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CHAMBER ACTION

Senate

House

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Floor: 20/AD/2R
4/17/2008 10:33 AM

Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

Delete line(s) 2448-3173

and insert:

Section 34. The State Energy Program, as authorized and governed by ss. 20.255, 288.041, 377.601-377.608, 377.701, 377.703, and 377.801-377.806, Florida Statutes, is transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, from the Department of Environmental Protection to the Florida Energy and Climate Commission.

Section 35. Section 377.6015, Florida Statutes, is created to read:

377.6015 Florida Energy and Climate Commission.--

(1) The Florida Energy and Climate Commission is created and shall be located within the Executive Office of the Governor. The commission shall be comprised of nine members, and shall be



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18 appointed by the Governor, the Commissioner of Agriculture, and
19 the Chief Financial Officer as follows.

20 (a) The Governor shall select from three persons nominated
21 by the Florida Public Service Commission Nominating Council,
22 created in s. 350.031, for each of seven seats on the commission.
23 The Commissioner of Agriculture shall select from three persons
24 nominated by the council for one seat on the commission. The
25 Chief Financial Officer shall select from three persons nominated
26 by the council for one seat on the commission.

27 1. The council shall submit recommendations to the
28 Governor, the Commissioner of Agriculture, and the Chief
29 Financial Officer by September 1 of those years in which the
30 terms are to begin the following October, or within 60 days after
31 a vacancy occurs for any reason other than the expiration of a
32 term. The Governor, the Commissioner of Agriculture, and the
33 Chief Financial Officer may proffer names of persons to be
34 considered for nomination by the council.

35 2. The Governor, the Commissioner of Agriculture, and the
36 Chief Financial Officer shall fill a vacancy occurring on the
37 commission by appointment of one of the applicants nominated by
38 the council only after a background investigation of the
39 applicant has been conducted by the Department of Law
40 Enforcement.

41 3. Members shall be appointed to 3-year terms; however, in
42 order to establish staggered terms, for the initial appointments,
43 the Governor shall appoint four members to 3-year terms, two
44 members to 2-year terms, and one member to a 1-year term. The
45 Commissioner of Agriculture and the Chief Financial Officer shall
46 appoint a member each for 3-year terms and shall appoint a

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47 successor when that appointee's term expires in the same manner
48 as provided in this paragraph and paragraph (b).

49 4. The Governor shall select the chair of the commission
50 from one of the nine persons appointed to the commission.

51 5. Vacancies on the commission shall be filled for the
52 unexpired portion of the term in the same manner as original
53 appointments to the commission.

54 6. If the Governor, the Commissioner of Agriculture, and
55 the Chief Financial Officer have not made an appointment within
56 30 days after the receipt of the recommendations, the council
57 shall initiate, in accordance with this section, the nominating
58 process within 30 days.

59 7. Each appointment to the commission is subject to
60 confirmation by the Senate during the next regular session after
61 the vacancy occurs. If the Senate refuses to confirm or fails to
62 consider an appointment, the council shall initiate, in
63 accordance with this section, the nominating process within 30
64 days.

65 (b) Members must meet the following qualifications and
66 restrictions:

67 1. A member must be an expert in one or more of the
68 following fields: energy, natural resource conservation,
69 economics, engineering, finance, law, transportation and land
70 use, consumer protection, state energy policy, or another field
71 substantially related to the duties and functions of the
72 commission. The commission shall fairly represent the fields
73 specified in this subparagraph.

74 2. Each member shall, at the time of appointment and at
75 each commission meeting during his or her term of office,
76 disclose:



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77 a. Whether he or she has any financial interest, other than
78 ownership of shares in a mutual fund, in any business entity
79 that, directly or indirectly, owns or controls, or is an
80 affiliate or subsidiary of, any business entity that may be
81 affected by the policy recommendations developed by the
82 commission.

83 b. Whether he or she is employed by or is engaged in any
84 business activity with any business entity that, directly or
85 indirectly, owns or controls, or is an affiliate or subsidiary
86 of, any business entity that may be affected by the policy
87 recommendations developed by the commission.

88 (c) The chair may designate ex officio nonvoting members to
89 provide information and advice to the commission. The following
90 shall serve as ex officio nonvoting members and may provide
91 information and advice at the request of the chair:

92 1. The chair of the Florida Public Service Commission, or
93 designee;

94 2. The Public Counsel, or designee;

95 3. A representative of the Department of Agriculture and
96 Consumer Services;

97 4. A representative of the Department of Financial
98 Services;

99 5. A representative of the Department of Environmental
100 Protection;

101 6. A representative of the Department of Community Affairs;

102 7. A representative of the Board of Governors of the State
103 University System; and

104 8. A representative of the Department of Transportation.

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105 (2) Members shall serve without compensation, but are
106 entitled to reimbursement for per diem and travel expenses as
107 provided in s. 112.061.

108 (3) Meetings of the commission may be held in various
109 locations around the state and at the call of the chair; however,
110 the commission must meet at least six times each year.

111 (4) The commission may:

112 (a) Employ staff and counsel as needed in the performance
113 of its duties.

114 (b) Prosecute and defend legal actions in its own name.

115 (c) Form advisory groups consisting of members of the
116 public to provide information on specific issues.

117 (5) The commission shall:

118 (a) Administer the Florida Renewable Energy and Energy
119 Efficient Technologies Grant Program authorized under s. 377.804
120 to assure a robust grant portfolio.

121 (b) Develop policies that require grantees to provide
122 royalty-sharing or licensing agreements with state government for
123 commercialized products developed under a state grant.

124 (c) Administer the Florida Green Government Grants Act
125 pursuant to s. 377.808 and set annual priorities for grants.

126 (d) Administer the information gathering and reporting
127 functions pursuant to ss. 377.601-377.608.

128 (e) Administer the petroleum planning and emergency
129 contingency planning pursuant to ss. 377.701 and 377.703-377.704.

130 (f) Represent Florida in the Southern States Energy Compact
131 pursuant to ss. 377.71-377.712.

132 (g) Upon completion by the Governor's Action Team on Energy
133 and Climate Change, complete the annual assessment of the
134 efficacy of Florida's Energy and Climate Change Action Plan

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135 pursuant to the Governor's Executive Order 2007-128 and provide
136 specific recommendations to the Governor and the Legislature each
137 year to improve results.

138 (h) Administer the provisions of the Florida Energy and
139 Climate Protection Act pursuant to ss. 377.801-377.806.

140 (i) Advocate for energy and climate change issues and
141 provide educational outreach and technical assistance in
142 cooperation with Florida's academic institutions.

143 (j) Be a party in the proceedings to adopt goals and submit
144 comments to the Public Service Commission pursuant to s. 366.82.

145 (k) Adopt rules pursuant to chapter 120 to administer all
146 powers and duties described in this section.

147 Section 36. Section 377.602, Florida Statutes, is amended
148 to read:

149 377.602 Definitions.--As used in ss. 377.601-377.608, the
150 term:

151 (1) "Commission" means the Florida Energy and Climate
152 Commission.

153 (2) "Department" means the Department of Environmental
154 Protection.

155 (3) ~~(1)~~ "Energy resources" includes, but is shall not ~~be~~
156 limited to:

157 (a) Energy converted from solar radiation, wind, hydraulic
158 potential, tidal movements, biomass, geothermal sources, and
159 other energy resources the commission determines to be important
160 to the production or supply of energy.

161 (b) ~~(a)~~ Propane, butane, motor gasoline, kerosene, home
162 heating oil, diesel fuel, other middle distillates, aviation
163 gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual

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164 fuels, crude oil, and other petroleum products and hydrocarbons
165 as may be determined by the department to be of importance.

166 ~~(c)~~ ~~(b)~~ All natural gas, including casinghead gas, all other
167 hydrocarbons not defined as petroleum products in paragraph (a),
168 and liquefied petroleum gas as defined in s. 527.01.

169 ~~(d)~~ ~~(e)~~ All types of coal and products derived from its
170 conversion and used as fuel.

171 ~~(e)~~ ~~(d)~~ All types of nuclear energy, special nuclear
172 material, and source material, as defined in s. 290.07.

173 ~~(e) Every other energy resource, whether natural or manmade~~
174 ~~which the department determines to be important to the production~~
175 ~~or supply of energy, including, but not limited to, energy~~
176 ~~converted from solar radiation, wind, hydraulic potential, tidal~~
177 ~~movements, and geothermal sources.~~

178 (f) All electrical energy.

179 ~~(2) "Department" means the Department of Environmental~~
180 ~~Protection.~~

181 ~~(4)~~ ~~(3)~~ "Person" means producer, refiner, wholesaler,
182 marketer, consignee, jobber, distributor, storage operator,
183 importer, exporter, firm, corporation, broker, cooperative,
184 public utility as defined in s. 366.02, rural electrification
185 cooperative, municipality engaged in the business of providing
186 electricity or other energy resources to the public, pipeline
187 company, person transporting any energy resources ~~as defined in~~
188 ~~subsection (1)~~, and person holding energy reserves for further
189 production; however, the term "person" does not include persons
190 exclusively engaged in the retail sale of petroleum products.

191 Section 37. Section 377.603, Florida Statutes, is amended
192 to read:

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193 377.603 Energy data collection; powers and duties of the
194 commission ~~Department of Environmental Protection~~.--

195 (1) The commission ~~department~~ may ~~shall~~ collect data on the
196 extraction, production, importation, exportation, refinement,
197 transportation, transmission, conversion, storage, sale, or
198 reserves of energy resources in this state in an efficient and
199 expeditious manner.

200 (2) The commission ~~department~~ may ~~shall~~ prepare periodic
201 reports of energy data it collects.

202 ~~(3) The department shall prescribe and furnish forms for
203 the collection of information as required by ss. 377.601-377.608
204 and shall consult with other state entities to assure that such
205 data collected will meet their data requirements.~~

206 (3)(4) The commission ~~department~~ may adopt and promulgate
207 such rules and regulations as are necessary to carry out the
208 provisions of ss. 377.601-377.608. Such rules shall be pursuant
209 to chapter 120.

210 (4)(5) The commission ~~department~~ shall maintain internal
211 validation procedures to assure the accuracy of information
212 received.

213 Section 38. Section 377.604, Florida Statutes, is amended
214 to read:

215 377.604 Required reports.--Every person who produces,
216 imports, exports, refines, transports, transmits, converts,
217 stores, sells, or holds known reserves of any form of energy
218 resources used as fuel shall report to the commission ~~department~~
219 at the commission's request at a frequency set, and in a manner
220 prescribed, by the commission ~~department~~, on forms provided by
221 the commission ~~department~~ and prepared with the advice of

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222 ~~representatives of the energy industry.~~ Such forms shall be
223 designed ~~in such a manner as~~ to indicate:

224 (1) The identity of the person or persons making the
225 report.

226 (2) The quantity of energy resources extracted, produced,
227 imported, exported, refined, transported, transmitted, converted,
228 stored, or sold except at retail.

229 (3) The quantity of energy resources known to be held in
230 reserve in the state.

231 (4) The identity of each refinery from which petroleum
232 products have normally been obtained and the type and quantity of
233 products secured from that refinery for sale or resale in this
234 state.

235 (5) Any other information which the commission ~~department~~
236 deems proper pursuant to the intent of ss. 377.601-377.608.

237 Section 39. Section 377.605, Florida Statutes, is amended
238 to read:

239 377.605 Use of existing information.--The commission
240 ~~department~~ may use ~~shall utilize~~ to the fullest extent possible
241 any existing energy information already prepared for state or
242 federal agencies. Every state, county, and municipal agency shall
243 cooperate with the commission ~~department~~ and shall submit any
244 information on energy to the commission ~~department~~ upon request.

245 Section 40. Section 377.606, Florida Statutes, is amended
246 to read:

247 377.606 Records of the commission ~~department~~; limits of
248 confidentiality.--The information or records of individual
249 persons, as defined herein, obtained by the commission ~~department~~
250 as a result of a report, investigation, or verification required
251 by the commission ~~department~~, shall be open to the public, except

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252 such information the disclosure of which would be likely to cause
253 substantial harm to the competitive position of the person
254 providing such information and which is requested to be held
255 confidential by the person providing such information. Such
256 proprietary information is confidential and exempt from the
257 provisions of s. 119.07(1). Information reported by entities
258 other than the commission ~~department~~ in documents or reports open
259 to public inspection may not ~~shall under no circumstances~~ be
260 classified as confidential by the commission ~~department~~.
261 Divulgence of proprietary information ~~as is~~ requested to be held
262 confidential, except upon order of a court of competent
263 jurisdiction or except to an officer of the state entitled to
264 receive the same in his or her official capacity, is ~~shall be~~ a
265 misdemeanor of the second degree, punishable as provided in ss.
266 775.082 and 775.083. Nothing herein shall be construed to
267 prohibit the publication or divulgence by other means of data so
268 classified as to prevent identification of particular accounts or
269 reports made to the commission ~~department~~ in compliance with s.
270 377.603 or to prohibit the disclosure of such information to
271 properly qualified legislative committees. The commission
272 ~~department~~ shall establish a system which permits reasonable
273 access to information developed.

274 Section 41. Section 377.701, Florida Statutes, is amended
275 to read:

276 377.701 Petroleum allocation.--

277 (1) The Florida Energy and Climate Commission ~~Department of~~
278 ~~Environmental Protection~~ shall assume the state's role in
279 petroleum allocation and conservation, including the development
280 of a fair and equitable petroleum plan. The commission ~~department~~
281 shall constitute the responsible state agency for performing the



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282 functions of any federal program delegated to the state, which
283 relates to petroleum supply, demand, and allocation.

284 (2) The commission ~~department~~ shall, in addition to
285 assuming the duties and responsibilities provided by subsection
286 (1), perform the following:

287 (a) In projecting available supplies of petroleum,
288 coordinate with the Department of Revenue to secure information
289 necessary to assure the sufficiency and accuracy of data
290 submitted by persons affected by any federal fuel allocation
291 program.

292 (b) Require such periodic reports from public and private
293 sources as may be necessary to the fulfillment of its
294 responsibilities under this act. Such reports may include:
295 petroleum use; all sales, including end-user sales, except retail
296 gasoline and retail fuel oil sales; inventories; expected
297 supplies and allocations; and petroleum conservation measures.

298 (c) In cooperation with the Department of Revenue and other
299 relevant state agencies, provide for long-range studies regarding
300 the usage of petroleum in the state in order to:

301 1. Comprehend the consumption of petroleum resources.

302 2. Predict future petroleum demands in relation to
303 available resources.

304 3. Report the results of such studies to the Legislature.

305 (3) For the purpose of determining accuracy of data, all
306 state agencies shall timely provide the commission ~~department~~
307 with petroleum-use information in a format suitable to the needs
308 of the allocation program.

309 (4) A ~~No~~ state employee may not ~~shall~~ divulge or make known
310 in any manner any proprietary information acquired under this act
311 if the disclosure of such information would be likely to cause

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312 substantial harm to the competitive position of the person
313 providing such information and if the person requests that such
314 information be held confidential, except in accordance with a
315 court order or in the publication of statistical information
316 compiled by methods which do ~~would~~ not disclose the identity of
317 individual suppliers or companies. Such proprietary information
318 is confidential and exempt from the provisions of s. 119.07(1).
319 Nothing in this subsection shall be construed to prevent
320 inspection of reports by the Attorney General, members of the
321 Legislature, and interested state agencies; however, such
322 agencies and their employees and members are bound by the
323 requirements set forth in this subsection.

324 (5) Any person who willfully fails to submit information
325 required by this act or submits false information or who violates
326 any provision of this act commits ~~is guilty of~~ a misdemeanor of
327 the first degree and shall be punished as provided in ss. 775.082
328 and 775.083.

329 Section 42. Section 377.703, Florida Statutes, is amended
330 to read:

331 377.703 Additional functions of the commission ~~Department~~
332 ~~of Environmental Protection; energy emergency contingency plan;~~
333 ~~federal and state conservation programs.--~~

334 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
335 demand questions have become a major area of concern to the state
336 and which must be dealt with by effective and well-coordinated
337 state action, it is the intent of the Legislature to promote the
338 efficient, effective, and economical management of energy
339 problems, centralize energy coordination responsibilities,
340 pinpoint responsibility for conducting energy programs, and
341 ensure the accountability of state agencies for the

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342 implementation of s. 377.601(4), the state energy policy. It is
343 the specific intent of the Legislature that nothing in this act
344 shall in any way change the powers, duties, and responsibilities
345 assigned by the Florida Electrical Power Plant Siting Act, part
346 II of chapter 403, or the powers, duties, and responsibilities of
347 the Florida Public Service Commission.

348 ~~(2) DEFINITIONS.--~~

349 ~~(a) "Coordinate," "coordination," or "coordinating" means~~
350 ~~the examination and evaluation of state plans and programs and~~
351 ~~the providing of recommendations to the Cabinet, Legislature, and~~
352 ~~appropriate state agency on any measures deemed necessary to~~
353 ~~ensure that such plans and programs are consistent with state~~
354 ~~energy policy.~~

355 ~~(b) "Energy conservation" means increased efficiency in the~~
356 ~~utilization of energy.~~

357 ~~(c) "Energy emergency" means an actual or impending~~
358 ~~shortage or curtailment of usable, necessary energy resources,~~
359 ~~such that the maintenance of necessary services, the protection~~
360 ~~of public health, safety, and welfare, or the maintenance of~~
361 ~~basic sound economy is imperiled in any geographical section of~~
362 ~~the state or throughout the entire state.~~

363 ~~(d) "Energy source" means electricity, fossil fuels, solar~~
364 ~~power, wind power, hydroelectric power, nuclear power, or any~~
365 ~~other resource which has the capacity to do work.~~

366 ~~(e) "Facilities" means any building or structure not~~
367 ~~otherwise exempted by the provisions of this act.~~

368 ~~(f) "Fuel" means petroleum, crude oil, petroleum product,~~
369 ~~coal, natural gas, or any other substance used primarily for its~~
370 ~~energy content.~~

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371 ~~(g) "Local government" means any county, municipality,~~
372 ~~regional planning agency, or other special district or local~~
373 ~~governmental entity the policies or programs of which may affect~~
374 ~~the supply or demand, or both, for energy in the state.~~

375 ~~(h) "Promotion" or "promote" means to encourage, aid,~~
376 ~~assist, provide technical and financial assistance, or otherwise~~
377 ~~seek to plan, develop, and expand.~~

378 ~~(i) "Regional planning agency" means those agencies~~
379 ~~designated as regional planning agencies by the Department of~~
380 ~~Community Affairs.~~

381 ~~(j) "Renewable energy resource" means any method, process,~~
382 ~~or substance the use of which does not diminish its availability~~
383 ~~or abundance, including, but not limited to, biomass conversion,~~
384 ~~geothermal energy, solar energy, wind energy, wood fuels derived~~
385 ~~from waste, ocean thermal gradient power, hydroelectric power,~~
386 ~~and fuels derived from agricultural products.~~

387 ~~(2) (3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
388 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
389 ~~Environmental Protection shall, in addition to assuming the~~
390 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
391 ~~perform the following functions consistent with the development~~
392 ~~of a state energy policy:~~

393 (a) The commission ~~department~~ shall assume the
394 responsibility for development of an energy emergency contingency
395 plan to respond to serious shortages of primary and secondary
396 energy sources. Upon a finding by the Governor, implementation of
397 any emergency program shall be upon order of the Governor that a
398 particular kind or type of fuel is, or that the occurrence of an
399 event which is reasonably expected within 30 days will make the
400 fuel, in short supply. The commission ~~department~~ shall then



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401 | respond by instituting the appropriate measures of the
402 | contingency plan to meet the given emergency or energy shortage.
403 | The Governor may use ~~utilize~~ the provisions of s. 252.36(5) to
404 | carry out any emergency actions required by a serious shortage of
405 | energy sources.

406 | (b) The commission ~~department~~ shall be ~~constitute~~ the
407 | responsible ~~state agency~~ for performing or coordinating the
408 | functions of any federal energy programs delegated to the state,
409 | including energy supply, demand, conservation, or allocation.

410 | (c) The commission ~~department~~ shall analyze present and
411 | proposed federal energy programs and make recommendations
412 | regarding those programs to the Governor.

413 | (d) The commission ~~department~~ shall coordinate efforts to
414 | seek federal support or other support for state energy
415 | activities, including energy conservation, research, or
416 | development, and shall be ~~the state agency~~ responsible for the
417 | coordination of multiagency energy conservation programs and
418 | plans.

419 | (e) The commission ~~department~~ shall analyze energy data
420 | collected and prepare long-range forecasts of energy supply and
421 | demand in coordination with the Florida Public Service
422 | Commission, which shall have responsibility for electricity and
423 | natural gas forecasts. To this end, the forecasts shall contain:

424 | 1. An analysis of the relationship of state economic growth
425 | and development to energy supply and demand, including the
426 | constraints to economic growth resulting from energy supply
427 | constraints.

428 | 2. Plans for the development of renewable energy resources
429 | and reduction in dependence on depletable energy resources,
430 | particularly oil and natural gas, and an analysis of the extent

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431 to which renewable energy sources are being utilized in the
432 state.

433 3. Consideration of alternative scenarios of statewide
434 energy supply and demand for 5, 10, and 20 years, to identify
435 strategies for long-range action, including identification of
436 potential social, economic, and environmental effects.

437 4. An assessment of the state's energy resources, including
438 examination of the availability of commercially developable and
439 imported fuels, and an analysis of anticipated effects on the
440 state's environment and social services resulting from energy
441 resource development activities or from energy supply
442 constraints, or both.

443 (f) The commission ~~department~~ shall annually prepare and
444 submit ~~make~~ a report, ~~as requested by~~ to the Governor and ~~or~~ the
445 Legislature, reflecting its activities and making recommendations
446 of policies for improvement of the state's response to energy
447 supply and demand and its effect on the health, safety, and
448 welfare of the people of Florida. The report shall include a
449 report from the Florida Public Service Commission on electricity
450 and natural gas and information on energy conservation programs
451 conducted and under way in the past year and shall include
452 recommendations for energy conservation programs for the state,
453 including, but not limited to, the following factors:

454 1. Formulation of specific recommendations for improvement
455 in the efficiency of energy utilization in governmental,
456 residential, commercial, industrial, and transportation sectors.

457 2. Collection and dissemination of information relating to
458 energy conservation.

459 3. Development and conduct of educational and training
460 programs relating to energy conservation.



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

464 (g) The commission is authorized ~~department has authority~~
465 to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
466 the provisions of this act.

467 (h) The commission shall promote ~~Promote~~ the development
468 and use of renewable energy resources, in conformance with the
469 provisions of chapter 187 and s. 377.601, by:

470 1. Establishing goals and strategies for increasing the use
471 of solar energy in this state.

472 2. Aiding and promoting the commercialization of solar
473 energy technology, in cooperation with the Florida Solar Energy
474 Center, Enterprise Florida, Inc., and any other federal, state,
475 or local governmental agency which may seek to promote research,
476 development, and demonstration of solar energy equipment and
477 technology.

478 3. Identifying barriers to greater use of solar energy
479 systems in this state, and developing specific recommendations
480 for overcoming identified barriers, with findings and
481 recommendations to be submitted annually in the report to the
482 Legislature required under paragraph (f).

483 4. In cooperation with the Department of Environmental
484 Protection, Department of Transportation, the Department of
485 Community Affairs, Enterprise Florida, Inc., the Florida Solar
486 Energy Center, and the Florida Solar Energy Industries
487 Association, investigating opportunities, pursuant to the
488 National Energy Policy Act of 1992 and the Housing and Community
489 Development Act of 1992, and any subsequent federal legislation,
490 for solar electric vehicles and other solar energy manufacturing,

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491 distribution, installation, and financing efforts which will
492 enhance this state's position as the leader in solar energy
493 research, development, and use.

494 5. Undertaking other initiatives to advance the development
495 and use of renewable energy resources in this state.

496

497 In the exercise of its responsibilities under this paragraph, the
498 commission ~~department~~ shall seek the assistance of the solar
499 energy industry in this state and other interested parties and is
500 authorized to enter into contracts, retain professional
501 consulting services, and expend funds appropriated by the
502 Legislature for such purposes.

503 (i) The commission ~~department~~ shall promote energy
504 conservation in all energy use sectors throughout the state and
505 shall constitute the state agency primarily responsible for this
506 function. To this end, the department shall coordinate the energy
507 conservation programs of all state agencies and review and
508 comment on the energy conservation programs of all state
509 agencies.

510 (j) The commission ~~department~~ shall serve as the state
511 clearinghouse for indexing and gathering all information related
512 to energy programs in state universities, in private
513 universities, in federal, state, and local government agencies,
514 and in private industry and shall prepare and distribute such
515 information in any manner necessary to inform and advise the
516 citizens of the state of such programs and activities. This
517 includes ~~shall include~~ developing and maintaining a current index
518 and profile of all research activities, which shall be identified
519 by energy area and may include a summary of the project, the
520 amount and sources of funding, anticipated completion dates, or,



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521 | in case of completed research, conclusions, recommendations, and
522 | applicability to state government and private sector functions.
523 | The commission ~~department~~ shall coordinate, promote, and respond
524 | to efforts by all sectors of the economy to seek financial
525 | support for energy activities. The commission ~~department~~ shall
526 | provide information to consumers regarding the anticipated
527 | energy-use and energy-saving characteristics of products and
528 | services in coordination with any federal, state, or local
529 | governmental agencies that ~~as~~ may provide such information to
530 | consumers.

531 | (k) The commission ~~department~~ shall coordinate energy-
532 | related programs of state government, including, but not limited
533 | to, the programs provided in this section. To this end, the
534 | commission ~~department~~ shall:

535 | 1. Provide assistance to other state agencies, counties,
536 | municipalities, and regional planning agencies to further and
537 | promote their energy planning activities.

538 | 2. Require, in cooperation with the Department of
539 | Management Services, all state agencies to operate state-owned
540 | and state-leased buildings in accordance with energy conservation
541 | standards as adopted by the Department of Management Services.
542 | Every 3 months, the Department of Management Services shall
543 | furnish the commission ~~department~~ data on agencies' energy
544 | consumption and emissions of greenhouse gases in a format
545 | prescribed by the commission. ~~mutually agreed upon by the two~~
546 | ~~departments.~~

547 | 3. Promote the development and use of renewable energy
548 | resources, energy efficiency technologies, and conservation
549 | measures.

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550 4. Promote the recovery of energy from wastes, including,
551 but not limited to, the use of waste heat, the use of
552 agricultural products as a source of energy, and recycling of
553 manufactured products. Such promotion shall be conducted in
554 conjunction with, and after consultation with, the Department of
555 Environmental Protection, the Florida Public Service Commission
556 ~~if where~~ electrical generation or natural gas is involved, and
557 any other relevant federal, state, or local governmental agency
558 having responsibility for resource recovery programs.

559 (1) The commission ~~department~~ shall develop, coordinate,
560 and promote a comprehensive research plan for state programs.
561 Such plan shall be consistent with state energy policy and shall
562 be updated on a biennial basis.

563 (m) In recognition of the devastation to the economy of
564 this state and the dangers to the health and welfare of state
565 residents ~~of this state~~ caused by severe hurricanes, ~~Hurricane~~
566 ~~Andrew~~, and the potential for such impacts caused by other
567 natural disasters, the commission ~~department~~ shall include in its
568 energy emergency contingency plan and provide to the Florida
569 Building Commission ~~Department of Community Affairs~~ for inclusion
570 in the Florida Energy Efficiency Code for Building Construction
571 ~~state model energy efficiency building code~~ specific provisions
572 to facilitate the use of cost-effective solar energy technologies
573 as emergency remedial and preventive measures for providing
574 electric power, street lighting, and water heating service in the
575 event of electric power outages.

576 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
577 the administration of the Coastal Energy Impact Program provided
578 for and described in ~~Pub. L. No. 94-370~~, 16 U.S.C. s. 1456a.

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579 Section 43. Paragraph (a) of subsection (2) of section
580 377.705, Florida Statutes, is amended to read:

581 377.705 Solar Energy Center; development of solar energy
582 standards.--

583 (2) LEGISLATIVE FINDINGS AND INTENT.--

584 (a) The Legislature recognizes that ~~if present trends~~
585 ~~continue, Florida will increase present energy consumption~~
586 ~~sixfold by the year 2000. Because of this dramatic increase and~~
587 ~~because existing domestic conventional energy resources will not~~
588 ~~provide sufficient energy to meet the nation's future needs, new~~
589 ~~sources of energy must be developed and applied. One such source,~~
590 ~~solar energy, has been in limited use in Florida for 30 years.~~
591 ~~Applications of incident solar energy, the use of solar radiation~~
592 ~~to provide energy for water heating, space heating, space~~
593 ~~cooling, and other uses, through suitable absorbing equipment on~~
594 ~~or near a residence or commercial structure, must be extensively~~
595 ~~expanded. Unfortunately, the initial costs with regard to the~~
596 ~~production of solar energy have been prohibitively expensive.~~
597 ~~However,~~ because of increases in the cost of conventional fuel,
598 certain applications of solar energy are becoming competitive,
599 particularly when life-cycle costs are considered. It is the
600 intent of the Legislature in formulating a sound and balanced
601 energy policy for the state to encourage the development of an
602 alternative energy capability in the form of incident solar
603 energy.

604 Section 44. Section 377.801, Florida Statutes, is amended
605 to read:

606 377.801 Short title.--Sections 377.801-377.806 may be cited
607 as the "Florida Energy and Climate Protection ~~Florida Renewable~~
608 ~~Energy Technologies and Energy Efficiency Act.~~"

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609 Section 45. Section 377.802, Florida Statutes, is amended
610 to read:

611 377.802 Purpose.--This act is intended to provide
612 incentives for Florida's citizens, businesses, school districts
613 and local governments to take action to diversify Florida's
614 energy supplies, reduce dependence on foreign oil, and mitigate
615 the effects of climate change by providing funding for activities
616 designed to achieve these goals. The grant programs in this act
617 are intended to stimulate capital investment and enhance the
618 market for renewable energy technologies and technologies
619 intended to diversify Florida's energy supplies, reduce
620 dependence on foreign oil, and combat or limit climate change
621 impacts. This act is also intended to provide incentives for the
622 purchase of energy-efficient appliances and rebates for solar
623 energy equipment installations for residential and commercial
624 buildings ~~matching grants to stimulate capital investment in the~~
625 ~~state and to enhance the market for and promote the statewide~~
626 ~~utilization of renewable energy technologies. The targeted grants~~
627 ~~program is designed to advance the already growing establishment~~
628 ~~of renewable energy technologies in the state and encourage the~~
629 ~~use of other incentives such as tax exemptions and regulatory~~
630 ~~certainty to attract additional renewable energy technology~~
631 ~~producers, developers, and users to the state. This act is also~~
632 ~~intended to provide incentives for the purchase of energy-~~
633 ~~efficient appliances and rebates for solar energy equipment~~
634 ~~installations for residential and commercial buildings.~~

635 Section 46. Section 377.803, Florida Statutes, is amended
636 to read:

637 377.803 Definitions.--As used in ss. 377.801-377.806, the
638 term:

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639 (1) "Act" means the Florida Energy and Climate Protection
640 Act ~~Florida Renewable Energy Technologies and Energy Efficiency~~
641 ~~Act.~~

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

645 (2) ~~(3)~~ "Commission" means the Florida Public Service
646 Commission.

647 ~~(4) "Department" means the Department of Environmental~~
648 ~~Protection.~~

649 (3) ~~(5)~~ "Person" means an individual, partnership, joint
650 venture, private or public corporation, association, firm, public
651 service company, or any other public or private entity.

652 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
653 thermal energy produced from a method that uses one or more of
654 the following fuels or energy sources: hydrogen, biomass, solar
655 energy, geothermal energy, wind energy, ocean energy, waste heat,
656 or hydroelectric power.

657 (5) ~~(7)~~ "Renewable energy technology" means any technology
658 that generates or utilizes a renewable energy resource.

659 (6) ~~(8)~~ "Solar energy system" means equipment that provides
660 for the collection and use of incident solar energy for water
661 heating, space heating or cooling, or other applications that
662 would normally require a conventional source of energy such as
663 petroleum products, natural gas, or electricity that performs
664 primarily with solar energy. In other systems in which solar
665 energy is used in a supplemental way, only those components that
666 collect and transfer solar energy are ~~shall be~~ included in this
667 definition.

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668 ~~(7)-(9)~~ "Solar photovoltaic system" means a device that
669 converts incident sunlight into electrical current.

670 ~~(8)-(10)~~ "Solar thermal system" means a device that traps
671 heat from incident sunlight in order to heat water.

672 Section 47. Section 377.804, Florida Statutes, as amended
673 by section 52 of chapter 2007-73, Laws of Florida, is amended to
674 read:

675 377.804 Renewable Energy and Energy Efficient Technologies
676 Grants Program.--

677 (1) The Renewable Energy and Energy Efficient Technologies
678 Grants Program is established within the commission ~~department~~ to
679 provide renewable energy matching grants for demonstration,
680 commercialization, research, and development projects relating to
681 renewable energy technologies and innovative technologies that
682 significantly increase energy efficiency for vehicles and
683 commercial buildings.

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

687 (a) Municipalities and county governments.

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

690 (c) Universities and colleges in the state.

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

692 (e) Not-for-profit organizations.

693 (f) Other qualified persons, as determined by the
694 commission ~~department~~.

695 (3) The department may adopt rules pursuant to ss.
696 120.536(1) and 120.54 to provide for application requirements,
697 provide for ranking of applications, and administer the awarding



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698 | of grants under this program, and develop policies requiring
699 | grantees to provide royalty-sharing or licensing agreements with
700 | the state for commercialized products developed under a state
701 | grant. All grants may be reviewed by a peer-review process of
702 | experts. Up to 5 percent of all grants may be used to pay review
703 | expenses, if necessary.

704 | (4) Factors the commission ~~department~~ shall consider in
705 | awarding grants include, but are not limited to:

706 | (a) The availability of matching funds or other in-kind
707 | contributions applied to the total project from an applicant. The
708 | commission ~~department~~ shall give greater preference to projects
709 | that provide such matching funds or other in-kind contributions.

710 | (b) The degree to which the project stimulates in-state
711 | capital investment and economic development in metropolitan and
712 | rural areas, including the creation of jobs and the future
713 | development of a commercial market for renewable energy
714 | technologies.

715 | (c) The extent to which the proposed project has been
716 | demonstrated to be technically feasible based on pilot project
717 | demonstrations, laboratory testing, scientific modeling, or
718 | engineering or chemical theory that supports the proposal.

719 | (d) The degree to which the project incorporates an
720 | innovative new technology or an innovative application of an
721 | existing technology.

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

725 | (f) The degree to which a project demonstrates efficient
726 | use of energy and material resources.



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

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

730 (i) Project duration and timeline for expenditures.

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

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

734 (5) The commission ~~department~~ shall solicit the expertise
735 of other state agencies in evaluating project proposals. State
736 agencies shall cooperate with the commission ~~Department of~~
737 ~~Environmental Protection~~ and provide such assistance as
738 requested.

739 (6) The commission ~~department~~ shall coordinate and actively
740 consult with the Department of Agriculture and Consumer Services
741 during the review and approval process of grants relating to
742 bioenergy projects for renewable energy technology, ~~and the~~
743 ~~departments shall jointly determine the grant awards to these~~
744 ~~bioenergy projects. No grant funding shall be awarded to any~~
745 ~~bioenergy project without such joint approval.~~ Factors for
746 consideration in awarding grants may include, but are not limited
747 to, the degree to which:

748 (a) The project stimulates in-state capital investment and
749 economic development in metropolitan and rural areas, including
750 the creation of jobs and the future development of a commercial
751 market for bioenergy.

752 (b) The project produces bioenergy from Florida-grown crops
753 or biomass.

754 (c) The project demonstrates efficient use of energy and
755 material resources.

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756 (d) The project fosters overall understanding and
757 appreciation of bioenergy technologies.

758 (e) Matching funds and in-kind contributions from an
759 applicant are available.

760 (f) The project duration and the timeline for expenditures
761 are acceptable.

762 (g) The project has a reasonable assurance of enhancing the
763 value of agricultural products or will expand agribusiness in the
764 state.

765 (h) Preliminary market and feasibility research has been
766 conducted by the applicant or others and shows there is a
767 reasonable assurance of a potential market.

768 (7) Each application must be accompanied by an affidavit
769 from the applicant attesting to the veracity of the statements
770 contained in the application.

771 Section 48. Section 377.808, Florida Statutes, is created
772 to read:

773 377.808 Florida Green Government Grants Act.--

774 (1) This section may be cited as the "Florida Green
775 Government Grants Act."

776 (2) The Florida Energy and Climate Commission shall use
777 funds specifically appropriated to award grants under this
778 section to assist local governments, including municipalities,
779 counties, and school districts, in the development of programs
780 that achieve green standards. Those standards shall be determined
781 by the commission and must provide for cost-efficient solutions,
782 reducing greenhouse gas emissions, improving quality of life, and
783 strengthening this state's economy.

784 (3) The commission shall adopt rules pursuant to chapter
785 120 to administer the grants provided for in this section. In



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786 accordance with such rules, the commission may provide grants
787 from funds specifically appropriated for this purpose to local
788 governments for the costs of achieving green standards, including
789 necessary administrative expenses. The rules of the commission
790 must:

791 (a) Designate one or more suitable green government
792 standards framework from which local governments may develop a
793 greening government initiative, and from which projects may be
794 eligible for funding pursuant to this statute may be developed.

795 (b) Require projects that plan, design, construct, upgrade,
796 or replace facilities be cost-effective, environmentally sound,
797 reduce greenhouse gas emissions, and be permissible and
798 implementable.

799 (c) Require local governments to match state funds with
800 direct project cost share or in-kind services.

801 (d) Provide for a scale of matching requirements for local
802 governments on the basis of population in order to assist rural
803 and undeveloped areas of the state with any financial burden of
804 addressing climate change impacts.

805 (e) Require grant applications to be submitted on
806 appropriate forms developed and adopted by the commission with
807 appropriate supporting documentation and require records to be
808 maintained.

809 (f) Establish a system to determine the relative priority
810 of grant applications. The system must consider greenhouse gas
811 reductions, energy savings and efficiencies, and proven
812 technologies.

813 (g) Establish requirements for competitive procurement of
814 engineering and construction services, materials, and equipment.



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815 (h) Provide for the termination of grants when program
816 requirements are not met.

817 (4) Each local government is limited to not more than two
818 grant applications during each application period announced by
819 the commission. A local government may not have more than three
820 active projects expending grant funds during any state fiscal
821 year.

822 (5) The commission shall perform adequate overview of each
823 grant, which may include technical review, site inspections,
824 disbursement approvals, and auditing to successfully implement
825 this section.

826 Section 49. Section 377.901, Florida Statutes, is repealed.

827
828 ===== T I T L E A M E N D M E N T =====

829 And the title is amended as follows:

830 Delete line(s) 199-244

831 and insert:

832 alternative energy technologies; transferring the State
833 Energy Program from the Department of Environmental
834 Protection to the Florida Energy and Climate Commission;
835 creating s. 377.6015, F.S.; creating the Florida Energy
836 and Climate Commission; providing for the appointment and
837 qualifications of members; providing for meetings, duties,
838 and authority of the commission; authorizing the
839 commission to adopt rules; amending s. 377.602, F.S.;
840 revising definitions; amending ss. 377.603, 377.604,
841 377.605, and 377.606, F.S.; conforming provisions to
842 changes made by the act; amending s. 377.701, F.S.;

843 assigning responsibility for petroleum allocation and
844 conservation to the commission rather than the Department

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845 of Environmental Protection; amending s. 377.703, F.S.;

846 assigning additional duties to the Florida Energy and

847 Climate Commission relating to state energy policy;

848 deleting definitions; conforming cross-references;

849 amending s. 377.705, F.S.; revising legislative intent

850 relating to solar energy standards; amending s. 377.801,

851 F.S.; revising a short title; amending s. 377.802, F.S.;

852 revising the purpose of the Florida Energy and Climate

853 Protection Act; amending s. 377.803, F.S.; revising

854 definitions; amending s. 377.804, F.S.; assigning

855 responsibility for the Renewable Energy and Energy-

856 Efficient Technologies Grant Program to the Florida Energy

857 and Climate Commission rather than the Department of

858 Environmental Protection; requiring the commission to

859 develop policies relating to commercialized products

860 developed under a state grant; requiring grant

861 applications to include an affidavit attesting to the

862 veracity of statements in the application; amending s.

863 377.806, F.S.; providing for administration of the Solar

864 Energy System Incentives Program by the Florida Energy and

865 Climate Commission rather than the Department of

866 Environmental Protection; requiring compliance with the

867 Florida Building Code rather than local codes in order to

868 be eligible for a rebate under the program; creating s.

869 377.808, F.S.; creating the Florida Green Government

870 Grants Act; providing a short title; requiring the Florida

871 Energy and Climate Commission to award grants to assist

872 local governments in the development of programs that

873 achieve green standards; requiring the commission to adopt

874 rules; providing requirements for the rules; limiting the

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875 | number of grant applications by a local government;
876 | limiting the number of active projects that may be
877 | conducted by a local government; requiring the commission
878 | to perform an overview of each grant; repealing s.
879 | 377.901, F.S., relating to the Florida Energy Commission
880 | within the Department of Environmental Protection;
881 | creating s. 377.921, F.S., relating to