197 its progress toward meeting those goals. The commission shall
1198 also consider the performance of each utility pursuant to ss.
1199 366.80-366.85 and 403.519 when establishing rates for those
1200 utilities over which the commission has ratesetting authority.

1201 (6) The commission shall require municipal and cooperative
1202 utilities that are exempt from the Florida Energy Efficiency and
1203 Conservation Act to submit an annual report to the commission
1204 identifying energy efficiency and conservation goals and the
1205 actions taken to meet those goals.

1206 (7)~~(5)~~ The commission shall require each utility to offer,
1207 or to contract to offer, energy audits to its residential
1208 customers. This requirement need not be uniform, but may be
1209 based on such factors as level of usage, geographic location, or
1210 any other reasonable criterion, so long as all eligible
1211 customers are notified. The commission may extend this
1212 requirement to some or all commercial customers. The commission
1213 shall set the charge for audits by rule, not to exceed the
1214 actual cost, and may describe by rule the general form and
1215 content of an audit. In the event one utility contracts with

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1216 another utility to perform audits for it, the utility for which
1217 the audits are performed shall pay the contracting utility the
1218 reasonable cost of performing the audits. Each utility over
1219 which the commission has ratesetting authority shall estimate
1220 its costs and revenues for audits, conservation programs, and
1221 implementation of its plan for the immediately following 6-month
1222 period. Reasonable and prudent unreimbursed costs projected to
1223 be incurred, or any portion of such costs, may be added to the
1224 rates which would otherwise be charged by a utility upon
1225 approval by the commission, provided that the commission shall
1226 not allow the recovery of the cost of any company image-
1227 enhancing advertising or of any advertising not directly related
1228 to an approved conservation program. Following each 6-month
1229 period, each utility shall report the actual results for that
1230 period to the commission, and the difference, if any, between
1231 actual and projected results shall be taken into account in
1232 succeeding periods. The state plan as submitted for
1233 consideration under the National Energy Conservation Policy Act
1234 shall not be in conflict with any state law or regulation.

1235 (8) ~~(6)~~ (a) Notwithstanding the provisions of s. 377.703,
1236 the commission shall be the responsible state agency for
1237 performing, coordinating, implementing, or administering the
1238 functions of the state plan submitted for consideration under
1239 the National Energy Conservation Policy Act and any acts
1240 amendatory thereof or supplemental thereto and for performing,
1241 coordinating, implementing, or administering the functions of
1242 any future federal program delegated to the state which relates
1243 to consumption, utilization, or conservation of electricity or

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1244 natural gas; and the commission shall have exclusive
1245 responsibility for preparing all reports, information, analyses,
1246 recommendations, and materials related to consumption,
1247 utilization, or conservation of electrical energy which are
1248 required or authorized by s. 377.703.

1249 (b) The Executive Office of the Governor shall be a party
1250 in the proceedings to adopt goals and shall file with the
1251 commission comments on the proposed goals including, but not
1252 limited to:

1253 1. An evaluation of utility load forecasts, including an
1254 assessment of alternative supply and demand side resource
1255 options.

1256 2. An analysis of various policy options which can be
1257 implemented to achieve a least-cost strategy.

1258 (9) (7) The commission shall establish all minimum
1259 requirements for energy auditors used by each utility. The
1260 commission is authorized to contract with any public agency or
1261 other person to provide any training, testing, evaluation, or
1262 other step necessary to fulfill the provisions of this
1263 subsection.

1264 (10) The commission shall immediately initiate rulemaking
1265 to allow utilities to install solar hot water systems and other
1266 renewable energy-efficient technologies in residential homes and
1267 commercial facilities while retaining ownership of those
1268 systems. Utility expenditures for this purpose shall be placed
1269 in the utility's rate base as a capital investment. In applying
1270 this subsection, the commission may provide for accelerated
1271 depreciation. A utility may apply the credits for the investment

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1272 in solar hot water systems or other renewable energy-efficient
1273 technologies to its renewable portfolio standard or its energy-
1274 efficiency portfolio standard as determined in subsection (3).

1275 Section 20. Paragraph (d) of subsection (1) of section
1276 366.8255, Florida Statutes, is amended to read:

1277 366.8255 Environmental cost recovery.--

1278 (1) As used in this section, the term:

1279 (d) "Environmental compliance costs" includes all costs or
1280 expenses incurred by an electric utility in complying with
1281 environmental laws or regulations, including, but not limited
1282 to:

1283 1. Inservice capital investments, including the electric
1284 utility's last authorized rate of return on equity thereon;

1285 2. Operation and maintenance expenses;

1286 3. Fuel procurement costs;

1287 4. Purchased power costs;

1288 5. Emission allowance costs;

1289 6. Direct taxes on environmental equipment; ~~and~~

1290 7. Costs or expenses prudently incurred by an electric
1291 utility pursuant to an agreement entered into on or after the
1292 effective date of this act and prior to October 1, 2002, between
1293 the electric utility and the Florida Department of Environmental
1294 Protection or the United States Environmental Protection Agency
1295 for the exclusive purpose of ensuring compliance with ozone
1296 ambient air quality standards by an electrical generating
1297 facility owned by the electric utility;—

1298 8. Costs or expenses prudently incurred for scientific
1299 research and geological assessments of carbon capture and

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1300 storage for the purpose of reducing an electric utility's
1301 greenhouse gas emissions as defined in s. 403.44 when such costs
1302 or expenses are incurred in joint research projects with this
1303 state's government agencies and universities; and

1304 9. Costs or expenses prudently incurred for the
1305 quantification, reporting, and verification of greenhouse gas
1306 emissions by third parties as required for participation in
1307 emission registries.

1308 Section 21. Section 377.601, Florida Statutes, is amended
1309 to read:

1310 377.601 Legislative intent.--

1311 (1) The Legislature finds that this state's energy
1312 security can be increased by lessening dependence on foreign
1313 oil, that the impacts of global climate change can be reduced
1314 through the reduction of greenhouse gas emissions, and that the
1315 implementation of alternative energy technologies can be the
1316 source of new jobs and employment opportunities for many
1317 Floridians. The Legislature further finds that this state is
1318 positioned at the front line against potential impacts of global
1319 climate change. Human and economic costs of those impacts can be
1320 averted and, where necessary, adapted to by a concerted effort
1321 to make this state's communities more resilient and less
1322 vulnerable to these impacts. In focusing the government's policy
1323 and efforts to protect this state, its residents, and resources,
1324 the Legislature believes that a single government entity that
1325 has energy and climate change as its specific focus is both
1326 desirable and advantageous. ~~the ability to deal effectively with~~
1327 ~~present shortages of resources used in the production of energy~~

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1328 ~~is aggravated and intensified because of inadequate or~~
1329 ~~nonexistent information and that intelligent response to these~~
1330 ~~problems and to the development of a state energy policy demands~~
1331 ~~accurate and relevant information concerning energy supply,~~
1332 ~~distribution, and use. The Legislature finds and declares that a~~
1333 ~~procedure for the collection and analysis of data on the energy~~
1334 ~~flow in this state is essential to the development and~~
1335 ~~maintenance of an energy profile defining the characteristics~~
1336 ~~and magnitudes of present and future energy demands and~~
1337 ~~availability so that the state may rationally deal with present~~
1338 ~~energy problems and anticipate future energy problems.~~

1339 ~~(2) The Legislature further recognizes that every state~~
1340 ~~official dealing with energy problems should have current and~~
1341 ~~reliable information on the types and quantity of energy~~
1342 ~~resources produced, imported, converted, distributed, exported,~~
1343 ~~stored, held in reserve, or consumed within the state.~~

1344 ~~(3) It is the intent of the Legislature in the passage of~~
1345 ~~this act to provide the necessary mechanisms for the effective~~
1346 ~~development of information necessary to rectify the present lack~~
1347 ~~of information which is seriously handicapping the state's~~
1348 ~~ability to deal effectively with the energy problem. To this~~
1349 ~~end, the provisions of ss. 377.601-377.608 should be given the~~
1350 ~~broadest possible interpretation consistent with the stated~~
1351 ~~legislative desire to procure vital information.~~

1352 ~~(2)(4)~~ It is the policy of the State of Florida to:

1353 (a) Recognize and address the potential impacts of global
1354 climate change wherever possible. Develop and promote the

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1355 ~~effective use of energy in the state and discourage all forms of~~
1356 ~~energy waste.~~

1357 (b) Play a leading role in developing and instituting
1358 energy management programs aimed at promoting energy
1359 conservation, energy security, and the reduction of greenhouse
1360 gas emissions.

1361 (c) Include energy considerations in all state, regional,
1362 and local planning.

1363 (d) Utilize and manage effectively energy resources used
1364 within state agencies.

1365 (e) Encourage local governments to include energy
1366 considerations in all planning and to support their work in
1367 promoting energy management programs.

1368 (f) Include the full participation of citizens in the
1369 development and implementation of energy programs.

1370 (g) Consider in its decisions the energy needs of each
1371 economic sector, including residential, industrial, commercial,
1372 agricultural, and governmental uses, and to reduce those needs
1373 whenever possible.

1374 (h) Promote energy education and the public dissemination
1375 of information on energy and its environmental, economic, and
1376 social impact.

1377 (i) Encourage the research, development, demonstration,
1378 and application of alternative energy resources, particularly
1379 renewable energy resources.

1380 (j) Consider, in its decisionmaking, the social, economic,
1381 security, and environmental impacts of energy-related
1382 activities, including the whole life-cycle impacts of any



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1383 potential energy use choices, so that detrimental effects of
1384 these activities are understood and minimized.

1385 (k) Develop and maintain energy emergency preparedness
1386 plans to minimize the effects of an energy shortage within
1387 Florida.

1388 Section 22. Subsection (1) and paragraph (f) of subsection
1389 (3) of section 377.703, Florida Statutes, are amended to read:

1390 377.703 Additional functions of the Department of
1391 Environmental Protection; energy emergency contingency plan;
1392 federal and state conservation programs.--

1393 (1) LEGISLATIVE INTENT.--Recognizing that energy supply
1394 and demand questions have become a major area of concern to the
1395 state which must be dealt with by effective and well-coordinated
1396 state action, it is the intent of the Legislature to promote the
1397 efficient, effective, and economical management of energy
1398 problems, centralize energy coordination responsibilities,
1399 pinpoint responsibility for conducting energy programs, and
1400 ensure the accountability of state agencies for the
1401 implementation of s. 377.601 ~~s. 377.601(4)~~, the state energy
1402 policy. It is the specific intent of the Legislature that
1403 nothing in this act shall in any way change the powers, duties,
1404 and responsibilities assigned by the Florida Electrical Power
1405 Plant Siting Act, part II of chapter 403, or the powers, duties,
1406 and responsibilities of the Florida Public Service Commission.

1407 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The
1408 Department of Environmental Protection shall, in addition to
1409 assuming the duties and responsibilities provided by ss. 20.255

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1410 and 377.701, perform the following functions consistent with the
1411 development of a state energy policy:

1412 (f) The department shall make a report, as requested by
1413 the Governor or the Legislature, reflecting its activities and
1414 making recommendations of policies for improvement of the
1415 state's response to energy supply and demand and its effect on
1416 the health, safety, and welfare of the people of Florida. The
1417 report shall include a report from the Florida Public Service
1418 Commission on electricity and natural gas and information on
1419 energy conservation programs conducted and under way in the past
1420 year and shall include recommendations for energy conservation
1421 programs for the state, including, but not limited to, the
1422 following factors:

1423 1. Formulation of specific recommendations for improvement
1424 in the efficiency of energy utilization in governmental,
1425 residential, commercial, industrial, and transportation sectors.

1426 2. Collection and dissemination of information relating to
1427 energy conservation.

1428 3. Development and conduct of educational and training
1429 programs relating to energy conservation.

1430 4. An analysis of the ways in which state agencies are
1431 seeking to implement s. 377.601 ~~s. 377.601(4)~~, the state energy
1432 policy, and recommendations for better fulfilling this policy.

1433 Section 23. Section 377.804, Florida Statutes, is amended
1434 to read:

1435 377.804 Renewable Energy and Energy-Efficient Technologies
1436 Grants Program.--

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1437 (1) The Renewable Energy and Energy-Efficient Technologies
1438 Grants Program is established within the department to provide
1439 renewable energy matching grants for demonstration,
1440 commercialization, research, and development projects relating
1441 to renewable energy technologies and innovative technologies
1442 that significantly increase energy efficiency for vehicles and
1443 commercial buildings.

1444 (2) Matching grants for renewable energy technology
1445 demonstration, commercialization, research, and development
1446 projects may be made to any of the following:

1447 (a) Municipalities and county governments.

1448 (b) Established for-profit companies licensed to do
1449 business in the state.

1450 (c) Universities and colleges in the state.

1451 (d) Utilities located and operating within the state.

1452 (e) Not-for-profit organizations.

1453 (f) Other qualified persons, as determined by the
1454 department.

1455 (3) The department may adopt rules pursuant to ss.
1456 120.536(1) and 120.54 to provide for application requirements,
1457 provide for ranking of applications, and administer the awarding
1458 of grants under this program.

1459 (4) Factors the department shall consider in awarding
1460 grants include, but are not limited to:

1461 (a) The availability of matching funds or other in-kind
1462 contributions applied to the total project from an applicant.
1463 The department shall give greater preference to projects that
1464 provide such matching funds or other in-kind contributions.



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1465 (b) The degree to which the project stimulates in-state
1466 capital investment and economic development in metropolitan and
1467 rural areas, including the creation of jobs and the future
1468 development of a commercial market for renewable energy
1469 technologies.

1470 (c) The extent to which the proposed project has been
1471 demonstrated to be technically feasible based on pilot project
1472 demonstrations, laboratory testing, scientific modeling, or
1473 engineering or chemical theory that supports the proposal.

1474 (d) The degree to which the project incorporates an
1475 innovative new technology or an innovative application of an
1476 existing technology.

1477 (e) The degree to which a project generates thermal,
1478 mechanical, or electrical energy by means of a renewable energy
1479 resource that has substantial long-term production potential.

1480 (f) The degree to which a project demonstrates efficient
1481 use of energy and material resources.

1482 (g) The degree to which the project fosters overall
1483 understanding and appreciation of renewable energy technologies.

1484 (h) The ability to administer a complete project.

1485 (i) Project duration and timeline for expenditures.

1486 (j) The geographic area in which the project is to be
1487 conducted in relation to other projects.

1488 (k) The degree of public visibility and interaction.

1489 (5) The department shall solicit the expertise of other
1490 state agencies in evaluating project proposals. State agencies
1491 shall cooperate with the Department of Environmental Protection
1492 and provide such assistance as requested.

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1493 (6) Each application must be accompanied by an affidavit
1494 from the applicant attesting to the veracity of the statements
1495 contained in the application.

1496 Section 24. Section 377.806, Florida Statutes, is amended
1497 to read:

1498 377.806 Solar Energy System Incentives Program.--

1499 (1) PURPOSE.--The Solar Energy System Incentives Program
1500 is established within the department to provide financial
1501 incentives for the purchase and installation of solar energy
1502 systems. Any resident of the state who purchases and installs a
1503 new solar energy system of 2 kilowatts or larger for a solar
1504 photovoltaic system, a solar energy system that provides at
1505 least 50 percent of a building's hot water consumption for a
1506 solar thermal system, or a solar thermal pool heater, from July
1507 1, 2006, through June 30, 2010, is eligible for a rebate on a
1508 portion of the purchase price of that solar energy system.

1509 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

1510 (a) Eligibility requirements.--A solar photovoltaic system
1511 qualifies for a rebate if:

1512 1. The system is installed by a state-licensed master
1513 electrician, electrical contractor, or solar contractor.

1514 2. The system complies with state interconnection
1515 standards as provided by the commission.

1516 3. The system complies with all applicable building codes
1517 as defined by the Florida Building Code ~~local jurisdictional~~
1518 ~~authority.~~

1519 (b) Rebate amounts.--The rebate amount shall be set at \$4
1520 per watt based on the total wattage rating of the system. The

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1521 maximum allowable rebate per solar photovoltaic system
1522 installation shall be as follows:

- 1523 1. Twenty thousand dollars for a residence.
- 1524 2. One hundred thousand dollars for a place of business, a
1525 publicly owned or operated facility, or a facility owned or
1526 operated by a private, not-for-profit organization, including
1527 condominiums or apartment buildings.

1528 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

1529 (a) Eligibility requirements.--A solar thermal system
1530 qualifies for a rebate if:

- 1531 1. The system is installed by a state-licensed solar or
1532 plumbing contractor.
- 1533 2. The system complies with all applicable building codes
1534 as defined by the Florida Building Code ~~local jurisdictional~~
1535 ~~authority.~~

1536 (b) Rebate amounts.--Authorized rebates for installation
1537 of solar thermal systems shall be as follows:

- 1538 1. Five hundred dollars for a residence.
- 1539 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
1540 for a place of business, a publicly owned or operated facility,
1541 or a facility owned or operated by a private, not-for-profit
1542 organization, including condominiums or apartment buildings. ~~Btu~~
1543 ~~must be verified by approved metering equipment.~~

1544 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

1545 (a) Eligibility requirements.--A solar thermal pool heater
1546 qualifies for a rebate if the system is installed by a state-
1547 licensed solar or plumbing contractor and the system complies

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1548 with all applicable building codes as defined by the Florida
1549 Building Code ~~local jurisdictional authority~~.

1550 (b) Rebate amount.--Authorized rebates for installation of
1551 solar thermal pool heaters shall be \$100 per installation.

1552 (5) APPLICATION.--Application for a rebate must be made
1553 within 90 days after the purchase of the solar energy equipment.

1554 (6) REBATE AVAILABILITY.--The department shall determine
1555 and publish on a regular basis the amount of rebate funds
1556 remaining in each fiscal year. The total dollar amount of all
1557 rebates issued by the department is subject to the total amount
1558 of appropriations in any fiscal year for this program. If funds
1559 are insufficient during the current fiscal year, any requests
1560 for rebates received during that fiscal year may be processed
1561 during the following fiscal year. Requests for rebates received
1562 in a fiscal year that are processed during the following fiscal
1563 year shall be given priority over requests for rebates received
1564 during the following fiscal year.

1565 (7) RULES.--The department shall adopt rules pursuant to
1566 ss. 120.536(1) and 120.54 to develop rebate applications and
1567 administer the issuance of rebates.

1568 Section 25. Section 403.44, Florida Statutes, is created
1569 to read:

1570 403.44 Florida Climate Protection Act.--

1571 (1) The Legislature finds it is in the best interest of
1572 this state to document, to the greatest extent practicable,
1573 greenhouse gas (GHG) emissions and to pursue a market-based
1574 emissions-abatement program, such as cap-and-trade, to address
1575 GHG emissions reductions.



1576 (2) As used in this section, the term:

1577 (a) "Allowance" means a credit issued by the department
1578 through allotments or auction which represents an authorization
1579 to emit specific amounts of greenhouse gases, as further defined
1580 in department rule.

1581 (b) "Cap-and-trade" or "emissions trading" means an
1582 administrative approach used to control pollution by providing a
1583 limit on total allowable emissions, providing for allowances to
1584 emit pollutants, and providing for the transfer of the
1585 allowances among pollutant sources as a means of compliance with
1586 emission limits.

1587 (c) "Greenhouse gas" means carbon dioxide, methane,
1588 nitrous oxide, and fluorinated gases such as hydrofluorocarbons,
1589 perfluorocarbons, and sulfur hexafluoride.

1590 (d) "Leakage" means the offset of emission abatement that
1591 is achieved in one location subject to emission control
1592 regulation by increased emissions in unregulated locations.

1593 (e) "Major emitter" means an electric utility regulated
1594 under this chapter.

1595 (3) A major emitter must use The Climate Registry for
1596 purposes of emission registration and reporting.

1597 (4) The Department of Environmental Protection shall
1598 establish the methodologies, reporting periods, and reporting
1599 systems that must be used when major emitters report to The
1600 Climate Registry. The department may require the use of quality-
1601 assured data from continuous emissions-monitoring systems.

1602 (5) The department may adopt rules for a cap-and-trade
1603 regulatory program to reduce greenhouse gas emissions from major

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1604 emitters. When developing the rules, the department shall
1605 consult with the Governor's Action Team on Energy and Climate
1606 Change, the Public Service Commission, and the Florida Energy
1607 Commission. The rules shall not become effective until ratified
1608 by the Legislature.

1609 (6) The rules of the cap-and-trade regulatory program
1610 shall include, but are not limited to:

1611 (a) A statewide limit or cap on the amount of GHG
1612 emissions emitted by major emitters.

1613 (b) Methods, requirements, and conditions for allocating
1614 the cap among major emitters.

1615 (c) Methods, requirements, and conditions for emissions
1616 allowances and the process for issuing emissions allowances.

1617 (d) The relationship between allowances and the specific
1618 amounts of greenhouse gases they represent.

1619 (e) A process for the trade of allowances between major
1620 emitters, including a registry, tracking, or accounting system
1621 for such trades.

1622 (f) Cost-containment mechanisms in order to reduce price
1623 and cost risks associated with the electric generation market in
1624 this state.

1625 (g) A process to allow the department to exercise its
1626 authority to discourage leakage of GHG emissions to neighboring
1627 states attributable to the implementation of this program.

1628 (h) Provisions for a trial period on the trading of
1629 allowances before full implementation of a trading system.

1630 (i) Other requirements necessary or desirable to implement
1631 this section.

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1632 Section 26. Subsection (1) of section 403.506, Florida
1633 Statutes, is amended to read:

1634 403.506 Applicability, thresholds, and certification.--

1635 (1) The provisions of this act shall apply to any
1636 electrical power plant as defined herein, except that the
1637 provisions of this act shall not apply to any electrical power
1638 plant ~~or steam generating plant~~ of less than 75 megawatts in
1639 gross capacity including its associated facilities ~~or to any~~
1640 ~~substation to be constructed as part of an associated~~
1641 ~~transmission line~~ unless the applicant has elected to apply for
1642 certification of such electrical power plant ~~or substation~~ under
1643 this act. The provisions of this act shall not apply to ~~any unit~~
1644 capacity expansions ~~expansion~~ of 75 ~~35~~ megawatts or less, in the
1645 aggregate, of an existing exothermic reaction cogeneration
1646 electrical generating facility ~~unit~~ that was exempt from this
1647 act when it was originally built; however, this exemption shall
1648 not apply if the unit uses oil or natural gas for purposes other
1649 than unit startup. No construction of any new electrical power
1650 plant or expansion in steam generating capacity as measured by
1651 an increase in the maximum electrical generator rating of any
1652 existing electrical power plant may be undertaken after October
1653 1, 1973, without first obtaining certification in the manner as
1654 herein provided, except that this act shall not apply to any
1655 such electrical power plant which is presently operating or
1656 under construction or which has, upon the effective date of
1657 chapter 73-33, Laws of Florida, applied for a permit or
1658 certification under requirements in force prior to the effective
1659 date of such act.

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1660 Section 27. Section 403.7055, Florida Statutes, is created
1661 to read:

1662 403.7055 Methane capture.--

1663 (1) Each county is encouraged to form multicounty regional
1664 solutions to the capture and reuse or sale of methane gas from
1665 landfills and wastewater treatment facilities.

1666 (2) The department shall provide planning guidelines and
1667 technical assistance to each county to develop and implement
1668 such multicounty efforts.

1669 Section 28. Section 489.145, Florida Statutes, is amended
1670 to read:

1671 489.145 Guaranteed energy performance savings
1672 contracting.--

1673 (1) SHORT TITLE.--This section may be cited as the
1674 "Guaranteed Energy Performance Savings Contracting Act."

1675 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
1676 investment in energy conservation measures in agency facilities
1677 can reduce the amount of energy consumed and produce immediate
1678 and long-term savings. It is the policy of this state to
1679 encourage agencies to invest in energy conservation measures
1680 that ~~reduce energy consumption, produce a cost savings for the~~
1681 ~~agency, and improve the quality of indoor air in public~~
1682 ~~facilities and to operate, maintain, and, when economically~~
1683 ~~feasible, build or renovate existing agency facilities in such a~~
1684 ~~manner as to~~ minimize energy consumption and maximize energy
1685 savings. It is further the policy of this state that agencies
1686 share in the monetary savings resulting from energy performance
1687 contracting and to encourage agencies to reinvest any energy

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1688 savings resulting from energy conservation measures in
1689 additional energy conservation efforts.

1690 (3) DEFINITIONS.--As used in this section, the term:

1691 (a) "Agency" means the state, a municipality, or a
1692 political subdivision.

1693 (b) "Energy conservation measure" means a ~~training~~
1694 ~~program,~~ facility alteration, or equipment purchase to be used
1695 in new construction, including an addition to an existing
1696 facility, which reduces energy or energy-related operating costs
1697 and includes, but is not limited to:

1698 1. Insulation of the facility structure and systems within
1699 the facility.

1700 2. Storm windows and doors, caulking or weatherstripping,
1701 multiglazed windows and doors, heat-absorbing, or heat-
1702 reflective, glazed and coated window and door systems,
1703 additional glazing, reductions in glass area, and other window
1704 and door system modifications that reduce energy consumption.

1705 3. Automatic energy control systems.

1706 4. Heating, ventilating, or air-conditioning system
1707 modifications or replacements.

1708 5. Replacement or modifications of lighting fixtures to
1709 increase the energy efficiency of the lighting system, which, at
1710 a minimum, must conform to the applicable state or local
1711 building code.

1712 6. Energy recovery systems.

1713 7. Cogeneration systems that produce steam or forms of
1714 energy such as heat, as well as electricity, for use primarily
1715 within a facility or complex of facilities.

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1716 8. Energy conservation measures that reduce British
1717 thermal units (Btu), kilowatts (kW), or kilowatt hours (kWh)
1718 consumed or provide long-term operating cost reductions ~~or~~
1719 significantly reduce Btu consumed.

1720 9. Renewable energy systems, such as solar, biomass, or
1721 wind systems.

1722 10. Devices that reduce water consumption or sewer
1723 charges.

1724 11. Storage systems, such as fuel cells and thermal
1725 storage.

1726 12. Generating technologies, such as microturbines.

1727 13. Any other repair, replacement, or upgrade of existing
1728 equipment.

1729 (c) "Energy cost savings" means a measured reduction in
1730 the cost of fuel, energy consumption, and stipulated operation
1731 and maintenance created from the implementation of one or more
1732 energy conservation measures when compared with an established
1733 baseline for the previous cost of fuel, energy consumption, and
1734 stipulated operation and maintenance.

1735 (d) "Guaranteed energy performance savings contract" means
1736 a contract for the evaluation, recommendation, and
1737 implementation of energy conservation measures or energy-related
1738 operational cost-saving measures, which, at a minimum, shall
1739 include:

1740 1. The design and installation of equipment to implement
1741 one or more of such measures and, if applicable, operation and
1742 maintenance of such measures.



1743 2. The amount of any actual annual savings that meet or
1744 exceed total annual contract payments made by the agency for the
1745 contract.

1746 3. The finance charges incurred by the agency over the
1747 life of the contract and may include allowable cost avoidance.
1748 As used in this section, allowable cost-avoidance calculations
1749 include, but are not limited to, avoided provable budgeted costs
1750 contained in a capital replacement plan less the current
1751 undepreciated value of replaced equipment and the replacement
1752 cost of the new equipment.

1753 (e) "Guaranteed energy performance savings contractor"
1754 means a person or business that is licensed under chapter 471,
1755 chapter 481, or this chapter, and is experienced in the
1756 analysis, design, implementation, or installation of energy
1757 conservation measures through energy performance contracts.

1758 (4) PROCEDURES.--

1759 (a) An agency may enter into a guaranteed energy
1760 performance savings contract with a guaranteed energy
1761 performance savings contractor to ~~significantly~~ reduce energy
1762 consumption or energy-related operating costs of an agency
1763 facility through one or more energy conservation measures.

1764 (b) Before design and installation of energy conservation
1765 measures, the agency must obtain from a guaranteed energy
1766 performance savings contractor a report that summarizes the
1767 costs associated with the energy conservation measures or
1768 energy-related operational cost-saving measures and provides an
1769 estimate of the amount of the ~~energy~~ cost savings. The agency
1770 and the guaranteed energy performance savings contractor may

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1771 enter into a separate agreement to pay for costs associated with
1772 the preparation and delivery of the report; however, payment to
1773 the contractor shall be contingent upon the report's projection
1774 of energy or operational cost savings being equal to or greater
1775 than the total projected costs of the design and installation of
1776 the report's energy conservation measures.

1777 (c) The agency may enter into a guaranteed energy
1778 performance savings contract with a guaranteed energy
1779 performance savings contractor if the agency finds that the
1780 amount the agency would spend on the energy conservation or
1781 energy-related cost-saving measures will not likely exceed the
1782 amount of the energy or energy-related cost savings for up to 20
1783 years from the date of installation, based on the life cycle
1784 cost calculations provided in s. 255.255, if the recommendations
1785 in the report were followed and if the qualified provider or
1786 providers give a written guarantee that the energy or energy-
1787 related cost savings will meet or exceed the costs of the
1788 system. However, actual computed cost savings must meet or
1789 exceed the estimated cost savings provided in each agency's
1790 program approval. Baseline adjustments used in calculations must
1791 be specified in the contract. The contract may provide for
1792 installment payments for a period not to exceed 20 years.

1793 (d) A guaranteed energy performance savings contractor
1794 must be selected in compliance with s. 287.055; except that if
1795 fewer than three firms are qualified to perform the required
1796 services, the requirement for agency selection of three firms,
1797 as provided in s. 287.055(4)(b), and the bid requirements of s.
1798 287.057 do not apply.

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1799 (e) Before entering into a guaranteed energy performance
1800 savings contract, an agency must provide published notice of the
1801 meeting in which it proposes to award the contract, the names of
1802 the parties to the proposed contract, and the contract's
1803 purpose.

1804 (f) A guaranteed energy performance savings contract may
1805 provide for financing, including tax-exempt financing, by a
1806 third party. The contract for third party financing may be
1807 separate from the energy performance contract. A separate
1808 contract for third party financing must include a provision that
1809 the third party financier under this paragraph must not be
1810 granted rights or privileges that exceed the rights and
1811 privileges available to the guaranteed energy performance
1812 savings contractor.

1813 (g) Financing for guaranteed energy performance savings
1814 contracts may be provided under the authority of s. 287.064.

1815 (h) The office of the Chief Financial Officer shall review
1816 proposals from state agencies to ensure that the most effective
1817 financing is being used.

1818 (i) ~~(g)~~ In determining the amount the agency will finance
1819 to acquire the energy conservation measures, the agency may
1820 reduce such amount by the application of any grant moneys,
1821 rebates, or capital funding available to the agency for the
1822 purpose of buying down the cost of the guaranteed energy
1823 performance savings contract. However, in calculating the life
1824 cycle cost as required in paragraph (c), the agency shall not
1825 apply any grants, rebates, or capital funding.

1826 (5) CONTRACT PROVISIONS.--



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1827 (a) A guaranteed energy performance savings contract must
1828 include a written guarantee that may include, but is not limited
1829 to the form of, a letter of credit, insurance policy, or
1830 corporate guarantee by the guaranteed energy performance savings
1831 contractor that annual energy cost savings will meet or exceed
1832 the amortized cost of energy conservation measures.

1833 (b) The guaranteed energy performance savings contract
1834 must provide that all payments, except obligations on
1835 termination of the contract before its expiration, may be made
1836 over time, but not to exceed 20 years from the date of complete
1837 installation and acceptance by the agency, and that the annual
1838 savings are guaranteed to the extent necessary to make annual
1839 payments to satisfy the guaranteed energy performance savings
1840 contract.

1841 (c) The guaranteed energy performance savings contract
1842 must require that the guaranteed energy performance savings
1843 contractor to whom the contract is awarded provide a 100-percent
1844 public construction bond to the agency for its faithful
1845 performance, as required by s. 255.05.

1846 (d) The guaranteed energy performance savings contract may
1847 contain a provision allocating to the parties to the contract
1848 any annual energy cost savings that exceed the amount of the
1849 energy cost savings guaranteed in the contract.

1850 (e) The guaranteed energy performance savings contract
1851 shall require the guaranteed energy performance savings
1852 contractor to provide to the agency an annual reconciliation of
1853 the guaranteed energy or energy-related cost savings. If the
1854 reconciliation reveals a shortfall in annual energy or energy-

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1855 related cost savings, the guaranteed energy performance savings
1856 contractor is liable for such shortfall. If the reconciliation
1857 reveals an excess in annual ~~energy~~ cost savings, the excess
1858 savings may be allocated under paragraph (d) but may not be used
1859 to cover potential energy cost savings shortages in subsequent
1860 contract years.

1861 (f) The guaranteed energy performance savings contract
1862 must provide for payments of not less than one-twentieth of the
1863 price to be paid within 2 years from the date of the complete
1864 installation and acceptance by the agency using straight-line
1865 amortization for the term of the loan, and the remaining costs
1866 to be paid at least quarterly, not to exceed a 20-year term,
1867 based on life cycle cost calculations.

1868 (g) The guaranteed energy performance savings contract may
1869 extend beyond the fiscal year in which it becomes effective;
1870 however, the term of any contract expires at the end of each
1871 fiscal year and may be automatically renewed annually for up to
1872 20 years, subject to the agency making sufficient annual
1873 appropriations based upon continued realized energy savings.

1874 (h) The guaranteed energy performance savings contract
1875 must stipulate that it does not constitute a debt, liability, or
1876 obligation of the state.

1877 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The
1878 Department of Management Services, with the assistance of the
1879 Office of the Chief Financial Officer, shall ~~may~~, within
1880 available resources, provide technical assistance to state
1881 agencies contracting for energy conservation measures and engage
1882 in other activities considered appropriate by the department for

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1883 promoting and facilitating guaranteed energy performance
1884 contracting by state agencies. The Office of the Chief Financial
1885 Officer, with the assistance of the Department of Management
1886 Services, shall ~~may, within available resources,~~ develop model
1887 contractual and related documents for use by state agencies.
1888 Prior to entering into a guaranteed energy performance savings
1889 contract, any contract or lease for third-party financing, or
1890 any combination of such contracts, a state agency shall submit
1891 such proposed contract or lease to the Office of the Chief
1892 Financial Officer for review and approval. A proposed contract
1893 or lease must include:

1894 (a) Supporting information required by s. 216.023(4) (a);

1895 (b) Documentation supporting recurring funds requirements
1896 in ss. 287.063(5) and 287.064(11);

1897 (c) Approval by the chief executive officer of the state
1898 agency, or his or her designee; and

1899 (d) An agency measurement and verification plan to monitor
1900 costs savings.

1901 (7) FUNDING SUPPORT.--For purposes of consolidated
1902 financing of deferred payment commodity contracts under this
1903 section by an agency, any contract must be supported from
1904 available funds appropriated to the agency in an appropriation
1905 category, as defined in chapter 216, which the Chief Financial
1906 Officer has determined is appropriate or which the Legislature
1907 has designated for payment of the obligation incurred under this
1908 section. The Office of the Chief Financial Officer may not
1909 approve any contract submitted under this section from a state
1910 agency which does not meet the requirements of this section.

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1911 Section 29. Section 526.201, Florida Statutes, is created
1912 to read:

1913 526.201 Short title.--Sections 526.201-526.2012, may be
1914 cited as the "Florida Renewable Fuel Standard Act."

1915 Section 30. Section 526.2011, Florida Statutes, is created
1916 to read:

1917 526.2011 Definitions.--As used in ss. 526.201-526.2012,
1918 the term:

1919 (1) "Blender" means any person who blends any product with
1920 gasoline or diesel fuel and who has been licensed or authorized
1921 as a blender.

1922 (2) "Credits" means allowances as determined by the
1923 department in rule.

1924 (3) "Department" means the Department of Agriculture and
1925 Consumer Services.

1926 (4) "Diesel fuel" means all petroleum distillates commonly
1927 known as diesel #2 or diesel #1 and additives used to meet or
1928 exceed the ASTM fuel specification for "Diesel Fuel Oils" and
1929 which are used in highway and nonroad vehicles and small
1930 portable engines.

1931 (5) "Gasoline" means all gasoline products and additives
1932 used to meet or exceed the ASTM fuel specification for
1933 "Automotive Spark-Ignition Engine Fuel" and which are used in
1934 highway and nonroad vehicles and small portable engines.

1935 (6) "Importer" means any person, firm, association,
1936 corporation, or company that brings gasoline blending stocks or
1937 components from another state or foreign nation into this state.

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1938 (7) "Lifecycle greenhouse gas emissions" means the total
1939 emissions of greenhouse gas emissions associated with the
1940 production and distribution of fuels as defined by the
1941 department.

1942 (8) "Refiner" means any person who stores or exchanges
1943 motor fuel at a terminal facility in this state and who sells or
1944 transfers motor fuel through the loading rack at the terminal
1945 facility, and includes an affiliate of the refiner with respect
1946 to such affiliate's sale of motor fuel.

1947 (9) "Renewable fuel" means fuel that is produced from
1948 renewable sources, including, but not limited to, biomass, crop
1949 residue, vegetative waste, yard waste, biogas, animal fats, or
1950 as determined by the department.

1951 (10) "Transportation fuels" includes gasoline and diesel
1952 fuel.

1953 Section 31. Section 526.2012, Florida Statutes, is created
1954 to read:

1955 526.2012 Rules.--

1956 (1) The department shall adopt rules implementing a
1957 renewable fuel standard that requires that no less than 5
1958 percent of transportation fuels, excluding fuels identified by
1959 subsection (4), consumed in this state by year 2012, and no less
1960 than 10 percent by year 2015, shall be renewable fuels.

1961 (2) The department shall publish a notice of proposed
1962 rulemaking no later than January 1, 2009, to adopt rules that:

1963 (a) Require all renewable fuels introduced into commerce
1964 in this state as a result of the renewable fuel standard to
1965 reduce lifecycle greenhouse gas emissions by an average of 40

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1966 percent less than this state's transportation fuels portfolio as
1967 of 2007. In meeting this requirement, biofuels having lifecycle
1968 greenhouse gas emissions less than 40 percent may be used meet
1969 the renewable fuel standard if biofuels having lifecycle
1970 greenhouse gas emissions greater than 40 percent are used such
1971 that there is a 40-percent average of lifecycle greenhouse gas
1972 emissions for all fuels refined, imported, or blended during a
1973 single year.

1974 (b) Provide for the creation, banking, transfer, and sale
1975 of credits among fuel refiners, blenders, and importers that:

1976 1. Produce renewable fuels in this state which reduce
1977 lifecycle greenhouse gas emissions by more than 40 percent,
1978 including blends of renewable fuels that exceed the 40-percent
1979 standard;

1980 2. Refine, blend, or import additional renewable fuels
1981 above the 40-percent standard; and

1982 3. Allow for the use of the credits by the generator or
1983 for the transfer of all or a portion of the credits to another
1984 refiner, blender, or importer for the purpose of complying with
1985 the 40-percent standard.

1986 (3) Any waiver or variance to this section must be filed,
1987 in accordance with s. 120.542, with the department no later than
1988 January 1, 2010, and January 1, 2013, respectively, for the
1989 renewable fuel standard.

1990 (4) Blended gasoline or diesel offered for sale, sold, or
1991 dispensed for use in airplanes or watercraft or as fuel for off-
1992 highway motor sports racing events are exempt from the renewable
1993 fuel standard.

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1994 (5) Any refiner, blender, or importer in this state who
1995 fails to meet the renewable fuel standard shall be penalized up
1996 to \$5 per gallon for every gallon refined, blended, or imported
1997 less than the standard; however, there shall be a 1-month grace
1998 period following each calendar year during which time the
1999 refiner, blender, or importer may remedy any shortage from the
2000 previous year. Gallons refined, blended, or imported during the
2001 grace period for purposes of attaining compliance with the
2002 previous year's standard may not be counted toward attainment of
2003 the standard in the current year.

2004 (6) Every 5 years after year 2012, the department shall
2005 review and reevaluate the renewable fuel standard. In its review,
2006 the department shall account for a full life-cycle analysis of
2007 greenhouse gas emission reduction, as well as a comprehensive
2008 resource analysis that supports modifying the renewable fuel
2009 standard.

2010 Section 32. Present subsection (5) of section 553.77,
2011 Florida Statutes, is renumbered as subsection (6), and a new
2012 subsection (5) is added to that section, to read:

2013 553.77 Specific powers of the commission.--

2014 (5) The commission may implement its recommendations
2015 delivered pursuant to subsection (2) of section 48 of chapter
2016 2007-73, Laws of Florida, by amending the Florida Energy
2017 Efficiency Code for Building Construction as provided in s.
2018 553.901.

2019 Section 33. Section 553.886, Florida Statutes, is created
2020 to read:

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2021 553.886 Energy-efficiency technologies.--The provisions of
2022 the Florida Building Code must facilitate and promote the use of
2023 cost-effective energy conservation, energy-demand management,
2024 and renewable energy technologies in buildings.

2025 Section 34. Section 553.9061, Florida Statutes, is created
2026 to read:

2027 553.9061 Scheduled increases in thermal efficiency
2028 standards.--

2029 (1) This section establishes a schedule of required
2030 increases in the energy-efficiency performance of buildings that
2031 are subject to the requirements for energy efficiency as
2032 contained in the current edition of the Florida Building Code.
2033 The Florida Building Commission shall implement the following
2034 energy-efficiency goals using the triennial code-adoption
2035 process established for updates to the Florida Building Code in
2036 s. 553.73:

2037 (a) Include requirements in the 2010 edition of the
2038 Florida Building Code to increase the energy-efficiency
2039 performance of new buildings by at least 20 percent as compared
2040 to the performance achieved as a result of the implementation of
2041 the energy-efficiency provisions contained in the current
2042 edition of the Florida Building Code;

2043 (b) Include requirements in the 2013 edition of the
2044 Florida Building Code to increase the energy-efficiency
2045 performance of new buildings by at least 30 percent as compared
2046 to the performance achieved as a result of the implementation of
2047 the energy-efficiency provisions contained in the current
2048 edition of the Florida Building Code;

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2049 (c) Include requirements in the 2016 edition of the
2050 Florida Building Code to increase the energy-efficiency
2051 performance of new buildings by at least 40 percent as compared
2052 to the performance achieved as a result of the implementation of
2053 the energy-efficiency provisions contained in the current
2054 edition of the Florida Building Code; and

2055 (d) Include requirements in the 2019 edition of the
2056 Florida Building Code to increase the energy-efficiency
2057 performance of new buildings by at least 50 percent as compared
2058 to the performance achieved as a result of the implementation of
2059 the energy-efficiency provisions contained in the current
2060 edition of the Florida Building Code.

2061 (2) The commission shall identify in any code-support and
2062 compliance documentation the specific building options and
2063 elements available to meet the energy-efficiency performance
2064 requirements required under subsection (1). Energy-efficiency
2065 performance options and elements include, but are not limited
2066 to:

2067 (a) Solar water heating;

2068 (b) Energy-efficient appliances;

2069 (c) Energy-efficient windows, doors, and skylights;

2070 (d) Low solar-absorption roofs, also known as "cool
2071 roofs";

2072 (e) Enhanced ceiling and wall insulation;

2073 (f) Reduced-leak duct systems;

2074 (g) Programmable thermostats; and

2075 (h) Energy-efficient lighting systems.

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2076 Section 35. (1) The Florida Building Commission shall
2077 conduct a study to evaluate the energy-efficiency rating of new
2078 buildings and appliances. The study must include a review of the
2079 current energy-efficiency ratings and consumer labeling
2080 requirements contained in chapter 553, Florida Statutes. The
2081 commission shall submit a written report of its study to the
2082 President of the Senate and the Speaker of the House of
2083 Representatives on or before February 1, 2009. The report must
2084 contain the commission's recommendations regarding the
2085 strengthening and integration of energy-efficiency ratings and
2086 labeling requirements.

2087 (2) The provisions of this section expire July 1, 2009.

2088 Section 36. (1) The Florida Building Commission shall
2089 conduct a study to evaluate opportunities to restructure the
2090 Florida Energy Efficiency Code for Building Construction to
2091 achieve long-range improvements to building energy performance.
2092 During such study, the commission shall address the integration
2093 of the Thermal Efficiency Code established in part V of chapter
2094 553, Florida Statutes, the Energy Conservation Standards Act
2095 established in part VI of chapter 553, Florida Statutes, and the
2096 Florida Building Energy-Efficiency Rating Act established in
2097 part VIII of chapter 553, Florida Statutes.

2098 (2) The commission shall submit a report containing
2099 specific recommendations on the integration of the code and acts
2100 identified in subsection (1) to the President of the Senate and
2101 the Speaker of the House of Representatives on or before
2102 February 1, 2009.

2103 (3) The provisions of this section expire July 1, 2009.

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2104 Section 37. (1) The Department of Community Affairs, in
2105 conjunction with the Florida Energy Affordability Coalition,
2106 shall identify and review issues relating to the Low-Income Home
2107 Energy Assistance Program and the Weatherization Assistance
2108 Program, and identify recommendations that:

2109 (a) Support customer health, safety, and well-being;

2110 (b) Maximize available financial and energy-conservation
2111 assistance;

2112 (c) Improve the quality of service to customers seeking
2113 assistance; and

2114 (d) Educate customers to make informed decisions regarding
2115 energy use and conservation.

2116 (2) On or before January 1, 2009, the department shall
2117 report its findings and any recommended statutory changes
2118 required to implement such findings to the President of the
2119 Senate and the Speaker of the House of Representatives.

2120 (3) The provisions of this section expire July 1, 2009.

2121 Section 38. Subsection (1) of section 553.957, Florida
2122 Statutes, is amended to read:

2123 553.957 Products covered by this part.--

2124 (1) The provisions of this part apply to the testing,
2125 certification, and enforcement of energy conservation standards
2126 for the following types of new commercial and residential
2127 products sold in the state:

2128 (a) Refrigerators, refrigerator-freezers, and freezers
2129 which can be operated by alternating current electricity,
2130 excluding:

2131 1. Any type designed to be used without doors; and

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2132 2. Any type which does not include a compressor and
2133 condenser unit as an integral part of the cabinet assembly.

2134 (b) Lighting equipment.

2135 (c) Showerheads.

2136 (d) Electric water heaters used to heat potable water in
2137 homes or businesses.

2138 (e) Electric motors used to pump water within swimming
2139 pools.

2140 (f) Water heaters for swimming pools.

2141 (g) ~~(d)~~ Any other type of consumer product which the
2142 department classifies as a covered product as specified in this
2143 part.

2144 Section 39. Section 553.975, Florida Statutes, is amended
2145 to read:

2146 553.975 Report to the Governor and Legislature.--The
2147 Public Service Commission shall submit a biennial report to the
2148 Governor, the President of the Senate, and the Speaker of the
2149 House of Representatives, concurrent with the report required by
2150 s. 366.82(5) ~~s. 366.82(4)~~, beginning in 1990. Such report shall
2151 include an evaluation of the effectiveness of these standards on
2152 energy conservation in this state.

2153 Section 40. The Public Service Commission shall analyze
2154 utility revenue decoupling and provide a report and
2155 recommendations to the Governor, the President of the Senate,
2156 and the Speaker of the House of Representatives by January 1,
2157 2009.

2158 Section 41. This act shall take effect July 1, 2008.
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2160 ===== T I T L E A M E N D M E N T =====

2161 And the title is amended as follows:

2162 Delete everything before the enacting clause
 2163 and insert:

2164 A bill to be entitled
 2165 An act relating to energy conservation; creating s.
 2166 112.219, F.S.; defining terms for purposes of the state
 2167 employee telecommuting program; requiring each state
 2168 employing entity to complete a telecommuting plan by a
 2169 specified date which includes a listing of the job
 2170 classifications and positions that the state entity
 2171 considers appropriate for telecommuting; providing
 2172 requirements for the telecommuting plan; requiring each
 2173 state employing entity to post the telecommuting plan on
 2174 its website; amending s. 186.007, F.S.; authorizing the
 2175 Executive Office of the Governor to include in the state
 2176 comprehensive plan goals, objectives, and policies related
 2177 energy and global climate change; creating s. 193.804,
 2178 F.S.; prohibiting the property appraiser from increasing
 2179 the taxable value of homestead property when the taxpayer
 2180 adds any solar energy device to the property; authorizing
 2181 the property appraiser to refer the matter to the
 2182 Department of Environmental Protection if the property
 2183 appraiser questions whether a taxpayer is entitled, in
 2184 whole or in part, to a solar energy device exemption;
 2185 requiring the Department of Environmental Protection to
 2186 adopt rules; amending s. 212.08, F.S.; providing that the
 2187 sale or use of wind energy or wind turbines is exempt from

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2188 sales or use taxes as equipment, machinery, and other
2189 materials used for renewable energy technologies;
2190 requiring the Department of Environmental Protection to
2191 adopt, by rule, an application form, including the
2192 required content and documentation to support the
2193 application, for the taxpayer to use in claiming the tax
2194 exemption; amending s. 220.192, F.S.; defining terms
2195 related to a tax credit; providing that 75 percent of all
2196 capital, operation, and maintenance costs, and research
2197 and development costs incurred between specified dates, up
2198 to a specified limit, may be credited against taxes owed
2199 in connection with an investment in the production of wind
2200 energy; allowing the tax credit to be transferred for a
2201 specified period; providing procedures and requirements;
2202 requiring the Department of Revenue to adopt rules;
2203 amending s. 220.193, F.S.; defining the term "sale" or
2204 sold"; defining the term "taxpayer"; authorizing the
2205 Department of Revenue to adopt rules and forms; providing
2206 that the use of the renewable energy production credit
2207 does not reduce the alternative minimum tax credit;
2208 amending s. 255.249, F.S.; requiring state agencies to
2209 annually provide telecommuting plans to the Department of
2210 Management Services; amending s. 255.251, F.S.; creating
2211 the "Florida Energy Conservation and Sustainable Buildings
2212 Act"; amending s. 255.252, F.S.; providing findings and
2213 legislative intent; providing that it is the policy of the
2214 state that buildings constructed and financed by the
2215 state, or existing buildings renovated by the state, be

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2216 designed and constructed with a goal of meeting or
2217 exceeding the Platinum rating of the United States Green
2218 Building Council (USGBC) Leadership in Energy and
2219 Environmental Design (LEED) rating system, the Green
2220 Building Initiative's Green Globes rating system, or the
2221 Florida Green Building Coalition standards; requiring each
2222 state agency to identify and compile a list of energy-
2223 conservation projects that it determines are suitable for
2224 a guaranteed energy performance savings contract; amending
2225 s. 255.253, F.S.; defining terms relating to energy
2226 conservation for buildings; amending s. 255.254, F.S.;
2227 prohibiting a state government entity from leasing or
2228 constructing a facility without having secured from the
2229 Department of Management Services a proper evaluation of
2230 life-cycle costs for the building; amending s. 255.255,
2231 F.S.; requiring the department to use sustainable building
2232 ratings for conducting a life-cycle cost analysis;
2233 amending s. 255.257, F.S.; requiring each state government
2234 entity to adopt the standards of the United States Green
2235 Building Council's Leadership in Energy and Environmental
2236 Design for New Construction (LEED-NC) for all new
2237 buildings, with a goal of achieving the LEED-NC Platinum
2238 level rating for each construction project and to
2239 implement the United States Green Building Council's
2240 Leadership in Energy and Environmental Design for Existing
2241 Buildings (LEED-EB); creating s. 286.275, F.S.; requiring
2242 the Department of Management Services to develop the
2243 Florida Climate Friendly Preferred Products List;

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2244 requiring state government entities to consult the list
2245 and purchase products from the list under certain
2246 circumstances; requiring state government entities to
2247 contract for meeting and conference space with facilities
2248 having the "Green Lodging" designation; authorizing the
2249 Department of Environmental Protection to adopt rules;
2250 requiring the department to establish voluntary technical
2251 assistance programs for various businesses; requiring
2252 state government entities to maintain vehicles according
2253 to minimum standards and follow certain procedures when
2254 procuring new vehicles; requiring state government
2255 entities to use ethanol and biodiesel-blended fuels when
2256 available; defining the term "state government entity";
2257 amending s. 287.063, F.S.; prohibiting the payment term
2258 for equipment from exceeding the useful life of the
2259 equipment unless the contract provides for the replacement
2260 or the extension of the useful life of the equipment
2261 during the term of the deferred payment contract; amending
2262 s. 287.064, F.S.; authorizing an extension of the master
2263 equipment financing agreement for energy conservation
2264 equipment; requiring the guaranteed energy performance
2265 savings contractor to provide for the replacement or the
2266 extension of the useful life of the energy conservation
2267 equipment during the term of the contract; amending s.
2268 288.1089, F.S.; defining the term "alternative and
2269 renewable energy"; detailing the conditions for an
2270 alternative and renewable energy project to be eligible
2271 for an innovation incentive award; amending s. 339.175,

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2272 F.S.; requiring each metropolitan planning organization to
2273 develop a long-range transportation plan and an annual
2274 project priority list that, among other considerations,
2275 provide for sustainable growth and reduce greenhouse gas
2276 emissions; amending s. 366.82, F.S.; requiring the Public
2277 Service Commission to adopt rules requiring utilities to
2278 offset 20 percent of their annual load-growth through
2279 energy efficiency and conservation measures; requiring the
2280 commission to create an in-state market for tradable
2281 credits enabling those utilities that exceed the
2282 conservation standard to sell credits to those that cannot
2283 meet the standard for a given year; requiring the
2284 commission to require municipal and cooperative utilities
2285 that are exempt from the Energy Efficiency and
2286 Conservation Act to submit an annual report identifying
2287 energy efficiency and conservation goals and the actions
2288 taken to meet those goals; requiring the Public Service
2289 Commission to allow utilities to install solar hot water
2290 systems and other renewable energy-efficient technologies
2291 in residential homes and commercial facilities while
2292 retaining ownership of the systems; amending s. 366.8255,
2293 F.S.; redefining the term "environmental compliance costs"
2294 to include costs or expenses prudently incurred for
2295 scientific research and geological assessments of carbon
2296 capture and storage for the purpose of reducing an
2297 electric utility's greenhouse gas emissions; amending s.
2298 377.601, F.S.; revising legislative intent with respect to
2299 the need to implement alternative energy technologies;

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2300 amending s. 377.703, F.S.; conforming cross-references;
2301 amending s. 377.804, F.S., relating to the Renewable
2302 Energy and Energy-Efficient Technologies Grant Program;
2303 providing for the program to include matching grants for
2304 technologies that increase the energy efficiency of
2305 vehicles and commercial buildings; providing application
2306 requirements; amending s. 377.806, F.S., relating to the
2307 Solar Energy System Incentives Program; requiring
2308 compliance with the Florida Building Code rather than
2309 local codes in order to be eligible for a rebate under the
2310 program; creating s. 403.44, F.S.; creating the Florida
2311 Climate Protection Act; defining terms; requiring the
2312 Department of Environmental Protection to establish the
2313 methodologies, reporting periods, and reporting systems
2314 that must be used when major emitters report to The
2315 Climate Registry; authorizing the department to adopt
2316 rules for a cap-and-trade regulatory program to reduce
2317 greenhouse gas emissions from major emitters; providing
2318 for the content of the rule; amending s. 403.506, F.S.;
2319 revising the thresholds and applicability standards of the
2320 Florida Electrical Power Plant Siting Act; deleting a
2321 provision that exempts from the act a steam generating
2322 plant; exempting from the act the associated facilities of
2323 an electrical power plant; creating s. 403.7055, F.S.;
2324 encouraging counties in the state to form regional
2325 solutions to the capture and reuse or sale of methane gas
2326 from landfills and wastewater treatment facilities;
2327 requiring the Department of Environmental Protection to

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2328 provide guidelines and assistance; amending s. 489.145,
2329 F.S.; revising provisions of the Guaranteed Energy
2330 Performance Savings Contracting Act; requiring that each
2331 proposed contract or lease contain certain agreements
2332 concerning operational cost-saving measures; requiring the
2333 office of the Chief Financial Officer to review contract
2334 proposals; creating s. 526.201, F.S.; creating the
2335 "Florida Renewable Fuel Standard Act"; creating s.
2336 526.2011, F.S.; defining terms; creating s. 526.2012,
2337 F.S.; requiring the Department of Agriculture and Consumer
2338 Services to adopt rules by a specified date to require
2339 that all renewable fuels introduced into commerce in this
2340 state as a result of the renewable fuel standard reduce
2341 lifecycle greenhouse gas emissions by an average of 40
2342 percent less than this state's transportation fuels
2343 portfolio as of 2007; providing for further content of the
2344 rule; providing that a refiner, blender, or importer who
2345 fails to meet the renewable fuel standard shall be
2346 penalized up to \$5 per gallon for every gallon refined,
2347 blended, or imported less than the standard; requiring the
2348 department to reevaluate the renewable fuel standards
2349 every 5 years after the year 2012; amending s. 553.77,
2350 F.S.; authorizing the commission to implement
2351 recommendations relating to energy efficiency in
2352 residential and commercial buildings; creating s. 553.886,
2353 F.S.; requiring that the Florida Building Code facilitate
2354 and promote the use of certain renewable energy
2355 technologies in buildings; creating s. 553.9061, F.S.;



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2356 requiring the Florida Building Commission to establish a
2357 schedule of increases in the energy performance of
2358 buildings subject to the Energy Efficiency Code for
2359 Building Construction; providing a process for
2360 implementing goals to increase energy-efficiency
2361 performance in new buildings; providing a schedule for the
2362 implementation of such goals; identifying energy-
2363 efficiency performance options and elements available to
2364 meet energy-efficiency performance requirements; providing
2365 a schedule for the review and adoption of renewable
2366 energy-efficiency goals by the commission; requiring the
2367 commission to conduct a study to evaluate the energy-
2368 efficiency rating of new buildings and appliances;
2369 requiring the commission to submit a report to the
2370 President of the Senate and the Speaker of the House of
2371 Representatives on or before a specified date; requiring
2372 the commission to conduct a study to evaluate
2373 opportunities to restructure the Florida Energy Code for
2374 Building Construction, including the integration of the
2375 Thermal Efficiency Code, the Energy Conservation Standards
2376 Act, and the Florida Building Energy-Efficiency Rating
2377 Act; requiring the commission to submit a report to the
2378 President of the Senate and the Speaker of the House of
2379 Representatives on or before a specified date; directing
2380 the Department of Community Affairs, in conjunction with
2381 the Florida Energy Affordability Council, to identify and
2382 review issues relating to the Low-Income Home Energy
2383 Assistance Program and the Weatherization Assistance

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2384 Program; requiring the submission of a report to the
2385 President of the Senate and the Speaker of the House of
2386 Representatives on or before a specified date; providing
2387 for the expiration of certain study requirements; amending
2388 s. 553.957, F.S.; including certain home and commercial
2389 appliances in the requirements for testing and
2390 certification for meeting certain energy-conservation
2391 standards; amending s. 553.975, F.S.; conforming a cross-
2392 reference; requiring the Public Service Commission to
2393 analyze utility revenue decoupling and provide a report
2394 and recommendations to the Governor, the President of the
2395 Senate, and the Speaker of the House of Representatives by
2396 a specified date; providing an effective date.