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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/27/2008	.	
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1 The Committee on Communications and Public Utilities (Bennett)
2 recommended the following **amendment**:

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

5 Delete line(s) 2226-2596

6 and insert:

7 Section 30. Section 377.6015, Florida Statutes, is created
8 to read:

9 Section 377.6015 Florida Energy and Climate Commission.-

10 (1) The Florida Energy and Climate Commission is created
11 and shall be located within the Executive Office of the Governor.

12 The commission shall be comprised of 7 members, and shall be
13 appointed by the Governor pursuant to paragraphs (a) and (b).

14 (a) The Governor shall select from three persons nominated
15 by the Florida Public Service Commission Nominating Council,
16 created in s. 350.031, for each seat on the commission.



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17 1. The council shall submit the recommendations to the
18 Governor by September 1 of those years in which the terms are to
19 begin the following October, or within 60 days after a vacancy
20 occurs for any reason other than the expiration of the term.

21 2. The Governor shall fill a vacancy occurring on the
22 commission by appointment of one of the applicants nominated by
23 the council only after a background investigation of such
24 applicant has been conducted by the Florida Department of Law
25 Enforcement.

26 3. Members shall be appointed to 3-year terms; however, in
27 order to establish staggered terms, for the initial appointments,
28 the Governor shall appoint four members to 3-year terms, two
29 members to 2-year terms, and one member to a 1-year term.

30 4. The council shall nominate three persons from which the
31 Governor shall select the chair of the commission.

32 5. Vacancies on the commission shall be filled for the
33 unexpired portion of the time in the same manner as original
34 appointments to the commission.

35 6. If the Governor has not made an appointment within 30
36 consecutive calendar days after the receipt of the
37 recommendation, the council shall initiate, in accordance with
38 this section, the nominating process within 30 days.

39 7. Each appointment to the commission shall be subject to
40 confirmation by the Senate during the next regular session after
41 the vacancy occurs. If the Senate refuses to confirm or fails to
42 consider the Governor's appointment, the council shall initiate,
43 in accordance with this section, the nominating process within 30
44 days.

45 8. When the Governor makes an appointment and that
46 appointment has not been confirmed by the Senate before the



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47 appointing Governor's term ends, a successor Governor may, within
48 30 days after taking office, recall the appointment and, prior to
49 the first day of the next regular session, make a replacement
50 appointment from the list provided to the previous Governor by
51 the council. Such an appointment is subject to confirmation by
52 the Senate at the next regular session following the creation of
53 the vacancy to which the appointments are being made. If the
54 replacement appointment is not timely made, or if the appointment
55 is not confirmed by the Senate for any reason, the council, by
56 majority vote, shall appoint, within 30 days after the
57 Legislature adjourns sine die, one person from the applicants
58 previously nominated to the Governor to fill the vacancy, and
59 this appointee is subject to confirmation by the Senate during
60 the next regular session following the appointment.

61 (b) Members must meet the following qualifications and
62 restrictions:

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

70 2. Each member shall, at the time of appointment and at
71 each commission meeting during his or her term of office,
72 disclose:

73 a. Whether he or she has any financial interest, other than
74 ownership of shares in a mutual fund, in any business entity
75 that, directly or indirectly, owns or controls, or is an
76 affiliate or subsidiary of, any business entity that may be



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77 affected by the policy recommendations developed by the
78 commission.

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

84 (b) The chair may designate ex-officio non-voting members
85 to provide information and advice to the Commission. The
86 following shall serve as ex-officio non-voting members and may
87 provide information and advice at the request of the chair:

88 1. The chair of the Florida Public Service Commission, or
89 designee;

90 2. The Public Counsel, or designee;

91 3. A representative of the Department of Agriculture and
92 Consumer Services;

93 4. A representative of the Department of Community Affairs;

94 5. A representative of Department of Environmental
95 Protection;

96 6. A representative of Department of Transportation;

97 7. A representative of the Department of Financial
98 Services; and,

99 8. the presidents or their designee, of the University of
100 Florida, Florida State University, the University of South
101 Florida, the University of Central Florida, and Florida Atlantic
102 University).

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



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

109 (4) (a) The commission may employ staff and counsel as
110 needed in the performance of its duties. The commission may
111 prosecute and defend legal actions in its own name.

112 (b) The commission may form advisory groups consisting of
113 members of the public to provide information on specific issues.

114 (5) The commission shall:

115 (a) Administer the Florida Renewable Energy and Biofuels
116 Grant Programs authorized under ss. 377.804 and 570.957 to assure
117 a robust grant portfolio;

118 (b) Develop policy recommendations for requiring grantees
119 to provide royalty-sharing or licensing agreements with state
120 government for commercialized products developed under a state
121 grant;

122 (c) Administer the information gathering and reporting
123 functions pursuant to ss. 377.601-377.608;

124 (e) Administer the petroleum planning and emergency
125 contingency planning pursuant to sections 377.703 through
126 377.704;

127 (f) Represent Florida in the Southern States Energy Compact
128 pursuant to ss. 377.71-377.712;

129 (g) Complete the annual assessment of the efficacy of
130 Florida's Energy and Climate Change Action Plan, upon completion
131 by the Governor's Action Team, pursuant to the Governor's
132 Executive Order 2007-128, and provide specific recommendations to
133 the Governor and the Legislature each year to improve results.

134 (h) Administer the provisions of the Florida Energy and
135 Climate Protection Act, section 377.801-377.806.



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

139 (j) Oversee the Florida Energy Systems Consortium, created
140 in s. 1004.648.

141 (k) Adopt rules pursuant to Chapter 120 in order to
142 implement all powers and duties described in this chapter.

143
144 Section 31. Subsection (2) of section 377.602, Florida
145 Statutes, is amended to read:

146 377.602 Definitions.--As used in ss. 377.601-377.608:

147 (2) "Commission" means the Florida Energy and Climate
148 Commission ~~"Department" means the Department of Environmental~~
149 ~~Protection.~~

150 Section 32. Section 377.603, Florida Statutes, is amended
151 to read:

152 377.603 Energy data collection; powers and duties of the
153 ~~Commission Department of Environmental Protection~~.--

154 (1) The ~~commission department~~ may shall collect data on the
155 extraction, production, importation, exportation, refinement,
156 transportation, transmission, conversion, storage, sale, or
157 reserves of energy resources in this state in an efficient and
158 expeditious manner.

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

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



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165 (3) ~~(4)~~ The commission ~~department~~ may adopt and promulgate
166 such rules and regulations as are necessary to carry out the
167 provisions of ss. 377.601-377.608. Such rules shall be pursuant
168 to chapter 120.

169 (4) ~~(5)~~ The commission ~~department~~ shall maintain internal
170 validation procedures to assure the accuracy of information
171 received.

172 Section 33. Section 377.604, Florida Statutes, is amended
173 to read:

174
175 377.604 Required reports.--Every person who produces,
176 imports, exports, refines, transports, transmits, converts,
177 stores, sells, or holds known reserves of any form of energy
178 resources used as fuel shall report to the commission ~~department~~,
179 at the request of the commission, at a frequency set, and in a
180 manner prescribed, by the commission ~~department~~, on forms
181 provided by the commission ~~department~~ and prepared with the
182 ~~advice of representatives of the energy industry~~. Such forms
183 shall be designed in such a manner as to indicate:

184 (1) The identity of the person or persons making the
185 report.

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

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

191 (4) The identity of each refinery from which petroleum
192 products have normally been obtained and the type and quantity of
193 products secured from that refinery for sale or resale in this
194 state.



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

197 Section 34. Section 377.605, Florida Statutes, is amended
198 to read:

199 377.605 Use of existing information.--The commission
200 ~~department~~ may ~~shall~~ utilize to the fullest extent possible any
201 existing energy information already prepared for state or federal
202 agencies. Every state, county, and municipal agency shall
203 cooperate with the commission ~~department~~, and shall submit any
204 information on energy to the commission ~~department~~ upon request.

205 Section 35. Section 377.606, Florida Statutes, is amended
206 to read:

207 377.606 Records of the commission ~~department~~; limits of
208 confidentiality.--The information or records of individual
209 persons, as defined herein, obtained by the commission ~~department~~
210 as a result of a report, investigation, or verification required
211 by the commission ~~department~~, shall be open to the public, except
212 such information the disclosure of which would be likely to cause
213 substantial harm to the competitive position of the person
214 providing such information and which is requested to be held
215 confidential by the person providing such information. Such
216 proprietary information is confidential and exempt from the
217 provisions of s. 119.07(1). Information reported by entities
218 other than the department in documents or reports open to public
219 inspection shall under no circumstances be classified as
220 confidential by the commission ~~department~~. Divulgence of
221 proprietary information as is requested to be held confidential,
222 except upon order of a court of competent jurisdiction or except
223 to an officer of the state entitled to receive the same in his or
224 her official capacity, shall be a misdemeanor of the second



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225 degree, punishable as provided in ss. 775.082 and 775.083.
226 Nothing herein shall be construed to prohibit the publication or
227 divulgence by other means of data so classified as to prevent
228 identification of particular accounts or reports made to the
229 department in compliance with s. 377.603 or to prohibit the
230 disclosure of such information to properly qualified legislative
231 committees. The commission ~~department~~ shall establish a system
232 which permits reasonable access to information developed.

233 Section 36. Section 377.703, Florida Statutes, is amended
234 to read:

235 377.703 Additional functions of the Florida Energy and
236 Climate Commission ~~Department of Environmental Protection~~; energy
237 emergency contingency plan; federal and state conservation
238 programs.--

239 (1) LEGISLATIVE INTENT.--Recognizing that energy supply and
240 demand questions have become a major area of concern to the state
241 which must be dealt with by effective and well-coordinated state
242 action, it is the intent of the Legislature to promote the
243 efficient, effective, and economical management of energy
244 problems, centralize energy coordination responsibilities,
245 pinpoint responsibility for conducting energy programs, and
246 ensure the accountability of state agencies for the
247 implementation of s. 377.601~~(4)~~, the state energy policy. It is
248 the specific intent of the Legislature that nothing in this act
249 shall in any way change the powers, duties, and responsibilities
250 assigned by the Florida Electrical Power Plant Siting Act, part
251 II of chapter 403, or the powers, duties, and responsibilities of
252 the Florida Public Service Commission.

253 (2) DEFINITIONS.--



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254 (a) "Coordinate," "coordination," or "coordinating" means
255 the examination and evaluation of state plans and programs and
256 the providing of recommendations to the Cabinet, Legislature, and
257 appropriate state agency on any measures deemed necessary to
258 ensure that such plans and programs are consistent with state
259 energy policy.

260 (b) "Energy conservation" means increased efficiency in the
261 utilization of energy.

262 (c) "Energy emergency" means an actual or impending
263 shortage or curtailment of usable, necessary energy resources,
264 such that the maintenance of necessary services, the protection
265 of public health, safety, and welfare, or the maintenance of
266 basic sound economy is imperiled in any geographical section of
267 the state or throughout the entire state.

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

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

273 (f) "Fuel" means petroleum, crude oil, petroleum product,
274 coal, natural gas, or any other substance used primarily for its
275 energy content.

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

280 (h) "Promotion" or "promote" means to encourage, aid,
281 assist, provide technical and financial assistance, or otherwise
282 seek to plan, develop, and expand.



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283 (i) "Regional planning agency" means those agencies
284 designated as regional planning agencies by the Department of
285 Community Affairs.

286 (j) "Renewable energy resource" means any method, process,
287 or substance the use of which does not diminish its availability
288 or abundance, including, but not limited to, biomass conversion,
289 geothermal energy, solar energy, wind energy, wood fuels derived
290 from waste, ocean thermal gradient power, hydroelectric power,
291 and fuels derived from agricultural products.

292 ~~(2)(3) FLORIDA ENERGY AND CLIMATE COMMISSION DEPARTMENT OF~~
293 ~~ENVIRONMENTAL PROTECTION; DUTIES.--The commission Department of~~
294 ~~Environmental Protection shall, in addition to assuming the~~
295 ~~duties and responsibilities provided by ss. 20.255 and 377.701,~~
296 perform the following functions consistent with the development
297 of a state energy policy:

298 (a) The commission ~~department~~ shall assume the
299 responsibility for development of an energy emergency contingency
300 plan to respond to serious shortages of primary and secondary
301 energy sources. Upon a finding by the Governor, implementation of
302 any emergency program shall be upon order of the Governor that a
303 particular kind or type of fuel is, or that the occurrence of an
304 event which is reasonably expected within 30 days will make the
305 fuel, in short supply. The commission ~~department~~ shall then
306 respond by instituting the appropriate measures of the
307 contingency plan to meet the given emergency or energy shortage.
308 The Governor may utilize the provisions of s. 252.36(5) to carry
309 out any emergency actions required by a serious shortage of
310 energy sources.

311 (b) The commission ~~department~~ shall constitute the
312 responsible state agency for performing or coordinating the



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313 functions of any federal energy programs delegated to the state,
314 including energy supply, demand, conservation, or allocation.

315 (c) The commission ~~department~~ shall analyze present and
316 proposed federal energy programs and make recommendations
317 regarding those programs to the Governor.

318 (d) The commission ~~department~~ shall coordinate efforts to
319 seek federal support or other support for state energy
320 activities, including energy conservation, research, or
321 development, and shall be ~~the state agency~~ responsible for the
322 coordination of multiagency energy conservation programs and
323 plans.

324 (e) The commission ~~department~~ shall analyze energy data
325 collected and prepare long-range forecasts of energy supply and
326 demand in coordination with the Florida Public Service
327 Commission, which shall have responsibility for electricity and
328 natural gas forecasts. To this end, the forecasts shall contain:

329 1. An analysis of the relationship of state economic growth
330 and development to energy supply and demand, including the
331 constraints to economic growth resulting from energy supply
332 constraints.

333 2. Plans for the development of renewable energy resources
334 and reduction in dependence on depletable energy resources,
335 particularly oil and natural gas, and an analysis of the extent
336 to which renewable energy sources are being utilized in the
337 state.

338 3. Consideration of alternative scenarios of statewide
339 energy supply and demand for 5, 10, and 20 years, to identify
340 strategies for long-range action, including identification of
341 potential social, economic, and environmental effects.



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342 4. An assessment of the state's energy resources, including
343 examination of the availability of commercially developable and
344 imported fuels, and an analysis of anticipated effects on the
345 state's environment and social services resulting from energy
346 resource development activities or from energy supply
347 constraints, or both.

348 (f) The commission ~~department~~ shall make a report, as
349 requested by the Governor or the Legislature, reflecting its
350 activities and making recommendations of policies for improvement
351 of the state's response to energy supply and demand and its
352 effect on the health, safety, and welfare of the people of
353 Florida. The report shall include a report from the Florida
354 Public Service Commission on electricity and natural gas and
355 information on energy conservation programs conducted and under
356 way in the past year and shall include recommendations for energy
357 conservation programs for the state, including, but not limited
358 to, the following factors:

359 1. Formulation of specific recommendations for improvement
360 in the efficiency of energy utilization in governmental,
361 residential, commercial, industrial, and transportation sectors.

362 2. Collection and dissemination of information relating to
363 energy conservation.

364 3. Development and conduct of educational and training
365 programs relating to energy conservation.

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

369 (g) The commission ~~department~~ has authority to adopt rules
370 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
371 of this act.



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

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

377 2. Aiding and promoting the commercialization of solar
378 energy technology, in cooperation with the Florida Solar Energy
379 Center, Enterprise Florida, Inc., and any other federal, state,
380 or local governmental agency which may seek to promote research,
381 development, and demonstration of solar energy equipment and
382 technology.

383 3. Identifying barriers to greater use of solar energy
384 systems in this state, and developing specific recommendations
385 for overcoming identified barriers, with findings and
386 recommendations to be submitted annually in the report to the
387 Legislature required under paragraph(f).

388 4. In cooperation with the Department of Environmental
389 Protection, Department of Transportation, the Department of
390 Community Affairs, Enterprise Florida, Inc., the Florida Solar
391 Energy Center, and the Florida Solar Energy Industries
392 Association, investigating opportunities, pursuant to the
393 National Energy Policy Act of 1992 and the Housing and Community
394 Development Act of 1992, and any subsequent federal legislation,
395 for solar electric vehicles and other solar energy manufacturing,
396 distribution, installation, and financing efforts which will
397 enhance this state's position as the leader in solar energy
398 research, development, and use.

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

401 In the exercise of its responsibilities under this



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402 paragraph, the commission ~~department~~ shall seek the assistance of
403 the solar energy industry in this state and other interested
404 parties and is authorized to enter into contracts, retain
405 professional consulting services, and expend funds appropriated
406 by the Legislature for such purposes.

407 (i) The commission ~~department~~ shall promote energy
408 conservation in all energy use sectors throughout the state and
409 shall constitute the state agency primarily responsible for this
410 function. To this end, the commission ~~department~~ shall coordinate
411 the energy conservation programs of all state agencies and review
412 and comment on the energy conservation programs of all state
413 agencies.

414 (j) The commission ~~department~~ shall serve as the state
415 clearinghouse for indexing and gathering all information related
416 to energy programs in state universities, in private
417 universities, in federal, state, and local government agencies,
418 and in private industry and shall prepare and distribute such
419 information in any manner necessary to inform and advise the
420 citizens of the state of such programs and activities. This shall
421 include developing and maintaining a current index and profile of
422 all research activities, which shall be identified by energy area
423 and may include a summary of the project, the amount and sources
424 of funding, anticipated completion dates, or, in case of
425 completed research, conclusions, recommendations, and
426 applicability to state government and private sector functions.

427 The commission ~~department~~ shall coordinate, promote, and
428 respond to efforts by all sectors of the economy to seek
429 financial support for energy activities. The commission
430 ~~department~~ shall provide information to consumers regarding the
431 anticipated energy-use and energy-saving characteristics of



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432 products and services in coordination with any federal, state, or
433 local governmental agencies as may provide such information to
434 consumers.

435 (k) The commission ~~department~~ shall coordinate energy-
436 related programs of state government, including, but not limited
437 to, the programs provided in this section. To this end, the
438 commission ~~department~~ shall:

439 1. Provide assistance to other state agencies, counties,
440 municipalities, and regional planning agencies to further and
441 promote their energy planning activities.

442 2. Require, in cooperation with the Department of
443 Management Services, all state agencies to operate state-owned
444 and state-leased buildings in accordance with energy conservation
445 standards as adopted by the Department of Management Services.
446 Every 3 months, the Department of Management Services shall
447 furnish the commission ~~department~~ data on agencies' energy
448 consumption in a format prescribed by the commission ~~mutually~~
449 ~~agreed upon by the two departments~~.

450 3. Promote the development and use of renewable energy
451 resources, energy efficiency technologies, and conservation
452 measures.

453 4. Promote the recovery of energy from wastes, including,
454 but not limited to, the use of waste heat, the use of
455 agricultural products as a source of energy, and recycling of
456 manufactured products. Such promotion shall be conducted in
457 conjunction with, and after consultation with, the Department of
458 Environmental Protection, the Florida Public Service Commission
459 where electrical generation or natural gas is involved, and any
460 other relevant federal, state, or local governmental agency
461 having responsibility for resource recovery programs.



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462 (1) The commission ~~department~~ shall develop, coordinate,
463 and promote a comprehensive research plan for state programs.
464 Such plan shall be consistent with state energy policy and shall
465 be updated on a biennial basis.

466 (m) In recognition of the devastation to the economy of
467 this state and the dangers to the health and welfare of residents
468 of this state caused by severe hurricanes ~~Hurricane Andrew~~, and
469 the potential for such impacts caused by other natural disasters,
470 the commission ~~department~~ shall include in its energy emergency
471 contingency plan and provide to the Florida Building Commission
472 ~~Department of Community Affairs~~ for inclusion in the Florida
473 Energy Efficiency Code for Building Construction ~~state model~~
474 ~~energy efficiency building code~~ specific provisions to facilitate
475 the use of cost-effective solar energy technologies as emergency
476 remedial and preventive measures for providing electric power,
477 street lighting, and water heating service in the event of
478 electric power outages.

479 (3) ~~(4)~~ The commission ~~department~~ shall be responsible for
480 the administration of the Coastal Energy Impact Program provided
481 for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

482 Section 37. Section 377.804, F.S., is amended to read:

483 377.803 Definitions.--As used in ss. 377.801-377.808
484 377.806, the term:

485 (1) "Act" means the Florida Renewable Energy Technologies
486 and Energy Efficiency Act.

487 ~~(2) "Approved metering equipment" means a device capable of~~
488 ~~measuring the energy output of a solar thermal system that has~~
489 ~~been approved by the Commission.~~

490 (2) ~~(3)~~ "Commission" means the Florida Energy and Climate
491 Commission Florida Public Service Commission.



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492 ~~(4) "Department" means the Department of Environmental~~
493 ~~Protection.~~

494 (3) ~~(5)~~ "Person" means an individual, partnership, joint
495 venture, private or public corporation, association, firm, public
496 service company, or any other public or private entity.

497 (4) ~~(6)~~ "Renewable energy" means electrical, mechanical, or
498 thermal energy produced from a method that uses one or more of
499 the following fuels or energy sources: hydrogen, biomass, solar
500 energy, geothermal energy, wind energy, ocean energy, waste heat,
501 or hydroelectric power.

502 (5) ~~(7)~~ "Renewable energy technology" means any technology
503 that generates or utilizes a renewable energy resource.

504 (6) ~~(8)~~ "Solar energy system" means equipment that provides
505 for the collection and use of incident solar energy for water
506 heating, space heating or cooling, or other applications that
507 would normally require a conventional source of energy such as
508 petroleum products, natural gas, or electricity that performs
509 primarily with solar energy. In other systems in which solar
510 energy is used in a supplemental way, only those components that
511 collect and transfer solar energy shall be included in this
512 definition.

513 (7) ~~(9)~~ "Solar photovoltaic system" means a device that
514 converts incident sunlight into electrical current.

515 (8) ~~(10)~~ "Solar thermal system" means a device that traps
516 heat from incident sunlight in order to heat water.

517 Section 38. Section 377.804, F.S., is amended to read:

518 377.804 Renewable Energy and Energy Efficient Technologies
519 Grants Program.--

520 (1) The Renewable Energy Technologies Grants Program is
521 established within the commission ~~department~~ to provide renewable



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522 energy matching grants for demonstration, commercialization,
523 research, and development projects relating to renewable energy
524 technologies and innovative technologies that significantly
525 increase energy efficiency for vehicles and commercial buildings.

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

529 (a) Municipalities and county governments.

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

532 (c) Universities and colleges in the state.

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

534 (e) Not-for-profit organizations.

535 (f) Other qualified persons, as determined by the
536 commission ~~department~~.

537 (3) The commission ~~department~~ may adopt rules pursuant to
538 ss. 120.536(1) and 120.54 to provide for application
539 requirements, provide for ranking of applications, and administer
540 the awarding of grants under this program, and develop policy
541 requiring grantees to provide royalty-sharing or licensing
542 agreements with the state for commercialized products developed
543 under a state grant. All grants must be reviewed by a peer review
544 process of experts. Up to five percent of the amount of all
545 grants is to be used to pay these review expenses.

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

548 (a) The availability of matching funds or other in-kind
549 contributions applied to the total project from an applicant. The
550 commission ~~department~~ shall give greater preference to projects
551 that provide such matching funds or other in-kind contributions.



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552 (b) The degree to which the project stimulates in-state
553 capital investment and economic development in metropolitan and
554 rural areas, including the creation of jobs and the future
555 development of a commercial market for renewable energy
556 technologies.

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

561 (d) The degree to which the project incorporates an
562 innovative new technology or an innovative application of an
563 existing technology.

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

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

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

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

572 (i) Project duration and timeline for expenditures.

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

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

576 (5) The commission ~~department~~ shall solicit the expertise
577 of other state agencies in evaluating project proposals. State
578 agencies shall cooperate with the commission Department of
579 Environmental Protection and provide such assistance as
580 requested.



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581 (6) Each application must be accompanied by an affidavit
582 from the applicant attesting to the veracity of the statements
583 contained in the application.

584 Section 39. Section 377.806, F.S., is amended to read:

585 377.806 Solar Energy System Incentives Program.--

586 (1) PURPOSE.--The Solar Energy System Incentives Program is
587 established within the commission ~~department~~ to provide financial
588 incentives for the purchase and installation of solar energy
589 systems. Any resident of the state who purchases and installs a
590 new solar energy system of 2 kilowatts or larger for a solar
591 photovoltaic system, a solar energy system that provides at least
592 50 percent of a building's hot water consumption for a solar
593 thermal system, or a solar thermal pool heater, from July 1,
594 2006, through June 30, 2010, is eligible for a rebate on a
595 portion of the purchase price of that solar energy system.

596 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

597 (a) *Eligibility requirements.*--A solar photovoltaic system
598 qualifies for a rebate if:

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

601 2. The system complies with state interconnection standards
602 as provided by the commission.

603 3. The system complies with all applicable building codes
604 as defined by the Florida Building Code ~~local jurisdictional~~
605 ~~authority.~~

606 (b) *Rebate amounts.*--The rebate amount shall be set at \$4
607 per watt based on the total wattage rating of the system. The
608 maximum allowable rebate per solar photovoltaic system
609 installation shall be as follows:

610 1. Twenty thousand dollars for a residence.



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611 2. One hundred thousand dollars for a place of business, a
612 publicly owned or operated facility, or a facility owned or
613 operated by a private, not-for-profit organization, including
614 condominiums or apartment buildings.

615 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

616 (a) *Eligibility requirements.*--A solar thermal system
617 qualifies for a rebate if:

618 1. The system is installed by a state-licensed solar, ~~or~~
619 plumbing, or roofing contractor.

620 2. The system complies with all applicable building codes
621 as defined by the Florida Building Code ~~local jurisdictional~~
622 ~~authority.~~

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

625 1. Five hundred dollars for a residence.

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

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

632 (a) *Eligibility requirements.*--A solar thermal pool heater
633 qualifies for a rebate if the system is installed by a state-
634 licensed solar or plumbing contractor and the system complies
635 with all applicable building codes as defined by the Florida
636 Building Code ~~local jurisdictional~~ authority.

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



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639 (5) APPLICATION.--Application for a rebate must be made
640 within 120 ~~90~~ days after the purchase of the solar energy
641 equipment.

642 (6) REBATE AVAILABILITY.--The commission ~~department~~ shall
643 determine and publish on a regular basis the amount of rebate
644 funds remaining in each fiscal year. The total dollar amount of
645 all rebates issued ~~by the department~~ is subject to the total
646 amount of appropriations in any fiscal year for this program. If
647 funds are insufficient during the current fiscal year, any
648 requests for rebates received during that fiscal year may be
649 processed during the following fiscal year. Requests for rebates
650 received in a fiscal year that are processed during the following
651 fiscal year shall be given priority over requests for rebates
652 received during the following fiscal year.

653 (7) RULES.--The commission ~~department~~ shall adopt rules
654 pursuant to ss. 120.536(1) and 120.54 to develop rebate
655 applications and administer the issuance of rebates.

656 Section 40. Section 1004.648, Florida Statutes, is created
657 to read:

658 1004.648 Florida Energy Systems Consortium.--

659 (1) There is created the Florida Energy Systems Consortium
660 to promote collaboration between experts in the State University
661 system for the purpose of developing and implementing a
662 comprehensive, long-term, environmentally compatible,
663 sustainable, and efficient energy strategic plan for the State.
664 The Consortium will focus on an overall broad systems approach
665 from energy resource to consumer and for producing innovative
666 energy systems that will lead to alternative energy strategies,
667 improved energy efficiencies and expanded economic development
668 for the State. The Consortium shall consist of the University of



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669 Florida, Florida State University, the University of South
670 Florida, the University of Central Florida, and Florida Atlantic
671 University. The Consortium shall be administered at the
672 University of Florida by a Director who shall report to the
673 Florida Energy and Climate Commission, created in s. 377.6015.
674 The Commission shall have ultimate authority over both the
675 technical performance and financial management of the Consortium.
676 In performing its activity, the Consortium must collaborate with
677 an Oversight Board consisting of the Vice President for Research
678 at each of the five universities. The Consortium may also
679 collaborate with industry and other affected parties.

680 (2) Through collaborative research and development across
681 the State University System and industry, the goal of the
682 Consortium is to become a world leader in energy research,
683 education, technology, and energy systems analysis. In so doing,
684 the Consortium shall:

685 a. Coordinate and initiate increased collaborative
686 interdisciplinary energy research amongst universities and the
687 energy industry.

688 b. Create a Florida energy technology industry.

689 c. Provide a State resource for objective energy systems
690 analysis.

691 d. Develop education and outreach programs to prepare a
692 qualified energy workforce and informed public.

693 (3) To promote collaboration between researchers within the
694 State University System, with industry, and other external
695 partners, the Consortium will receive input from the Florida
696 Energy and Climate Commission. The University Council, which
697 shall consist of one member from each university designated by
698 the corresponding Vice President for Research, will provide



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699 guidance on vision and direction to the Director. The Board, the
700 Florida Energy and Climate Commission, and the Council shall
701 constitute the Steering Committee. The Steering Committee is
702 responsible for establishing and assuring the success of the
703 Consortium's strategic plan.

704 (4) A major focus of the Consortium will be to expedite
705 commercialization of innovative energy technologies by taking
706 advantage of State University System energy expertise, high
707 technology incubators, industrial parks, and industry-driven
708 research centers to attract companies to establish manufacturing
709 in the State and transition technologies into the State economy.

710 (5) The Consortium shall solicit and leverage state,
711 federal, and private funds for the purpose of conducting
712 education, research and development in the area of sustainable
713 energy. The Oversight Board shall ensure that the Consortium
714 maintains accurate records of any funds received by the
715 Consortium.

716 (6) Through research and instructional programs, the
717 faculty associated with the Consortium shall coordinate a state-
718 wide workforce development initiative focusing on college-level
719 degrees, technician training, and public and commercial sectors
720 awareness. The Consortium will develop specific programs targeted
721 at preparing graduates with a background in energy, continuing
722 education courses for technical and non-technical professionals,
723 and modules, laboratories, and courses to be shared among the
724 universities. The Consortium will work with the Florida Community
725 College system using the Florida Advanced Technological Education
726 Center (FLATE) for the coordination and design of industry-
727 specific training programs for technicians.



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728 (7) By November 1 of each year, the Consortium shall submit
729 an annual report to the Governor, the President of the Senate,
730 the Speaker of the House of Representatives and the Florida
731 Energy and Climate Commission regarding its activities including,
732 but not limited to, education, research, development, and
733 deployment of alternative energy technologies.

734 Section 41. Section 377.901, Florida Statutes, is repealed.

735 Section 42. The State Energy Program, as authorized and
736 governed by sections 20.18, 288.041, 377.601-377.608, 377.701,
737 and 377.703, Florida Statutes, is transferred by a type two
738 transfer, as defined in section 20.06(2), Florida Statutes, from
739 the Department of Environmental Protection to the Florida Energy
740 and Climate Commission.

741 Section 43. Any swimming pool heater installed after July
742 1, 2008, shall be a hybrid system that consists of a solar
743 swimming pool heating collector equivalent in area to a minimum
744 of 25% of the surface area of the swimming pool or capable of
745 providing a minimum of 25% of the pool's heating demand. The
746 hybrid system may be augmented with an electric or natural gas
747 heater.

748 (Renumber subsequent sections.)

749
750 ===== T I T L E A M E N D M E N T =====

751 And the title is amended as follows:

752 Delete line(s) 178-193

753 and insert:

754 creating s. 377.6015, F.S.; creating the Florida Energy
755 and Climate Commission; providing for appointment and
756 qualifications of members, providing for meetings, duties,
757 and authority of commission; amending s. 377.602, F.S.;



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758 providing a definition; amending s. 377.605, F.S.;

759 transferring duties on energy data collection from the

760 Department of Environmental Protection to the Florida

761 Energy and Climate Commission; amending ss. 377.604,

762 377.605, and 377.606, F.S.; making conforming changes;

763 amending s. 377.703, F.S.; providing for additional duties

764 of the Florida Energy and Climate Commission; conforming

765 cross-references; amending s. 377.803, F.S.; providing

766 definitions; amending s. 377.804, F.S.; providing for

767 administration of the Renewable Energy and Energy-

768 Efficient Technologies Grant Program by the Florida Energy

769 and Climate Commission, not the Department of

770 Environmental Protection; providing for the program to

771 include matching grants for technologies that increase the

772 energy efficiency of vehicles and commercial buildings;

773 providing application requirements; amending s. 377.806,

774 F.S.; providing for administration of the Solar Energy

775 System Incentives Program by the Florida Energy and

776 Climate Commission, not the Department of Environmental

777 Protection; requiring compliance with the Florida Building

778 Code rather than local codes in order to be eligible for a

779 rebate under the program; creating s. 1004.648, F.S.;

780 establishing the Florida Energy Systems Consortium,

781 consisting of specified state universities; providing

782 membership and duties of the consortium; providing for an

783 oversight board and steering committee; providing

784 reporting requirements for the consortium by a date

785 certain; repealing s. 377.901, F.S., which creates and

786 provides for the Florida Energy Commission; transferring

787 the State Energy Program from the Department of



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788 | Environmental Protection to the Florida Energy and Climate
789 | Commission; requiring swimming pool heaters to be a
790 | specified hybrid system;