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CHAMBER ACTION

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

1 The Committee on Environmental Preservation and Conservation
 2 (Saunders) recommended the following **amendment to amendment**
 3 **(223658)** :

4
 5 **Senate Amendment (with directory and title amendments)**

6 Delete line(s) 1567-1568

7 and insert:

8 Section 25. Section 377.901, Florida Statutes, is amended
 9 to read:

10 377.901 Florida Energy Commission.--

11 (1) The Florida Energy Commission is created and shall be
 12 located within the ~~Office of Legislative Services~~ Executive
 13 Office of the Governor for administrative purposes. The
 14 commission shall be comprised of a total of nine members.

15 (a) The members shall be appointed as follows: seven by the
 16 Governor and one each by the Commissioner of Agriculture and
 17 Consumer Services and the Chief Financial Officer. The Governor

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18 shall select the chair of the commission from his or her
19 appointments the President of the Senate and the Speaker of the
20 House of Representatives shall appoint four members each and
21 shall jointly appoint the ninth member, who shall serve as chair.
22 Members shall be appointed to 3 2-year terms; however, in order
23 to establish staggered terms, for the initial appointments, three
24 of the appointments by the Governor and each of those by the
25 Commissioner of Agriculture and Consumer Services and the Chief
26 Financial Officer shall serve a 2-year term each appointing
27 official shall appoint two members to a 1-year term and two
28 members to a 2-year term.

29 (b) The appointees to the commission shall be selected, from
30 a list of persons nominated by the Florida Public Service
31 Commission Nominating Council, created in s. 350.031. The
32 council shall, at a minimum, submit three names for every
33 vacancy. The council shall not link names to any specific
34 vacancy on the commission.

35 1. The Governor, Commissioner of Agriculture and Consumer
36 Services and the Chief Financial Officer may submit prospective
37 names to the council for their consideration.

38 2. The council shall submit the list of nominees to the
39 Governor by September 1 of those years in which the terms are to
40 begin the following October, or within 60 days after a vacancy
41 occurs for any reason other than the expiration of the term.

42 3. Upon receipt of the nominees the Governor shall make his
43 or her selections. After the Governor has selected his or her
44 nominees the list shall be given to the Commissioner of
45 Agriculture and Consumer Services and the Chief Financial Officer
46 whom shall make their selections.

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47 4. The appointing offices shall fill a vacancy occurring on
48 the commission by appointment of one of the applicants nominated
49 by the council only after a background investigation of such
50 applicant has been conducted by the Florida Department of Law
51 Enforcement.

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

55 6. If the appointing offices have not made an appointment
56 within 30 consecutive calendar days after the receipt of the
57 recommendations, the council shall initiate, in accordance with
58 this section, the nominating process within 30 days.

59 7. Each appointment to the commission shall be 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 the appointment, the council shall initiate, in
63 accordance with this section, the nominating process within 30
64 days.

65 8. The Governor, Commissioner of Agriculture and Consumer
66 Services, or the Chief Financial Officer or their successors may
67 recall an appointee.

68 (c) Members must meet the following qualifications and
69 restrictions:

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

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77 2. Each member shall, at the time of appointment and at
78 each commission meeting during his or her term of office,
79 disclose:

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

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

90 (d) ~~(b)~~ The following may also attend meetings and provide
91 information and advise at the request of the chair:

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

94 2. The Public Counsel, or his or her designee.

95 ~~3. The Commissioner of Agriculture, or his or her designee.~~

96 34. The Director of the Office of Insurance Regulation, or
97 his or her designee.

98 45. The State Surgeon General, or his or her designee.

99 56. The chair of the State Board of Education, or his or
100 her designee.

101 67. The Secretary of Community Affairs, or his or her
102 designee.

103 78. The Secretary of Transportation, or his or her
104 designee.

105 89. The Secretary of Environmental Protection, or his or
106 her designee.



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

110 (3) Meetings of the commission shall be held in various
111 locations around the state and at the call of the chair; however,
112 the commission must meet at least four times ~~twice~~ each year.

113 (4) (a) The commission may employ staff to assist in the
114 performance of its duties, including an executive director, an
115 attorney, a communications staff member, and an executive
116 assistant.

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

119 (5) The commission shall develop recommendations for
120 legislation to establish a state energy policy. The
121 recommendations of the commission shall be based on the guiding
122 principles of reliability, efficiency, affordability, and
123 diversity as provided in subsection (7). The commission shall
124 continually review the state energy policy and shall recommend to
125 the Legislature any additional necessary changes or improvements.

126 (6) ~~(a)~~ The commission shall report by December 31 of each
127 year to the President of the Senate and the Speaker of the House
128 of Representatives on its progress and recommendations, including
129 draft legislation.

130 ~~(b) The commission's initial report must be filed by~~
131 ~~December 31, 2007, and must identify incentives for research,~~
132 ~~development, or deployment projects involving the goals and~~
133 ~~issues set forth in this section; set forth policy~~
134 ~~recommendations for conservation of all forms of energy; and set~~
135 ~~forth a plan of action, together with a timetable, for addressing~~
136 ~~additional issues.~~



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137 ~~(c) The commission's initial report shall also recommend~~
138 ~~consensus-based public involvement processes that evaluate~~
139 ~~greenhouse gas emissions in this state and make recommendations~~
140 ~~regarding related economic, energy, and environmental benefits.~~

141 ~~(d) The report must include recommended steps and a~~
142 ~~schedule for the development of a comprehensive state climate~~
143 ~~action plan with greenhouse gas reduction through a public-~~
144 ~~involvement process, including transportation and land use; power~~
145 ~~generation; residential, commercial, and industrial activities;~~
146 ~~waste management; agriculture and forestry; emissions reporting~~
147 ~~systems; and public education.~~

148 (7) In developing its recommendations, the commission shall
149 be guided by the principles of reliability, efficiency,
150 affordability, and diversity, and more specifically as follows:

151 (a) The state should have a reliable electric supply with
152 adequate reserves.

153 (b) The transmission and delivery of electricity should be
154 reliable.

155 (c) The generation, transmission, and delivery of
156 electricity should be accomplished with the least detriment to
157 the environment and public health.

158 (d) The generation, transmission, and delivery of
159 electricity should be accomplished compatibly with the goals for
160 growth management.

161 (e) Electricity generation, transmission, and delivery
162 facilities should be reasonably secure from damage, taking all
163 factors into consideration, and recovery from damage should be
164 prompt.



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165 (f) Electric rates should be affordable, as to base rates
166 and all recovery-clause additions, with sufficient incentives for
167 utilities to achieve this goal.

168 (g) The state should have a reliable supply of motor
169 vehicle fuels, both under normal circumstances and during
170 hurricanes and other emergency situations.

171 (h) In-state research, development, and deployment of
172 alternative energy technologies and alternative motor vehicle
173 fuels should be encouraged.

174 (i) When possible, the resources of the state should be
175 used in achieving the goals enumerated in this subsection.

176 (j) Consumers of energy should be encouraged and given
177 incentives to be more efficient in their use of energy.

178 (8) The Commission shall also:

179 (a) Complete the annual assessment of the efficacy of
180 Florida's Energy and Climate Change Action Plan, upon completion
181 by the Governor's Action Team on Energy and Climate Change,
182 pursuant to the Governor's Executive Order 2007-128, and provide
183 specific recommendations to the Governor and the Legislature each
184 year, as part of its annual reporting requirements, to improve
185 results.

186 (b) Advocate for energy and climate change issues and
187 provide educational outreach and technical assistance in
188 cooperation with Florida's academic institutions and the Florida
189 Energy Systems Consortium.

190
191 It is the specific intent of the Legislature that nothing in this
192 section shall in any way change the powers, duties, and
193 responsibilities of the Public Service Commission or the powers,

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194 duties, and responsibilities assigned by the Florida Electrical
195 Power Plant Siting Act, ss. 403.501-403.518.

196
197 ===== T I T L E A M E N D M E N T =====

198 And the title is amended as follows:

199 Delete line(s) 2310

200 and insert:

201 program; amending s. 377.901, F.S.; changing appointment
202 criteria; providing additional duties; deleting outdated
203 provisions; creating s. 403.44, F.S.; creating the
204 Florida..